



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, JUNE 1, 2020 AT 6:00 P.M.

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

I. CALL TO ORDER

Mayor England called the meeting to order at 6:00 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 (virtually), Commissioner Rumrell (virtually), and Commissioner Samora.

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

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETINGS ON APRIL 29, 2020 AND MAY 4, 2020

Mayor England asked if there were any changes to the minutes. Being none, Mayor England asked for a motion.

Motion: to approve the Regular Commission minutes of April 29, 2020 and May 4, 2020. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

City Manager Royle advised that there was one addition regarding using the City seal.

Mayor England advised she would add the item under New Business as Item 10. She then advised that Kevin Sweeney, member of the Code Enforcement Board, would like to give the Commission a report regarding their last Code Enforcement meeting. She placed the item under Presentations.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked if there were any changes to the order of topics on the agenda. Being none, Mayor England moved on to Item VIII, Public Comments.

VII. PRESENTATIONS

A. Code Enforcement member Kevin Sweeney, Presentation

Kevin Sweeney, 652 Sun Down Circle, St. Augustine Beach, FL, gave the report for Code Enforcement Board meeting of May 27, 2020. He explained that there was a discussion regarding Article III of the City Land Development Regulations regarding keeping chickens on property. He asked the Commission if they wanted the Board to write new codes or to make a finding of facts or act upon a violation. Members of the Code Enforcement Board were disappointed in the Comprehensive Planning and Zoning Board because they refused to act and left the family in legal limbo. The Code Enforcement Board should be about legal understanding and not just punishment of the residents. He explained that the Board allowed the family to keep the emotional support animals of eight chickens; however, they are not allowed to add to or replace the animals. He explained the other cases of the meeting.

Discussion ensued regarding that the Code Enforcement Board cannot change or rewrite codes.

The Commission thanked Mr. Sweeney for giving the presentation.

Mayor England moved to Commissioner Comments.

IX. PUBLIC COMMENTS

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

County Commissioner Henry Dean, 224 North Forrest Dune, St. Augustine Beach, FL, gave a shout out to the residents and leadership of the City of St. Augustine Beach, City of St. Augustine, and St. Johns County for doing a good job in keeping the pandemic low in this area.

The Commission thanked County Commission Dean for his update.

Dr. Michel Pawlowski, 119 Kings Cory Lane, St. Augustine Beach, FL, explained that there was a flaw in the Emergency Operations Plan. He commented that the section with the Emergency Operations Group should be led by the elected Mayor. He passed out a report on recommendations for updating the city emergency operations plan (Exhibit 1).

Ed Slavin, P.O. Box 3084, St. Augustine, FL, complained that the agenda should not have Commissioner Comments because it is condescending; thanked Police Chief Hardwick for his outreach to protect the City during the riots; thanked the Veterans Administration in Washington for placing flags on the veterans graves on Memorial Day; requested the Rainbow flag to fly on

the City's flag pole; advised that public records requests are treated disdainfully and asked for a fee waiver provision; and wants City Manager Royle to resign.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, FL, explained that the Oceans 13 project at 13th Street and Beach Blvd has one-half of the property for sale and it is only one lot. She asked how they can sell half of the plotted lot.

Mayor England asked Building Official Law to research this for Ms. Kulyk.

Allain Girouard, 225 North Forest Dune Drive, St. Augustine Beach, FL, explained that the Commission passed some laws for Sea Colony in regards to impervious surfaces and said that as a homeowner it affects him personally, so he will be appealing this decision. He asked the Commission to reconsider the decision.

Henry De Werth, 888 Ocean Palm Way, St. Augustine Beach, FL, explained that he filed an appeal to the Sea Colony decision regarding the lot coverage and impervious surface. He advised that this decision would take 25% of his property for a drainage easement and he feels that the decision would be a Burt Harris Act violation.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, explained that police officers should use cameras to protect the police officers and the public.

Mayor England closed the Public Comments section and moved on to Item VII, Presentations.

X. COMMISSIONER COMMENTS

Mayor England opened Commissioner Comments.

Commissioner George attended a Tourist Development Council (TDC) meeting and advised that the tourist development tax revenues have declined by 36.2% on top of the 12% projected increase. The projection of revenues is now \$7.5 million, which is a huge impact due to the COVID-19 crisis for St. Johns County. She explained that TDC is not expecting revenues to normalized until 2021.

Commissioner Rumrell had no update at this time.

Vice Mayor Kostka gave an update on the Economic Recovery Task Force. The Small Business Emergency Assistance Grant has finished and received 66 applications and out of those 33 were awarded. The ones that were not awarded were because they did not meet the criteria. She explained that those were not awarded were directed to apply for the CDBG Back to Business Grant, which was opened on May 26th and ended today. She commented that more than 186 applications were received and explained that this grant was established by St. Johns County. She explained that this grant was ranked according to needs. It is an important step to get our economy back and she thanked the County Commission for establishing this grant. She remarked that Richard Goldman was instrumental in helping the committee and putting forth ideas to get back to business.

Commissioner Samora attended the VCB meeting and commented that they received \$2 million for the County to do local advertising for those tourists that can drive to St. Augustine Beach. Richard Goldman did a lot of work on the communications plan for the County to accommodate all the COVID-19 concerns. He advised that he would share the monthly hotel statistics with the Commission.

Mayor England advised that the Communications and Event Coordinator has written two articles on the City's program of Mask Up St. Augustine Beach. She explained that residents have been making masks and they are available at Ace Hardware and Love You Mean It. She encouraged residents to use a mask when they are in public.

City Manager Royle advised Melinda Conlon does a lot of outreach to stay in contact with the other Public Information Officers at the County level. He advised that she has forwarded a lot of information from the Health Department and County Emergency Operations Center regarding COVID-19 efforts. She and he are highlighting for profit and nonprofit businesses in our community. He explained that he is generating publicity by the City's newsletter and Facebook. There will be a tree giveaway by driving up to receive a tree instead of the Arbor Day event due to COVID-19.

Commissioner George advised that she received an email from Vice Mayor Kostka regarding City Manager Royle and asked if Vice Mayor Kostka would be bringing it up.

Vice Mayor Kostka read into the record (Exhibit 2) an email she sent regarding her lack of confidence in City Manager Royle.

Mayor England asked City Attorney Douglas whether it was proper to bring this item up at now. She explained that she did not see the email that was sent.

City Attorney Douglas agreed it was proper to read the information but need to have an analysis about the City Manager's contract, etc. before a vote. He explained that he has not seen the email.

Mayor England asked what Vice Mayor Kostka would like the Commission to do at this point. She asked if Vice Mayor Kostka would allow City Manager Royle to respond later to the Commission.

Discussion ensued regarding placing this item on the next agenda; having the City Manager and Police Chief who has been at the Emergency Operations Center a chance to respond; the performance evaluation reviews have been difficult because it is in a public form; and difficult conversation to have with the City Manager in public.

Mayor England advised that this will be brought up at the next Commission meeting and allow the City Manager to respond to all of Vice Mayor Kostka's points. She advised that the City Manager has discussed with her all the Governor's Executive Orders and advised that the City Manager has directed staff on these matters. She commented that it might have seen like a lot of things were not done, but they were done.

Vice Mayor Kostka commented not to put personalities into the conversation. She remarked that she thinks the City Manager was a wonderful person, but the job performance needs to be discussed and what the Commission expects of a City Manager.

Commissioner George explained to City Attorney Douglas that the City Charter does outline the hiring or firing of the City Manager. She explained that the City Manager does not have a contract and serves at the pleasure of the Commission.

City Attorney Douglas advised that he would be prepared at the next meeting.

Mayor England advised that this matter would be discussed in July at a Special Commission or Regular Commission meeting. She asked City Manager Royle if he had any comments.

City Manager Royle advised not at this time.

Commissioner Samora and Commissioner Rumrell had no comments.

Mayor England moved forward to Item 1.

XI. PUBLIC HEARINGS

1. Request for Renewal of Conditional Use Permit for Outside Seating at: Cone Heads Ice Cream, 570 A1A Beach Boulevard (Lots 11,17, Block 4, Chautauqua Beach Subdivision, Ms. Maggie Kostka, Applicant) (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1.

Vice Mayor Kostka advised that she was going to recuse herself from this item because this was her business (Exhibit 3).

Mayor England then asked Building Official Law for his report.

Building Official Law reported that it is a Conditional Use Permit for outdoor seating for food and beverage service. He advised that the Comprehensive Planning and Zoning Board recommended the conditional use permit be continued for the life of ownership and voted unanimously to approve.

Mayor England advised that it was recommended that it would be unlimited if Ms. Kostka owns and operates the business. She asked if any conditional use permits in the past were for an unlimited time.

Building Official Law advised that some business do run as unlimited and gave the example of Panama Hattie's final development order; however, it is up to the Commission what time limit to grant.

Commissioner Samora asked if the conditional use permit had no time limit would it protect the City regarding a change of use.

Building Official Law advised that it could be a condition that if the business changes the conditional use permit would no longer be in effect. He also said that it could be a condition if the name of the business changes it could invalidate the conditional use permit as well.

Commissioner George advised she is always concerned about having an unlimited timeframe for a conditional use permit. She suggested five or seven years and said that it is usually non-transferrable.

Commissioner Rumrell advised that he was okay with longer timeframes if it is the same ownership. He wants to put a timeframe.

Mayor England made a motion to approve the conditional use permit for 15 years subject to being non-transferrable and would be valid for as long as Ms. Kostka owns and operates the property.

Commissioner Samora asked for public comments.

Mayor England opened the Public Hearing and the following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, agreed on approving the conditional use permit and loves seeing families eating ice cream outside.

Mayor England closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor England asked for a motion.

City Attorney Douglas asked Mayor England if her motion should include what the previous conditions were except to change the timeframe to 15 years.

Discussion ensued regarding the motion.

Motion: to approve based on the existing conditional use permit removing items number 2, 5, 6 and on item number 4 instead of five years replace it with 15 years and adding the condition that it would be allowed as long as Ms. Kostka owns and operates the ice cream business at that location. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passes 4:0:1.

Mayor England moved on to Item 2.

XI. CONSENT

2. Budget Resolution 20-XX, to Amend the FY 20 General Fund Budget to Transfer \$1,200 from the Forfeiture and Seizures Account to the Police Department's Crime Prevention/Community Account

Mayor England introduced the Consent Agenda and asked for a motion.

Motion: to approve the Consent Agenda. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 3.

XII. OLD BUSINESS

3. Lease of City Property for Bocce Courts: Request for Two to Three-Year Term (Presenter: Mr. Michael Castagno, Organizer, St. Auggie Bocce League)

Mayor England introduced Item 3 and asked Mr. Castagno to the podium.

City Manager Royle advised explained that Mr. Castagno would like to lease the bocce courts for two to three years and advised that the St. Auggie Bocce League has put a lot of effort in rehabilitating the courts. He explained that the City could have a termination clause that the agreement could be broken within 30 or 60 days.

Mr. Castagno explained that there is a fall and spring league, but the courts will be open all summer. He commented that the league has spent approximately \$700 in improvements and have been excellent stewards of the bocce courts and the surrounding area. He stated that he has complied with all requests from the Commission. He advised that over 60 people have joined and most of them are women.

Mayor England congratulated Mr. Castagno for the success of the league and then asked for Commission discussion.

Commissioner George thanked the league for making good use of the City's property.

Commissioner Rumrell thank you for cleaning it up and remarked that it looks amazing.

Commissioner Samora said he thinks it is wonderful.

Vice Mayor Kostka commended the league and asked why the lease is only two to three years.

City Manager advised that Mr. Castagno suggested the two to three year lease.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked where the sign is for their league and asked if the public could use the court when they are not using it.

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

Mr. Castagno advised the sign is there and the league uses it less than 20% of the time. He advised that the public is more than welcome.

Mayor England asked for a motion.

Motion: to renew the lease for a term of three-year lease with a termination clause of 60 days. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

Commissioner Samora Yes

Commissioner George Yes

Mayor England Yes

Vice Mayor Kostka Yes

Commissioner Rumrell Yes

Motion passed unanimously.

Mayor England moved on to Item 4.

4. Non-Ad Valorem Assessment for Solid Waste: Setting Rates and Date for Public Hearing (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik showed Exhibit 4 which shows the fee ranges and explained the amounts for household waste, recyclables, and yard trash. He explained the advertisement must have the initial non-ad valorem assessment rates. He commented that the full cost would be \$330 collection fee, \$125 disposal, and \$43 recycling as of 2019; however, for 2020 at 2.5% it would be \$355. He explained that half of the fees would be \$81 collection fee, \$62 disposal fee, and recycling fee of \$22 for a total of \$165. The half rate would be \$178 in the year 2022. He asked the Commission to consider inflation. He suggested that the Commission approve the letters going out to the impacted homeowners and to select a date to hold a public hearing to adopt the non-ad valorem assessment role. He suggested that the meeting be in July.

Mayor England confirmed that the initial rate would start in 2022.

Public Works Director Tredik advised yes.

Mayor England asked if all the residents will be notified of the assessment.

Public Works Director advised that it could be confusing if everyone receives the non-ad valorem assessment if the resident will not be using the service. He explained those residents will go to private services by October 1, 2020.

Mayor England was concerned about not sending the assessment notice out in anticipation of changing to private service because the City thought that some residents would be moved over to private collection and now they can't because there would be no private service to do it.

Public Works Director Tredik advised that there could be language in the notice that those properties that are moving to commercial services will no longer be subject to the assessment fee. He advised that he would get the City Attorney to help with the language.

Commissioner George suggested to set the rate higher so the Commission can bring it down later.

Public Works Director Tredik advised that he would recommend going higher but realizes that there are challenges to doing that.

Commissioner George suggested advertising the staff's recommendation for the fees at the higher rate to see what the public says.

Mayor England advised that at the previous meeting the amount for half of the cost was \$185; however, in 2022 it should be a half cost of \$178.

Commissioner Rumrell and Commissioner Samora had no comments at this time.

Vice Mayor Kostka advised that she objected to the process of one size fits all, not having more public comments, and not researching outside vendors. She explained that there are no supporting documents in the Commission books. She asked why there is a \$100 difference between our City and the County.

Public Works Director Tredik advised that the County has a different dynamic, such as a different population base, different facility to dispose and process the materials. The County

does not collect what the City collects, such as construction debris. The County does not have as many people on the trucks and do not do the same service as the City.

Vice Mayor Kostka commented that it should be a user fee for what a property owner uses.

Commissioner Samora thanked Vice Mayor Kostka for being engaged in the conversation even though she is against it and giving valuable input.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, commented that he urged the Commissioners to set the fee at \$336. He explained that the City should not pull out of the General Fund and advised that the budget is hurting because of subsidizing the disposal fees.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, requested to table this item and asked the City Attorney to research this issue.

Mayor England closed the Public Comments section and advised that the City is trying to right-size the City's Public Works Department and its capabilities, the essential services, and reduce expenses. She advised that the City wants to right-size the customers to serve them efficiently and move others to private collection where they could be served better. The intent was to charge reasonably with the trucks, personnel, overhead, etc. She explained that the City will continue to try to reduce the fees once this is all in place and to charge a non-ad valorem fee that approximates the City's costs so less money comes out of the General Fund.

Mayor England recapped what the staff's recommendation were.

Commissioner George explained that because this will give notice to the public, she would agree to staff's recommendation of half the cost at \$178.

Commissioner Rumrell agreed with \$178 to get more of the public involved. He wants to get closer to the user fee and close the gap.

Commissioner Samora thanked staff for their hard work and would agree to one half of the 2022 cost of \$178.

Mayor England explained that she has been an advocate of redoing the trash pickup fee, especially commercial units. She requested to go more towards a user cost and commented that whether the Public Works Department picks up one or two cans it is still the same cost to the City. She explained that since COVID-19, yard waste has increased because everyone is cleaning their yards. She agreed with \$178.

Vice Mayor Kostka said if the City goes forward with this and it's budget season, why is the City not going with the full user fee and let the residents know what it is.

Mayor England advised she was opened to go the full amount but wants to reduce the expenses.

Commissioner George was not in favor of going at full cost. She agreed there is going to be budget problems, but why would the City charge the residents full cost when there is not a full need right now. This is about adjusting the cost for overall long-term budget management. This needs to be implemented slowly because it is going to have a substantial monetary impact on all the fixed income residents. She agreed that if one bag or ten bags there will be still overhead costs for the City.

Mayor England asked for a motion.

Motion: to set the rate of \$178 broken down as \$87 for collection, \$67 for disposal and \$24 for recycling. **Moved by** Commissioner George, **Seconded by** Mayor England.

Roll Call was as followed:

Mayor England	Yes
Vice Mayor Kostka	No
Commissioner Rumrell	Yes
Commissioner Samora	Yes
Commissioner George	No

Motion passed by vote of 3 to 2.

Public Works Director Tredik advised that a public hearing will have to be scheduled for late July.

City Manager Royle advised that in late July is the budget meeting as well. He suggested July 13th or 20th.

Commissioner Rumrell asked if the public hearing could be done before the Regular Commission meeting on July 6th.

City Manager Royle advised no because of the virtual complications on so many people wanting to speak on this item. IT Department needs to research how to get a lot of people on Zoom since the City only has 12 lines.

Mayor England suggested the public hearing be on July 7, 2020.

Commission agreed to have the public hearing regarding the non-ad valorem assessment on July 7, 2020 at 6:00 p.m.

Mayor England moved on to Item 5.

5. Ordinance 20-XX, First Reading, to Change Sections 2-103 and 2-104 of the General City Code Regarding Transfers of Money between Accounts in the Annual Budget (Presenter: Max Royle, City Manager)

Mayor England introduced Item 5 and then asked City Manager Royle for his staff report.

City Manager Royle explained that this was discussed at the Commission's last meeting and advised this is more of an administrative procedure.

Mayor George asked for discussion.

Commissioner George advised that she had no questions. She agreed with giving the City Manager the authority of \$15,000 budget transfers between accounts within the budget.

Commissioner Rumrell agreed.

Commissioner Samora advised that all the changes have been made that the Commission requested, so he agreed.

Vice Mayor Kostka agreed with the ordinance.

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

City Attorney Douglas read the title of the ordinance for first reading.

Mayor George asked for a motion.

Motion: to approve the changes to Sections 2-103 and 2-104. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll Call was as followed:

Commissioner Rumrell	Yes
Commissioner Samora	Yes
Commissioner George	Yes
Mayor England	Yes
Vice Mayor Kostka	Yes
Motion passed 5 to 0	

Mayor England moved on to Item 6.

XIII. NEW BUSINESS

6. Access to City Street from Private Property: Consideration of Pyrus Street Barricade Proposal (Presenters: Christopher Cygul and Kristy Lee Wilson, 493 Pyrus Street)

Mayor England introduced Item 6 and then asked Christopher Cygul and Kristy Lee Wilson to the podium.

Christopher Cygul, 493 Pyrus Street, St. Augustine Beach, FL, thanked everyone for being here physically and through Zoom. He explained that on his street there is a construction problem, but not a dispute with the neighbors. An issue came up regarding the use of the right-of-way on Pyrus Street, which is a dead end. He requested the Commission consider the proposal to make a barricade on the right-of-way, which has been done on other streets facing the beach side within the City. He explained that Pyrus Street is not a major thoroughfare and wants to promote safety and not allow trucks, trailers, and heavy equipment to go through the barricade. He requested only pedestrian traffic. He said there is a lack of a fence bordering Bluebird Street. He explained that the owners removed the fence approximately in August 2019, which causes a lack of privacy for the homeowners on Bluebird Street. He advised that the Bluebird Street owners advised that the owners on Pyrus Street do not allow the owners of Bluebird Street privacy. The homeowners on Bluebird Street have four-wheel vehicles, a pickup truck, and a trailer. The Pyrus Street homeowners have noticed safety concerns that the Bluebird Street owners are doing on their property in regard to tree removal and had an arborist come to the property who said there were several widow-maker trees that could fall. He explained that since the fencing has been removed, cameras have been installed facing the Pyrus Street residents. He commented that the Pyrus Street homeowners want a peaceful solution. He requested the Commission to have the City install barricades to protect the people on Pyrus Street and other streets that face Island Hammock. He explained that the tree surgeon does not advise running over the roots of a very large magnolia tree with trucks. He advised that his goal is have a pedestrian entrance to the property and if the City cannot

install barricades, how long will it take the owner on Bluebird Street to put her fence back up and explained that it has been down for nine months.

Mayor England asked what exactly Mr. Cygul wanted.

Mr. Cygul advised that he wants a barricade to be installed by the City with a gate for pedestrian walkway as other streets within the City have.

Mayor England asked if the City ever installed fences previously.

City Manager Royle advised that on streets the City has installed two posts with two crossbeams on dead end streets. He explained that if the homeowners want a gate, the homeowners will have to provide that.

Commissioner Rumrell spoke with Building Official Law regarding installing a horse fence that would be on the right-of-way and asked City Attorney Douglas if the City has a right to do that.

Building Official Law agreed with Commissioner Rumrell and advised by doing this it would show that the City did not take sides between the neighbors. He suggested a gate if the Commission wanted so people could access the public right-of-way; however, what is done on one street must be done on all streets. He explained that each street would cost approximately \$100.

City Attorney Douglas advised that the Commission could install what they want on their right-of-way.

Commissioner Samora asked Building Official Law about 10th, 9th, 13th, 14th and 15th Streets that have the same type of dead-end streets.

Building Official Law advised that yes, they have two horizontal rails, but he would ask for a two by four cap to help steady the rails, especially if a gate is installed.

Mayor England recapped that what was requested is to construct fencing at all dead-end streets in the City's as the budget allows.

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

Fiona Godfrey, 240 Bluebird Lane, St. Augustine Beach, FL, read a statement into the record (Exhibit 5).

City Attorney Douglas advised that the Commission does not have to vote tonight on the recommendation staff made. He encouraged the Commission to strive for consistency throughout the City.

Mayor England asked for more research and to get the information to the Commission.

Commissioner Rumrell spoke with Commander Ashlock and Assistant City Attorney Taylor. He advised that the City does not want to get involved in a civil dispute and explained that the City could install a barricade on the City's right-of-way. He also advised that if the homeowners want in the future to get a special use permit for a pool, they could apply for it and the City could take the barricade down and then reinstall it.

Commissioner George has seen similar disputes to remove barricades from the private right-of-way when a neighbor did not want access. There is a section in the code that requires a

permit to put anything in a right-of-way that could block access. She explained that she is withholding on voting on this issue because she has a perceived conflict of interest with regard to one of the property owners involved so she recused herself on voting.

Vice Mayor Kostka asked when the fencing on Bluebird Lane would be completed.

Mr. Godfrey, 240 Bluebird Lane, St. Augustine Beach, FL, disputed the comments by Mr. Cygul. He explained that he has been following the law by using his truck and trailer, but Pyrus residents barricaded them for using the right-of-way by putting wood, tables, etc. in their way and he could not get his truck and trailer out. The police have been called several times by Pyrus residents. He wants to clean up the backyard and put up the fencing. He explained that there is no need for a barricade and advised that he has a construction fence there in the meantime.

Vice Mayor Kostka asked when it will be done.

Mr. Godfrey advised it would take one month for the trees and another month for the fence. He advised about 2 ½ months. He has been stopped for 1 ½ months due to altercations.

Mayor England asked City Attorney Douglas what the City should do without getting involved in the neighborhood dispute.

City Attorney Douglas recommended that the City does not get involved in civil disputes between neighbors. Staff has come up with a recommendation that has been given to the Commission for a barricade and he does not see any legal obstacle in doing that if the Commission agrees. The Commission is not required to vote on it tonight.

Mayor England asked if it is a City's decision on when the City or if the City should put up a barricade. She asked if it would be a Commission decision.

City Attorney Douglas advised that he would have to research that and feels it would be more of a staff level decision.

Mayor England suggested that staff bring back a policy to the Commission regarding this issue at a future date.

Vice Mayor Kostka advised that the City does not need a policy on what to do with the City's rights-of-way. It is the City's decision but wants more information on this before voting.

Carol Freudenberger, 244 Bluebird Lane, St. Augustine Beach, FL, explained that Pyrus Street is directly behind her and she has a fence and a pool on her property, which has a gate on Pyrus Street. She explained that her gate has been boarded and nailed shut without her permission and she cannot go out the back gate if she chooses to. She explained that the gate was used for gas for the pool heater. She asked if a barricade were erected, would the gate remain open. She advised that the street seems to be a public party place also.

Police Chief Hardwick advised that he reached out to the experts in the City, Building Official Law and Public Works Director Tredik. Law enforcement does not get involved in civil disputes; however, he wanted to not let it escalate. Commander Ashlock reached out to the neighbors and educated them on the laws that the police enforce on the street. No criminal actions have been taken by the neighbors. The problem is that the streets are not consistent throughout the City and this issue will be coming up again with other streets.

Mayor England asked the staff to inform the Commission on what the City does on dead-end streets and whether vehicle access is allowed. She also requested to find out if special permits are needed for construction. She advised that she did not have enough information to make solid decisions on this street.

Kristy Wilson, 493 Pyrus Street, St. Augustine Beach, FL, wanted a dead-end street for safety reasons for their four-year-old girl. Police have been called by Mr. and Mrs. Godfrey. Mrs. Godfrey has filmed her child. She wants them to access the front of their property like everyone else. She also runs over the roots of trees in other neighbors' yards.

Jennifer Pessina, 91 Pyrus Street, St. Augustine Beach, FL, objected to cameras pointed to her house with her small child.

Kevin Pessina, 491 Pyrus Street, St. Augustine Beach, FL, explained that there are unprofessionally cut trees that pose a danger to his house; fence panel that they took down because the improperly moved their fence; not allowing filming of children; he would be willing to place a fence on his property to stop this; and can use the gate at the end of the street for non-vehicular access only.

Ed Swift, 2591 Hydrangea Street, (owner of duplex 490 & 492 Pyrus Street), St. Augustine, FL, he talked with the neighbors on Pyrus Street who seemed to be united and Bluebird neighbors seem to have angered everyone. The trees and fencing have been down for months and the staging area for the vehicles is on Pyrus Street. He advised that they live in a PUD in Island Hammock and should use their street to remove trees and do construction.

Nick Ortiz, 492 Pyrus Street, St. Augustine Beach, FL, agreed with Mr. Swift and over the last five to six months this has been a problem and there seems to be no end in sight. The access point being used was never accessed before after 40 years of trimming. He is in support of the barricade.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that city staff presented this item in a disorganize way and requested mediation and requested to table this matter.

Mayor England closed the Public Comments section and advised that she would sit down with the residents with Commander Ashlock to get a reasonable resolution. She asked staff for a policy on dead-end streets regarding vehicle access or not. She suggested not taking any action tonight but to come up with a City policy on dead-end streets.

Commissioner Samora agreed because he said this will not be the last time this issue comes up. He suggested a policy with procedures and time constraints.

Mayor England advised that the two issues are vehicle access and pedestrian access and, in the meantime, to work with the neighbors to get their construction done.

Commissioner George advised that it is great to work with a policy; however, the universal policy needs to be very clear because lot access is a complicated issue, especially on the ocean side and the side of the property. She said that a consistent policy might not be obtainable.

Mayor England moved on to Item 7.

7. Review of Proposed Resolutions for Changes to the Personnel Manual (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 7 and then asked City Clerk Raddatz to give her report.

City Clerk Raddatz recapped the resolutions regarding personnel changes on emergency management pay and procedures, Equal Employment Opportunities, ADA definitions, minor educational reimbursements, and General Provisions. She suggested that the incentive pay for education should be removed because of the current economic situation in the City.

Commissioner Rumrell advised that he had no changes.

Commissioner George advised that it looks good and thanked the City Clerk for her efforts.

Vice Mayor Kostka agreed with no changes.

Commissioner Samora advised no changes.

Mayor England thanked City Clerk Raddatz for reconsidering the incentive pay. She asked if salaried employees during the declared emergency would be entitled to overtime.

City Clerk Raddatz advised no and FEMA will reimburse the City for those employees working during the declared emergency.

Mayor England advised that regular employees during a declared emergency will be compensated at time and a half, but salary employees will be compensated at their regular rate.

City Clerk Raddatz advised yes.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City is not following their own policy by covering up sexual harassment during the City Manager's term.

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

Motion: to extend the meeting. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England made a motion.

Motion: to approve 20-03, 20-07, and 20-08 with the deletion on page 12 of Section 19.5 Incentive Pay. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 7.

8. Mixed Use District Along A1A Beach Boulevard: Consideration of Ordinance to Establish Boundaries (Presenter: Brian Law, Building Official)

Mayor England introduced Item 8 and then asked Building Official Law for his staff report.

Building Official Law explained that staff is recommending designating the entire commercially zoned properties in accordance with the Vision Plan Mixed Use and be subjected to the Mixed Use Overlay under the control of the Comprehensive Planning and Zoning Board.

Commissioner Rumrell had no questions.

Commissioner George had no questions.

Vice Mayor Kostka had no questions.

Commissioner Samora had no questions.

Mayor England property zoned commercial can take advantage of P & Z permitting?

Mayor England asked for Commission discussion.

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

City Attorney Douglas read the title of the ordinance.

Mayor England asked for a motion.

Motion: to approve the Mixed-Use ordinance. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 9.

9. Solid Waste Collection Regulations: Ordinance 20-XX, First Reading, to Amend Section 10 of the City Code (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik explained that this is changing Chapter 10 garbage and trash of the City's code. The reason for this is the change to Article 2 which deals with the non-ad valorem assessment. The current code only allows for disposal so the current code would allow for collection and recycling as well. Ponce Landing and other townhomes called and expressed concerns about leaving City services (Exhibit 6). He explained that they did not have room for a dumpster and the townhomes are owned by individuals and are not condominiums. He recapped the changes to the codes.

Mayor England advised on page 3 of the ordinance the residential service premises definition did not say it has to be a single-family home or a duplex or a triplex. The City has stated that whether it was a residential premise on the number of units.

Public Works Director Tredik advised that he is trying to accommodate Ponce Landing to give them garbage pickup. He explained that if the townhomes or Ponce Landing chose to opt out of City services and get private haulers, then they could do so, or the City could continue giving them service.

Mayor England asked if there was a way to allow the City to make an exception to the rule to accommodate Ponce Landing since there is space for a dumpster. She suggested making an exception to the five dwelling units if needed.

Public Works Director Tredik advised that he would have to research that with the City Attorney to see if that is doable and will change the ordinance for the second reading. He explained that there is a way to declare a hardship for more than six or more units with the condominiums because they want to stay on with the City service after October 1st if they have a hardship. The City Manager will deny or approve the hardship request, which are listed in the ordinance.

Mayor England asked to include a hardship clause that exceed the five dwelling units.

Vice Mayor Kostka understand ownership of the townhomes but asked if they would be billed at the commercial or residential rate.

Public Works Director Tredik advised that they would be included in the non-ad valorem assessment, so it would be residential.

Vice Mayor Kostka asked what the current proposed rate for a 164-gallon commercial bin is.

Public Works Director Tredik advised it would be \$268 per year.

Vice Mayor Kostka advised that her concern was that the fee would be less than a residential owner would eventually end up paying.

Public Works Director Tredik advised that commercial rates can be adjusted by the Commission to match or exceed the residential rates.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, voted no on the speaker card.

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

Motion: to approve the ordinance with the previous stated changes. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

Commissioner Samora Yes

Commissioner George Yes

Mayor England Yes

Vice Mayor Kostka Yes

Commissioner Rumrell Yes

Motion passed unanimously.

Mayor England moved on to Item 10.

10. New Item – Using City Seal.

Mayor England introduced Item 10 and asked City Manager Royle to explained.

City Manager Royle advised that the St. Johns County Chamber of Commerce requested to use the City seal for a Pledge campaign, which is for businesses that they pledge that they will clean and disinfect for their customers at their businesses. He explained that they would place this pledge on their windows to show support of their clean business due to the Coronavirus. He explained that St. Johns County and the City of St. Augustine have already approved their seals to be on the Pledge.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table this item until this could be researched further.

Mayor England closed the Public Comments section.

Commissioner Samora advised that if this does not move forward with this now, the City's seal will not be on the print because the Chamber of Commerce needs to do this immediately.

Vice Mayor Kostka explained that this is for tourism to let the public know that the City businesses are following the Executive Orders by cleaning and disinfecting. She asked for a legal opinion on this regarding liability.

City Attorney Douglas advised that this is more aspirational and would not cause liability. He advised that the phrase "we took the pledge" has no definition and who is bound by it, who has a duty from it, and who took the pledge.

Mayor England advised that the business would take the pledge and put it in their window.

Commissioner Samora said yes and advised that this was only to encourage tourists that the City of St. Augustine Beach businesses that take the pledge are keeping the public safe.

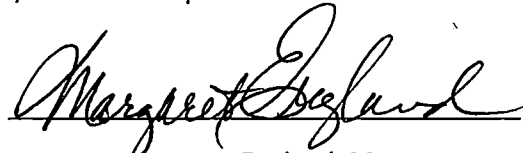
Mayor England asked if the Commission wants to come back tomorrow to finish this item.

Assistant City Attorney Lex Taylor advised that the Commission could use Zoom if they do not want to come back tomorrow.

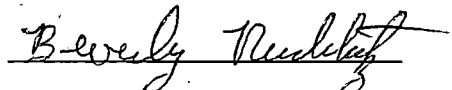
The Commission agreed to continue the meeting until June 2, 2020 at 5:30 p.m.

XIV. ADJOURNMENT

Mayor England continued the meeting to June 2, 2020 at 5:30 p.m.


Margaret England, Mayor

ATTEST:


Beverly Raddatz, City Clerk