



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, OCTOBER 5, 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 6:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England asked Vice Mayor Kostka to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor England, Vice Mayor Kostka, Commissioner George (virtually), Commissioner Rumrell (virtually), and Commissioner Samora.

Also present were: City Manager Royle, Assistant City Attorney Taylor, Commander Carswell, Deputy City Clerk Fitzgerald, Finance Director Douylliez, Building Official Law, and Public Works Director Tredik.

IV. APPROVAL OF MINUTES OF THE SPECIAL BUDGET MEETING OF SEPTEMBER 14, 2020, AND SEPTEMBER 22, 2020, AND REGULAR MEETING OF SEPTEMBER 14, 2020, AND THE CONTINUATION OF THE REGULAR MEETING ON SEPTEMBER 22, 2020.

Motion: to approve the minutes as written. **Moved by** Commissioner Samora, **Seconded** by Vice Mayor Kostka.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle stated that Commissioner Samora and Vice Mayor Kostka had requested additions to discuss the City's current face mask regulations and the Governor's new Phase 3 Executive Order. Mayor England asked the Commission if they agreed with adding it as Item # 10 and the Commission had no objection.

Mayor England moved on to Item VI.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

There were none.

Mayor England moved on to Item VII.

VII. PRESENTATIONS

- A. Proclamation to Declare October 2020 as Domestic Violence Awareness Month (Presenter: Kenlie Kubart, Betty Griffin Center)

Mayor England invited Kenlie Kubart to the podium to speak. Ms. Kubart asked the Commissioner to declare October as Domestic Violence Awareness Month to help raise awareness of the issue. She stated that the Betty Griffin Center is the St. Johns County safety shelter, and they offer services free of charge to survivors of domestic violence and sexual assault.

Mayor England noted that she was wearing her Betty Griffin Center lapel pin and acknowledged necessary services the Center provides to the community. She asked if the Commission had any questions for Ms. Kubart and if there were any requests for public comments. There were none.

Motion: to approve the Proclamation declaring October as Domestic Violence Awareness Month. **Moved by** Mayor England, **Seconded** by Commissioner Samora.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England thanked Ms. Kubart, then moved on to Item VIII.

VIII. PUBLIC COMMENTS

Mayor England opened Public Comments.

Margie Lasi, 46 Ocean Pines Drive, St. Augustine Beach. She stated that she was here representing the Sea Oaks HOA regarding ongoing issues with the neighboring Ocean Ridge construction and noncompliance with the stormwater permit, since there is runoff from the roofs that is not being conveyed to the front of those houses and that then drains into houses in Sea Oaks. She noted that she has sent emails to City staff and is looking for advice on how to proceed.

Mayor England asked Public Works Director Tredik & Building Official Law to advise. Public Works Director Tredik said he is aware of the issue but has not had time to speak with builders yet and determine the best corrective action. He stated that they plan to meet this week.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach. He asked how tax exemptions would apply to the solid waste non-ad valorem and he suggested that the City find another means of raising money. He asked that Anastasia Dunes drainage be looked at. He asked about the status of a resolution on flying non-government flags and meeting rooms availability.

Mayor England closed Public Comments moved on to Item IX.

IX. COMMISSIONER COMMENTS

Mayor England asked each Commissioner if they had comments at this time.

Commissioner Rumrell had no comments.

Commissioner George stated that she had a conversation with Mark Hudson at the Florida Land Trust regarding solutions and possible resources to assist with land preservation, primarily regarding a possible donation of land to the City. She noted that this may be a possibility for grant funding. She noted that this grant had funded a stormwater treatment center at 100% for a nearby city.

Mayor England thanked Commissioner George for exploring this and asked City Manager Royle if staff could examine this option further.

City Manager Royle stated that he had called Hudson, but has not heard back. There is no problem with exploring options on a preliminary basis. The other Commissioners agreed with exploring this option.

Commissioner George noted that a critical component for the evaluation of these types of grants is how preservation-minded the community is and she is excited to report back to him that there was unanimous consent from the Commission.

Mayor England asked that Commissioner George possibly ask about rain gardens related to this program.

Commissioner Samora had no comments.

Vice Mayor Kostka had no comments.

Mayor England updated the Commission on what alternatives to Beach Blast Off were being discussed. She noted that a "Light up the Beach" campaign using colored lights instead of St. Augustine's all white Nights of Lights. She stated that Paul Slava from the St. Johns Cultural Council is working on a logo and Melinda Conlon, the City's Communications and Events Coordinator, is working on possible art walks or a night market. She also complimented the new style of reports from staff at end of agenda books.

Commissioner George asked about the vision or theme on colored lights for specifically multicolored strands or would it encourage any single color as well.

Mayor England stated that no restrictions had been discussed that she was aware of. She wanted to make it funky and beachy. She noted that Coordinator Conlon is looking into possible donations or sponsorships for the lights. She suggested that Commissioners check in with Coordinator Conlon if they had any further thoughts.

Commissioner Samora noted that he was contacted by business owners who were concerned with Beach Blast Off being cancelled and he is encouraged to know that alternatives are being explored to bring commerce to the beach.

Mayor England moved on to Item X.

X. PUBLIC HEARINGS

1. Ordinance 20-12, Public Hearing and Final Reading: to Amend Section 6.02.03 of the Land Development Code for Provisions to Permit Access of Private Property from Dead-End Streets

(Presenter: Brian Law, Building Official)

Building Official Law stated that there was one change was made since last month's meeting and that was to reduce the permit fee from \$250 to \$150 and no other changes were made.

There was no public or Commission comment on this item.

Assistant City Attorney Taylor read the full title of the Ordinance.

Motion: To approve Ordinance 20-12 as amended on permit costs from \$250 reduced to \$150. **Moved by** Mayor England. **Seconded by** Commissioner Samora.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved on to Item XI.

XI. CONSENT

2. Resolution 20-XX, to Have Canvassing and Certification of Vote-by-Mail Ballots Cast in the November 2020 General Election Done by the Supervisor of Election and County Canvassing Board
3. Budget Resolution 20-XX, to Amend General Fund Due to Shortfalls in Revenue and Budget Resolution 20-XX, to Amend the Road/Bridge Fund to Reduce the Transfer to General Fund and Accounts for Two Capital Projects

City Manager Royle stated that one is a standard resolution for ballots cast in the general election to be counted by the Supervisor of Elections and the County Canvassing Board.

Finance Director Douylliez explained that the budget resolution is just to clean up some of the shortfalls in revenues and expenses due to COVID-19. Mayor England confirmed that this would just be moving funds from one line item to another.

There was no public or Commission comment on this item.

Motion: To approve the consent items for one resolution for canvassing and certification of vote-by-mail ballots by the Supervisor of Elections and the budget resolution to move funds to the general fund. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved on to Item XII.

XII. OLD BUSINESS

4. Ocean Walk Drainage Improvements: Request to Approve Amendment #33 to Contract with Civil Engineering Consultant CMT for Investigation and Evaluation of Flood Control Improvements (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik stated that the amendment is for an engineering investigation and evaluation of flood control improvements in the Ocean Walk subdivision. He noted that the recent rains has caused flooding in Ocean Walk and most of the City and that it seemed about the same as back in June, but the water appeared to go down a bit faster and he thinks it was due to some of the recent ditch work.

He stated that this project would gather topographical survey, including street elevations, outfall elevations, grade shots, utilities, and other data necessary to determine that characteristics of the site and develop input for the stormwater model and model conceptual improvements. He noticed that during last rain that entire system was full, so simply pumping would be a challenge since that water has to have somewhere to go. He recommended going forward with this amendment.

Mayor England reported that she received email asking if this has been bid out.

Public Works Director Tredik stated that they have not. He noted that it is an advantage to continue to use CMT since they are familiar with the City and its issues and have a city-wide model already. He stated that a Request for Qualifications may cost the same or more, but time would be lost.

Commissioner Rumrell supports bidding projects out and stated that it may be advantageous to have a second set of eyes on the situation. He noted that there may be a bigger problem since County and St. Augustine experienced widespread flooding as well.

Commissioner Samora asked when the last time was that another engineer looked at stormwater engineering in the City.

Public Works Director Tredik noted that some companies have been involved on other projects, but CMT has been the main drainage engineer and that Gary Sneddon has been the main engineer for some time.

Mayor England opened public comments.

Raphael Saler, 27 Lee Drive, St. Augustine Beach. He asked how the water gets into the drain since there is only a drain at the north entrance, not the south end of Ocean Walk. Where does water go when it cannot get into the drain? He stated that they were told that pumps would be available during storms to help. He saw Director Tredik and some Commissioners there, but no pumps.

Karen Kempler, 30 Lee Drive, St. Augustine Beach. She stated that she supports the proposed study, but there needs to be focus on more places to retain water in addition to more pipes to move water. What were the original drainage plans for Ocean Walk? She read an April 2020, article on study in Tampa on ground level water effect on retention ponds. She stated that it is important to hire a forward-thinking company cognizant of climate change to look at new, creative solutions.

Tasha Stanton, 44 Lee Drive, St. Augustine Beach. She stated that they were told the rain in June was a 10-year event and that data needs to be revised. The City needs a retention solution as well as a conveyance solution and an independent assessment that is not CMT. Mr. Sneddon's talk was repeating the same thing and defending what was done.

Robert Vignato, 39 Lee Drive, St. Augustine Beach. He asked how would underground pipes get cleaned. He feels it is a waste of money to continue building on the same apparatus and the City found a way to give itself a raise instead of spending money on these projects.

Clint Stoeber, 43 Lee Drive, St. Augustine Beach. He suggests getting bids from other firms. Mr. Sneddon explained why pipes were superior with a detailed PowerPoint, but he should have explained what happens when an open ditch is replaced with a closed pipe with only one point of entry. He feels that Mr. Sneddon was sent to do damage control. He suggested approving the project in the amendment but to bid it out and to consider removing the pipe to allow for an open line.

Mayor England closed public comments and Public Works Director Tredik asked to address some of the comments.

Public Works Director Tredik stated that he has never seen five inches of rain in 2 ½ hours outside of tropical storms and it is extremely unusual. He does not know if unusual rainfall will be the new normal, if so, it will change the way engineering and permitting are done completely and will be very expensive. He will take this into consideration with the stormwater master plan and any future studies. The City does not have pumps that can handle that much rain, A1A Beach Boulevard and US 1 were underwater. There are houses that depend on the pipe system along A1A Beach Boulevard, which was flooded. Some places did not flood as much as he expected, like Atlantic Oaks Circle, which suggest that the problem is not just conveyance but elevations. On water storage, the City is built out. The Water Management District did not come into being until the 1970s, so there was no permitting for the older subdivisions; they just drained into the mosquito control ditches. It was not adequate then and is not adequate now.

This is not a project to bid, it must be an RFQ. That requires advertising, receiving responses, ranking them, then having the Commission approve who to negotiate with, followed by price and contract negotiation. It would be a month for the RFQ and responses, then probably another two to come to Commission and then negotiate. The price could be higher since new companies will not have current models like CMT does. CMT is currently doing a vulnerability study, which means they have more info on hand and are already looking at sea level rise and storm surge in the City.

The pipes were half full, but so were the ditches. He suggested that the pipes could become a cistern in the future, giving it more storage capacity. Ocean Walk is built up, so there are no more options for ponds without demolishing a house, which is a possible but expensive option. Water elevation determines the flow, if the headwater is higher than tailwater then water will flow properly, if they are even or reversed, the water will not flow properly. The system recovered quickly, which tells him it worked pretty well.

Mayor England asked if pumps would have helped during the last major rainstorm and Public Works Director Tredik said no, that by the time pumps could be mobilized, they would not have been able to keep up. He said it drained relatively quickly, six inches in an hour or so after the rain stopped, which was faster than pumps could have done. The system was draining well; it was just too much water at one time. The statewide standard is to design these systems for a 10-year storm, not a 50-year event like this last rainstorm was.

Commissioner George wondered if there could be a middle path between a new company and CMT's experience, maybe a third-party consultant who could advise the City or review the proposal.

Public Works Director Tredik stated that if this contract goes forward, we could look at the County's continuing engineering firm to peer review the work or to use them to do the work.

Commissioner George asked if our stormwater master plan could be peer reviewed as well.

Public Works Director Tredik stated that a city-wide peer review would be expensive. He noted that there needs to be a balance since draining too quickly can overtax the pond, so it should be a larger study instead of a peer reviewed smaller study.

Commissioner George asked if we could talk to County or State about a spot for a new pond, maybe a portion of the old mosquito control property or at Ron Parker Park. She asked if a master plan should be done before these smaller studies.

Public Works Director Tredik stated that this study will provide information and modeling that would be useful overall because water will still need to be conveyed out of that subdivision. He thinks that a stormwater pump system will be needed due to the lower elevation. This study is necessary, it is just a matter of going with CMT or a new company.

Commissioner Rumrell believes that a fresh set of eyes will be beneficial to help solve these problems. He likes the idea of trying to find another pond. He could not support a contract with CMT without another set of eyes taking a look at it. He thinks Public Works Director Tredik's quick plan was better than anything CMT did, which shows that another set of eyes would be helpful. It may cost a bit more, but he thinks the value to the residents is worth it.

Commissioner Samora stated that Commissioner Rumrell was articulated his thoughts well and that Public Works Director Tredik's knowledge is impressive. He agrees that another set of eyes would be beneficial and thinks City needs to think long-term.

Vice Mayor Kostka noted that it may cost more to keep fixing short term issues than looking for long term solutions. She also suggested looking at the old mosquito control property for a pond and she notes that County streets within our City are flooding too.

Mayor England stated that CMT may be overworked with the vulnerability study. She suggested that Ocean Walk could be a sample study for some of the other older subdivisions with similar issues. There are other subdivisions that are below the street grade or do not have gutters to move the water down the street.

Public Works Director Tredik stated that he could tailor the RFQ to have an engineering firm really dig into the subdivision and evaluate its applicability to other areas if time is not an issue.

Vice Mayor Kostka asked if these studies would belong to City. Assistant City Attorney Taylor said generally that would be the case, but it would depend on the contract, that the engineering firm may have some proprietary information.

Public Works Director Tredik said the City can provide all records it has access to.

Mayor England proposed an RFQ to go to other companies to evaluate a representative subdivision using Ocean Walk to help mitigate stormwater drainage.

Commissioner Rumrell asked if an overall engineering RFQ could be advertised at the same time.

Mayor England open to that, but is hesitant to mix those requests at this time. Public Works Director Tredik does not see why current contract could not remain in force, but also have a backup company. Assistant City Attorney Taylor would need to review contracts, but does not

think there was any exclusivity language. Mayor England was concerned that CMT may not give their full effort for the vulnerability study if they think we are planning to get rid of them. Commissioner Rumrell suggested returning to that when vulnerability study is complete then. Mayor England and Commissioner George agreed.

Motion: an RFQ to go to other companies to evaluate a representative subdivision using Ocean Walk to help mitigate stormwater drainage. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll call vote was as follows:

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

Motion passed unanimously.

5. Ocean Hammock Park: Report on Proposed Improvements (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik showed a PowerPoint presentation (Exhibit A) on this topic. He explained that Ocean Hammock Park is an 18-acre park that stretches from A1A Beach Boulevard to the Atlantic Ocean, just north of the Sea Colony subdivision. It was originally planned for development prior to the City beginning to acquire it in section, beginning in 2005. The park has a wide variety of habitats (Exhibit A-2) including a dune system, coastal grasslands, scrub, wetlands, and a hammock and provides sanctuary to protected species like gopher tortoises and the Anastasia beach mouse. 88% of the park is undisturbed. There are some invasive plant species that Public Works has been removing when they can.

The original developer planned to build a large condo complex and deeded 2.2 acres of the property to City as conservation land (Exhibit A-2) along A1A Beach Boulevard and along the south edge of the lot where the beach walkway is now. The 2008 recession slowed the project, and a referendum approved a ½ mil levy to purchase some of the land from the developer. In 2009, an additional 11.5 acres were purchased and the final 4.5-acres in 2016 (Exhibit A-3).

A detailed Park Management Plan was required to obtain the 11.5-acre property (Exhibit A-3). It was last updated in 2018 and was originally was required to be complete by 2020. Phase 1 construction was the beach walkway in 2009 (Exhibit A-4) and the parking lot in 2012. Due to a lack of grants and funding, little has been done until now. Phase 2A should cost about \$145,000, 75% will come from the Florida Recreation Development Assistance Program (FRDAP) grant and 25% from impact fees. Construction is planned to begin in 2021. This will include restrooms, picnic areas, water bottle filling station, walking trails, and additional accessible parking. Phase 2B (Exhibit A-5) would include an observation deck, picnic pavilion, children's playscape, trails, bicycle rack, canoe/kayak storage, and habitat restoration. This is planned to begin in two sub phases in 2022, if funding is available.

Commissioner Rumrell stated that this land is a great asset to the City, and he looks forward to seeing the finished product. Public Works Director Tredik has done outstanding work.

Commissioner George noted that the City has had a vision for this park for a long time and thanked Public Works Director Tredik for making it finally happen. She suggested the possibility of selling bricks, tiles, or walkway boards to help fundraise, if needed.

Vice Mayor Kostka also suggested donations, maybe naming rights for a trail, loop, or the pavilion.

Public Works Director Tredik noted that he could not have done this without the groundwork that was completed by late Public Works Director Joe Howell and he suggested the possibility of naming something after him.

Commissioner Samora complimented Public Works Director Tredik for a great job finding funding and ideas. He asked about the costs to maintain it long term.

Public Works Director Tredik stated that current staff can keep up with the overall maintenance, but time will tell what will be needed after development. He stated that they have been focusing on the perimeter of the park, but this would open the interior. He stated that they will need to monitor the wetlands and dune system to ensure they are healthy, which may need contract work or volunteer agencies.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach. He fully supports Public Works Director Tredik and the Commission's efforts. He pushed for a walkway back in 2007-08 and the walkway is well used by the public. He encouraged Public Works Director Tredik to share the planned layout with the Police Department for safety and to consider security cameras and the potential for the homeless population to settle in the area after dark. He pushed for composite boards over wood.

Mayor England asked Chief Hardwick if there were cameras there now. Chief Hardwick said there are not any at this time due to power supply issues, but it had been discussed with Joe Howell in the past. He recommended cameras and maybe a license plate reader at the entrance/exit. Public Works Director Tredik noted that they are also planning on additional lighting.

XIII. NEW BUSINESS

6. Police Chief: Discussion of Appointing Interim Chief and Scheduling a Workshop in November (Presenter: Police Chief Robert Hardwick)

Chief Hardwick stated that he sent the Commissioners memo with several recommendations, a letter of support for Cmdr. Daniel Carswell as Interim Chief, as well as his resume (Exhibit B). He won the primary election for St. Johns County Sheriff and he feels confident on winning that election, if so then he will begin the transition to the Sheriff's Office in mid-November. There was a succession plan with Cmdr. Lee Ashlock, but he is now at the Pentagon on military orders. Chief Hardwick recommends Cmdr. Carswell as Interim Chief. Cmdr. Carswell has worked under Chief Hardwick for eight years, with SABPD for sixteen years, and is highly recommended. Cmdr. Carswell has attended numerous training academies and leadership schools. He noted that several officers were in the audience to support Cmdr. Carswell.

Chief Hardwick further explained the other two options in his memo for a selection committee to choose applicants to be interviewed by the Commission or to openly advertise the position. He noted that when he was hired there were 224 applicants and paid around \$20,000 for advertising and background checks and he ended up being only a mile away, so there are plenty of qualified candidates in St. Johns County. He stated that a hiring firm from Boca Raton was used and they specialize in government positions. He noted that he will be there to support Cmdr. Carswell if he is appointed as Interim Chief.

Mayor England suggested a workshop to look at state of the agency and give Cmdr. Carswell an opportunity to act as Interim Chief for six months. Let Chief Hardwick settle into his new

position and see where there may be benefits in working with the SJCSO before appointing a permanent Chief. She would like to fully understand what the agency currently has and will need to move forward.

Chief Hardwick noted that SABPD is due for re-accreditation at the end of this month and he will see it through. FDLE is sending six agents to audit the evidence room before he leaves, and Florida Police Chief's Association will review his budget. He noted that one officer is out on military leave, but the agency is fully staffed.

Mayor England confirmed with Chief Hardwick that the agency has enough staff for Cmdr. Carswell to run it on an interim basis.

Vice Mayor Kostka supports giving a little breathing room to explore all options. She has no concerns about Cmdr. Carswell.

Commissioner Samora noted that he met with Cmdr. Carswell and he approves acting quickly to fill the interim position, but taking time before filling it permanently. He asked what the official date for transfer of power would be.

Chief Hardwick stated that many of their duties are intertwined, so they are already familiar with many of each other's duties. He will remain in contact even after election and Cmdr. Carswell knows how to contact him for support if needed. His official start date as Sheriff would be January 4, 2021.

Commissioner George noted that she is very proud of Chief Hardwick. She stated that the Police Department is important to the Community and she wants to provide them with stability and continuity, so she strongly supports Chief Hardwick's recommendation of Cmdr. Carswell. She supports giving time for technical housekeeping issues getting sorted before a permanent Chief is appointed, but was concerned about the way it was communicated. She would like to make it clear for the record that there would have to be radical doubt for her to support dissolving the Police Department. She thinks that the Mayor's comments suggested that possibility and asked her to clarify further. She is okay with taking stock to see how SABPD and SJCSO can work together more efficiently.

Mayor England stated that she had no preconceived notions of the agency as a whole, but wants to delay the workshop until Chief Hardwick is settled in new position and can provide more data from SJCSO. She wants to make sure that the Commission and public are fully informed.

Chief Hardwick stated that any of his staff would always have a job with him, whichever agency he is with. He noted that 99.9% of this agency would like to stay right here. He sets the standards high. He has no intention of SJCSO absorbing SABPD; that they have worked too hard to get to where they are now.

Commissioner Rumrell echoed Commissioner George's comments and stressed that SABPD means a great deal to the community and tourists and that he is strongly opposed to defunding or dissolving SABPD at all. He noted that he also spoke with Cmdr. Carswell and supports him.

Mayor England clarified that the workshop she proposed would be primarily budgetary as well as further examining how SABPD and SJCSO could better work together.

Chief Hardwick noted that all employees at SJCSO had their pay increased this year based on a study to be able to continue living within St. Johns County and not have to commute from nearby counties with a lower cost of living.

Cmdr. Carswell stated that 2020 has been hard for him and he is appreciative to be here. He stated that this meeting has helped to sort out some of the expectations for him and the position. He stated that Chief Hardwick is leaving an amazing agency that is set for the future and he plans to continue that level of excellency and transparency with the community. He noted that they have some new staff, including Lt. Travis Harrell.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach. He been coming to meetings for 15 years and was on the last Charter Committee when they reviewed dissolving SABPD and it was overwhelmingly defeated by the voters. It was the only initiative that was voted down. He stated that Chief Hardwick has been wonderful, and he supports maintaining SABPD.

Natalie Gillespie, SABPD, 2300 A1A South, St. Augustine Beach. She has worked with Cmdr. Carswell since she started in March 2013 and you could not pick a better person to be Interim Chief. He has the respect of entire agency and their support 100%.

Frankie Hammonds, SABPD, 2300 A1A South, St. Augustine Beach. He has been here since 2003 and has served with Cmdr. Carswell since shortly after. Cmdr. Carswell has his full support.

Krissie Padgett, SABPD, 2300 A1A South, St. Augustine Beach. She fully supports Cmdr. Carswell. He is a familiar face to the agency and the community; everyone has known him for a long time, and he has done a great job.

Motion: To approve Cmdr. Daniel Carswell as Interim Chief of Police for a period of six months. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England reminded everyone that she wants to set up a workshop to examine the agency's budget, technology, appointing a permanent Chief of Police, and information that Chief Hardwick may bring from SJCSO. She suggested sometime in March.

Chief Hardwick stated that over the next 30 days, he would like to have Cmdr. Carswell shadow him.

Assistant City Attorney Taylor noted that Cmdr. Carswell would have been Interim Chief by default since he is the current next in command, so this is more a decision on how to move forward. The next step would be to decide whether to extend Cmdr. Carswell as Interim Chief, to appoint him permanently, or to conduct a search for the position, so the timing in March would work out perfectly.

Mayor England asked City Manager Royle to determine the date and agenda for a workshop in March.

7. Stormwater Utility Fee: Consideration of Proposal (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik showed a PowerPoint presentation (Exhibit C) on this topic. He explained that this proposed fee would be used specifically to address stormwater management within the City. He noted that this is particularly needed in the older subdivisions. He stated that impervious surfaces are increasing, there is inadequate conveyance, and there are even some projects from the 2004 stormwater master plan that still have not been implemented. The stormwater master plan needs to be updated, which would be a major project. There are issues like sea level rise, storm surge, and increasing storm intensity that the City needs to be able to mitigate for the future.

He noted that stormwater projects are expensive and noted that the Mizell stormwater treatment area retrofit is estimated to cost \$2.6 million in construction costs and that additional pump stations, treatment areas, piping improvements, drainage structures, roadway improvements, underdrains, along with solutions for storm surge will all be needed (Exhibit C-2). Long term projects and maintenance costs would be in the millions.

He continued that there is no dedicated source of funding for these projects, it currently comes from the general fund, so it competes with every other City budget request, which is why these projects have been inconsistently implemented. He noted that a localized special assessment could be implemented for specific areas who benefit from certain projects, but that doesn't help the City as a whole and if there are multiple projects, there would be multiple assessments at the same time. He stated that a city-wide non-ad valorem stormwater assessment would be used to fund these projects, along with master plan improvements, long-term maintenance, and purchase equipment and pay for staffing related specifically to stormwater and drainage.

He stated that stormwater utility fees are assessed all over Florida and showed a list of just a few rates from various cities and counties (Exhibit C-3) that he received from the Florida Stormwater Association. He noted that these rates are all over the place and may be based on tier systems or by equivalent residential unit (ERU), which is a standard based on the square footage of a typical single-family residence in that area, and the way it is assessed can be tailored to the City's needs. He repeated that this would exclusively fund stormwater management. He stated that the process for approval of this assessment would be exactly the same as was done for the solid waste non-ad valorem.

Mayor England asked about an ad valorem millage for stormwater instead of non-ad valorem. City Manager Royle stated it would have to be a referendum in that case.

Public Works Director Tredik explained that unlike the solid waste non-ad valorem, which only applied to residences who used the City's waste services, this would apply city-wide to residences and businesses based on the size of the property. He noted that Flagler Beach's rate was \$8.83 per month, or about \$106 a year, and Jacksonville Beach is \$5.00 a month. The fee would be less than solid waste since it would be shared by the entire City. He is concerned that soon the City will have a great new stormwater master plan with a list of projects that have no funding. He explained that, for example, if the rate is set at \$5 for an ERU of 2,500 square feet and a business is 7,500 square feet, which includes building and impervious parking, then that business would be charged 3 ERUs for a \$15 a month rate. He stated that there could be discounts for properties or subdivisions that have their own stormwater drainage systems.

Commissioner George stated that she would rather offer it up for residents to vote on. She thinks timing is bad since the City just added a new non-ad valorem and raised the millage. She thinks other options should be explored first, like paid parking. She stated that there was a lot of community support for paid parking and a small, but vocal, opposition.

Commissioner Rumrell stated that he leans more toward a referendum and thinks there should be a plan in place first to show the residents what they money would be used for. He also wants to explore other options, like TDC funding. He thinks stormwater improvements are needed, but he has a hard time moving forward on this without a plan. He is inclined to hold a referendum after a plan is in place.

Commissioner Samora stated that this is not a bad idea, and the Commission did task staff with finding alternative sources of funding, but it is not the best time for this assessment. He agreed with putting this on a shelf until a plan is in place. He asked if areas outside the City drain to Mizell pond and Public Works Director Tredik said yes. Commissioner Samora wondered about annexing other properties or assessing a fee like this to properties outside the City limits.

Public Works Director Tredik stated that the City could not assess non-City residents, but there could be a discussion with the County for solutions.

Vice Mayor Kostka thanked staff for exploring options and stated that this shows a need for intergovernmental communication and partnership. She agreed that this may be the time to re-explore paid parking. The City has a revenue problem, but it is hard to keep putting the entire burden on the citizens. She suggested appealing for more TDC funding since there are many hotels within out City; our City is taking a beating from tourists using our roads, beach accesses, and infrastructure and the City is not getting any compensation for it. She stated that she sees the justification for this assessment, but the timing is horrible, especially without a plan.

Mayor England asked when vulnerability study will be delivered, and Public Works Director Tredik replied April. She stated that after that study is complete, then there can be further research and hard figures to determine whether there should be a fee or a referendum.

Finance Director Douylliez stated that the deadline for notifying the Tax Collector that the City intends to move forward on a non-ad valorem assessment would be December of any year. This plan would take a lot of preparation to put in place and the City does not have the ability or staff available to bill manually, so it would need to be simplified as much as possible. Impervious surface area is not one of the data options that the City has access to from the Property Appraiser.

Public Works Director Tredik stated the master drainage plan update is currently scheduled for fiscal year 2022 at an estimated \$75,000. The City may be able to use some of the money allocated for Ocean Walk to begin the study early in order to have this plan available as soon as possible.

Mayor England asked City Manager Royle to describe referendum process.

City Manager Royle reported that it would be part of the 2022 general election, which would be a traditional referendum as part of the Governor's race that year as well as three City Commissioners. There is also the option of a postcard referendum; every registered voter in the City would be mailed a ballot for them to mail back.

Mayor England stated that she is not ready to jump on a fee yet, but would like more information before going to the public.

Public Works Director Tredik clarified that tonight he was just looking for direction on whether the Commission would like staff to pursue this for FY 2022.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach. He noted that exemptions do not apply to non-ad valorem charges. The City needs more investigation into what each subdivision needs for stormwater management and it needs a more active discussion with the County.

Commissioner George stated that she liked Mr. Binder's comments and agreed that now is not the time, but more information would be beneficial. She suggested looking into what other areas may be taxing our system.

Mayor England asked that this topic be added as an agenda item in May 2021 to revisit with more information.

Public Works Director Tredik also suggested that it could be a topic in the February budget workshops.

8. Land Development Regulations: Proposal to Change Section 4.01.06 re: Recreation Standards for Facilities (Presenter: Brian Law, Building Official)

Building Official Law stated that Codes are being reviewed and updated for conformity with the updated Comprehensive Plan. He noted that parts of this section are essentially irrelevant since the City is built up, but it is still required to have it.

Mayor England stated that the section looks more consolidated.

Building Official Law replied that he made it match the Comprehensive Plan. It is just part of what happens every seven years when the Comprehensive Plan is updated.

Mayor England asked that the City Attorney draft an ordinance.

9. November Regular City Commission Meeting: Scheduling Date for It Because Commission Room Will be a Polling Site for the November General Election (Presenter: Max Royle, City Manager)

City Manager Royle stated that the next regular Commission meeting would have been on November 2nd, but voting for the general election will be in the Commission room through November 3rd. They will be out of the room by the 4th or 5th of November. He suggested moving the meeting to the second Monday, November 9th.

Motion: To change regular meeting date from November 2 to November 9, 2020. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll call vote was as follows:

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

Motion passed unanimously.

10. Revisiting City's Mask Resolutions and Ordinance and Temporary Outdoor Seating Resolution

Mayor England stated that this was to discuss Executive Order 20-244 and the City's mask resolutions and ordinance.

Commissioner Samora clarified that he would like to discuss all aspects of operations that might be affected by Executive Order 20-244.

Mayor England asked the City Attorney to confirm that we do not have to change our ordinance or resolutions as long as City is not assessing funds.

Assistant City Attorney Taylor replied that the Executive Order only affected emergency ordinances and the City passed a real ordinance, so the City is not affected. That ordinance can be turned on or off by noticed Resolution or the Commission could do an emergency repeal by a 4/5th vote.

Mayor England noted that the resolution on creating temporary outdoor seating says that it expires when the Governor allows 50% indoor occupancy and Executive Order 20-244 allows 100% now.

Assistant City Attorney Taylor confirmed that it would be expired now unless the Commission wanted to bring it back.

Building Official Law noted that Mango Mango's tent is coming down tomorrow and that is the last.

Mayor England asked if the Commission wanted to renew this resolution for businesses for the upcoming holiday season.

Building Official Law stated that he has no objection if the Commission wanted to allow this for an additional time period.

Commissioner Samora replied that some businesses are trying to be responsible and limit indoor seating, so additional outdoor seating supports them. He asked about government meetings in person.

Assistant City Attorney Taylor replied that meeting electronically has been extended to the end of October.

Mayor England asked if meeting electronically was still possible for some Commissioners if there was still a quorum in-person.

Assistant City Attorney Taylor would not suggest that since voting becomes an issue.

Mayor England asked if there is a plan for spacing.

City Manager Royle confirmed that tables will be added, and seating reconfigured to increase spacing.

Mayor England asked Commissioner George and Commissioner Rumrell if they were okay with meeting in-person in November.

Commissioner George and Commissioner Rumrell both replied that each was fine with meeting in-person and were just trying to give space.

Mayor England asked if the Commissioners were okay with extending the outdoor seating resolution until the end of the year.

Commissioner George suggested it should go past New Year's into January to help the business through the holiday season, assuming that no issues are reported, and the seating is physically safe for guests

Assistant City Attorney Taylor stated that that should be done by a new resolution, but the Commission could extend it by vote until the next meeting. He will draft something by the next meeting.

Motion: to extend Resolution 20-11 to the first of February and change section 3. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll call vote was as follows:

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

Motion passed unanimously.

Vice Mayor Kostka noted that the City of St. Augustine has modified their orders. She stated that the Phase 3 plan specifically speaks to restaurants, bars, theme parks, etc.

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

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England stated that she glanced through the Phase 3 plan and did not see anything that required a change to the City's ordinance and resolution, so she would prefer to just leave things alone for now.

Commissioner Samora thinks the City should have continuity with downtown for the benefit of visitors, but if we change the ordinance or resolutions then it still ends up as strongly worded recommendation.

Commissioner George stated that a local restaurant had asked her if the City still had any masks to give out, so this gives businesses option to enforce if they want to, but does not see a reason to change. She stated that our orders expire when there is no longer a State of Emergency.

Commissioner Rumrell stated that he feels same as Commissioner Samora.

XIV. STAFF COMMENTS

City Manager Royle stated that the City still has some masks for business.

Building Official Law had no comments.

Commissioner Samora complimented the new code compliance report from the Building Department.

Building Official Law replied that that information has been summarized for years, but now the software can provide real time data.

Mayor England stated that she found the code compliance report fascinating.

Public Works Director Tredik hopes to install charging stations soon. He noted that he will need to order lights soon to get them up in time for holidays.

Mayor England replied that the logo and branding should be available within the week. She expressed her sympathies to City Clerk Raddatz for the loss of her mother.

Deputy City Clerk Fitzgerald had no comments.

Finance Director Douylliez had no comments.

Chief Hardwick will send dates on accreditation

Assistant City Attorney Taylor had no comments.

XV. ADJOURNMENT

Motion: to adjourn to meeting. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll call vote was as follows:

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

Motion passed unanimously.

Meeting was adjourned at 9:41 p.m.

Margaret England, Mayor

Attest:

Beverly Raddatz, City Clerk