



## MINUTES

### REGULAR CITY COMMISSION MEETING

MONDAY, NOVEMBER 9, 2020 AT 6:00 P.M.

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

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I. CALL TO ORDER

Mayor England called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MINUTES OF OCTOBER 5, 2020.

**Motion:** to approve the minutes. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

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

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

City Manager Royle advised that there were some changes to Item 6 (Exhibit 1), which has been given to the Commission at this meeting.

Mayor England moved to Item VI., Changes to the Order of Topics.

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.

City Manager Royle commented that Attorney James Whitehouse was at the St. Augustine's Commission meeting and asked if the Commission could postpone Item 1 until he arrives.

Commission agreed.

Mayor England moved to Item VII, Presentations.

VII. PRESENTATIONS

A. Interview of Candidate, Ms. C. Michel Cloward, for Position of Regular Member on the Sustainability and Environmental Planning Advisory Committee

Mayor England introduced Item VII.A. and asked Ms. Cloward to come to the podium.

Ms. Cloward advised that she would like to be on the Sustainability and Environmental Planning Advisory Committee (SEPAC) in order to get to know more people in the community and to serve. She explained that she was new in the community.

Mayor England asked where Ms. Cloward came from.

Ms. Cloward commented that she lived in North Carolina and California previously.

Commissioner George thanked her for applying and explained that it was a great way to get to know the community. She commented that the Commission is always available to her if she had questions, but she should not speak to other SEPAC members unless in a public meeting regarding items on the agenda and City Attorney Taylor would help her on the Sunshine Law and Ethics that are her responsibility to know and follow.

Commissioner Kostka thanked her for showing interest and asked what skills she would bring to SEPAC.

Ms. Cloward remarked that she is a team player, has marketing skills for events that SEPAC may want to hold and has some knowledge regarding sustainability.

Commissioner Samora welcomed Ms. Cloward to the community and the State of Florida and advised that she would make a great addition to SEPAC.

Commissioner Rumrell agreed with Commissioner Samora.

Commissioner George explained that under Commissioner Comments in the agenda she would like to discuss staff members following the lead of the SEPAC Chair when it comes to scheduling meetings, etc. She explained that she would like SEPAC to schedule a meeting to discuss the budget limitations and to move forward with their tasks.

**Motion:** to approve Ms. C. Michael Cloward for SEPAC. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

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 VIII, Public Comments.

#### VIII. PUBLIC COMMENTS

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, saluted Vice Mayor Kostka for her service; advised that in previous years civil rights were fought in St. Augustine Beach; advised that St. Augustine Beach Civic Association President thought he was attacking liberals by sending information about Mr. Slavin's election race, which brought him more votes; and asked if any permits were obtained for renovating the police garage because if not, it would be a felony under state law.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, explained that Pope Road needs repairs and should not have emergency vehicles going down Pope Road. He advised that he wanted to know why the recycling has been stopped in his complex.

Public Works Director Tredik advised that Pope Road is a St. Johns County road, and they would be responsible for the repairs. He explained that he has talked with St. Johns County to fix it and will continue to push for the road to be repaired. Seaside Villas does not have solid waste or recycling pickups any more due to the non-ad valorem assessment changes.

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

#### IX. COMMISSIONER COMMENTS

Mayor England advised that she has been working with staff on the Light Up the Beach season for St. Augustine Beach and asked Communications and Events Coordinator to explain the events that will take place during the holiday season.

Communications and Events Coordinator Conlon and City Manager Royle showed a PowerPoint presentation on the four events that will be done during the holiday season (Exhibit 2).

Discussion ensued regarding funding coming from sponsors for the four holiday events; artists link would be on the webpage in case residents didn't want to come to the event, but wanted to purchase art; map of the artists' locations on A1A Beach Boulevard; lighting being displayed during the event; and St. Johns County, the City of St. Augustine and the St. Johns County Visitors and Convention Bureau lending support for the events and lighting up A1A Beach Boulevard.

Commissioner Rumrell advised that he was glad to be back and that everyone is safe from COVID-19.

Commissioner George encouraged the secretary to the SEPAC to take the lead from the Chair to call the meetings when requested and if members do not come to the meetings then it would be cancelled and the retention standards would be addressed. The procedures should be followed regarding public notice. She asked if the Commission would like to set a policy on this or just give direction.

It was the consensus of the Commission to just give direction to the staff.

Commissioner George asked if the Commission would like to give former Police Chief Hardwick, now Sheriff of St. Johns County, a plaque for his service with the City.

The Commission agreed to present Sheriff Hardwick with a plaque at the December 7, 2020 meeting.

Vice Mayor Kostka welcomed Daniel Carswell for his first Commission meeting as Chief of Police. She thanked all the veterans in our community for their service to the U.S. States and the City as Veterans Day comes closer and thanked veterans for their service and dedication.

Commissioner Samora advised that the Visitor and Convention Bureau (VCB) installed their new officers at the last meeting. The Nights of Lights in St. Augustine starts this week. He advised that the businesses downtown in St. Augustine were very supportive of the new St. Augustine Beach "Light Up the Beach" program and were happy that the trolley operators were in touch with the VCB so they can promote the City's events. He hopes to build on it. He asked about the budget costs for the events.

Communication and Events Coordinator Conlon advised that the sponsors of the events have paid for everything, so there was no cost to the City so far.

Mayor England asked Commissioner Samora if he can get more businesses involved and promote the events.

Commissioner Samora advised he would.

Mayor England asked if permit fees would be paid for a City sponsor events.

City Manager Royle advised no permit fees would have to be done for City sponsor events.

Commissioner Samora advised that the Chamber of Commerce was very interested in our events and wanted to help as well.

Mayor England moved on to Item 2 since Attorney James Whitehouse was not in the audience yet.

## **X. PUBLIC HEARINGS**

2. Conditional Use Permit: Request to Build a Single-Family Residence in a Commercial Land Use District at 17 13<sup>th</sup> Street (Lots 53, 54 and part of 52, Atlantic Beach Subdivision, Michael Stauffer and Scott Patrou, Agents for Ancient City Ventures) (Presenter: Brian Law, Building Official)

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

Building Official Law showed Exhibit 3 of the area that the single-family residence would be built and Exhibit 4 on what the conception of the house would look like. He stated that the Comprehensive Planning and Zoning Board unanimously approved this conditional use permit to the Commission. He explained the reason why the owners decided to build a single-family home in a commercial area was because of the parking requirements of a commercial building. He advised that there was not enough space for parking in the area to have a commercial building, but a single-family home would have enough space for parking.

Discussion ensued regarding a commercial building being renovated to be a law office on the property; why there would be a need for a conditional use permit if it is a commercial property

being used for a commercial business; variances are separate because variances are handled by the Comprehensive Planning and Zoning Board; the transient rental will be modified into a commercial business; and a single-family house on parcel 2 will be built, which needs a conditional use permit.

Commissioner George confirmed that the conditional use permit is not to allow the commercial use of a law office on the property, but to build a single-family home on the easterly lot.

Building Official Law advised yes.

Commissioner George asked if the single-family home provided enough parking without considering the variances that the Commission does not handle.

Building Official Law advised that the single-family home would address the parking based on the supplemental at the time and would fall under the building regulations. He explained that if they can demonstrate the parking. He stated that the Comprehensive Planning and Zoning Board did ask that part of the setback be reduced to the 25-foot for the garage area to help with parking so the cars could get off 13<sup>th</sup> Lane.

Commissioner George asked if the parking would be sufficient for the single-family home.

Building Official Law advised that he could not answer that question because the owners have not submitted the plans yet. The permit would not be issued or get through the Zoning Department without proper parking spots based on the parking requirements of the Land Development Code.

Commissioner Samora asked if the Comprehensive Planning and Zoning Board asked for any other conditions for the conditional use permit.

Building Official Law advised no, just that the variance would not be applicable to the first level garage.

Commissioner Samora asked if the conditional use permit run with the land or the owner.

Building Official Law explained that it must run with the land because it is a building. He explained that if the building is sold the conditional use permit would still be in effect because the building is still there.

Commissioner Samora asked if there was a conditional use permit on the transient rental building that is already there.

Building Official Law advised no that it predates the current Land Development Codes. He advised if the variances were not approved by the Comprehensive Planning and Zoning Board, the Commission would not have to meet because without appropriate parking the owners could not build.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked that the conditional use permit not be approved so that commercial zoning would be protected.

Scott Patrou, Agent for Ancient City Ventures, LLC., 770 A1A Beach Blvd., St. Augustine Beach, FL, explained that he wants to live and have his business in St. Augustine Beach and would be

bringing more commercial properties to the City as the Commission has requested along A1A Beach Boulevard. He explained that they are trying to use the commercial zoning without a vacant lot behind the building.

Discussion ensued the differences of commercial and residential parking regulations.

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

Vice Mayor Kostka remarked that she likes the idea because it is a reallocation of the transient rental to a different space on the property and then bringing a true commercial building back to the City along A1A Beach Boulevard.

Commissioners George, Commissioner Rumrell, and Commissioner Samora agreed with Vice Mayor Kostka.

Mayor England asked for a motion.

**Motion:** to approve the conditional use application that is before us with the conditions that were set forth from the Comprehensive Planning and Zoning Board. **Moved by** Commissioner George, **Seconded by** Commissioner Kostka.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved on to Item 1.

1. Conditional Use Permit: Request to Build a Residence in a Commercial Land Use District at 16 5<sup>th</sup> Street (Lot 18, St. Augustine Beach Subdivision, Attorney James Whitehouse, Agent for the Owners) (Presenter: Brian Law, Building Official)

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

Building Official Law explained that in December 2019, the Commission approved a conditional use permit for a single-family residence in a commercial district; however, the property was sold before the one-year conditional use permit was due to be completed. The new owners needed to reapply for a conditional use permit because he could not extend the previous conditional use permit. He remarked that the Comprehensive Planning and Zoning Board recommended approval with the same terms. He advised that the Comprehensive Planning and Zoning Board recommended that a survey be done by a certified registered surveyor to verify the building height once the trusses and sheathing are completed. He explained that the owners need to build the residences with medium density regulations.

Commissioner Samora asked about the commercial mix-use building that had been approved for the Boulevard facing lots. He advised that there has been no activity yet on that building and wanted to know the status.

Building Official Law advised that there has been no submittals to the Building Department; however, he has heard that Gulf Stream Design Group has discussed on the north building that there would be a transient unit above the commercial unit. He commented that he believed there was a two-year window for those approved properties and advised that the lot is too small for a potential commercial development. He remarked that there are other houses around the area that have been developed.

Commissioner Samora asked how many commercial lots are undeveloped now in that area.

Building Official Law advised there are two properties that are commercial.

Vice Mayor Kostka advised that those undeveloped lots are sensitive to flooding and advised that the other homes built up their foundations. She asked if that would be a requirement for any residential structures built in that area.

Building Official Law advised yes, and he checks the elevations of the garage and the crown of the road in the review process.

Mayor England asked when the conditional use permits for the commercial mixed-use properties will expire.

Building Official Law advised that he did not have that information with him; however, he advised that they may want to build what was not approved. He explained that the southern property along the Boulevard wanted to change the look of the building and the Building Department does not have the ability to change the look. He explained only the Comprehensive Planning and Zoning Board has that ability and if the southern property along the Boulevard wanted to change the look, it would have to go back to the Comprehensive Planning and Zoning Board for another conditional use permit. He commented that the northern property has not given a submittal.

Mayor England asked if the two lots facing the Boulevard and the two lots behind those mix-use buildings that are not develop are all commercial lots.

Building Official Law advised that the six undeveloped lots were broken up and each lot has different owners. He advised that it would be difficult to build commercial zoning with six different owners. He explained that the northern property on the Boulevard was approved by the Comprehensive Planning and Zoning Board with sketches and must comply with the medium density regulations and comply with the building height by a certified surveyor.

Attorney James Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, FL, advised he was here on behalf of the property owners and explained that they would like to have the same conditional use permit that was approved previously for Mr. and Mrs. Cochran. He commented that because of COVID-19 the new owners were not going to be able to submit plans before December 2, 2020, so they had to go through the conditional use permit process. The Comprehensive Planning and Zoning Board recommended to the Commission to approve the conditional use permit, which was unanimously approved by the Commission previously for this property on December 2, 2019. He advised that the owner's intent is to build what was previously submitted with maybe a few modifications on the design. He commented that several houses have been built in this area. He explained that he also represents Ms. Hanstein who owns the property on the north corner, and she is trying to move forward with the mixed-use development. He explained that there are some modifications she would like and will come back to the City for approval. He asked the

Commission for more than 12 months on these properties because of COVID-19 and because there is no requirement that it must be a 12-month period. He asked for 18 to 24 months instead in case it is needed due to COVID-19.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and being there was no further comments by the Commission she asked for a motion.

Commissioner George advised that she would make a motion; however, she was hesitant on changing the timeline and asked the Commission if they have any objection before she makes a motion.

Mayor England asked Building Official Law what the owners must do to meet the timeline.

Building Official Law advised that they would have to submit a legal complete application before beginning construction.

Commissioner George advised that the owners do not have to break ground, but just get the application in to the Building Department.

**Motion:** to approve conditional use permit 2020-03 with the recommendations from the Comprehensive Planning and Zoning Board including the verification by the state certified surveyor as to verifying height for the one-year period. **Moved by** Commissioner George, **Seconded by** Mayor England.

Attorney Whitehouse requested to speak to the Commission before the vote.

Mayor England called Attorney Whitehouse to the podium.

Attorney Whitehouse advised that the owner's residence is in the State of Washington; however, they are presently in Canada and cannot travel back into the United States right now because of COVID-19. He explained that the owners want to go over things before they submit the application. He commented that the 12-month period was not in the Code but has been done in the past. He advised that it could be changed if the Commission agrees and remarked that it would not cause a precedence if it is stated in the motion the extenuating circumstances of COVID-19.

Commissioner George advised that she was sympathetic to that; however, she would not deviate from the standards.

Building Official Law read out of the Codes that the use shall be commenced within a period of one year upon the effective date of the final order and that the Commission could allow the period of one-year to be longer. He also read that the properties can be transferable and run with the land to answer Commissioner Samora's question.

Mayor England asked if the conditional use permit could be extended with extenuating circumstances.

Building Official Law advised there is no mechanism to extend a conditional use permit. He explained that the Commission would have to agree on now when the owners must submit the application for the new conditional use permit.



Vice Mayor Kostka advised that she would not have a problem extending the timeline as long as the Commission states in the motion that the reason why there was a change was because of the unprecedented pandemic.

Commissioner Samora advised that he does not want to see the transient units have a marketable value to them because they have a transferable conditional use permit. He said if the Commission wants to extend it, then he would take the transferability away.

Commissioner Rumrell advised that he would agree to extend it with a staff review in 12 months and if staff deems it necessary, then it could be extended so the owners do not have to come back to the Commission.

Mayor England advised Commissioner Rumrell that the Building Official does not have that capability of doing an extension later. She explained that the timeline would have to be done now in order for this to proceed.

Commissioner Rumrell advised that he would agree to 18 months because of the current pandemic. He advised that the Commission has given a little lead way with outdoor seating for restaurants so he believes that he would like to be consistent. He commented that taking away the transferability may not be legal or possible.

Building Official Law advised that the City cannot take away the transferability once the building has been permitted to be built. He suggested granting the conditional use permit to the applicant up to 18-months, but the owners would need to provide a completed submittal, which includes the application fees, to the Building Department. He advised that the City Attorney would have to approve that first.

Commissioner George asked to see what the vote to the motion on the floor is first and then find out what to do from there.

Mayor England agreed and asked for a roll call vote.

Roll call vote was as follows:

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

Motion passed 3 to 2.

Discussion ensued regarding whether or not to allow the Building Official to extend the conditional use permit when there is an extenuating circumstance.

Building Official Law advised that he would not feel comfortable changing a decision from a five-person panel to one person and he did not feel it should ever happen.

Mayor England advised that new language could be done to allow the new owners could come back to the Commission to extend an existing conditional use permit without charging them a fee.

Building Official Law advised that the Building Department would lose money by doing that. He explained that there are legal advertisements, recording costs, and other necessary expenses.

It was the consensus of the Commission to speak with the Building Official on this issue if a change in language is needed.

Mayor England moved on to the Consent Agenda.

## XI. CONSENT

3. Approval of Salary for Interim Police Chief Daniel Carswell
4. Budget Resolution 20-08 and 20-09, to Amend General Fund and Road/Bridge Funds to Reconcile Negative Balances in the Fiscal Year 2020 Budget and Budget Resolution 2010, to Amend the Fiscal Year 2021 Budget to Appropriate Money for an IT Project
5. Resolution 20-13, to Declare as Surplus a Police Department Highwater Vehicle, LMTV Vehicle #121

Mayor England introduced the Consent Agenda and asked if the Commission had any questions or would like to pull any item.

Commissioner George advised that she like to discuss Item 3 of the Consent Agenda.

Mayor England pulled Item 3 from the Consent Agenda.

Commissioner George advised that Police Chief Carswell has not met one of the requirements of a Chief of Police due to COVID-19 classes being postponed. She explained that she was concerned this would be a precedent because other employees might want an increase without having all the requirements.

Commissioner Samora remarked that it should not be punitive for Interim Police Chief Carswell because of COVID-19. He explained that this is not a normal situation because of the pandemic.

Commissioner Rumrell agreed with Commissioner Samora and advised with the circumstances in place he feels confident that Interim Chief Carswell would be able to pass the class and have all the requirements.

Mayor England explained that in 2021 the Commission will be discussing the Police Chief's position. She advised that Police Chief Hardwick recommended Daniel Carswell to be the Interim Police Chief and she respects his opinion.

Vice Mayor Kostka advised that the Commission should show consistency. She explained that on the last item the Commission did not extend the 12 month period for a single-family home to be built even though the owners requested more time due to COVID-19, but the Commission is allowing this item to be passed due to COVID-19. She felt that the Commission should be more consistent.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table this item and to send a letter to the class administrator asking this to be done quicker. He advised that this shows favoritism. He

requested that this position be advertised according to Equal Employment Opportunity laws before anyone is hired.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that this should be tabled and advertising done. He believed that Daniel Carswell was not qualified, and the Commission should not take Sheriff Hardwick's recommendations.

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

**Motion:** to approve the salary for Interim Chief Carswell to \$90,000. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

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 asked if any Commission had questions on the Consent Agenda. Being none, Mayor England asked for a motion on Items 4 and 5.

Vice Mayor Kostka asked if there was a better system to surplus equipment faster when the equipment is in better shape.

Finance Director Douylliez advised that she would be bringing an asset policy change to the Commission to surplus equipment as soon as it becomes available instead of waiting for them to be surplus annually.

**Motion:** to approve Budget Resolution 20-08, 20-09 and Resolution 20-13. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved to Item 6.

## XII. OLD BUSINESS

6. Ordinance 20-14, First Reading, to Change Section 4.01.06, Recreation Standards, of the Land Development Regulations (Presenter: Brian Law, Building Official)

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

Building Official Law explained that this was discussed last month and there are no changes since last month.

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

City Attorney Taylor read the title.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-14. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 7.

7. Constructing Unbuilt Section of 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue: Request to Approve Resolution 20-21, to Declare Intent to Levy a Non-Ad Valorem Assessment to Pay Costs (Presenter: Max Royle, City Manager)

Mayor England introduced Item 7 and asked for a staff report from City Manager Royle.

City Manager Royle explained that the Commission had discussed this previously and staff recommended previously that this would be done by a regular special assessment; however, Finance Director Douylliez is concerned about homeowners becoming delinquent in paying for the special assessment and has suggested a non-ad valorem assessment instead. He explained that there are two methods, and the Commission will have to decide on one or the other. He advised that there are two owners who want to give their land to the City who are in the audience to ensure that their lots are not developed. The Florida Land Trust is meeting today to make the lots conservation in perpetuity, but that is not related to the non-ad valorem assessment except that the City would have to pay the costs to construct the street of those owners' properties by impact fees. If the Florida Land Trust does not take the lots, then the owners could dedicate the land to the City and the City would change the land use to park land. If the Commission in the future wants to sell or develop park land, it would have to be a supermajority vote of the Commission and a referendum. He requested that the Commission decide whether to use the non-ad valorem assessment or the special assessment method. If the non-ad valorem assessment is approved, then Resolution 20-21 would have to be approved. If not, then the Commission can go through the special assessment and it would come back to the Commission for approval in the future.

Mayor England advised that the Commission would have to decide tonight to select the method of payment, non-ad valorem or special assessment.

City Manager Royle advised yes, and that this needs to move forward because it been discussed since 1992 and people want to build the road. Attorney Whitehouse is here to discuss his clients wishes to build the road. He commented that the non-ad valorem assessment is a much slower process than the special assessment because it must go through the St. Johns County Property Appraiser's Office and the Tax Collector. He explained that it would not go on the tax bill until fiscal year 2022. The special assessment could be done within six months.

Discussion ensued regarding whether a special assessment could be deducted along with the owner's real estate taxes.

Mayor England asked why staff is recommending the non-ad valorem assessment instead of the special assessment even though the special assessment can be deducted off the owner's taxes and is quicker to get the money.

City Manager Royle advised that if the property owners do not pay the assessment it could take years until they sell their property or change ownership to pay for the assessment. He explained that a lien would have to go on the property. He advised if the Commission uses the non-ad valorem assessment method, then the City would be paid by the Tax Collector and then the City would not go through the lien process and attorneys' costs.

Commissioner George explained the third-party tax certificate process that investors purchase when non-ad valorem assessments are not paid. She advised that the investors pay

off the City and they take the owners property for nonpayment of taxes. The tax bill constitutes a lien on the property and the Tax Collector sells the tax certificate to the third-party investor and they now own the tax certificate. It takes the burden off the municipality, which is a compelling benefit to the City.

Finance Director Douylliez advised that some of the property owners in question do not want to have the roadway done and if they refuse to pay, then the City would have the burden to lien the property and enforcement. She suggested the non-ad valorem because it gives a guarantee time of payment to pay it back, which the Commission will decide. The City will have to pay the contractor upfront and the City would have to wait on the assessment to be paid and she would like a definite time that the money would come back to the City.

Commissioner George agreed that she would be nervous about a special assessment where the City has the burden to collect. She agreed with Finance Director Douylliez.

Commissioner Samora explained that he has a concern with the flexibility with the multi-year implementation. He commented that if a property is sold and then developed, there is no way to enforce the new property owner to pay prior to construction. He would like to have the ability to make conditions on a special assessment, whereas the non-ad valorem cannot have conditions.

Vice Mayor Kostka commented that she was concerned over not having the money from the property owners before the construction begins. She would like the money in hand before the project begins.

City Manager Royle advised that we tried that approach, but some of the property owners do not have the money or they do not want to pay it upfront. Some of the property owners do not want the roadway, so that could stop the project again unless one of these methods is approved by the Commission.

Mayor England commented that at previous Commission meetings the Commission decided to move forward on this and then deliberate on how to collect the assessment.

Commissioner George advised that the City is fully authorized to collect the assessment first and then develop the road once it has been received. She advised that the money could be put into an earmarked interest-bearing account for this project until all the money has been received. She commented that there was not a mechanism on the process of collection on the last vote.

Mayor England advised that she thought the Commission agreed to use the money from the impact fees upfront and then decide on how to collect.

City Manager Royle advised that he was not sure if the impact fees could be spent on a roadway and then use the special assessment to pay back the impact fees account. He explained that the special assessment in that case could be used on another road, which he was not sure would be correct.

Commissioner Rumrell asked City Attorney Taylor if impact fees were used and then take the money back from an assessment, could that money go back into a specific account for that road.

City Attorney Taylor advised this project would be an approvable item that impact fees could be spent on and did not know any legal reason why the assessment money could not be put

back into the Impact Fee Fund. He commented that if the property owners do not pay forever it might be a problem.

Commissioner George advised that we cannot take money out of the General Fund and then pay back the money in the Impact Fee Fund.

City Attorney Taylor advised no. The Commission could not do that.

Commissioner George asked if the money collected from the assessment be paid back to the Impact Fee Fund and what process would it be to do that.

City Attorney Taylor advised that it would be done by ordinance and how the ordinance language reads.

Finance Director Douylliez advised that the City has an Impact Fee Fund, and the deposits would go back into that account to keep a record of it.

Commissioner Rumrell asked what the costs are so the property owners know what the costs are and then the Commission can decide if it should be a non-ad valorem or a special assessment method.

City Manager Royle advised that the price would be the same for either process.

Commissioner Rumrell advised that the City should be transparent on what the costs are going to be so there are no surprises to them.

City Manager Royle advised that at this meeting we need the direction of the Commission on the method because if the method is a non-ad valorem assessment it would take some time to complete and the due date for the resolution must be at the Property Appraiser's Office is by December 31, 2020 in order to collect it by January 2022.

Vice Mayor Kostka advised that the costs are a deciding factor and she thought that it was included once in a previous Commission packet, but it is not included for this meeting.

Public Works Director Tredik advised that he presented three different options with three different costs depending on the direction of the roadway, but it should be reviewed since it has been several months. He commented that he could bring the costs back to the Commission at the next meeting. He asked for direction from the Commission on what process to use to have it done by next year.

Vice Mayor Kostka asked if a one-month delay would make a difference.

Public Works Director Tredik advised yes if the Commission decides to move forward on a non-ad valorem assessment. He explained that the letters need to be mailed in January 2021. He explained that there are five property owners who do not want the roadway done and an assessment is needed to move forward. He recommended to the Commission the non-ad valorem assessment because there is no enforcement and there is a guarantee of funds coming back to the City in a timely way. He advised by memory the project would be \$300,000 and the property owners would be assessed \$16,000 to \$20,000.

Mayor England advised that there was a 69 percent from the resident approval to move forward. She asked the Commission to focus on the special assessment versus the non-ad valorem.

Finance Director Douylliez advised with the non-ad valorem assessment; advertising must have four weeks of advertisement before the document could be sent to the Property Appraiser's Office. Once the deadlines are met, the Commission has say they want to go through the non-ad valorem process or resend it and go another route, but staff needs to meet the deadlines for the non-ad valorem.

Commissioner George asked if the City could recoup the interest that the City would lose.

Finance Director Douylliez advised that staff would have to develop a process on how interest could be charged if they do not pay upfront and whether to offer the property owners a decrease in the payment if they pay early or upfront.

Vice Mayor Kostka asked if the property owners were notified and asked if they would like a non-ad valorem or special assessment.

City Manager Royle advised no.

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

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, said that if it is not urgent to get this done, maybe it should go to the next year; he did not believe there was a vote on this issue, just a consensus; to take into consideration the method that does not penalize the owners who are giving lots for conservation to the City; take time for the owners and the City to exploring the pros and cons of this issue; and wants to have a commitment that the City will repave and widen the road; and the trees in the rights-of-way will be protected.

Regine De Toledo, 309 St. George Street, St. Augustine, FL, advised that she appreciated Mr. Royle for talking with the North Florida Land Trust and she is also talking with the Alachua Conservation Trust, which covers 16 counties including St. Johns County, and they were very interested and she commented that it was not about the money, but about saving the land for conservation. She advised that Mr. Craddock and she are meeting with the North Florida Land Trust on Wednesday. She suggested that the utilities should be included in the costs to the property owners.

Attorney Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, FL, represents nine of the lot owners along 2<sup>nd</sup> Street. He advised that there are impact fees already so no one will be out any money. He commented that the Commission is deciding what method to use for collection, not that the Commission is not going to do the project.

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

Commissioner Rumrell suggested to move forward with the non-ad valorem because it can be cancelled, but if the Commission prolongs it then the project will not move forward.

Commissioner George advised the costs to the property owners who do not want the project done is staggering; however, the majority already said that they want to move forward on this. She commented that the impact fees are precious and that the City needs to make sure they will get the money back quickly. She suggested non-ad valorem assessment due to the enforcement costs that special assessment could bring on the City and defer to the staff's recommendations.

Vice Mayor Kostka agreed with non-ad valorem assessment; however, suggested to wait until most of the money is received before starting the project. She agreed with Commissioner George that there are other projects to be done as well with the impact fees.

Commissioner Samora asked if there was a way to collect the non-ad valorem assessment before the project is started. He advised that if some would be willing to pay upfront as a special assessment, then he would rather do a special assessment than wait for years on a non-ad valorem assessment. He commented that once the Commission agrees to the non-ad valorem assessment, the City is bound by that structure. He asked if there was any flexibility with a non-ad valorem where money can be taken upfront prior to permits being issued.

Finance Director Douylliez advised that she would look into the two prong approach with the non-ad valorem assessment and bring it back to the Commission. She advised that she can make adjustments with the non-ad valorem assessment within a three year period that she can add or take off the assessment. She gave an example of if a current owner sells the property, then she could say that the City needs all the money upfront before it is sold. She will work with the City Attorney to make sure that everything would be legally covered.

Commissioner Samora asked to keep all options opened and that he was still not fully on board with the non-ad valorem assessment.

Mayor England asked staff to come back to the Commission with estimates, some options, more detail or differences of the special assessment and non-ad valorem assessments, and comparison charts on the benefits and flexibilities for both options.

Finance Director Douylliez advised that she would and said that staff just needs to have the Commission's support to advertise the non-ad valorem assessment before the deadlines.

Mayor England asked for a motion.

**Motion:** to approve Resolution 20-21 to level a non-ad valorem assessment. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved to Item 8.

8. Resolution 20-22: to Extend to February 1, 2021, Permission for Restaurants to Have Outside Seating (Presenter: Lex Taylor, Deputy City Attorney)

Mayor England introduced Item 8 and asked the Commission if they had any questions. Being none, Mayor England asked for Public Comments. Being none, Mayor England closed the Public Comments section and asked for a motion.



**Motion:** to approve Resolution 20-22. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved to Item 9.

9. Electric Vehicle Charging Station at City Hall: Request to Approve Contract and Percentage of Revenue from Sale of Electricity (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik advised that due to the elections, he held off the contractors; however, he believed the contract will be completed within a couple of weeks. The contract to allow the City to get reimbursed for the electric and administration costs will come to the Commission for approval, but the installation can go forward.

Mayor England moved to Item 10.

### XIII. NEW BUSINESS

10. Land Development Regulations: Review of Proposed Changes Regarding Occupancy Permits, Impervious Surface Coverage, Unsafe Buildings, and Number of Code Enforcement Board Members (Presenter: Brian Law, Building Official)

Mayor England introduced Item 10 and asked for a staff report from Building Official Law.

Building Official Law explained that this is to clean up the Land Development Regulations. He explained that the occupancy permits were done in 1990's and no longer are issued so he would be deleting that language, but the language deletion would not influence transient rental permits and inspections. He explained the language change for the Medium Low Density is putting them in the tables as approved previously; page 6 is regarding unsafe buildings and adopting the current Building Codes; and a change to the Code of Ordinances where the code said the City only has five Code Enforcement Board members instead of seven, which is correct. He also removed the timeframe of the meetings in case it changes in the future.

Discussion ensued regarding what the differences in lot sizes and regulations between Medium Low and Low densities and yearlong leased rentals are not being inspected.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked for any Commission comments. Being none, Mayor England asked what the consensus of the Commission was on this item.

It was the consensus to have the City Attorney draft an ordinance and move forward with the ordinance.

Mayor England moved to Item 11.

11. Mobile Food Sales: Discussion of Allowing Such in the City Because of New State Law (Presenter: Max Royle, City Manager)

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

City Manager Royle explained due to state law the City cannot prohibit food trucks and recommends considering other cities' regulations that were supplied in the Commission books to allow vehicles in commercial districts, set time limits on operations, to only allow food trucks on public property only during special events, prohibit them from operating on the beach, set a size limit on food trucks, require food trucks to conform to the City sign regulations, require that have state licenses, and comply with health department regulations.

Mayor England asked the Commission if they have any suggestions to give to the City Attorney when drafting the ordinance. She suggested on pages 6 and 7 to put those items in the drafted ordinance. She advised that they could not use the parkettes.

City Manager Royle advised that the City should have the same regulations that St. Johns County has for consistency reasons.

Mayor England asked to think of the City as well because our City is smaller and has less public property. She advised that she would like the businesses also to review the ordinance.

Commissioner George agreed with using St. Johns County's ordinance and requested that the sample ordinances from other municipalities be provided again in the next Commission book for a checklist purpose.

Commissioner Rumrell suggested that the City Attorney look at the City of St. Augustine's ordinance as well.

Vice Mayor Kostka asked if a franchise fee could be added. She commented that she likes the City of Venice's ordinance, but it talks about COVID-19 and it made it confusing. She liked the City of Venice's language where they must be 150 feet away from a residential structure and consider only one food truck on a parcel. She also would not like overnight parking in the City.

Commissioner Rumrell advised that St. Johns County regulates the beaches, not the City.

City Manager Royle advised that the beaches within the City's limits are governed by the City, however, St. Johns County's ordinance says that there is no vending on the beach.

City Attorney Taylor advised that he would check about vending on the beach, per Commissioner George's request.

Commissioner George advised that vending on the beach would upset a lot of people.

Commissioner Samora asked why the City of Venice's ordinance is wrapped around the Governor's orders.

City Attorney Taylor advised that he would check into that.

Commissioner George advised that the City of Venice probably did a looser ordinance due to COVID-19 state of emergency.

Commissioner Samora suggested to allow them in only one place in the City and consider restrooms when the ordinance is considered.

Mayor England advised that the state regulations prohibit food trucks to one area with the City limits. She asked City Attorney Taylor to reach whether a food truck would be allowed on private property.

City Attorney Taylor advised he would.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that previous Commissions have banned food trucks, which he disagreed with and wished the food truck at the time would have sued the City for not following anti-trust laws.

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

Vice Mayor Kostka asked to include that the food trucks give a copy of their state license and health department licensing to the City if they are in the City.

It was the consensus of the Commission to have City Attorney Taylor to draft an ordinance and bring it back to the Commission.

Mayor England moved to Item 12.

12. Use of City Meeting Rooms: Consideration of Regulations and Fees (Presenter: Max Royle, City Manager)

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

City Manager Royle explained that the meeting room and Building C, have been closed because of COVID-19. He explained that the fees the City charges have been very reasonable and non-profits and civic groups do not have to pay any fees to the City, that have been using the rooms every night of the week except Fridays and Saturdays. The staff has informed him because of the continual use and costs involved that the Commission consider limiting the number of people who use the rooms once the pandemic moderates and that the City charge not only for outside groups but those that are based in the City like homeowners' associations, condominium groups, etc. He explained the suggestions in his memo for the Commission and advised that the Commission might have other suggestions.

Mayor England suggested opening during the pandemic if the City makes the groups aware that they have to social distance and wear face coverings. She said because of the cost of sanitation and cleaning up, the City would charge more during the state of emergency.

Commissioner Rumrell agreed because people would like to start meeting and people can do that safely; however, there should be a cleaning fee in addition to the other fees.

Commissioner George agreed. There should be additional policies and there should be an additional charge for cleaning and sanitizing.

Vice Mayor Kostka agreed with the proposal and in addition to the \$100 for four hours that there is a cleaning and sanitation charge during the COVID-19 pandemic.

Commissioner Samora advised that it is punitive for the non-profits who meet on a regular basis to charge \$100 fee. He asked how often they meet.

City Manager Royle advised that there is a non-profit that meets Tuesday at noon, which is mandated by the courts. There are different chapters of non-profits that meet every night. The homeowners' associations meet once a quarter, once a year, or some more often.

City Clerk Raddatz advised that there should be a charge for the kitchen because there is extra cleaning that needs to be done, including cleaning out the refrigerator.

Mayor England advised that the City's costs need to be covered.

Commissioner Samora agreed but was thinking about the non-profits.

Commissioner George advised that if the non-profits meeting repeatedly, she does not mind an economy of scale fee and asked what staff's recommendations would be.

City Manager Royle advised that AA provides a valuable service to the community. He advised that enforcement of the distancing requirements and face coverings may be a problem. He explained that the Public Works Director and he will be mapping out the rooms to see how many people should be in the room at once time. Some of the AA groups are large and staff cannot enforce the CDC regulations especially is they meet at night.

Mayor England suggested opening the rooms, notice the regulations, charge the fees to cover the City's costs for cleaning and sanitizing and maybe charge AA a different fee and everyone else would have to pay the reasonable rental fee. She explained that this could be during would only be during the state of emergency with a sunset provision.

Finance Director Douylliez advised that there is a need for more staff space for the conference room and new employees like a planner. She advised that the two IT employees are in very tight quarters right now and are not six feet apart. She explained that as the Commission has more workshops and meetings the Commission room is not available, and the City space is at a premium. She explained that the City Manager's conference table could be moved into half of the meeting room and rent the other half of the room.

Commissioner George advised that this was the first time this was mentioned and agrees that public meetings are more often. She suggested to research the space and see what was needed and the costs involved.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section.

City Clerk Raddatz asked for an extension to the meeting.

Mayor England asked for a motion to extend the meeting.

**Motion:** to extend the meeting. **Moved by** Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

City Manager Royle advised that he would bring this item back to the Commission.

Mayor England moved to Item XIV, Staff Comments.

XIV. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle advised that Wednesday is Veterans Day and City offices are closed as well as there would be no yard trash pickup.

Mayor England moved to Item XV, Adjournment.

XV. ADJOURNMENT

**Motion:** to adjourn to meeting. **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.

Meeting was adjourned at 9:35 p.m.

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

Margaret England, Mayor

Attest:

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

Beverly Raddatz, City Clerk