



## **MINUTES**

### **REGULAR CITY COMMISSION MEETING MONDAY, JANUARY 4, 2021 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

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

II. PLEDGE OF ALLEGIANCE

Commissioner England led the Pledge of Allegiance.

III. SWEARING IN CITY COMMISSIONERS FOR SEATS 1 AND 2

A. Mr. Ernesto Torres (Seat 1)

Commissioner England introduced Item III.A. and asked City Attorney Taylor to swear in Commissioner-Elect Torres.

City Attorney Taylor sworn in Commissioner Torres.

Commissioner Torres signed the Oath of Office (Exhibit 1).

B. Mr. Dylan Rumrell (Seat 2)

Commissioner England introduced Item III.B. and asked City Attorney Taylor to swear in Commissioner Rumrell.

City Attorney Taylor sworn in Commissioner Rumrell.

Commissioner Rumrell signed the Oath of Office (Exhibit 2).

IV. ROLL CALL

Present: Commissioner England, Commissioner George, Commissioner Rumrell, Commissioner Samora and Commissioner Torres.

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

V. ELECTION OF MAYOR AND VICE MAYOR FOR 2021

Commissioner England asked City Manager Royle to explain the procedure for electing the Mayor and Vice Mayor positions. He advised that the Commissioners could nominate and there did not have to be a second to the nomination.

Commissioner George nominated Commissioner England.

Commissioner England accepted. Being that there were no other nominations, Mayor England was elected as Mayor.

Commissioner Torres and Commissioner George nominated Commissioner Samora for Vice Mayor.

Commissioner Samora accepted. Being there was no further nominations, Vice Mayor Samora was elected as Vice Mayor.

Mayor England moved on to Item VI.

VI. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON DECEMBER 7, 2020 AND SPECIAL BUDGET COMMISSION MEETING ON DECEMBER 7, 2020

Mayor England asked the Commission for any discussion on the minutes. Being none, Mayor England asked for a vote to approve the minutes.

**Motion:** to approve the minutes for December 7, 2020. **Moved by** Commissioner George, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved on to Item VII.

VII. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor England asked if there were any additions or deletions on the agenda. Being none, Mayor England continued to Item VIII.

VIII. 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 asked the Commission to move Item 11 up to Old Business section.

Mayor England numbered Item 11 as Item 8.A. in the Old Business section.

IX. PRESENTATIONS

- A. Presentation of Plaque to Sheriff Robert Hardwick for Eight Years of Service to the City as its Police Chief.

Mayor England introduced Item IX.A. and asked Sheriff Robert Hardwick to come to the podium.

Mayor England thanked Sheriff Hardwick for his eight years of service to the City of St. Augustine Beach and asked him to keep in touch with everyone in the City. She then presented a plaque to Sheriff Hardwick for his dedicated service.

Mayor England moved on to Item IX.B.

B. Presentation of Plaque to Commissioner Ernesto Torres for Six Years of Service to the City on its Code Enforcement Board

Mayor England introduced Item IX.B. and asked Commissioner Torres to come to the podium.

Mayor England commented it was her double pleasure to give this plaque to Commissioner Torres for serving on the Code Enforcement Board for six years and welcomed him to the Commission.

Mayor England moved on to Item X.

X. PUBLIC COMMENTS

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

Dr. Michel Pawlowski, 109 Kings Court Lane, St. Augustine Beach, FL, advised that he supports proposal for public lockers at the beach and for getting a committee together to discuss it.

Mayor England asked for an update on the proposal.

City Manager Royle advised that Public Works Director Tredik and he had discussed this issue and explained that metal lockers would not survive at the beach, but he would check with St. Johns County on the status. He explained that he did speak with St. Johns County Parks and Recreation Director about putting them in the Visitor's Information Center and the Parks and Recreation Director did not reply, so he would reach out to him again.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that in previous years the public was allow public comment to discuss who the Mayor and Vice Mayor should be; asked when the Commission would change their duties regarding the committees that the Commission attends; and requested the City research the waste disposal subsidies.

Commissioner George explained that there were no comment cards on the item regarding the Mayor and Vice Mayor. Mr. Reynolds should have notified the City Clerk if he wanted to comment on that item.

City Manager Royle suggested that the Commission could discuss assignments now if they wish. He advised that the committees are: Visitor Convention Bureau (VCB), Tourist Development Council (TDC); Intergovernmental Committee; Economic Development Committee / St. Johns County Chamber of Commerce; North Florida Transportation Planning Organization (NFTPO); and the Northeast Florida League of Cities (FLC).

After discussion the following Commissioners were assigned to the committees: Commissioner George was assigned to the Florida Beach and Shore Preservation Association and Economic Development Committee/St. Johns County Chamber of Commerce; Vice Mayor Samora was assigned to the Tourist Development Council; Commissioner Rumrell was assigned to the Visitor's Convention Bureau; Commissioner Torres was assigned Intergovernmental Committee and the Northeast Florida League of Cities; and Mayor England was assigned North Florida Transportation Planning Organization.

Discussion ensued on when the switch of roles could take place for the TDC assignments. City Manager Royle and Commissioner George advised they would find out when Vice Mayor Samora could represent the City as a TDC member.

Mayor England advised that she would like to have a meeting with St. Johns County to discuss issues such as moving the fire station to another property. She commented that the Commission needs to work hard on the drainage and stormwater issues, as well as the Vulnerability Study. She commented that City Manager Royle and she were trying to schedule a meeting, but it has been difficult due to COVID-19.

Mayor England closed the Public Comments section and then moved on to Item XI.

#### XI. COMMISSIONER COMMENTS

Mayor England asked Vice Mayor Samora to comment.

Vice Mayor Samora was pleased that the art walk events went so well and has heard nothing but positive feedback from it. He mentioned that businesses did very well during the events. He thanked those who worked to make them happen.

Commissioner George wished everyone a Happy New Year and welcomed Commissioner Torres.

Commissioner Rumrell wished everyone a Happy New Year and thanked the residents for giving him four more years to serve the City. He advised that he has been speaking with County Commissioner Henry Dean regarding vaccinations and suggested to use city hall as a drive-through for vaccinations. He mentioned that he spoke with Mary Hanson who is part of the Blue Star Memorial, and she would like to place a plaque or a larger plaque marker at the City's Veterans Park to honor the military. He advised that there are some costs involved but would like to start fundraising with the Commission's help and approval. He explained that it would honor the veterans here in Florida. He then gave the City Clerk Raddatz the brochure regarding the plaque, Exhibit 3.

Mayor England advised that the vaccinations are going to healthcare workers and nursing homes first and then to the public that are 65 years old and older. She asked the Commissioners to all follow-up on this issue to get the residents vaccinated.

Commissioner Torres thanked the residents who trusted him enough to appointed him as Commissioner. He thanked staff for taking a few hours of their time to explain their positions and for giving him a tour of the City. He asked the Commission to consider changing the meeting time from 6:00 p.m. to a time during the day. He explained that many municipalities and counties meet during the day and staff would be here already and not have to work late at night and come in early the next day.

Commissioner George advised that staff may have other duties during the day.

City Manager Royle advised that staff will be flexible for the Commission. He mentioned that some Commissioners are working, and it would depend on whether they can meet during the day.

Mayor England advised that this topic should be on an agenda, but she said the Vulnerability Study will impact the residents and advised that she wants the residents to be able to hear the meetings, so that would be a consideration. She thanked the Commission for the trust in her to elect her Mayor this year and all the preparation that the Commission has done for the meetings. She then thanked staff as well and looked forward to 2021 accomplishments, especially the drainage issues

that the City has. She asked the Commission to be sensitive to the drainage issues on variance requests and setbacks.

Mayor England moved on to Item XII.

## XII. PUBLIC HEARINGS

1. Request to Vacate Alley on the West Side of A1A Beach Boulevard between 13<sup>th</sup> and 14<sup>th</sup> Streets (Adjoining Lots 22-27, Minorca Subdivision, and Lots 6S-67, 78-79, Atlantic Beach Subdivision) (Presenter: Brian Law, Building Official)

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

Building Official Law advised that this is an alley between 13<sup>th</sup> and 14<sup>th</sup> Streets and is landlocked on the western side that abuts two other addresses and stops. It also goes to the Boulevard to the eastern side through the Beachside Café's parking lot. There are several utility poles that provide transformers so Florida Power and Light would need to have access. Florida Power and Light has asked for three utility easements assigned to FPL if vacating the alleyway is passed. He commented that there was a one-month delay while staff tried to get in touch with FPL. No department has any objection to this, and the Comprehensive Planning and Zoning Board voted unanimously for vacating the alleyway, but they want the preservation of the pump station to continue the functionality of the drainage and utilities be unimpeded in the vacated alley. He pointed out that this is not a drainage easement and as of now it is an alley that is being vacated and is not plotted as a drainage easement. He commented that there was one resident who did not sign the petition, so there is a majority who want the alley to be vacated. He remarked that no permanent structures are allowed in a vacated alley.

Commissioner George asked if there were other alleys that were vacated that the drainage functionality has been impeded.

Building Official Law advised no.

Commissioner George asked if an alleyway is not plotted as a drainage easement, is that a valid restriction.

City Attorney Taylor advised that since the City is vacating the alleyway, the City could put any restrictions that the Commission wants to put on it.

Building Official Law advised the Commission could put a utility easement in as they see fit, which the City Attorney could draft. He advised that technology could change over the years and the important aspect is to not allow permanent structures such as pools, masonry fences, etc. in the alleyway. He explained that this alleyway was not a drainage easement, and this had a lengthy debate at the Comprehensive Planning and Zoning meeting.

Vice Mayor Samora asked if the City can make this a utility easement and a drainage easement.

Building Official Law said that the City can do whatever they want because it is the City's property that is being lent to the residents. He suggested not having alleyways tailored specifically because technology change and improvements.

Mayor England opened the Public Hearing. The following address the Commission:

Sonia Kulyk, 114 13<sup>th</sup> Street, St. Augustine Beach, FL, advised the confusion might be because of the drainage. She then read a letter, Exhibit 4. She requested not to allow the vacating of the alleyway.

Mayor England closed the Public Hearing and advised this alley has no egress or ingress, but she is sensitive to the drainage issue, especially when there are drainage issues. She asked if there was a list of areas where there are drainage issues.

Public Works Director Tredik explained that the Vulnerability Study would not focus on this issue, but on sea level rise and storm surge. He explained in this neighborhood the houses to the west do not have a right-of-way and there are only a couple of houses and the Beachside Diner that have the alley and he was not aware of any differences from other backyards around the City. He explained that he was not aware of any flooding or house damage in that area. He suggested to put a drainage element to the easement to protect the neighbors from each other. He commented that this alleyway is not maintained by the City and neighbors do fill in areas sometimes, which the City is unaware of. He suggested to make sure that the drainage is not impeded.

Mayor England advised that there has been all over the City more sea level rise this past year and the Commission needs to think more about what is happening.

Commissioner George asked if language should be done to address drainage in the motion, such as moving of the earth, which would deviate the flow of water or having a municipal use easement.

City Attorney Taylor suggested using the municipal use easement.

Discussion ensued regarding whether to stipulate not to use fill to each property line due to drainage issues.

Public Works Director Tredik advised that he liked to preserve the drainage patterns. He suggested language that the existing drainage patterns should be preserved.

Commissioner Torres agreed with the existing drainage patterns being preserved.

Building Official Law suggested language to read "including but not limiting to preserving the natural drainage and functions of the adjacent properties."

Mayor England asked City Attorney Taylor to read the title of the ordinance.

City Attorney Taylor read the title of the ordinance.

Mayor England made a motion.

**Motion:** to approve vacating the alley on the west side of A1A Beach Boulevard between 13<sup>th</sup> and 14<sup>th</sup> Streets preserving the municipal use and utility easement to the City of St. Augustine Beach including but not limited to drainage property rights. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 2.

2. Request for Extension of Current Conditional Use Permit for Outside Serving / Consumption Of Food and Beverages at Island Donuts, 400 A1A Beach Boulevard (Lots 136 and 137, Atlantic Beach Subdivision, Michael Stauffer, Agent for HVG Properties, LLC) (Presenter: Brian Law, Building Official)

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

Building Official Law advised that the Conditional Use Permit is about to expire. This was approved two years ago. There have been no code enforcement complaints. The Comprehensive Planning and Zoning Board recommended this as a five-year term and nontransferable.

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

Commissioner Rumrell asked if the request was for ten years unless the building was sold.

Building Official Law advised the Building Department presented lifetime or ten years, but the Comprehensive Planning and Zoning Board recommended five years and nontransferable to the Commission.

Commissioner Rumrell advised that he would allow ten year permits due to the costs to the staff for coming back every five years.

Building Official Law advised that the City loses money every time a Conditional Use Permit is requested because of staff time, advertising, etc.

Commissioner Rumrell would like the permitting for Conditional Use Permits to be ten years going forward. He advised it would be more business friendly and the City would not lose businesses like the school over permitting.

Building Official Law advised that Coneheads Ice Cream and Aqua Tierra Restaurant were granted more than five years for their Conditional Use Permits.

Commissioner George reflected on her past motions of five-year permitting and feels that it should be changed to ten years if it is not transferable.

Mayor England suggested for renewals it can be ten years, but new businesses should be a shorter period.

Mayor England requested a motion.

**Motion:** to extend the current conditional use permit for outside serving and consumption of food and beverages at Island Donuts at 400 A1A Beach Boulevard for ten years and granted as nontransferable. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item 3.

3. Ordinance 20-14, Second Public Hearing and Final Reading, to Change Section 4.01.06, Recreation Standards, of the Land Development Regulations (Presenter: Brian Law, Building Official)

Mayor England introduced Item 3 and asked Building Official Law for a staff report.

Building Official Law advised this ordinance regarding recreational standards in Section 4 to bring the Land Use Regulations in compliance with the Comprehensive Plan. There have been no changes since the first reading of the ordinance.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Taylor to read the title of the ordinance.

City Attorney Taylor read the title of the ordinance.

Mayor England requested a motion.

**Motion:** to approve ordinance 20-14. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 4.

4. Ordinance 20-15, First Public Hearing and Second Reading, to Amend the Land Development Regulations Regarding Occupancy Permits, Impervious Surface Coverage, Unsafe Buildings, and Number of Code Enforcement Board Members (Presenter: Brian Law, Building Official)

Mayor England introduced Item 4 and asked Building Official Law for a staff report.

Building Official Law advised this is to clarify that the City has a seven-member Code Enforcement Board. The Comprehensive Planning and Zoning Board recommended approval and there have been no changes since last month.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Taylor to read the title of the ordinance.

City Attorney Taylor read the title of the ordinance.

Mayor England requested a motion.

**Motion:** to approve Ordinance 20-15 as read. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 5.

5. Ordinance 20-16, Public Hearing and Final Reading, to Adopt the Florida Building Code (Presenter: Brian Law, Building Official)

Mayor England introduced Item 5 and asked Building Official Law for a staff report.

Building Official Law advised this ordinance is done every three years as the Florida Building Code changes. There have no changes since last month.

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

Mayor England asked City Attorney Taylor to read the title of the ordinance.

City Attorney Taylor read the title of the ordinance.

Mayor England requested a motion.



**Motion:** to approve Ordinance 20-16. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 6.

### XIII. CONSENT

6. Re-Appointment to Three-Year Term of Three Sustainability and Environmental Planning Advisory Committee Members: Lana Bandy, Ann Palmquist, and Craig Thomson
7. Resolution 21-04, to Declare as Surplus Several Police Department Assets and Authorize their Disposal

City Manager Royle advised that the Consent Agenda could be done by one motion and vote. He advised that there have been no other applicants for SEPAC.

Mayor England introduced the Consent Agenda and asked if there were any discussion regarding Items 6 and 7. Being none, Mayor England asked for a motion.

**Motion:** to approve the Consent Agenda. **Moved by** Commissioner Torres, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 8.

### XIV. OLD BUSINESS

8. Ordinance 21-01, First Reading, to Amend the Land Development Regulations to Allow Mobile Food Sales in the City (Presenter: Brian Law, Building Official)

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

Building Official Law advised that this is the first ordinance to bring the City in line with the Governor's Bill on mobile food sales in the City. He advised in "Prohibited Uses" on page 17, numbers 4 and 5, staff changed exempting mobile food trucks to allowing mobile food trucks. On page 14 is the definition of a mobile food truck was place in Article II in definitions. On page 18 under C.1.b., "Mobile Food Dispensing. Vehicles may only operate in Commercially Zoned areas unless special permission is granted by the City Manager." He recommended to add language, "except on Commercially Zoned properties containing a single-family residence." On page 19, 1.h., he recommended changing the language to 06:00 a.m. to 21:00 p.m. for setup and operations and then the vehicle should be moved offsite.

Discussion ensued hours being consistent with restaurants in the City; restaurant hours not regulated in the City, only alcohol; having provisions to move food mobile trucks daily; and a City ordinance prohibits having overnight parking of trucks on public rights-of-ways, not private property.

Mayor England requested to adding the location on Section 3.c., putting restrictions on the hours of operations, restricting overnight parking, or only allowing parking for a period of 48 hours; and an outdoor lighting requirement.

Building Official Law advised that outdoor lighting would be regulated under the Land Development Code. He commented that this ordinance would not be for an ice cream truck that drives down the street and stops. The mobile food truck would have to stay at a

commercially zoned property and would need an actual parcel identification. This ordinance is subjected to the Land Development Code as far as code enforcement. He advised that City Attorney Taylor included not interfering with sight visibility for traffic or adjusting parking.

Commissioner Rumrell asked if the mobile truck stays at the property, will that affect the parking requirements when they are at a business.

Building Official Law advised that the Commission would have to decide with the Comprehensive Planning and Zoning Board. He stated that this would not be a Building Department function.

Discussion ensued regarding businesses already do not comply with the parking codes; how staff would have to issue the business tax receipts, verify insurance, and check licensing; businesses charging rent for mobile food trucks; whether to exempt the parking for business who use mobile food trucks; having to make sure handicap parking is accessible; and changes will be made in a year.

Commissioner Rumrell agreed with the Building Official's recommendations.

Vice Mayor Samora asked whether the permitting was preempted by the State of Florida.

City Attorney Taylor advised that the City cannot make extra burdens and what has been suggested in the ordinance is the minimum standards according to state law.

Building Official Law advised that the business tax receipt and application is not considered a permit.

Discussion ensued regarding the processing of the business tax receipt and the application rates; \$50 application fee is the maximum allowed; City Manager's Office would have to keep track of the mobile food trucks licenses; how the mobile food trucks will dispose of their trash; institute not having mobile food trucks in a 500 foot radius from another mobile food truck or restaurant; allowing a restaurant to sell food on a mobile food truck if it is the same entity; having access to a bathroom during mobile food truck operating hours; placing limits on how far a restroom can be from a mobile food truck; whether to allow picnic tables next to mobile food trucks; allowing only one mobile food truck on one commercial parcel; Fire Marshall can inspect mobile food trucks; Zoning Department would review bathroom facilities; hours of operation for public bathroom facilities; and Building Department does not enough staff to inspect.

Commissioner Samora suggested one mobile food truck per commercially zone lot with an onsite bathroom facility while operating.

Commissioner Rumrell wants to make sure that the trash will be disposed of by the business they rent from or the mobile food truck, not public garbage cans. He asked whether the City must comply with ADA standards on these mobile food trucks.

Building Official Law advised no, it would be up to the businesses that mobile food truck rent from.

Commissioner Samora suggested that City Attorney Taylor look at the ordinance from the City of Venice regarding the trash removal.

Mayor England recapped everyone's input saying that the Commission does not want a mobile food truck park.

City Attorney Taylor advised that there could be a conditional use permit given by the Commission if it changes in a few years in case the City wants a mobile food truck park on a specific property with bathroom facilities.

Commissioner George asked for clear criteria for reviewing and / or rejecting a conditional use permit, so the City can enforce it if the Commission changes later.

Mayor England opened the Public Hearing. The following address the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, did not agree with supporting the food truck business because it goes against permanent businesses; did not want mobile food trucks to use public bathroom facilities; and asked how TDC or the VCB could agree with mobile food trucks.

Mayor England moved on to Item 8.A.

**8.A. Ocean Walk Subdivision Drainage Improvements: Approval of Ranking of Engineering Consultants (Presenter: Bill Tredik, Public Works Director)**

Mayor England introduced Item 8.A. (Agenda Item 11) and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik advised the Request for Qualifications (RFQ) 20-05 was advertised on November 10<sup>th</sup> and December 10<sup>th</sup>, 2020 to assist on the Ocean Walk subdivision drainage project. The RFQ was based on relevant project experience, project approach, quality control and experience, project similarity with the project area, as well as qualifications and different engineering disciplines. There were four City staff members on the Selection Committee and each one independently reviewed and scored the submittals. Selection Committee met on December 22, 2020 and presented their individual scores to be tabulated. The top three scores were: 1) Matthew Design Group at a score of 1,510 points; 2) Four Waters Engineering at a score of 1,380 points; and 3) Madrid Engineering Group at a score of 1,325 points. At this point, negotiations will be done with Matthew Design Group to see if an agreement can be reached and if not, staff will negotiate with Four Waters Engineering. He requested that the Commission approve the ranking of RFQ 20-05 and authorize the City Manager or his designee to negotiate with the top firm to reach an agreement and if necessary, the other ranked firms if an agreement cannot be reached. He explained that after negotiations take place, an agreement will be brought back to the City Commission for their approval.

Mayor England asked where the Matthew Design Group located.

Public Works Director Tredik advised that they are in St. Augustine, Florida. The other two firms are in Jacksonville. He pointed out that all three firms were good firms and were very solid. Matthew Design Group has been in business for 15 to 16 years and has a wide variety of knowledge in the public and private sectors.

Mayor England asked if this project was in the FY 2020-2021 budget.

Public Works Director Tredik advised yes, under miscellaneous drainage projects for Phase 1 only and the City did go to St. Johns County to ask for legislative assistance to complete the project. He advised that we could put it in the budget to complete the project in FY 2021-2022 or if legislative funding comes before that, then complete the project then.

Mayor England opened the Public Comments. The following address the Commission:

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, thanked Public Works Director Tredik and the Commission for their support and researching our community's problem. She also advised that she was glad a local contractor came out top in the RFQ process. She advised that she is looking forward to the results of the drainage study.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked why the Commission would ask St. Johns County for funding if they already had it in the budget. He commented that it sounds unethical.

Mayor England closed the Public Comments and asked Public Works Director Tredik to answer Mr. Reynolds question.

Public Works Director Tredik advised that only the initial part for the project was in the budget, not the design, permitting, and construction phases. He explained that was why the City is asking for legislative funding.

Commissioner Torres asked whether staff would be authorizing the negotiations and if so, would there be a cap.

Public Works Director Tredik advised that staff would negotiate with Matthew Design Group and go over the project by discussing the project approach and concept plan. The money for the concept plan would be reached and then the agreement will be brought back to the Commission for approval. He explained that the contract may adjust depending on how many years it will take to fund and complete the project. He explained that he will be negotiating for only Phase 1 for now.

Mayor England requested a motion.

**Motion:** to approve the recommendation of the Selection Committee. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 9.

## XV. NEW BUSINESS

9. Proposed Changes to the Personnel Manual: Review of Resolutions 21-01, 21-02 and 21-03 (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 9 and asked City Clerk Raddatz for a staff report.

City Clerk Raddatz explained that Resolution 21-01 changes were to show best practices.

Commissioner George asked how Resolution 21-01 affects the Commission by categorization on whether a Commissioner would be considered a 30-hour a week part-time employee.

City Clerk Raddatz advised that it does not state that in the Personnel Manual, but if the Commission would want her to research that, she would do so. She explained that the Commission has not been defined as part-time employees.

Mayor England asked if there would be any unintended consequences to the Commission with these changes.

City Clerk Raddatz advised that the only change was that she deleted "Fringe" and said "Benefits."

Mayor England commented that this would not be the time to bring up benefits for the Commission and maybe that would be discussed in another agenda. She asked the City Clerk to research Section 4- 1.B. in the resolution to clarify what a part-time employee is. She explained that the benefits discussion for the Commission has been resolved.

City Clerk Raddatz advised that the definition of full-time employee from Florida Department of Labor and IRS is an employee who works 30 hours a week. She mentioned that the City has one employee who works 32 hours a week and receives benefits. She explained that vacation and sick times are prorated to the number of hours worked; however, the employee is still allowed health benefits. She commented that if the Commission wanted to discuss the number of hours they work for the City and whether they should get benefits, they could do that.

Mayor England advised that she did not want to open the discussion regarding the Commission getting benefits again.

Commissioner George advised that she was comfortable with City Clerk Raddatz's response because she only changed "Fringe Benefits" to "Benefits." She asked how many employees the City has that work only between 30 to 40 hours.

City Clerk Raddatz advised one employee who has been working for the City for 12 years. She explained that the law has changed to 30 hours for full-time during the employee's tenure so the employee can get benefits.

Commissioner George asked for a reference from the Department of Labor.

City Clerk Raddatz advised that she would be able to get it for the Commission.

Commissioner George advised that the employee would be getting prorated sick and vacation time and health benefits. She commented that would be a hybrid benefit package and gives her more comfort that the budget would not be impacted greatly.

City Clerk Raddatz moved on Resolution 20-02 regarding Paternity Leave and explained that she updated the policy to allow male and female to take off for a birth so it would not be discriminatory to anyone. She explained that the employee would have to use sick or vacation time care for the child. She also explained that ADA and FMLA would apply depending if there were problems with the child or the employee would need time off for a critical situation.

Commissioner Torres asked if the City would pay out for this time off.

City Clerk Raddatz advised no. The employee would have to take their sick or vacation time. She then moved on to Resolution 20-03 Military Leave. She explained that per previous discussions with the Commission, she took the word terminate out. This Resolution shows the employer and the employee what is expected from them and how they will be paid and how their medical leave and insurances will be done if the employee is on an extended time with the military. She pointed out that the City gives 240 hours to an employee in the military for military training yearly when they give their paperwork showing training has been completed.

Commissioner George advised it looks good and thank you.

Mayor England opened the Public Comments. Being none, Mayor England closed the Public Comments and then made a motion.

**Motion:** to approve Resolutions 21-01, 21-02, and 21-03. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 10.

10. Scheduling Workshops for 2021: Discussion of Topics and Dates (Presenter: Max Royle, City Manager)

Mayor England asked City Manager Royle to give a staff report.

City Manager Royle explained that there are four categories for workshops for February through May. Under each month there are three or four subjects to discuss and the subjects could be added or changed as the Commission decides. He pointed out that having a joint meeting with the Comprehensive Planning and Zoning Board and SEPAC would be difficult under the current COVID-19 requirements. Microphones are also a problem because there are not enough microphones to give everyone.

Commissioner George asked if the other boards could have joint meetings via Zoom. She advised that it gives more flexibility on the time of day as well.

Discussion ensued regarding knowing techniques to allow Zoom participants to speak; eliminating the subject on the former city hall at least until the removal of St. Johns County's Fire Department; having a discussion on the Strategic Plan first before any other workshops are scheduled; and keeping Item 10 on the agenda every meeting to discuss the next topics.

It was the consensus of the Commission to place a discussion of the Strategic Plan on the February 1, 2021, Regular Commission meeting if the agenda is not full or have staff schedule the workshop February 2, 2021, at 5:01 p.m. if there is not enough time to discuss it on February 1, 2021 Regular Commission meeting.

Commissioner George asked City Manager Royle to give to the Commission the last Strategic Plan and any other items that are pertinent in the last two years.

Commissioner Rumrell advised that the Strategic Plan will take a lot of time and until that is agreed to, nothing else matters in his opinion.

City Manager Royle advised that he already has a draft of the Strategic Plan to help the Commission discuss it.

Commissioner George advised that the Commission could discuss the item and do all the work and then vote on it in March.

Discussion ensued regarding discussing the creation of a land trust in a workshop; working with non-profits to accept land into the land trust, such as the Florida Land Trust; Florida Land Trusts would have more interest if there were more parcels than just two lots; trying to facilitate a third-party instead of the City to manage land; creating a property preservation program in the City; and reaching whether open space public parks would fit in the property preservation program.

Commissioner Rumrell advised that several items in the workshops could be regular agenda items such as solid waste outsourcing, recycling, stormwater utility fee, and secession planning.

Commissioner Samora asked whether to have a meeting with St. Johns County.

Commissioner Rumrell suggested going to Flagler Auditorium for the joint meeting with St. Johns County.

Mayor England agreed and asked City Manager Royle to find out if Flagler Auditorium has the recording devices that are needed for the meeting.

Commissioner George suggested having the Commission discuss what the list of topics the City must discuss with St. Johns County.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, suggested that the biggest savings for the City is to privatize solid waste; having the residents pay their way for the costs of hauling their trash away; having a workshop to increase salary and benefits for the Commission; and having public comment for the swearing in of Commissioners.

Mayor England moved to Item 11.

#### XVI. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle advised that the owner, Mr. Logsdan, has taken back the St. Augustine Beach News Journal and will devoting the news journal to our City. He mentioned that The Record does not have news usually about what the City of St. Augustine Beach is doing, and this would be a great enhancement of news from our City. He stated that the St. Augustine Beach News Journal was mailed to every resident.

City Clerk Raddatz was glad that everyone was safe and healthy in the New Year.

Public Works Director Tredik thanked Building Official Law for knowing all the codes to construct the electric charging station in the correct way. He advised that when the electric charging station has been completed, he will have a ribbon cutting ceremony.

Building Official Law advised that this month has been a good month for permits. He commented that staff will be researching a new module from Edmonds system for an automated time system for employee time sheets. He explained that three houses were submitted before the new building codes have changed. He advised that he had been working on making the Planning and Zoning Department more sufficient in the coming years. He suggested that the City has an in-house Planner from the current staff.

Interim Police Chief Carswell advised everything is doing fantastic and currently 40% of the Police Officers have been vaccinated. He advised that 60% have had COVID-19 and the Health

Department suggests that the Police Officers that had COVID-19 wait three or four months on the vaccinations because they already have antibodies.

Finance Director Douylliez advised that the revenue stream is coming in around the same as last year. She advised that she hopes the revenues come in strong since a lot of sales were done during the Art Walk events.

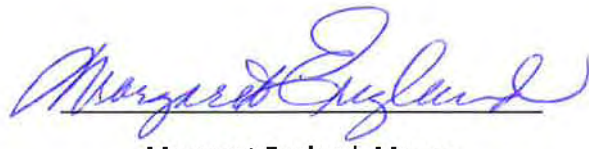
Communications and Events Coordinator Conlon advised that the events during the holiday season went very well. All the feedback has been positive, and she sent out to the artist and businesses how they did during the holidays and is waiting to get the results back. The weather was not the best either.

XVII. ADJOURNMENT

Mayor England asked for a motion.

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

Meeting was adjourned at 8:43 p.m.



Margaret England, Mayor

Attest:



Beverly Raddatz, City Clerk