



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, FEBRUARY 1, 2021 AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England asked Commissioner Torres to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor England, Vice Mayor Samora, Commissioner George, Commission Rumrell 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.

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON JANUARY 4, 2021

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 January 4, 2021 as written. **Moved by** Vice Mayor Samora, **Seconded by** Commissioner George. 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 on the agenda.

Commissioner Rumrell asked to have Item 9 rescheduled to a workshop meeting, so the Commission is not rushed in this meeting.

Mayor England suggested that Items 9 and 10 be moved to after the Staff Comments section to see how much time is left of the meeting to discuss the item or to reschedule.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked to change Items 9 and 10 to after Staff Comments section.

The Commission agreed to move Items 9 and 10 to after Staff Comments.

Mayor England then moved to Item VII.A.

VII. PRESENTATIONS

- A. Plaque to Ms. Jeanette Smith for 24 Years of Service to the City as a Member of the Beautification Advisory Committee / Tree Board and the Sustainability and Environmental Planning Advisory Committee

Mayor England asked Ms. Smith to come to the podium and then presented her with a plaque for her 24 years of service on the Beautification Advisory Committee / Tree Board and the Sustainability and Environmental Planning Advisory Committee.

Ms. Smith advised that she hoped that she accomplished something in the 24 years of service she has dedicated to the City.

Mayor England commented that she has accomplished a lot through the years and thanked her for all she has done for the community. She then moved on to Item VII.B.

- B. Interview of Ms. Karen Candler, Candidate for the Sustainability and Environmental Planning Advisory Committee

Mayor England asked Ms. Karen Candler to come to the podium for the Commission to ask questions regarding her background.

Ms. Karen Candler advised she grew up visiting St. Augustine and moved back to St. Augustine Beach from Atlanta, Georgia. She stated that she wants to live the rest of her life in this community and would like to contribute to the City of St. Augustine Beach to keep the environment sustainable and beautiful.

Commissioner George asked Ms. Candler how she heard of the position.

Ms. Candler advised from the community and was pleased because she enjoys volunteering.

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

Motion: to approve Ms. Karen Candler to the Sustainability and Environmental Planning Advisory Committee. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, commented that the trees need to be trimmed before the lights are put up; asked the Commission to send a letter to St. Johns County to get Pope Road resurfaced and widened the road for the busses; wants Tourist Development Council (TDC) to fix the lights on A1A Beach Boulevard; swearing in process should be more elaborate for those who are elected; and thanked Commissioner George for her work on TDC and Vice Mayor Samora taking it over.

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

IX. COMMISSIONER COMMENTS

Mayor England introduced Item IX and asked for Commissioner Torres for his comments.

Commissioner Torres advised that he sent emails to the five St. Johns County Board of County Commissioners to consider a different approach to help the elderly in scheduling the COVID-19 vaccinations. He explained some elderly people do not always have the skills or aptitude to be able to use the computer and they find it difficult to schedule appointments by computer. He said that there should be a phone number to call for the elderly to schedule appointments. He encouraged the other City Commissioners to send their thoughts to St. Johns County Board of Commissioners as well. He commented that he attended a webinar for the Florida League of Cities for the 2021 Legislative Session, which discussed sales tax fairness, short-term rentals, discharge of Florida waterways, affordable housing, and annexation. He asked the Commission when there needs to be a continuation meeting, that it would be discussed before the end of the meeting what continuation date would be possible for all the Commissioners. He explained that he manages several districts, and their meetings are advertised several months ahead of their meetings. He asked to also consider the City purchasing portal camera tag readers for the Police Department to facilitate public safety in this budget year or in FY 21-22.

Mayor England advised that portal tag readers and cameras will be discussed in the FY 21-22 budget workshops.

Commissioner George recalled that there was going to be an opportunity to acquire bulk purchase of the tag readers and cameras through the Sheriff's Office, and asked Police Chief Carswell to follow up on that.

Police Chief Carswell advised that he did speak to the Sheriff today and advised that there are some on the island, but not in our City limits. He commented that he would follow up with Sheriff Hardwick.

Commissioner George advised that the City has an interlocal agreement with the Sheriff's Office so staff and equipment could be utilized. She explained that all the Commissioners previously agreed to have the continuation meeting on Tuesday following the Regular Commission meeting at 6:00 p.m.; however, it should be discussed again now that there is a new Commissioner.

Mayor England advised that the Commission would check on schedules before calling or continuing a meeting.

Commissioner Rumrell explained that he joined the Visitor and Convention Bureau (VCB) last week and is learning a lot about all types of businesses. He commented that reports showed that St. Johns County was best of the worst regarding revenues and heads on beds than the rest of the State of Florida. He explained that the room rates and occupancies were higher in St. Johns County than other parts of the state. Last year, some businesses beat 2019 numbers. He enjoyed being the Liaison for the VCB and if there are any reports that need to go to them, he would be happy to do so.

Mayor England asked if the City's occupancy rates and contributions could be segregated from the other numbers.

Commissioner Rumrell advised that Embassy Suites had a higher occupancy rate than Casa Monica Resort last year.

Commissioner George advised that VCB will provide the report via zip code, but 32080 is not all within the City limits. She explained that the hotels do not want to give their own occupancies because of competitive reasons. She commented that that is why we have not gotten them before.

Commissioner Rumrell explained that short-term rentals have done better than hotel occupancies.

Mayor England asked to bring up how much the City contributes often so that the City can benefit.

Vice Mayor Samora asked VCB previously if the City could have a report on the number of short-term rentals within the City. He commented that if the City wanted to hire a firm the occupancy numbers could be done.

Discussion ensued regarding the short-term rental applications requires to show the occupancy rate through the year; the software the City has will not extrapolate the data; and wanting the count of unit numbers and the occupancy rate allowed.

Vice Mayor Samora advised that he had submitted his applicant to the TDC and should be approved by St. Johns County tomorrow.

Commissioner Rumrell advised that Public Works Director Tredik put in an application for Ocean Walk funding through the State of Florida. He advised that he spoke with Representative Cyndi Stevenson and was told that all the funding has been pushed into the House and Senate. He will continue to check on the progress of the funding. He commented that the next legislative session is in March and he would keep the Commission updated on the progress.

Mayor England advised that City Manager Royle and her had a meeting on January 15, 2021 with St. Johns County Assistant Administrator Joy Andrews regarding moving the fire station at Pier Park. She advised that the City needs to put a lot more pressure on St. Johns County to move the fire station and had to start the talks all over again. She explained that the moving of the fire station needs to be done before the old city hall building lease is completed in 2026. She had a phone call with Christina Parrish, Director of the Cultural Council, who would like to do cleanup and landscaping at the old city hall for a short-term project and long-term she is looking at what could be done with the property and updating the building inspection. Ms. Parrish advised that the old city hall could still be allowed now as an historical preservation project. She would update the Commission as she receives more information.

Mayor England moved on to Item 1.

X. PUBLIC HEARINGS

1. Conditional Use Permit to Build a Residence in a Commercial Land Use District at 105 3rd Street (Lot 10, Block 20, Chautauqua Beach Subdivision. Mr. James Whitehouse, Agent for Mr. Bradley Lehan) (Presenter: Brian Law, Building Official)

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

Building Official Law commented that this is conditional use permit to build a single-family residence in a commercial district. He advised that the Comprehensive Planning and Zoning Board recommended unanimously that the one-story structure be allowed with standard medium destiny requirements. He remarked that setbacks would be 10 feet on the sides with 25 feet in the front and rear, lot coverage 35%, with maximum Impervious Surface Ratio (ISR) at 50%. He

asked the Commission to disregard the variance because it does not apply to this hearing. He stated that the variance was denied for a lack of hardship.

Vice Mayor Samora asked if the lot was on the west side.

Building Official Law advised yes and because they want to build a residential home in a commercial district, they are not afforded or have a requirement for a buffer. The property still is commercially zoned.

Vice Mayor Samora asked if there were any conditions from the Comprehensive Planning and Zoning Board.

Building Official Law advised only the standard medium destiny requirements.

Commissioner George asked if the design of the home meets the ISR 35% requirement.

Building Official Law advised that it would be impossible to meet that requirement on a 50 x 93 lot size; however, the 35% ISR is the maximum amount, so they would meet the requirement of 27 ½ %. He explained that the design of the house would have to change to meet the regulations of the setbacks, ISR, and lot coverage.

Mayor England advised that she thought the larger lots had setbacks of 25 feet front and rear and 10 feet sides, but the smaller lots had 20 feet front and rear and 7 ½ feet sides. She asked why this lot has the larger setback on a smaller lot.

Building Official Law advised that on two separate occasions he presented the codes for smaller setbacks for 50 x 93 lots. Last year the Commission changed the setbacks to 20 feet citywide to allow the owners to move the buildings around trees, etc. He recommended to remove the Overlay Districts because they no longer served a purpose, but the Commission asked him to pull the item until a later date. If the Commission wants to move forward with it, then he would do so. He commented that the Comprehensive Planning and Zoning Board recommended approval on the smaller setbacks. He agrees with reducing the setbacks on 50 x 93 lots.

Commissioner Rumrell advised that there are more 50 x 93 platted lots left in the City and long-term it will cause more problems for the City not to change the setbacks.

Building Official Law advised that he would bring this back to the Commission with two options for their decision on approval.

Mayor England asked Mr. Whitehouse to speak on this item.

James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, representative of Mr. Lehan, advised that he would like in the future to use this home as a transient rental and have the conditional use permit run with the land. He explained that the Comprehensive Planning and Zoning Board unanimously approved this application.

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

Commissioner George commented that the Commission has been trying to preserve the commercial district for commercial use, but she agrees with this lot approval.

Building Official Law researched the lots beside this lot application and found that they are owned by individuals, not commercial entities.

Vice Mayor Samora agreed with Commissioner George on approval of this application.

Mayor England advised that on the Vision Plan the west side of the City the Commission agreed that commercial development was not as crucial as the east side of the City.

Commissioner Rumrell agreed with the frontage of the Boulevard should be commercial and need a transition from the east side of the City and supports the conditional use permit.

Commissioner Torres agrees with a single-family home being built on this lot but opposes a system on transient rentals. He explained that if a home is in a commercial district, the owner does not have to be on a waiting list and can receive a transient rental business tax receipt immediately where others that have been waiting still have to wait for their transient rental business tax receipt. He supports the residential aspect of it because it makes sense to build a home on that lot but would rather turn the lot into a residential zone and have them build a house instead of circumventing applying for a transient rental business tax receipt because the owner is in a commercial zone.

Commissioner George asked if Commissioner Torres is saying that there only should be 100 owners on the transient rental list.

Commissioner Torres advised that owners should be on one list for transient units no matter what zoning their property is on and everyone should be on the same list.

Commissioner George advised that some are holding the license and are not using them currently.

Commissioner Torres advised that the City does not receive taxes if the owner is not renting their property as a transient rental.

Commissioner George advised that the owner has a right to not change their zoning for a lot of different reasons.

Commissioner Torres advised that the intent to purchase this property was for a transient rental and no other reason.

Commissioner George agreed. It is allowed. The Commission previously stated by the Vision Plan to have a vibrant commercial Boulevard.

Mayor England advised that the Vision Plan was to reduce the depth of the commercial zoning on the west side of the City, which never happened. She commented to change the zoning designation lot by lot would be spot zoning and the Commission would rather keep it as commercial zoning unless the application is broader. There could be unintended spot zoning.

Building Official Law explained that the list of 100 applications applies to medium density only, but inspection fees and business tax receipts are paid for commercial lots too. It just does not have a cap on commercial properties. There could be legal action if there is spot zoning and could take someone's livelihood away if the zoning were changed. He mentioned that the state could take over Home Rule and then they would be the one to make the decisions.

Mayor England asked Commissioner Torres if the Commission has addressed his concerns.

Commissioner Torres advised yes, but the Commission tends to change the intended purpose of the property, which causes other problems. He advised that the Commission has addressed everything, but he respectfully disagrees with it all. He agrees that the owner should build a house on that lot, but it should be zoned residential. He commented that this will be coming back again in a few months for the properties on E and F Streets.

Commissioner George advised that this is a single lot as opposed to a cluster of lots and this lot is not a single lot that breaks up a cluster of lots. She commented that those are very important differentiating characteristics. She advised that she understands Commissioner Torres' comments.

Discussion ensued regarding that all the undeveloped lots are owned by individual owners and not businesses.

Commissioner Torres commented that he spoke with the Building Department on the 300-foot notices that went out to the homeowners and businesses and was told that none of the owners had any objections, which was reassuring. He did not understand why the owner of this lot wants the conditional use permit to run with the property. He suggested having the new owner go through the process again if the property is sold.

Building Official Law asked Commissioner Torres if he believes that the property is more valuable if they build a transient rental than a single-family home.

Commissioner Torres advised yes.

Building Official Law advised that this was discussed by the Commission previously and no final answer was given by the Commission. He can make the conditional use permit good up to the point where the building permit is applied for but under state law it would be hard to go backwards. Once the permit has been approved and the building is built it would be a waste of government's time to have the new owner come back to the City to reapply for another conditional use permit.

Mayor England explained the building runs with the land instead of the ownership.

Commissioner Torres advised that he understands now.

Discussion ensued regarding possible procedures for the future.

Mayor England asked for a motion.

Motion: to approve the condition use application CU 2021-01. **Moved by** Commissioner George, **Seconded by** Mayor England with incorporating the motion that was approved by the Comprehensive Planning and Zoning Board that it runs with the land.

Commissioner George amended the motion per by Mayor England second.

Mayor England asked City Clerk Raddatz for roll call:

Commissioner Rumrell	Yes
Commissioner Torres	No
Mayor England	Yes
Vice Mayor Samora	Yes
Commissioner George	Yes
Motion passed 4 To 1.	

Mayor England moved on to Item 2.

2. Ordinance 20-15, Second Public Hearing and Final 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 2 and asked Building Official Law for his staff report.

Building Official Law advised there have been no changes since last month.

Mayor England on pages 12 and 13, the table is missing the mixed-use district.

Building Official Law advised that he would include it on pages 12 and 13.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked if there were any more Commission discussions. Being none, Mayor England asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the title of the ordinance.

Motion: to approve Ordinance 20-15. **Moved by** Mayor George, **Seconded by** Commissioner Torres. Motion passed unanimously.

Mayor England moved on to Item 3.

XI. CONSENT

3. Budget Resolution 21-01, to Amend the FY 2021 General Fund Budget to Appropriate \$19,000 to the Building Department's Software Account to Purchase an Automated Timekeeping System for City Employees

Mayor England introduced Item 3 and asked if any Commissioner had comments on this item.

Commissioner George asked if this system would be used by all the employees.

Finance Director Douylliez advised that it would be used by all City employees and is interfaced with the current finance software.

Commissioner George asked if this was a critical need.

Finance Director Douylliez advised that it is an important step towards automation, but not necessarily critical. Staff would be able to amend the time sheet if they are sick on the day the timesheet is needed. It will improve efficiency and automates time off, sick leave, vacation, etc. It will give the ability to house the Personnel Manual where the employees can see updates when they are approved.

Commissioner George asked if there were competitive request for proposals.

Finance Director Douylliez advised that this would comply with the finance software so staff would not have to import the information. She explained there would be an annual fee based on the number of employees. She commented that she would be able to do reports.

Building Department Law advised that the Building Department is paying for this software because of overages in the Building Department.

Mayor England asked for a motion.

Motion: to approve Budget Resolution 21-01. **Moved by** Commissioner Rummell, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved on to Item 3.

XII. OLD BUSINESS

4. 2nd Street Construction Project: Approval of Contract to Do Design and Engineering and Approval of Budget Resolution 21-02, to Appropriate Money for the Project (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik handed out Exhibit 1 to the Commission and asked the Commission to confirm if they wanted to move forward on the 2nd Street construction project with CMT. He explained that he is giving two options to the Commission on how they want to proceed. Option 1 is handling 2nd Street project in two parts at a cost of \$57,200 and Option 2 is combining the projects at a cost of \$51,100. He explained that a budget resolution needs to be done as well.

Mayor England asked whether staff has done competitive bids.

Public Works Director Tredik advised that competitive bids are not necessary because CMT is the City's continuing contract engineer. He explained that in the proposal there was a new survey, but he found a previous survey already done.

Mayor England asked why there should be two separate contracts instead of one if there are no competitive bids.

Public Works Director Tredik gave two options because of the timing issues involved with the sidewalks and the widening of the streets and receiving stormwater permits, etc.

Commissioner George asked if both options are the same contract.

Public Works Director Tredik advised that the option combining the projects would cost \$51,100, but they are the same content within the contract for both parts of the project. He would like the flexibility to change the projects in two parts if needed due to timing issues. He would prefer two different projects for flexibility.

Commissioner Torres asked if this funding come from the impact fees.

Public Works Director Tredik advised that is the plan for some of the funding. The area east of 2nd Avenue would not be funded by impact fees.

Vice Mayor Samora agrees with option to combine the projects. He commented he wants to do it as one project and save money where we can. Does not want to disturb the property owners with two separate construction elements at different times.

Mayor England agrees with Vice Mayor Samora. She commented that she did not feel right with a contract that has two different prices. She would prefer to have one set price for one project.

Commissioner Rumrell agreed with approval up to \$51,100 in one contract as 2nd Street project.

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

James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, representing several residents on 2nd Street, thanked City Manager Royle and Public Works Director Tredik and the Commission for moving forward on this project.

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

Finance Director Douylliez advised that there needs to be a mechanism to track the widening of the street versus the other section that is to be paid by the residents.

Mayor England advised that this is only the agreement with CMT. This is only the duties and obligations of what CMT must accomplish at what cost. The tracking of the cost is separate from this contract.

Public Works Director Tredik has a breakdown from CMT that was not included in the books and will have to be reviewed.

Commissioner George suggested tracking the \$32,000 - \$50,000 as the reimbursement side and allow the City to get the benefit of the savings because the widening project would not have been done unless the 2nd Street project was done.

Public Works Director Tredik agreed and will break it up that way.

Vice Mayor Samora commented that widening the street and adding sidewalks are inconsistent with the rest of the City. He wanted to know why the City would go through the expenses of a sidewalk for one block.

Public Works Director Tredik advised that the City's codes requires that the road must be 22-feet and the curve and gutter is in the design standard. This is needed for drainage on that block. He explained that there are sidewalks in the City, and it was part of the discussion with the residents.

Mayor England advised that when the streets are improved sidewalks should be part of the roadway.

Building Official Law informed the Commission on sidewalk regulations when improving the roadway.

Mayor England made a motion.

Motion: to approve Amendment 34 but deleting the separation of work element A and B using the combined work element on page 7. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Motion: to approve Budget Resolution 21-02. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 5.

5. Holiday Season Events Sponsored by City: Review of Art Walks and Night Market and Preliminary Discussion Regarding Beach Blast Off for December 31, 2021 (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director; and Melinda Conlon, Communication and Events Coordinator)

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

City Manager Royle remarked that he broke this into two parts, first the Night Market and Art Walk and second the New Year's Eve Firework show. He asked Ms. Conlon to give an update on the two events.

Communications and Event Coordinator Conlon explained that Beach Blast Off was cancelled due to COVID-19 but wanted to still support the local businesses and continue with public safety. The Art Walk and the Night Market were partnered with people who have done these types of events before, whom she thanked. Everyone enjoyed the events and staff received all positive comments. Residents wanted more to be done. Businesses and artist had record breaking sales with these events. She is considering another Art Fair and a Luau at the pier in the summer.

Mayor England advised that the art events put the City in position for more grant funding.

Ms. Conlon advised that these events were put together very quickly because Beach Blast Off was cancelled and events will be improved in the future. She commented that on April 14th there will be Arbor Day, May there will be an Art Fair, and June there will be a Luau. She will keep the Commission updated.

Commissioner George asked that the Commission receive a post analysis for each event to see how the money and donations are being spent.

Ms. Conlon advised that the last events were sponsored by experts in the fields and had a low cost for the events.

City Manager Royle advised that staff has met several times regarding the fireworks show because it takes a lot of planning, such as traffic control, light towers, port-o-potties, etc. He advised that over the last 12 years that Beach Blast Off has evolved and has outgrown the space at Pier Park. He suggested having only a firework show, no food vendors, kids' zone, alcohol, etc. He said that there needs to be port-o-potties and light towers. There will be no busses because of the expense and he recently found out that TDC grant funding would not pay for fireworks, only events with arts and culture.

Commissioner George disagreed with TDC. She feels that fireworks are art, and they are a part of American culture for 4th of July or New Year's Eve.

City Manager Royle advised that there is a lot of competition for grant funding and the last grant from the TDC was \$17,000 that the City received. Now it would be a lot less due to COVID-19. He asked the Commission to decide on where to move forward or not. He advised that law enforcement would support the event, but we would have less Public Works Department employees because there would be less setup. He recommended a shorter show, such as 20 minutes.

Commissioner George advised that this should only be a one-year decision because of COVID-19 and the new COVID strains.

Mayor England asked if the City of St. Augustine made their decision on their 4th of July show.

Ms. Conlon advised no. It could be a couple of months before they decide.

Mayor England explained that she has worked with Ms. Conlon regarding maintaining the fireworks show. Mayor England said that it might not be possible this year, but she is not ready to give up yet. She discussed making it a smaller event and advertising would say local fireworks and what changes this year would be. She suggested shuttles being paid for by the pedestrians attending the event by appointment only with limited seats.

Commissioner George advised that the shuttles are a good idea.

Mayor England advised that the City's costs would be \$8,000.

Finance Director Douylliez advised that she believed that it would cost a minimum of \$20,000. She agreed with a rebranding and a smaller event could work. Suggested the name Light Up the Night. Suggested parking at the State Park for a fee. There are safety concerns.

Commissioner George asked if there is a budget for the overtime for Public Works Department and Police Department.

Finance Director Douylliez advised yes; overtime is in the budget. She mentioned that there could be cost to the City for reserving the busses or shuttle.

Commissioner Torres asked what the budget amount was for Beach Blast Off.

Finance Director Douylliez she advised that it would be in the budget for this fiscal year and she would have to know by May whether to include funds or not.

Commissioner Rumrell advised that the pier has been redone and St. Johns County may not allow the City to shoot fireworks off the pier. Suggests that the Commission be prepared that this might not happen. He suggested more events be done instead of one event a year. He supports the event.

Commissioner Torres supports the fireworks show and it has been a tradition for many residents. He explained that many of the residents did not come out to the other events like the Beach Blast Off event. He understood the concerns due to COVID but wants to move forward with the tradition and if it must be at a lesser scale, he understands that. Parking is an issue, but they have Uber and Lyft. He agreed that it is a burden on staff, but if St. Johns County does not allow the City to have the event at Pier Park, then staff will have to find a different location.

Vice Mayor Samora supported the fireworks show and wants to continue the other events as well. He advised that part of the City is to bring things to the community and keep growing and improving. He commented that Beach Blast Off is a tradition and has always improved over the years due to hard work for staff.

Mayor England feels that the event could be made more local and finding a way for this event to happen.

Commissioner George suggested applying for the same grants that the City has applied for in the past even if the funding is not as much. The advertising will have to be done regarding the changes.

Mayor England agreed. She commented that doing arts and cultural events will pay off as well.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and then asked if there were any further Commission discussion.

It was the consensus of the Commission to continue working on the smaller scaled down Beach Blast Off event for now.

Mayor England moved on to Item 6.

6. 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 6 and asked Building Official Law for his staff report.

Building Official Law advised that the City Attorney has drafted a new ordinance for the Commission's review since there were so many changes at the last Commission meeting.

Mayor England advised that the comments have already been made and asked the Commission for their comments.

Commissioner Torres advised that he is opposed to allowing mobile food trucks to park overnight in the City because they become permanent structures and an eyesore after a while. He would like to limit them to A1A S only because there are a lot of restaurants on A1A Beach Boulevard and pedestrians which would be a distraction.

Mayor England advised that it was discussed at the last meeting to prohibit overnight parking of food trucks if allowed to.

City Attorney Taylor advised that the Commission could amend the ordinance to not allow overnight parking, but he wanted to allow parking for a restaurant food truck (i.e., Oasis) to park on their commercial property if they had a food truck.

Commissioner George asked if the mobile food truck could park if they screen the truck overnight.

Mayor England advised that the City's codes do prohibit trucks in a residential area from parking overnight in the City.

City Attorney Taylor advised for the record that there would not be a reason that the Commission could not prohibit it.

Building Official Law suggested a variance if the restaurant owner would like to park their food truck at their property. There are not a lot of places to park a mobile food truck anyways that are 500 feet from a restaurant. He advised that a location maybe north of Tides Restaurant if they give their permission.

Commissioner George advised that the restrictions may exclude the mobile food trucks from coming into the City anyway. She is in favor of being restrictive as possible but did not want the City to be challenged.

City Attorney Taylor advised that this is a standard that the Florida League of Cities is using, so if we are sued the City would not be alone. He advised if the Commission is concerned, then the Commission could change it to 250 feet or 300 feet from restaurants.

Vice Mayor Samora is concerned having the food truck get permission from a restaurant and then never move the food truck because they have permission. He supports the overnight restriction.

Commissioner Rumrell agreed with Commissioner Torres and Vice Mayor Samora. He asked what if we ignored this completely until someone calls it to the City's attention.

Commissioner George advised that the City should get a head of it and not wait because it is a state mandate, and it could cause more problems.

Commissioner Rumrell agrees with being restrictive.

Building Official Law suggested language on page 8 to say that overnight parking is prohibited.

Commissioner George asked who allows the special events for mobile food trucks.

Building Official Law advised that special events are approved by him. He asked City Attorney Taylor whether on page 9 Section C.1 should be set aside. He asked if the City needs to amend

the table in the codes to permit mobile food vendors in the commercial sector. He explained that there is nothing telling the Building Official to get a conditional use permit or have a mechanism to do so.

City Attorney Taylor advised that the intent would be several mobile food trucks being allowed on one parcel of land. It would have to have bathrooms and follow regulations.

Building Official Law suggested to strike that section and not give them that option and let them ask for a variance.

City Attorney Taylor advised that he would strike that section.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked if there were any more Commission discussions. Being none, Mayor England asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the title of the ordinance.

Building Official Law recapped the changes to the ordinance by stating the Commission prohibited overnight parking in public and private areas and in Section L on page 8 and struck through Section C.1 and renumbered C.2 to C.1.

Motion: to approve Ordinance 21-01 with the aforementioned changes. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

Mayor England ask for a roll call vote:

Commissioner Torres	Yes
Commissioner George	Yes
Commissioner Rumrell	Yes
Mayor England	Yes
Vice Mayor Samora	Yes
Motion passed unanimously.	

Mayor England moved on to Item 7.

7. Ordinance 21-02, First Reading, to Amend the Comprehensive Plan to Adopt by Reference the School Board's Five-Year District Facilities Workplan (Presenter: Brian Law, Building Official)

Mayor England introduced Item 7 and asked Building Official Law for his staff report.

Building Official Law advised that this was approved by the Comprehensive Planning and Zoning Board by a unanimous vote.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the title of the ordinance.

Motion: to adopt the School Board's Five-Year Plan. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Torres. Motion passed unanimously.

Mayor England asked for a roll call vote:

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

Motion passed unanimously.

Mayor England asked Finance Director Douylliez to include in the FY 2021-2022 Budget a five-year plan for the old city hall. She then moved on to Item 8.

8. Ordinance 21-03, First Reading, to Vacate the Alley between 13th and 14th Streets, West of A1A Beach Boulevard (Presenter: Brian Law, Building Official)

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

Building Official Law advised to vacate the alleyway. He commented that the City Attorney Taylor drafted the ordinance to be approved. He recommended to attach the GIS imagery so it will be clear what was vacated.

Mayor England advised that last month it was approved with the language to preserve the municipal use and utility easement including but not limited to language. She said that she did not see it in the ordinance.

Building Official Law advised that it is in Section 2 on page 3. He explained that it was consolidated to reserving the entire alleyway to be vacated.

Mayor England advised that she did not think that language would cover the intent.

City Attorney Taylor advised that the language would cover the intent of the drainage easement. The residents would not be allowed to disrupt drainage. He said that he would be happy to put drainage language in the ordinance if needed.

Building Official Law said that this is not a drainage easement.

City Attorney Taylor advised that the residents would police are and if there is a problem it would be brought up in civil court.

Building Official Law advised the utilities that are being used is three electrical poles with three transformers.

Commissioner George asked if the language is broad enough.

Public Works Director Tredik advised that Public Works Department has no use for any other municipal use. He agreed not to obstruct the alleyway with anything so that drainage would continue to flow.

Commissioner George asked if there were any other uses in the City that are reserved in alleyways that Public Works Director Tredik has seen.

Building Official Law advised that alleyways could be used to employ small boats for a drainage pond for cleanup, but this is landlocked.

Mayor England asked what if the City needed to make a swale in the alleyway.

Building Official Law advised that there are three Florida Power and Light poles in the alleyway, but you could consider it a utility swale. He explained that he did not permit those homes but if he did it would be a type A drainage and the water would drain to the streets. He would have sloped the alleyway. The residents would not allow permanent structures in the alleyway.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the title of the ordinance.

Motion: to approve Ordinance 21-03. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England asked for a roll call:

Mayor England	Yes
Vice Mayor Samora	Yes
Commissioner Torres	Yes
Commissioner George	Yes
Commissioner Rumrell	Yes
Motion passed unanimously.	

Mayor England moved on to Item 9.

9. Strategic Plan: Review of Draft (Presenter: Max Royle, City Manager)

This item has been continued to February 8, 2021 at 5:30 p.m.

10. Scheduling Workshops: Selection of Topics and Dates/Times (Presenter: Max Royle, City Manager)

This item has been continued to February 8, 2021 at 5:30 p.m.

XIII. NEW BUSINESS

11. Personnel Manual Changes: Resolution 21-06, Regarding Infectious Disease Preparedness; Resolution 21-07, Regarding Incentive Pay; and Resolution 21-08, Regarding Transfers and Categories of Leave (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 11 and asked City Clerk Raddatz for her staff report.

City Clerk Raddatz presented Resolution 21-06 regarding Infectious Disease Preparedness and explained due to COVID-19 she felt it needed to be included in the Personnel Manual.

After discussion from the Commission, it was the consensus to change the resolution to a broader policy so that it is not about just COVID.

City Clerk Raddatz presented Resolution 21-07 to the Commission regarding Incentive Pay for educational programs.

After discussion, the Commission felt that this should be discussed in March with the salary and benefit comparisons.

City Clerk Raddatz presented Resolution 21-08 regarding Transfers and Categories of Leave.

After discussion, the Commission approved the minor updates for the Personnel Manual.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked if there were any more Commission discussions. Being none, Mayor England asked for a motion.

Motion: to approve Resolution 21-08. **Moved by** Vice Mayor Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England made a motion to extend the meeting.

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

Mayor England moved on to Item 12.

12. Permitting Fees for Driveways within City Right-of-way: Consideration of Resolution 21-09, to Adjust Fee Schedule (Presenter: Brian Law, Building Official)

Mayor England introduced Item 12 and asked Building Official Law for his staff report.

Building Official Law advised that the Planning and Zoning budget has increase this year; however, to try to get more money to offset the costs of the Planning and Zoning Department, Public Works Director Tredik agreed that right-of-way permits should be issued. If the owner builds a structure, they would not have to pay for a right-of-way permit. He advised that he modified the fee schedule to fit the computer software.

Mayor England used the example that if an owner takes out their driveway and puts in pavers, then they would have to get a permit.

Building Official Law advised that the definition of a driveway could be considered a deck. He explained the permitting process.

Commissioner George asked what education will be done so the public knows about this.

Building Official Law advised there will be a media release on the webpage, media page, and post it in all public buildings along with the application. He recommended three months before any fines posted. He advised that the Public Works Department will be implementing this so they could assess what is needed if there is a drainage issue.

Commissioner George ask if the driveway is over 18 feet.

Building Official Law advised that this is only for the rights-of-way and not on their property.

Mayor England asked if someone builds a parking pad, what would happen.

Building Official Law advised that the Public Works Director would go to the property and inspect. He said that there is a concern that property owners are using the rights-of-way for their property and it is not their property. He explained that the resolution is to start the rights-of-way application fee of \$100 and double fee penalty if permit is not obtained.

Public Works Director Tredik advised that the one recently approved was a parallel parking issue and anyone could park there, not only the homeowner. The homeowner agreed to that. That would cost a \$250 application fee because it is commercial.

Building Official Law advised that the funds would be in a separate account.

Mayor England advised that she was concerned about people building things in the rights-of-way that would disturb the drainage. She said that the Commission must decide on a moratorium on the fine and suggested six months or longer.

Vice Mayor Samora commented that he has received several complaints about fees and fines in the last two years. He agreed with the implementation of the fees because the City is almost built out, but there has been a lot of it over the last two years. He suggested a moratorium on the penalty side of it or a first-time waiver.

Building Official Law mentioned that would not bring it to the Code Enforcement Board, but the permitting side should start. This procedure is allowing the Public Works Department to get involved in what is being done on the rights-of-way.

Mayor England advised due to the Vulnerability Study and having more water in the City, rain events and sea level rise, the City needs to be protected for water flow.

Commissioner George asked whether this should be done by resolution or by ordinance.

Building Official Law advised that the resolution is to adopt fees for the rights-of-way and an ordinance will be coming on the procedure.

Public Works Director Tredik advised that he will be coming back to the Commission with a redrafted updated right-of-way permitting system so that the City can be paid for some of the inspections and reviews of the rights-of-way. He advised that he wants the rights-of-way protected.

City Clerk Raddatz mentioned that there is only eight minutes left and the Commission still needs to schedule a date to continue this meeting.

After discussion, Mayor England made a motion to continue the meeting.

Motion: to continue this meeting on Monday, February 8, 2021 at 5:30 p.m. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England asked to continue this item in the time remaining.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing and asked if there were any more Commission discussions. Being none, Mayor England asked for a motion.

Motion: to approve Resolution 21-09 with the changes of starting the application fee on May 1st, 2021 and waiving the penalty fee to May 1st 2022. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item XVI.

XIV. STAFF COMMENTS

This item has been continued to February 8, 2021 at 5:30 p.m.

XV. 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 9:58 p.m.


Margaret England, Mayor

Attest:


Beverly Raddatz, City Clerk