



MINUTES

SPECIAL CITY COMMISSION BUDGET MEETING

MONDAY, SEPTEMBER 14, 2020, AT 5:01 P.M.

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

I. CALL TO ORDER

Mayor George called the meeting to order at 5:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England lead the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. PROPOSED BUDGET FOR FISCAL YEAR 2021

A. Discussion of Proposed Budget, Millage and First Reading of Ordinance 20-XX, to Adopt Operating and Debt Millage (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

Mayor England introduced Item IV.A. and asked City Manager Royle for a staff report.

City Manager Royle advised that St. Johns County preempted the date the Commission schedule on September 21st, so a new date must be scheduled. The main purpose of this meeting is to look at the budget with the public and discuss the millage rate. He explained that the residents received a notice of the proposed millage rate of 2.60 or \$2.60 for \$1,000 of property evaluation. He commented that the reason the millage rate was set at 2.60 was in case the revenues were worse than expected. He recommended 2.45 millage rate because the reserves need to be increased. He asked Finance Director Douylliez to give her presentation.

Finance Director Douylliez showed her PowerPoint presentation (Exhibit 1).

Mayor England thanked Ms. Douylliez for her excellent presentation and advised that the reserves need to increase due to the City policy and the auditors within two years. She explained that the reserves had a shortfall for much more than two years.

Finance Director Douylliez advised that there was a decrease in reserves in 2016 and 2017 and the auditors already made comments to correct the reserves within two years and they could escalate to a finding if the reserves are not increased. If the City does not increase the reserves in two years, the Auditor General is alerted, and they would be watching to see why the City is in the shape it is in. She suggested to increase the reserves as quickly as possible. She explained that the City could use the COVID-19 as an excuse this year, but there were shortfalls. She said that the record shows that this has been going on for years prior to COVID-19 and it needs to be addressed.

Mayor England advised that this would affect the City when needed to borrow money.

Finance Director Douylliez advised that the City needs a \$2.9 million loan for the weir, and it could affect the City from borrowing money. She advised that there are two grants that will pay the loan back; however, they may take a long time to repay the money. She explained that one of the grantors just sent the money for the work that was done on the weir a year ago.

Commissioners Samora had no questions.

Commissioner George thanked Ms. Douylliez for her presentation. She explained that she wanted the public who are watching the meeting to know that for \$200,000 of assessed value the proposed millage would equate to \$32.96 as an increase. The median property value in the City is \$390,000 and that would equate to an increase of \$45.00 for any homeowner who occupies their home in the City.

Mayor England thanked Commissioner George and advised that it is an excellent point.

Commissioner Rumrell advised that he had no comments.

Mayor England thanked Ms. Douylliez for putting in the demographics and the reserve history slides. She then opened the Public Comment section. The following addressed the Commission:

Nicolas Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that he has attended budget hearings for the last 15 years and this overall budget presentation has been the best he has seen in years. He explained that the City's residents will have a lesser increase than the non-ad valorem tax and asked to keep in mind the exemptions. The Maratea property had a grant of \$1.5 million and asked if that went into the reserves or the budget. He suggested that the Beach Blast Off should be cancelled due to health and safety reasons and it would save money.

Mayor England closed the Public Comments section and advised Mr. Binder that the grant for the Maratea property was part of the purchase price and there were no reimbursements.

City Manager Royle advised that the property was 4.5 acres for \$4.5 million. He explained that he and then Mayor O'Brien went to Tallahassee and they received a grant for \$1.5 million, which went towards the purchase of the Maratea property. He

also commented that the money for Beach Blast Off is not in the budget except for the \$25,000, which was given to the City by the Tourist Development Council.

Mayor England asked that if the Commissioners wanted to reduce an expense, she would like the Commissioners to consider having the savings go towards reserves. She advised that the reserves are critical and need to be addressed.

Commissioner George advised that building the reserves is critical to the financial stability of the City and explained that the Commission has been frugal every step of the way. She advised that the City is facing a perfect storm with revenues being reduced due to the pandemic; the numerous years of hurricane damage; cutting infrastructure improvements; and delays in federal reimbursements, which have dramatically reduced the City's reserves. The City is a coastal community and maintaining the reserves are essential and more than a policy can dictate. She advised that it would be fiscally irresponsible for the Commission to ignore investing in the City's reserves. She explained that the increase for the median property owner would be \$45.00 and commented that the only opposition has been for the non-ad valorem assessment. She remarked that it is a small investment in the future of the City, and she held the millage rate the same over the last nine years, but agrees with the 2.45 millage rate this year. She advised that when the reimbursements for the weir are received and when the pandemic passes, the City may be able to roll the millage rate back next year. She agreed that if there are any small projects that could be cancelled, then the money should be directed to reserves so future emergencies could be dealt with.

Commissioner Rumrell advised he has the same concerns as Commissioner George has. He commented that reserves have been decreased due to the pandemic, the purchase of park land, and hurricanes. He advised that it is important to maintain the infrastructure. He explained that the weir costs have gone up exponentially and is something the City must do. He explained that the weir helps everyone on the island and asked if St. Johns County could pay the loan for the weir until the City is reimbursed. He advised that residents do not want to defund the Police Department and do not want to lose police staff. He complimented Ms. Douylliez on doing an excellent job on the budget. He remarked that in the future the City needs to keep increasing the reserves in case of an emergency like a hurricane. He explained that the City is in a financial hardship and the Commission needs to start today on increasing the reserves this year and in the future. He said that the minimal increase of \$45.00, even though he does not like increases, should be done now and in the future. He remarked that the Commission has no decision because the decision has already been made for them. He supports the 2.45 millage rate but would like to roll it back at some point in the future. He advised that the future affects the employees and he did not want a mass exit of employees if the City cuts the employees' salaries and they go elsewhere. He advised that it might save money, but it does not save the knowledge and the training that the employees have presently.

Commissioner Samora advised that Commissioner George and Rumrell covered a lot of the same topics he was going to say. He said that staff has done a better job on the budget that he has ever looked at and thanked the staff for their efforts. He said staff nailed it on where the City needs to go in a responsible manner. He advised that he supports the budget as presented. He asked where the money was for the O & P Funds and whether they could be used for reserves.

Finance Director Douylliez advised the unassigned reserves could be used for any cataphoric event or a budget shortfall. She advised Commissioner Samora that the funds he is talking about are restricted funds and she would get the information to Commissioner Samora after the meeting.

Commissioner Samora advised that there is an amendment on the ballot that goes into effect on January 1st if approved by the voters regarding minimum salary wages and asked if it would affect the budget. He asked if staff has done any analysis on this topic and whether it would affect the budget.

Financial Director Douylliez advised no.

City Clerk Raddatz advised that no City employees make less than \$10 an hour; however, if it goes to \$15 an hour, the budget may be affected.

Public Works Director Tredik advised that some of his employees are under \$15 an hour and it would have to be accounted for.

Commissioner Samora advised that this is an unknown that may affect the budget and said that the reserves are critical to the City. He advised if 2020 has taught the City anything is that you cannot plan for everything and the reserves are critical and need to be rebuilt. He advised that he would support the proposed budget.

Finance Director Douylliez advised that staff is looking to schedule a meeting in February to discuss issues that need to be addressed, such as the pay analysis, the minimum wages in Florida, and other important topics to see where the City is going ten years down the road.

Vice Mayor Kostka did comparative research and found that the City is in the lower 25% regarding the millage rate. She advised that property values are in the middle in the State of Florida. She explained how COVID-19 affected all the budgets due to sales tax revenues decreasing because people were not spending money. She explained that she is not a proponent for increasing taxes, but as Commissioner George pointed out the proposed budget increase for a \$300,000 home would be \$48.76. She explained that 76% of the businesses reduced pay for four to twelve weeks to prevent job loss and Chief Executive Officers in other businesses have given their salary up to keep the businesses going. It is a difficult decision because COVID-19 is not the only reason why the reserves have been decreased. She remarked that the cities, counties, and states across the nation need to think of creative ideas that can be turned into solutions. She agreed with all the Commission that the City cannot afford to put off the capital projects and that the infrastructure is critical to the City's success. She

advised that the Commission has agreed to keep waste collection in-house, but the Public Works Department has no garage to put valuable equipment out of the weather. She advised that it would be irresponsible to not replenish the reserves in case of an emergency event. She commended staff and its departments on running the day to day business of the City and could not ask for any better staff. She agreed to the proposed millage of 2.45 percent. She advised that she hopes that the City could have a very good year and then roll the millage back. She asked about refinancing the City's debt on the bonds because the interest rate is lower than many years. She asked about the old city hall being demolished because of the desperate need of repairs and replacing it with a parking garage or selling the property after the lease is up in 2026. She remarked that last year the Commission agreed to have the performance evaluations done in July 2020 so decisions could be made regarding increases for the City Manager and Police Chief. She asked to delay any increase to the City Manager until the evaluations could be done. She also advised that the Commission discussed scheduling a meeting to discuss the City Manager's position.

Financial Director Douylliez advised that the bonds have penalties if they are paid off early. She explained that there is a ten-year lockout period for redemption of the bonds and advised that the Florida League of Cities does not suggest refinancing the bonds until 2025 or 2026. Investments for the City are very limited, and they need to be secure.

Vice Mayor Kostka asked about the park land purchase half-cent millage would expire before the debt is paid off.

Finance Director Douylliez advised that the half-cent millage will expire before the Debt Service Fund is paid in full. She explained that the General Fund gives money to the Debt Service Fund and it is held in an escrow account which builds up over time to pay for the rest of the bonds.

Vice Mayor Kostka found federal sites for low cost loans for projects.

Finance Director Douylliez advised that much of the revenue sources are pledged to pay down the debts that the City already has and being that there needs to be a loan for the weir, other projects are on the back burner. She commented that when the time comes, she would shop to find the best rates available.

Vice Mayor Kostka advised Public Works Director Tredik that there are some funds available under the CARES Act and would give the information after the meeting.

Mayor England remarked that the City has a difficult cash-flow problem, which needs to be worked on in order to prorate the revenues to last all year instead of running out of funds after three quarters of the year. She thanked the staff on reducing the overall budget by cutting salary increases in half. She pointed out regular salary increases in the Police Department and the Building Department.

Building Official Law advised that the salary increase was due to having a full-time code enforcement officer instead of a part-time code enforcement officer and

explained that he will have to change the budget next year to have the City pay half of the salary next year for transient rentals.

Police Chief advised that under the Fair Labor Standards Act the officers work 84 hours instead of 80 hours in two-week period. He advised that the Commission would see an increase in overtime, but a decrease in overall expenses.

Mayor England advised that in every department in the City the expenses were stable or went down, so there is no fluff in the budget and there is a need to increase the reserves. She advised that the City's credit rating is the most important thing to have and there is a need to borrow money for the weir upfront. She advised that last year she requested the Commission to go to 2.5 millage rate and is requesting it again this year.

The Commissioners did not agree with 2.5 millage rate this budget year.

City Manager Royle advised that the Commission needs to approve the millage rate at 2.45 for first reading, then approve the budget ordinance for first reading and then schedule the final budget meeting.

City Attorney Douglas read Ordinance 20-10 in its entirety.

Mayor England asked for a motion.

Motion: to approve Ordinance 20-10 at 2.45% millage rate. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Mayor England asked for rollcall:

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

Motion passes unanimously.

Mayor England moved on to IV.B.

Ordinance 20-10, First Reading, to Adopt FY 2021 Budget (Presenter: Patty Douylliez, Finance Director)

Mayor England introduced Item IV.B. and asked if the Commission would like to discuss the salaries for the Police Chief and City Manager. She advised that there is an increase for the Commission in the budget as well and wanted to bring that to everyone's attention. She advised that last year the City Manager did not receive an increase because the City Manager is at the top of his salary range. She proposed a one percent increase for the City Manager. She advised that Police Chief's increase is three percent and asked for further discussion.

Commissioner George advised that if the City Manager is at the top of his range, he should not receive an increase. She advised that giving a minimal increase to the

Commission would not impact the budget and has been under paid for too long. She remarked that people do not want to serve for the amount the Commission gets paid and they do not get any health insurance either for serving.

Commissioner Rumrell advised that the City Manager should get a cost-of-living increase of one percent.

Commissioner Samora advised that he would support the COLA increase for the position even though it is at the top of the range. He suggested one percent or 1.6 percent.

Vice Mayor Kostka advised that most of cities and counties have frozen wages. She advised because of the decrease in the costs of medical insurance for the employees, she would be willing to give an increase to the employees. She advised that she would support the one percent increase for the City Manager.

Mayor England advised that it has been years since the last salary ranges were done and salary ranges need to be researched. She advised that the three percent increase for salaries is reasonable. She advised that City Clerk Raddatz commented that the proposed budgets for the City of St. Augustine Beach and St. Johns County was three percent.

City Clerk Raddatz explained that the State of Florida employees received a three percent increase. St. Johns County proposal has not been finalized yet, but they proposing a 2.5% for their employees, which is a COLA, not a merit increase.

Mayor England agreed that the proposed salary increases are reasonable.

City Attorney Douglas read Ordinance 20-11 in its entirety.

Motion: to approve budget be approved with the exception that the salary of the City Manager be limited to one percent over his current salary range. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Mayor England asked for rollcall:

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

Motion Passes 4 To 1.

Mayor England moved on to Item IV.C.

- B. Confirmation of Date and Time for Second Public Hearing and Final Reading of the Millage and Budget Ordinances for FY 21 on Monday, September 21, 2020, 5:01 p.m.
(Presenter: Max Royle, City Manager)

Mayor England introduced Item IV.C. and asked City Manager Royle for a staff report.

City Manager Royle advised that due to St. Johns County changing their final budget meeting to September 21, 2020, the City needs to change their scheduled meeting and asked when the Commission is available the week of September 21st.

After discussion from the Commission, Mayor England made a motion.

Mayor England asked for a motion.

Motion: that the next budget meeting will be Tuesday, September 22, 2020 at 5:01 p.m. **Moved by** Mayor England, **Seconded by** Commissioner George.

Mayor England called for a rollcall vote:

Commissioner Rumrell Yes

Commissioner George Yes

Vice Mayor Kostka Yes

Commissioner Samora Yes

Mayor England Yes

Motion passed unanimously.

V. ADJOURNMENT

Mayor England asked for a motion to adjourn.

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

Mayor England adjourned the meeting at 6:19 p.m. and then recessed the meeting for five minutes before starting the Regular Commission meeting.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

**SPECIAL BUDGET CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 22, 2020, AT 5:01 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080**

I. CALL TO ORDER

Mayor England opened the meeting at 5:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. PROPOSED BUDGET FOR FISCAL YEAR 2021

A. Discussion of Proposed Budget, Millage and Final Reading of Ordinance 20-10, to Adopt Operating and Debt Millage (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

B. Ordinance 20-11, Final Reading, to Adopt FY 2021 Budget (Presenter: Patty Douylliez, Finance Director)

Mayor England introduced Item IV.A. and IV.B. She then asked for a staff report from City Manager Royle.

City Manager Royle recapped the results of the last budget meeting on September 14, 2020.

At Mayor England's request, Finance Director Douylliez advised that she did not have any comments.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked what the budget does not cover.

Finance Director Douylliez advised that body cameras and pay ranges were not put in the budget.

Public Works Director Tredik advised that he has everything in the budget that he needs.

Building Official Law advised that he has everything in the budget he needs.

City Manager Royle advised that he has nothing to add in the budget.

Police Chief Hardwick asked to delete one car for \$50,000 in the budget and instead purchase body cams the Police Department if he still can do it. He asked to allocate the funds from one vehicle to purchase body cams if he can without changing the amount of the budget.

Vice Mayor Kostka wants a solid statement that any savings will be put into the reserves. She advised that the City cannot continue in the direction its going. She asked for a capital improvement plan next year that can be accomplished in one year instead of a five-year plan. She compared other cities budgets to ours and found that many other cities have alternative revenue sources, which our City does not.

Mayor England commended all the staff for their hard work on the Vice Mayor Kostka's report.

Finance Director Douylliez advised that the other cities have stormwater fees, utility fees, etc. She mentioned that staff wants to implement a stormwater fee next year.

Mayor England advised that the other cities have large reserves also.

Finance Director Douylliez advised that there is a negative balance of \$121,000, but there are still monies outstanding coming in.

Commissioner George advised that SEPAC wants \$10,000 out of the landscaping line item in the Road and Bridge Fund and asked if Public Works Director Tredik would allow \$5,000 out of that line item.

Public Works Director Tredik advised no, he needs the money to do landscaping for the City. He explained that SEPAC spent money in 2019 on trees and they are still not planted. In 2020 they did not spend any budgeted money.

Commissioner George asked if the money increased since last year. She advised that only the half of the money was spent last year on landscaping from staff and advised that complaints from the residents were regarding pruning and trimming, not planting.

Public Works Director advised that this line item should not be touched.

Commissioner George asked if the lights line item could be used.

Public Works Director advised that he would be using that money for lights this year.

Commissioner George would like to give a policy direction for SEPAC that if they recommend a project the Commission would have to approve the funding. She asked if the Commission is not going to support SEPAC, why are they in existence.

Mayor England mentioned that SEPAC supplied trees for Arbor Day.

Public Works Director Tredik commented that the Public Works Department would fund the trees for Arbor Day.

Commissioner Rumrell explained that he does not want to lose the volunteers from SEPAC, but that the City is in a financial hardship. He advised that he wants to use the money wisely.

Commissioner Samora commented that the SEPAC should not be defunded. He explained that the Public Works Department has some money and suggested giving SEPAC \$2,500 and work with the Public Works Department on what project they use the money for.

Mayor England advised that the Beautification Committee line item was budgeted in 2019 but not in 2021.

Finance Director Douylliez explained that if more revenues come in, then a budget could be allocated to SEPAC.

Vice Mayor Kostka advised that she would propose that the Commission monitors, evaluates, and then decides when to use the money. Money is not guaranteed and suggested waiting for the revenues first. She would support monitoring the situation on a quarterly basis.

Mayor England asked if SEPAC would come to us in the first quarter and advise what project they are working on.

Commissioner George advised that the City knows we are getting the money back from the weir grants and other projects. There has been a resistance to SEPAC plans and so they have not had the money to spend. It would help if the Commission could allocate the money to SEPAC of \$2,500. The Chair requested \$5,000 but will use whatever is allocated.

Mayor England asked if anyone was opposed to this suggestion. Being no Commissioner was opposed, she advised that she would put an allocation of \$2,500 to SEPAC in the motion.

Commissioner Rumrell asked for an Action Plan from City Manager Royle on what will be done in FY 20-21 and show the residents what the money is being used for. He would like to show in the Action Plan what is being done by staff and to hold staff accountable to a timeframe.

Mayor England advised that the Commission gets a Financial Report monthly.

Commissioner Rumrell advised that he would like more communication with the citizens and put it out to the social media and the website, then the residents can see projects being completed with the increase millage that they are paying for.

Mayor England asked if that could be summarized.

City Manager Royle advised that it could be done.

Commissioner George asked to show some pie graphs, what policies the Commission is implementing, such as, beautification and what the Police Department is accomplishing as well.

Commissioner Samora asked how much money with the millage increase would the reserves receive.

Finance Director Douylliez advised she could not say that yet because it depends on what revenues are received and what expenses comes in; however, \$160,000 would be added to the reserves. She explained that she expects in FY 22 there would be approximately \$720,000.

Commissioner Samora commented that it was not much ground but some ground.

Mayor England asked if that would not give the City four months of reserves.

Finance Director Douylliez advised that would give two months of reserves.

Mayor England asked if there was any support to increase the millage rate to 2.5 percent instead of 2.45 percent.

Commissioner George advised that it was passed at 2.45 percent and asked if it could go up at this point.

City Manager Royle advised that the millage rate can go up.

Commissioner George asked if at the end of next year, the City would have \$170,000 in the reserves.

Financial Director Douylliez advised that the reserves would increase by \$160,000 in the budget and whatever savings would go into reserves as well.

Mayor England asked where the savings would be.

Finance Director Douylliez advised savings could be in the Police Department and from the weir grants. She explained that this year the City budgeted at 95% tax level instead of 98%.

Mayor England asked if the impact fees could be used in the reserves.

Building Official Law advised that would be illegal.

Commissioner George asked what the differential amount would be between 2.45 percent and 2.5 percent.

As Finance Director Douylliez computed the differential, Mayor England asked if Commissioner Samora agreed with a 2.5 percent.

Commissioner Samora advised no.

Vice Mayor Kostka advised no.

Finance Director Douylliez advised the differential would be \$106,000.

Commissioner George advised no.

Commissioner Rumrell advised no.

Mayor England made a motion.

Motion: to approve the budget and millage rate at 2.45, adding an additional \$2,500 in the line item of Beautification projects for SEPAC, and place in the social media and website a summary by the City Manager of projects and expenses on a monthly basis.

Vice Mayor Kostka asked to add that all surpluses be put into reserves.

Mayor England added to the motion that all surpluses be added to the reserves.

Finance Director asked if the \$2,500 for SEPAC would be taken out of the landscaping line item or out of the current budgeted reserves reducing the \$160,000.

Mayor England advised that it would come out of reserves.

Commissioner George asked if the projects should be done on a monthly basis or quarterly basis.

Mayor England advised that she agreed with Commissioner George that monthly made be a lot to do and asked Commissioner Rumrell his opinion since it was his suggestion.

Commissioner Rumrell agreed with a quarterly report.

Commissioner George wanted that the \$2,500 for SEPAC to come from the Beautification line item.

Mayor England advised that Public Works Director Tredik has been chastised for upkeep and maintenance on landscaping, so she suggested not taking the money from his department.

Commissioner George said that she is okay with it either way.

Mayor England amended her motion.

Motion: to approve the budget and millage rate at 2.45, adding an additional \$2,500 to SEPAC from reserves, place in the social media and website a summary by the City Manager of projects and expenses on a quarterly basis, and to add policy that all surpluses from savings will go the reserves. **Motion by** Mayor England, **Seconded by** Commissioner George.

City Attorney Taylor read Ordinance 20-10 and Ordinance 20-11 in their entirety.

Mayor England asked for rollcall:

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

Motion passes unanimously.

Mayor England moved on to adjourn.

V. ADJOURNMENT

Mayor England asked for a motion to adjourn.

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

Mayor England adjourned the meeting at 5:55 p.m. and then recessed the meeting for five minutes before starting the Regular Commission meeting.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, SEPTEMBER 14, 2020 AT 6:00 P.M.

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

I. CALL TO ORDER

Mayor England called the meeting to order at 6:25 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was done previously at the Budget meeting.

III. ROLL CALL

Roll call was done at the Budget meeting.

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

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

IV. APPROVAL OF MINUTES OF THE SPECIAL COMMISSION MEETING JULY 27, 2020 AND REGULAR COMMISSION MEETING OF AUGUST 3, 2020.

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

Motion: to approve the Special Commission meeting of July 27, 2020 and Regular Commission meeting August 3, 2020 minutes as printed. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor England asked if there were any additions or deletions of the agenda. Being none, Mayor England moved to Item VI.

City Manager advised that Item 3 reappointments of Hester Longstreet and Dennis King, not Chris Pranis as stated on the agenda. Item 1 the appeal is by Sonia Kulyk, not Sandra Kulyk.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

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

VII. PRESENTATIONS

- A. Interview of Mr. Scott Andrew Babbitt for Position of Alternate on the Comprehensive Planning and Zoning Board.

Mayor England introduced Item VII and asked Mr. Scott Babbitt to come to the podium.

Mr. Babbitt, 70 Atlantic Oaks Circle, St. Augustine Beach, FL, advised he runs his own realty business and he asked Commissioner Samora how he could be more involved with the City and Commissioner Samora that there were some seats opened on the Comprehensive Planning and Zoning Board.

Mayor England advised that it is a good place to start as a member of the Comprehensive Planning and Zoning Board because that is where most of the Commission members came from.

Commissioner George asked if Mr. Babbitt understood that if he had any conflict of interests when he is selling properties that he would have to recusing himself. She also advised that he needs to familiarize himself with the City Charter, Codes of Ordinances, etc. She suggested to ask the City Attorney or City Manager for more information.

Commissioner Rumrell advised John Brooks gave a great review of Mr. Babbitt, so he is very satisfied with this candidate.

Commissioner Samora thanked Mr. Babbitt for wanting to do community service.

Vice Mayor Kostka advised that she applauded his interest in the community and the working of the City.

Mayor England advised Mr. Babbitt to read up on the Sunshine Laws, Quasi-judicial hearings, and public record laws, which are extremely important. She advised that fairness is important.

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

Motion: to approve Scott Andrew Babbitt as Alternate of the Comprehensive Planning and Zoning Board. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

Commissioner George Yes

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

Motion passes unanimously.

Mayor England moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Nicolas Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, encouraged the City to start looking for a new Police Chief; voters do not want to lose the Police Department; and asked to please consider the staffing for the Police Chief position in-house.

Ken Champagne, 17 Sandpiper Drive, St. Augustine Beach, FL, said he email all five Commissioners regarding the lack of body cameras. He met with Police Chief and encouraged the use of body camera for Police Officers. He wanted police protections, protection for the public and for individuals that the police may encounter. He did not want lawsuits that the residents must pay for. He asked for police officers to have psychology training as a requirement.

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

IX. COMMISSIONER COMMENTS

Commissioner Rumrell congratulated Police Chief Hardwick on winning his primary election. He advised that Finance Director Douylliez did a great job on the budget as well as the other staff involved.

Commissioner George had no comments.

Commissioner Samora had no comments.

Mayor England commented that she did meetings electronically met for a couple of meeting with the North Florida Transportation Planning Organization. She would put their agenda in the Commissioner's mailboxes. She asked for an update on the electronic charging stations.

Public Works Director Tredik advised that the stations should go in within the next few weeks.

Mayor England moved on to Item 1.

X. PUBLIC HEARINGS

1. Appeal of Comprehensive Planning and Zoning Board's Decision to Grant Post-Permit Modifications to Oceans Thirteen, 12 13th Street, Ms. Sandra Kulyk, Appellant: (Presenter: Brian Law, Building Official)

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

City Attorney Taylor announced that this a quasi-judicial hearing and a separate meeting.

Mayor England advised that she would asked for City Attorney Taylor to set the rules of the quasi-judicial proceedings once Building Official Law's report is finished.

Building Official Law advised in November 2017 the Comprehensive Planning and Zoning Board approved a mixed-use building along the Boulevard. The building is two units downstairs and two residential units upstairs. According to your packet, the Commission can see the history of the building and what was approved by the Comprehensive Planning and Zoning Board, which was a proposed permit change. He explained that he was out on his walk and said there was a large deck being constructed. He informed the applicant / contractor, Tom Marsh, that they were not in compliance with their mixed-use development order and to stop construction on the deck. Mr. Marsh was in the audience. He explained the procedure he did and scheduled a meeting with Mr. Marsh. He explained at that time there was a change in the new handicapped parking converting four parking spaces on the south side of the property. The information that was made available was from the Public Works Director and St. Johns County Fire Department. Fire Department had no objection. The Public Works Director asked for landscaping, which the Comprehensive Planning and Zoning Board also asked for the applicant to go in front of the SEPAC Board if they can convene. The applicant for the appeal was filed and were advised that they could not appeal the building only the decision of the Comprehensive Planning and Zoning Board and demonstrate where they errored and at that point he turned it over to City Attorney Taylor. He advised that any technical questions of the building, he could address.

Mayor England asked City Attorney Taylor to give the Commission direction on the nature of the appeal and how to proceed with what can be considered at this hearing. She asked City Attorney Taylor to interrupt if something is not allowed in the record.

City Attorney Taylor announced that this is a quasi-judicial proceeding. He explained that in this meeting the Commission acts as judges. He informed Mayor England to gavel when the proceedings start and asked each Commissioner to give any ex parte communications that were done regarding the property and whether any Commissioner has done a visit to the property. He advised that it is proper for the Commission to communicate and visit the area, but it needs to be disclosed. After that, the City Clerk will swear in any witnesses, then staff will give their presentations, then the applicant will have time to speak, then there will be public comments and a rebuttal from the other side and then Mayor England will close the hearing and there will be a vote on whether to approve the Comprehensive Planning and Zoning Board's opinion, reverse the opinion, to modify the decision, or to send it back to the Comprehensive Planning and Zoning Board and give them some direction. He said that the standard as judges that the Commission is whether or not the Comprehensive Planning and Zoning Board relied on competence of substantial evidence. He explained that the Commission is not allowed to reweigh any evidence and can only look at evidence that the Comprehensive Planning and Zoning Board members used. No new evidence is allowed. He explained that the Commission needs to decide whether the Comprehensive Planning and Zoning Board used reasonable construction of the evidence that supports their opinion. He explained that the Commission is only here to decide whether or not they made a mistake.

Mayor England opened the hearing with her gavel and asked each Commissioner if they visited the site or talked with the appellant.

Commissioner Samora advised that he has driven by the site to familiarize himself with it but has not had any conversations with the appellant. He explained that he read the appellant's emails, which he felt that there was no new information in them.

Vice Mayor Kostka advised she drove past the property to familiarize herself with the property and read the appellant's emails.

Commissioner George advised that all context has been through emails, which are part of the City's server.

Commissioner Rumrell explained that he is familiar with the site and has spoken to Sonia Kulyk only because the other party has not reached out to him.

Mayor England advised that has driven by the property and via assured the appellant that she would read all the material and all the minutes, which she has done.

City Attorney Taylor advised that next the City Clerk needs to add anything she received to the record and swear in the witnesses.

City Clerk Raddatz asked anyone who wanted to speak regarding this issue, please stand and raise their right hand. She then swore in the witnesses.

City Attorney Taylor asked staff if they had any more information.

Building Official Law advised that he could answer any other technical questions, but could not speak much about the decision of the Comprehensive Planning and Zoning Board because he was not present, but the Chair of the Comprehensive Planning and Zoning Board is present and would like to address the Commission.

Mayor England advised if it was appropriate to have the Chair of the Comprehensive Planning and Zoning Board to speak.

City Attorney Taylor advised yes; he is part of staff.

Mayor England asked after staff gives testimony would she call on the appellant and then after the appellant call for a rebuttal from staff.

City Attorney Taylor advised yes.

City Clerk Raddatz swore in Kevin Kincaid, Chair of the Comprehensive Planning and Zoning Board.

Kevin Kincaid, 6 11th Street, St. Augustine Beach, FL, advised that he was on the Board in November of 2017. There was considerable discussion regarding the property and opposition to it, but it was carefully evaluation and given the go ahead based on recommendations of the plan in 2017. This came back to the Board in July 2020 because of the construction that was being done outside of the permit according to Building Official Law. Building Official Law put a stop work order on the property. The Board received a post permit modification plan to make changes to the building and the structure. He explained that at that time the Board could approve the request, deny the request, or approve the requests with recommendations or conditions. The Board looked at the benefits to the citizens of St. Augustine Beach with the modifications that were being asked for. The modifications were mainly to do with the handicap accessibility, which the original design did not have. It required a ramp to go back further and shoulder underneath that raised it up to the building. He advised that the original plan was not going to work. If the Board denied the request would not work and tearing the building down was not an option. To build the building as it was originally drafted seem punitive and did not help anyone. The Board made a number of modifications, such as changing the deck, include additional buffers, incorporate a new design to have more parking spaces to improve the runoff, include more landscaping, made more aesthetically pleasing on the Boulevard. The Board didn't find any value in denying the request and there was support

to approve the plans as submitted. There was some consternation during the hearing about punitive measures and felt that the Board was not in a position to administer punishment.

Building Official Law advised that the applicant did pay a double permit fee and penalties with the approval of the Board.

Mr. Kincaid advised that there was no mechanism to charge penalties and believed that the Board's decision was well thought out. The approval made it possible for the building to move forward and complete the building that better serves the citizens and handicap population in the City.

Mayor England asked the appellant to come to the podium.

Allen Richman, 103 13th Street, St. Augustine Beach, FL, received a letter from City Manager Max Royle, which was imposing. He advised they tried to hire an attorney, but none of the attorneys would take the case. He explained that the contractor moved the one handicap parking spot from 13th Street to four parking spots and covered one thousand feet of permeable ground with a pad that is too small for four cars. He explained that he was glad they reduced the height of the building by one story, all two feet of it, but on the other end, he put seven feet of fill on the bottom. He advised that he did not think anyone has measured the building from the street, certainly not the Building Department. The original building permit says "shall" on the permit and all the plans had to be adhere to strictly and advised if the contractor did not, the permit shall be revoked. He advised that the Board did not have the lead way to make their decision. He then asked Sonia Kulyk finish the presentation.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, FL, she advised that Mr. Richman and her put a lot of effort in this appeal. She explained that the parking was the second part of the request for post permit modification, which was a reconfiguration of the parking spaces. The Board discussed substantially the parking and the appeal on July 21, 2020 Board meeting. She clarified that the appeal that Mr. Richman and she filed was against the Board, not the builder. She advised that they are private citizens, just as the Board are and are not here to confront them in anyway. Her issue is the way the Board handled and granted the request for post permit modifications. The stated interest that we have in this specific case is on our appeal application. As residents of St. Augustine Beach, they are concerned of the continuous blatant disregard of following the codes. The post permit modifications in front of the Board on July 21, 2020 was a result of self-inflicted complications and hardships. The answer to the next item on the application was the specific error alleged to be made in this case was a three-page letter that the Commission saw. We have been instructed to only hear what was discussed at the July 21, 2020 Board meeting. She added that herself, Mr. Richman, and several of the neighbors have been following this project since it first appeared on the Board's docket in 2017. She advised that they have spoken to the Board, the Commission, and directly to Building Official Law and sent numerous emails regarding this building in various stages of construction. The feeling is that this mixed-use structure with the parking requirement would not fit on this site. The western boundary is 93 feet along the Boulevard and front to back it measures on 48.8 feet at which point there is another exiting structure in place. She advised that the lot is essentially smaller than a standard beach lot. The builders requested to use the City's right-of-way for four parking spots to satisfy the mixed-use requirement of 12 parking spots plus one handicap space. The original permit granted on November 2017 stated that all the necessary parking has to be within the parking boundaries, with the exception of one handicap parking spot that would be permitted on 13th Street. The drawings that were submitted and approved on November 2017 showed that clearly. The Board was given three

sets of drawings to review for the July meeting. The plans that were approved on November 2017, new plans that were drawn on February 4, 2019, and the most recent of June 2020. On the February 2019 drawings it showed four parking spots on 13th Street and at this point the builder had not submitted the plans for approval, as Building Official Law stated at the Board meeting minutes of April 2019. She advised that the drawings were submitted on April 8, 2019. She explained that Building Official Law stated at the April 2019 Board meeting that the Board approved the project on November 2017. The contractor was currently addressing issues based on comments from the Building Department, but the building must match the original design and plans submitted to the Board and comply with the mixed-use ordinances. She questioned the Commission what the parking configuration on the building plans under review between April 2019 and August 2019 was, before they even broke ground for the building.

Mayor England advised that the Commission can only hear about this case.

Ms. Kulyk advised that she just wanted to know how the parking all of a sudden got to 13th Street when it was not supposed to be on 13th Street given the chain of events. The plans were made to in 2017 regarding parking and evaluation and that would have been the time the builder should have been required to appear in front of the Comprehensive Planning and Zoning Board for approval. The documents in the packet seem likely that building proceeded to be constructed with four parking spaces on 13th Street and not until this past July, with the building almost fully built, that the builder came before the Comprehensive Planning and Zoning Board and requested this modification. The four Board members present at the July meeting were there in 2017. Two Board members spoke up immediately about the parking and remembered specifically that there was only one handicap parking space was permitted on 13th Street with all the others needing to be on 14th Lane as permitted. The builder had many reasons that the parking spaces needed to be on 13th Street including what was stated on the post modification request "reconfiguration of parking is needed to accommodate the staircases not shown accurately on the original site plan." The reality however the builder plan since 2019 to use the City's right-of-way to make the required parking. The second request was to make a 1100 square foot deck, which the builder had already constructed without a permit. This ran along the front of the building along A1A Beach Boulevard. She explained that Building Official Law noticed the very large deck and put a stop work order on the project and told the builder that he needed to appear before the Comprehensive Planning and Zoning Board to request a post modification permit. She advised that the builder did something illegal per Mr. Law. This was a direct violation of Chapter 1 of the Florida Building Code and also in violation of the 2017 permit, which stated that a violation of the conditions above with reference to the approved plans shall void the approval granted herein. During the Board meeting there was no mention of the code violation or reference to fines or penalties or even a reprimand for the infractions. So from a private citizens point of view, I will restate what was said in the appeal that the message to developers is saying submit your plans, make any modifications that the builders want and hopefully no one will notice, but if someone does just apply for a post modification permit and pay a \$300 fee and the builder will be good to go. A similar case came in front of the Commission in 2017, which involved Mayor Rich O'Brien and he was found guilty of code violations and paid \$25,000 in addition to making modifications to the building. She hoped this would serve as presence in guiding the Commission's decision.

City Attorney Taylor advised that the builder now could do a rebuttal.

Tom Marsh advised that he did not think he would have to speak so he did not get sworn in.

City Clerk Raddatz sworn in Tom Marsh.

Tom Marsh, Palmetto Builders, 22 Soto Street, St. Augustine, FL, explained that he worked with Building Official Law and Public Works Director Tredik on deck that they had built, which would replace a concrete ADA access to the front of the building. He advised that this would be disallowed access to the front of the building. The owner asked if the builder could substitute the concrete for wood, which they started to do and found that the concrete section on the original plan did not allow ADA to get around the structural columns in the building. It was at that point that Building Official Law confronted him about the deck and the builder explained the reason for it. He worked with Public Works Director Tredik and discussed how to address existing issues and then implemented their requests, which was approved by the Commission for the necessary permits to make it happen. He advised that he feels that the appearance of it is good and feel that they tried to do their best in following the directions given to them. He said if the Commission needed anything, he is here to answer them.

Mayor England asked Mr. Marsh if he understood now that any changes to the site needs to be approved prior to construction.

Mr. Marsh advised yes.

Commissioner George asked if the parking is on the north side of the lot.

Mr. Marsh advised that the proposed parking would be at the rear of duplex will come out on 14th Lane.

Mayor England clarified by saying the parking that is on the north side of lot on 14th Lane and asked if that all within the property line. She advised that that was on the plan that she has.

Commissioner George advised yes, that was her question. She explained that it appears that the parking is in the lot boundaries and it spills over to the right-of-way.

Mr. Marsh advised yes. The parking on the north side is contained within and behind the right-of-way property line so it is within the property boundaries on 14th Lane on the north side.

Commissioner George thanked Mr. Marsh.

Commissioner Rumrell had no questions.

Mayor England advised that the plan that was presented on the July 21st meeting was the latest and most accurate plan.

Mr. Marsh advised yes.

City Attorney Taylor advised that the next step would be to see if any Commissioners have questions for the appellant.

Mayor England asked if any Commissioners have any questions for the appellant.

Commissioner Rumrell advised he had no questions.

Commissioner George asked the appellant what the issue is with the decision of the Comprehensive Planning and Zoning Board made limited to the after-the-fact permit.

Mayor England asked Ms. Kulyk to the podium and specify what the error was and what the appellant is basing the appeal on based on the July 21st hearing.

Ms. Kulyk advised during the meeting the builders made light of the fact that they were co-opting for parking spots that belonged to the City and they made it sound like there were already two parking spots there and they were just swapping them out for another two parking spots. They played down the fact that they were told in no uncertain terms when they first applied for their permit that there was no parking permitted except for one handicap parking space on 13th Street. She advised that the deck proceeded without any ramifications. She said if she built something in her yard and someone drives by and sees she does not have a permit; she is guessing she would be fined. She advised that there are fines and reprimands for those who break the law. She advised according to Building Official Law it was a direct violation of the building code Chapter 1, so there should have been some discussion or an acknowledgement at the Comprehensive Planning and Zoning Board that what they did was wrong and should be corrected and should not be condoned. She said that they let the builder make the modifications and did not treat it like an infraction at all and said it does not look right. Those are the two issues the appellants had a problem with.

Commissioner George asked which four parking spots was the appellant objecting to.

Ms. Kulyk advised that those four parking spots are in the right-of-way and not on the property. She said that 10% of the four parking spots are on the property and the rest are on the right-of-way on 13th Street.

Commissioner George asked the four parking spots on 13th Street is referring to the four parking spots on the original plan that would have been on the left corner of the property.

Ms. Kulyk explained that the duplex down the street was grandfathered in on their parking on 13th Street. She was afraid that the new construction parking spots that the builder co-opted from the City was originally just a slab that would fit one handicap parking spot and now the builder made it into four parking spots as they reconfigured the property for whatever reason and could not put all the property on 14th Lane as was agreed to. She advised that those four parking spots are on the City's right-of-way.

Commissioner George said okay. She asked if there was a section in the code that the Comprehensive Planning and Zoning Board failed to consider? She asked on the second issue that was raised, was the proceeding without verifications.

Ms. Kulyk said she was referring to the original application that was approved with three conditions in 2017 and the third condition was that the building had to be built exactly according to the specs that were approved, which included the plans, materials, and everything else or else the permit would be voided.

Commissioner George advised that Ms. Kulyk was referring to paragraph three of the Final Order that says "a violation of the conditions listed above shall void the approval granted herein. She asked if that is what Ms. Kulyk is saying that the Comprehensive Planning and Zoning Board did not consider that paragraph.

Ms. Kulyk advised that and in addition to the Board not in anyway penalized the builder for building something without a permit, all though Building Official Law did say that the builder did pay some fees and would like to know when that was billed to them.

Commissioner George asked if there was any section of the code that addresses the after-the-fact permit for a review process that was overlooked.

Ms. Kulyk advised sorry Commission, but I am not an attorney so I am not that familiar with the codes that Commissioner George is referring to, so perhaps there is someone else that could answer that question. I am a private citizen that researched the minutes and documents and is not familiar with the Florida Building Code.

Commissioner George asked Building Official Law to answer but wanted to know if there was anything else to consider from the appellant.

Ms. Kulyk advised that there is an extensive building fee listing, but it did not come up on the Comprehensive Planning and Zoning Board meeting. She explained that she goes to a lot of the meetings and usually if someone does something they are not supposed to do, they are called on it and fined.

Commissioner George advised that was all the questions at this time.

Mayor England asked Commissioner Rumrell for any questions.

Commissioner Rumrell advised after reading a little more into the minutes, it is said during the meeting that the approval at the Comprehensive Planning and Zoning Board meeting that Chairperson Ms. West that her concern was that the parking spaces to be buffered and that the parking spaces declared non-compliance and the problem with this was setting a precedence moving forward for mixed-use developments along the Boulevard, which would delete the parking provisions out the window because they are not being adhered to. He advised that it is on page 6 of the minutes in the packet that the Commission has.

Mayor England advised that the Commissioners need to focus on the July meeting and what the Comprehensive Planning and Zoning Board approved and what they have authority to approve.

City Attorney Taylor advised that before deliberations, the Mayor should call for public comments.

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

City Clerk Raddatz swore in Mr. Michael Longstreet.

Michael Longstreet, 11 13th Street, St. Augustine Beach, FL, advised that he lives one house from the property in question and explained that there was a problem from the beginning of construction when they built parking on the City's right-of-way and increase the fill on the property and built a deck without asking for a permit. He advised that the permit should be voided as the Final Order says for 2017.

Hester Longstreet, 11 13th Street, St. Augustine Beach, FL, advised that there was a violation from the conditions of the Final Order in 2017 and the permit should be voided. She advised that this was not the first-time builders had to come back and change things. She explained that the top of the roof had to be changed because it was over 35 feet, changing the stairs to the back of the building, the aesthetics of the building, and there were three stop work orders. There must be a minimum of a monetary price to be paid by builders who deceive. She explained that she is speaking as a resident and not as a member of the Comprehensive Planning and Zoning Board. She explained that Ms. West as Chair signed the Final Order and

as the Comprehensive Planning and Zoning Board, the members were hesitant to allow this. She explained that the Board wanted to allow the owners to build on the property within guidelines. She hopes the Commission does the right thing and make the builder be held accountable for what he did.

Mayor England closed the Public Comments section. She advised that at the July 21st Board meeting, the members made the Final Order to say it would be void; however, that does not mean it would be permanently voided. There is an opportunity for the builder to come back in and appeal and ask for approval. She advised that the Comprehensive Planning and Zoning Board did have authority to approve the permit and access fines or not. She explained that the deck the builder did, the Board approved it, which is within their authority. She asked if it met the building codes.

Building Official Law advised that it does meet the code, but he wanted to point out that the Comprehensive Planning and Zoning Board has the authority to issue a fine, that falls on the Code Enforcement Board and the Building Official. He advised that the builders were fined.

Mayor England advised that the Comprehensive Planning and Zoning Board approved the deck and it is within code.

Building Official Law advised yes, it is within the modification to dog-ear the corners to allow wheelchairs to get around structural columns.

Mayor England advised that bring the Commission the parking that was moved. She explained that the original plans were to have parking on 14th Lane all within the property line and the new plan had four parking spaces that was moved to 13th Street that is within the right-of-way.

Building Official Law advised that was addressed by himself at the Comprehensive Planning and Zoning Board meeting. He explained there was an existing path that they were going to repurpose the handicap parking spots, so that would be at least 17 feet wide. The Board approved four parking spots on the southern side of the property, part of their property and part on the right-of-way.

Mayor England advised that that is the piece she is zeroing in on. The approval for the four parking spots that was moved from the original plan to 13th Street and is now in the City's right-of-way. She asked City Attorney Taylor if he would like to direct the Commission.

City Attorney Taylor advised that the original 2017 plans had approved parking spaces that were in the right-of-way.

Mayor England advised for the duplex it was in the 2017 plan.

City Attorney Taylor advised it was on the plan for two handicap spots and maybe they put it into one handicap parking space, but the plan he saw it was two.

Building Official Law advised that a handicap parking spot in Florida has to be at least 17 feet wide, which is 12 feet required and five foot access and that's why people see double handicap parking spots together because the owner can save five feet. He commented that in this case 17 feet wide is almost two parking spots.

Mayor England advised that the Comprehensive Planning and Zoning Board was relying on that would have been their one handicap parking spot.

Building Official Law advised that one is required. The one handicap spot was originally proposed in 2017; however, that would be the worse spot to put a handicap parking space.

Mayor England advised for right now, this was what was approved, and they moved four parking spots to 13th Street, which relied on partially the right-of-way. She advised that she would like the other Commissioners to weigh in. Her question is, did the Comprehensive Planning and Zoning Board error in moving the four parking spots for the new building and relying on the City's right-of-way or do they need something further for that.

Commissioner George asked City Attorney Taylor what the standard of review would be for the Comprehensive Planning and Zoning Board to even approve a post permit change or to rewrite the Final Order.

City Attorney Taylor explained that the Board could default back to 2017, so they are renegotiating all the terms and all the terms would be on the table when they are having their meeting, but they are still subject to having to go back to the 2017 if they want to bring their application back into compliance for 2017 Final Order.

Commissioner George asked what criteria would the Board have to consider, such as the Comprehensive Plan or is it just open-ended.

City Attorney Taylor advised that it is open-ended in that they would have the same available options as the first appearance, with the exception that the applicant does not agree, the Board could go back to what was previously approved. The Board should take everything into consideration when they reevaluated it, but the Board knows that at the end of the day if the applicant wants to revoke their application on what was previously approve, that would be an option.

Commissioner George asked what is the City's standard of review in terms of whether or not the Comprehensive Planning and Zoning Board can consider the appropriate factors and is the Commission's review open-ended just like theirs.

City Attorney Taylor advised that the Commission's review is whether or not the Comprehensive Planning and Zoning Board use competent evidence and whether or not they were reasonable in the construction of that evidence, so it is a reasonable standard.

Commissioner George advised that to relay upon the right-of-way parking as reasonable.

City Attorney Taylor explained that he would temper that with that there is already grandfathered in right-of-way parking that was approved in 2017 and was approved from the minutes for over 20 years of the existing duplex. The existing duplex is also in the right-of-way. He said that all those things were approved going into the 2020 Board meeting and just expanded upon it by moving two of the parking spots from the north side to the south side.

Mayor England asked if the Board had the authority at the July 21st meeting to expand a non-conforming use? This was for the new building, but not the existing building. She explained that normally if the Board changes to our code with regard to parking and putting it in the right-of-way, does that require a variance.

City Attorney Taylor advised that he did not think it would require a variance because it was already pre-approved, and it was grandfathered in with this property. The Board had the power to do it. He explained that if the Commission decides that they should go for a variance, which would have been an extra step for the owner, it is within the Board's power structure

to do it. He said that that is something the Commission could consider, but the Board does have the power to approve variances. He advised that the Board was relying on the grandfathering in clause and the 2017 hearing.

Vice Mayor Kostka asked about the difference in plans regarding the parking.

City Attorney Taylor advised that the owner has one handicap parking spot which is the size of two regular parking spots. In the 2020 meeting the Board allowed them to expand the existing slab to allow for two more parking spaces.

Vice Mayor Kostka advised that on the original plan in 2017, those parking spaces are not on this plan.

Building Official Law advised that the plan in 2017 is marked as an existing handicap space and explained that it would be expanded to allow two more parking spaces.

City Attorney Taylor advised that it does have an addition 20 feet of parking spaces.

Commissioner Samora as it relates to parking, the Board went through it thoroughly and the parking spots in the right-of-way was grandfathered in and approved in 2017 and he feels they were on solid ground when the Board reapproved it although the Board went from one handicap parking spot to four regular parking spots. He said it was in the Board's power to do and the Board thoroughly reviewed that. He did not see an issue there.

Mayor England advised that she feels the parking was the main issue and whether the Board had authority to change the one handicap space to four regular parking spaces.

Commissioner Samora said that the Board had the power to do it the first time.

Mayor England did not recall whether the builder came to the Board with the four parking spaces in the right-of-way on 13th Street. She advised that she did not believe that the Building Department or the Board could approve it that way without a variance if that was the initial plan. She explained that if the builder is relying on parking using the right-of-way there must be an election.

Commissioner Samora advised that what Mayor England was saying is that they errored in 2017.

Mayor England advised that in 2017 the regular parking was within the parking line, except for the one handicap spot which was existing on 13th Street.

Commissioner Samora advised that was correct. He said that the Board could of error in expanding the existing handicap parking spot. He asked if the problem would be that the Board expanded the existing parking or that it was in the right-of-way.

Mayor England advised that their using the right-of-way on 13th Street to comply with the City's parking ordinance on how many parking spaces they need, and she thinks that they needed a variance in order to approve it. Normally, the City would not want to use the right-of-way to comply with the City's parking ordinance.

Commissioner Samora advised that the right-of-way issue was addressed in 2017 in looking at the grandfathering in the duplex parking.

Mayor England agreed.

Commissioner Samora advised that the grandfathering in was a done deal and was considered in 2017 with the handicap parking spot in the right-of-way. He advised that the Board either errored twice or did not error.

Mayor England explained that expanding the handicap spot was already their and already in the right-of-way; however the Board expanded it out and replaced it with four regular parking spaces and asked Commissioner Samora if he feels that that was in the preview of the Board.

Commissioner Samora advised that he felt it was, but he advised Mayor England has more experience on what the Board's powers are.

Commissioner George asked whether it should have come before the Commission to use the City's right-of-way.

City Attorney Taylor advised that Building Official Law provided Section 6.03.05 of the codes, sub (b) says that the Board has the authority to modify the requirement in the public's interest, environmental interest, conversation, and aesthetics. He advised that that gives the Board authority to place parking in the right-of-way.

Commissioner George asked if that section related to off-street parking and asked if it is right-of-way or off-street parking and loading in that section and is that section even relevant.

City Attorney Taylor advised that it says off-street parking and loading areas and then he read the section again for Mayor England.

Mayor England asked if that was on point.

City Attorney Taylor believed that it was partially on point.

Commissioner George advised that she believed that there was an ordinance regarding the use of right-of-way and there was a review process that the Commission had to approve.

Commissioner Rumrell recapped Mayor England's concerns about the expansion of the parking slab and needing a variance to accomplish it. He advised Commissioner George's comments on Section 6.03.05 pertains to this issue. He asked if the owner needed a variance, would that not come for the Board and would the Board have the final authority in approval or would it go to the Commission. He explained that he does not want others to have parking as part of the right-of-way or City property.

Mayor England advised that granting the variance is within the preview of the Board.

Commissioner Rumrell asked if the owner should have gone through the variance process.

Mayor England advised that the approval for the change in the development plan and a variance to increase the number of parking spots for the new building in the right-of-way. She advised that what she felt should have been done.

Vice Mayor Kostka agreed because it was a 19-foot difference. The original parking space was 17 feet. The new parking space is 36 feet, which is 19 feet of additional parking that was added.

Commissioner Rumrell advised that was his feeling as well and is trying to find the mechanism that is needed to approve it and whether the Board can approve it.

Commissioner George advised that there are different standards of review and having parking on the right-of-way requires specific criteria to be considered, such as public safety, access to the road, and visual triangle standards for corners. She explained that the expansion of the four parking spaces encroaches on the east which brings it further in the vision triangle and is not sure if that was considered by the Board.

Commissioner Rumrell agreed and asked if the parking is in the public right-of-way, does that become public spaces.

Commissioner George commented right, which is another can of worms.

Mayor England advised that the Commission has concerns over how the Board meeting was held.

City Attorney Taylor advised that it is allowable to have parking in driveways in the right-of-way. He suggested to have Public Works Director Tredik to look to see if the vision triangle is correct for the property and get some direction from staff if it is an appropriate place to put a driveway or if it causes any other problems in the codes.

Mayor England asked if the Commission wants, moving forward, to approve a parking spot that is using the City's right-of-way for their parking without a variance.

City Attorney Taylor advised that that would be up to the Commission but reminded the Commission that they are looking at a development plan that already grandfathered in a parking spot in the right-of-way. He explained that there might be some differences that the Board might want to set regarding a property that was allowed to use the right-of-way that was grandfathered in and new properties not being allowed to use the right-of-way.

Commissioner Rumrell asked City Attorney Taylor whether the handicap spot that was grandfathered in can become three more parking spots or an additional 19 feet is allowed. He asked if there is a different mechanism to do that and based on what he is hearing it should be because now it is one parcel instead of two. He explained that the four spots going east at the time of 2017 it would have encroached on the other parcel where the duplex sits.

Mayor England advised it was all one parcel before 2017.

City Attorney Taylor advised that it has been one parcel in 2017 and now.

Mayor England asked if any Commissioner wants to approve this or reject it and send it back to the Comprehensive Planning and Zoning Board.

Commissioner Samora wanted to make sure he understood the appellant's concern, so he restated the issue. The concerns from the other Commissioners is an existing handicap spot and existing parking area that fell into the right-of-way has been expanded. He asked what would be the path forward to properly approve it. Is it within the authority of the Comprehensive Planning and Zoning Board or is it the Commission and does it need a variance? He advised that he does not have clear direction on it.

City Attorney Taylor advised that the Comprehensive Planning and Zoning Board has authority to approve a variance.

Commissioner Samora advised that there is a different threshold to meet with a variance, so I can see where that would have to go back.

City Attorney Taylor advised if the Commission wants it to go back to the Board, that is fine.

Commissioner Samora asked for a code that says that a parking area can be expanded in the right-of-way and where it should go. Does it need to go for a variance, to the Commission, etc.

City Attorney Taylor advised that he was unable to find a code for expanding parking. He advised that several areas in the City have commercial parking in the right-of-way and many properties fall under that and have that. It was approved for this site in 2017 and if the Commission feels it was an abuse of power. He said that the vision triangle should be researched unless someone could answer it today.

Public Works Director Tredik advised that he did look at the property and vehicles exiting out on 13th Street going east does have a clear line of sight to the north. He advised that there is a palm tree that is boarder line and can determine if that is an issue in the future. A parked car would not block the vision triangle.

Mayor England commented that is good and helpful.

City Attorney Taylor explained that he would not want to go back to the Board if they are not looking at anything different and the Board would need direction on what to review. There is not any section of the code that commercial parking cannot use the right-of-way.

Commissioner George asked if it would be appropriate to approve the appeal to review the City's code.

City Attorney Taylor advised that would be correct.

Commissioner George advised in Section 6.03.02 dictates the number of parking spaces required for off-street parking. There is an allowance under subparagraph (f) dictates certain conditions that must be met in order for the Board to reduce the number of spaces off street. It all speaks to Mayor England's initial analysis that technically the owner should have applied for a variance. She advised what is the point of the codes if the City does not follow them and there is a concern that without proper analysis that a guaranteed private use of City right-of-way parking is an issue. The bottom line is that the review process was not followed, even if it was a technicality. The result is that the development plan gets kicked back, but it might be approved. The Commission and the Board need to enforce the codes and that is what the members are here for.

City Attorney Taylor advised that there is a consensus to send this back to the Comprehensive Planning and Zoning Board and guide them to look at codes for servicing parking areas and decide whether all those have been followed and if a variance is required, then the Board will instruct the owner to do that.

Mayor England agreed and wants more evidence in the record to differentiate because of the precedential value of this. She said why expand the non-conforming use and do they need a variance. She then made a motion.

Motion: to reverse the opinion on appeal and send it back to the Comprehensive Planning and Zoning Board to determine what is necessary procedurally to approve the four parking spaces and why the City could expand the non-conforming use to meet a variance. **Moved by** Mayor England, **Seconded by** Commissioner George.

Commissioner Samora asked what the options are to send it back as a reversal.

Mayor England advised that it is an appeal and the Commission would reverse the

Comprehensive Planning and Zoning Board's decision and send it back to them to develop more information on those four parking spots.

Commissioner Samora asked what other options are there.

City Attorney Taylor advised confirm the decision, reverse the decision, modify the decision or send it back to the Comprehensive Planning and Zoning Board with direction.

Commissioner Samora asked why to reverse the entire approval versus modifying the approval to have them look at a certain aspect.

Mayor England advised that the Comprehensive Planning and Zoning Board has the authority on the other aspects of the decision. So, if the Commission wants to change the motion to send it back to the Board for determining the criteria for those four parking spaces.

City Attorney Taylor advised that the Board has the option to look at any other aspect when it goes back to them. The Board needs to look at the parking issue and they can send back to the Commission a new package or decide to do a variance and send that back to the Commission if the variance is appealed. He explained that the Commission does not have to modify it unless the Commission wants to decide today.

Commissioner Samora advised no, thank you.

Mayor England asked for a roll call vote.

Roll Call was as followed:

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

Motion passes unanimously.

Mayor closed the quasi-judicial public hearing on the appeal of the Comprehensive Planning and Zoning Board decision.

Mayor England moved to Item 2.

2. Ordinance 20-12, First Public Hearing and Second Reading: to Amend Section 6.02.03 of the Land Development Code for Provisions to Permit the Access of Private Property from Dead-End Streets (Presenter: Brian Law, Building Official)

Mayor England introduced Item 2 and said Building Official Law for his staff report.

Building Official Law advised this is for vehicle traffic through dead-end streets. He explained that this ordinance has not been changed in the last three months.

Mayor England asked for Commission discussion.

Discussion ensued regarding the fee amount being too high; how the fee was decided; fee to low people would not completing the project; have consistency in fencing; allowing Public Works Department to install and uninstall barricades; and several streets in the City this would apply to.

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

City Attorney Douglas read the title of the ordinance.

Motion: to approve the ordinance with a fee change to \$150. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll Call was as followed:

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

Motion passes unanimously.

Mayor England moved to Item 3.

XI. CONSENT

3. Comprehensive Planning and Zoning Board: Re-Appointment of Two Regular Members: Ms. Hester Longstreet and Mr. Dennis King

Mayor England asked if any Commissioner had any questions about the Consent Agenda. Being none, Mayor England asked for a motion.

Motion: to reappoint. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

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

Motion passes unanimously.

Mayor England moved on to Item 4.

XII. OLD BUSINESS

4. Ocean Walk Subdivision Drainage Improvements: Update on Status (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik showed a PowerPoint presentation (Exhibit 2). He advised that there are no rain problems since the ditch was cleaned. He explained that he would be putting in a Type C Inlet being done in the next two weeks to the east of the existing Type H drainage structure and will essentially be a pump out inlet. He commented that this should help the water not to flow back into Lee Drive. He is expecting to get the drainage pump in about a week and either the Public Works employees or a contractor will get it into the ground. He

explained that he is in the beginning stage for a long-term solution and will continue to work on it. He introduced Gary Sneddon with CMT to explain the Mickler Ditch project and what led to the Mickler Ditch flooding.

Gary Sneddon, CMT Engineering, Jax, FL, give the technologic background on the pipes. He showed a PowerPoint presentation (Exhibit 3). He explained that the technical information can be found on the internet.

Mayor England advised that the public wants to know what can be done now that would prevent their homes from flooding.

Public Works Director Tredik advised that they will continue to pursue improvements to pump down the problem. He advised that he keeps an eye on the rainfall forecasts to know when to start pumping. He explained how Public Works Department pumps Mizell pond out with a lot of rainfall.

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

Tasha Stanton, 44 Lee Drive, St. Augustine Beach, FL, glad to see this is getting the attention that it is deserves. She asks why the flood pattern changed and what triggers the pumps.

Public Works Director Tredik advised that he would go out when the certain amount of rain falls.

Rob Vignato, 39 Lee Drive, St. Augustine Beach, FL, showed a PowerPoint presentation (Exhibit 4). He asked to stop the waste of taxpayers dollars and the taxpayers see what is going on and who is responsible.

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, advised that she has three houses that flood during Hurricane Matthew and no flooding during Hurricane Irma. She hopes to include money to fix the problem long term. She advised that after the pipe was put in drainage on the north and south has a problem with drainage. She appreciated the short-term solutions but wants something done long-term. She advised that money needs to be put in the budget to keep the drainage is maintained and asked to have businesses to keep them clean.

Rafael Saler, 27 Lee Drive, St. Augustine Beach, FL, thank you for the presentation and the numbers are correct from the engineer but the ditch takes water on the underwater percolation of Ocean Walk. The water does not get into the pipe and since the pipe was put in it has flooded.

Clint Stoeve, 43 Lee Drive, St. Augustine Beach, FL, advised that the issue is they cannot get the water in the pipe and the drains on top are not working properly. He asked why they could not widen the ditch a little bit. The pipe on Lee Drive is not the first pipe under the road which are 24 inches and 18 inches, which are too small.

Mayor England closed the Public Comments section and then thanked the residents for their information and the contractor. She advised that there is more work that needs to be done and the staff and engineer will be looking at the points the residents have brought up.

Public Works Director advised that he would be working on the issue and explained the piping under Lee Street, which he said was fine at this time. He explained that he could not do any pumping on the south end because there is no where to put the pump.

Mayor England asked if any Commissioners had any comments.

Commissioner Rumrell advised that there is a lot of work to do, but he had no other comments.

Commissioner George had no comments.

Commissioner Samora thanked Public Works Director Tredik and everyone that has been working on this.

Vice Mayor is looking forward to continual updates.

She then moved to Item 5.

5. Opening of 2nd Street West of 2nd Avenue: Review of Options and Costs, and Request to Approve a Special Assessment (Presenter: Bill Tredik, Public Works Director)

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

City Manager Royle advised that the first point is how to get the money to open the road. He explained in the past the homeowners would pay their portion of the road costs, which they never agreed to. He explained that some property owners do not want their property developed. He suggested to assess the property owners as it has been done in the past on 3rd Street, 8th Street and C Street in 1978 and explained that the value of the properties will go up with development even though the property owners may not want to develop it. The second point was that two property owners came to see him, Mr. Craddock and Mr. Toledo who own lots shown of the overhead (Exhibit 5). They would like to deed these lots to a Public Conservatory Group or to the City so they would never be developed. They only want them as greenspace and not a park. They want the trees and vegetation undisturbed and asked if they would deviate the road to the south because there are trees close to the right-of-way that might be affected by the road being too close. He suggested to Mr. Craddock and Mr. Toledo instead of donated this land to the public to allow the City to use impact fees to pay their share of the costs to put the road in, but all the others who wanted to develop the land would be assessed a cost. He explained that that was what was done on 3rd Street and it worked out well. He advised that Public Works Director Tredik and he thought that the access point should go from 2nd Street east to 2nd Avenue, which is the most direct route and most cost effective. To help the residents with safety a sidewalk would be put in, which would be paid by impact fees. He also would like to widen the road because it is so narrow, and the City could use impact fees for that project. He advised that the City would pave the existing road, which would come from City monies. He requested to create a special assessment and then move forward with the project and consider the three lots that the owners would like to donate. He explained that the Commission could also go from 3rd Street, but both the Public Works Director and he do not want to go on 1st Street due to the busy traffic.

Public Works Director agreed with City Manager Royle and advised that 1st Street would have problems.

Mayor England asked James Whitehouse to come to the podium to speak on behalf of the 56% of the homeowners who want the street opened.

Attorney James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, advised that he is here on behalf of the lot owners and has their authorizations for him to speak for them (Exhibit 5). He advised that the City staff has done a great job in

presenting this item to the Commission, which also included his proposal. He advised that the lot owners that he represents would agree with that proposal and is here to answer any questions.

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

Mark Craddock, 116 2nd Street, St. Augustine Beach, FL, explained that he is the owner of two of the lots on 2nd Street. He advised that he does not believe that the assessments should be put on all the lots and that procedurally the owners must agree by 65% consensus. The rules have been a longstanding policy and has been a policy for a long time. He advised that Public Works Director Tredik confirmed this before he purchased his two properties. He said it was a matter of fairness and the City should not move the goal posts on owners for developments. He explained that there are other ways for the owners to development who want to develop. He advised that the ones who want to develop pay there costs now, while waiting for those who do not want to develop their properties now until they sell the properties or apply for a building permit. He advised that would be a fair solution since the 65% has not been met. He has been working on the conservation of properties to protect three of the lots from development indefinitely. If they are forced to pay assessments for the lots, it would force them to develop or sell the lots which would not be in the public's interest. If the City does select the 2nd Street route, he does appreciate the widening of the road and install sidewalk on 2nd Street, but requests that the City invest in underground utilities when 2nd Street is done.

Mayor England closed the Public Comments section and asked what the Commission needs to do to move forward with this.

City Attorney Taylor advised that the Commission needs to give their consensus to staff on how to move forward.

Mayor England advised that the City has a right to open a street at anytime because the lots are platted. She explained that the percentages are not binding and can be changed by the Commission. She commented that the time has come to act and to move forward. The proposal from the City has been well thought out.

Commissioner Rumrell explained that he likes the idea of those who are going to use it pay now, but his question is if the City pays a percentage and the owners who use it would pay their percentage or assessment at the time they develop it or sell it. He said there is a problem because there is a street just north of Dunes Cracker that is another through street. He advised that the City split the fees with the street north of Dunes Cracker and to assess the difference. He advised that the impact fees are for paving and opening roads and so the City should use it.

Commissioner George asked why the Commission should deviate from the 65% approval from the property owners who want to proceed. There is a policy in place and the owners are not at that point yet. She asked why staff is changing policy and pushing the opening of 2nd Street. She understood that it is not binding and is a policy of the Commission, but there is no difference in these properties then when it came up earlier. She advised that she does not agree in spending all of the impact fees on two projects because the money could be used for new parking and should not be taking out that money for a private benefit for certain lot owners. That would be a disserve to the other residences and do no agree with changing the policy.

Mayor England asked City Attorney Taylor what the law is on the rights of the property owners and the 65% verses the 56% that we have.

City Attorney Taylor advised that the 65% is a policy that has been established by the City, but it is not codified.

Mayor England commented that she was not sure if the 65% was used in previous properties in 1978 and others.

City Attorney Taylor advised that the 65% is used in several municipalities in the State of Florida, so it is a common percentage. The state has given the municipalities discretion. He explained that he does not want property owners to sue the City and the longer the City does not move forward the better that they may have a lawsuit. It would not be tomorrow and if the Commission wants to wait until there is a better consensus, that would be okay.

Commissioner George advised that the City is deciding by the 65%. She advised if the City forms with precedent, the City would be more protected. She said that she does not see a potential threat in this case.

Vice Mayor Kostka asked if the three lots included in the 65% or not.

City Clerk Raddatz asked to extend the meeting.

Motion: to extend the meeting until 10 p.m. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka. **Motion passes unanimously.**

Commissioner George advised that the three lots would not be given to conservancy unless the road goes through. He purchased the lots with the expectation of the 65% rule and asked that this not move forward until the 65% consensus is received. She explained that the property owners are shy by three lots.

Discussion ensued regarding nine property owners have given authorization, not eight.

Vice Mayor Kostka said that the Commission should stay with 65%.

Commissioner Samora advised that if the policy were codified or in a written policy, he would agree with Vice Mayor Kostka and Commissioner George. He explained that most of the property owners are for the open and should be taken into consideration. He said if the Charter Review Committee said that it needs to be 65%, then that would be different, and they would have codified it somehow. He agreed with the proposal but does not believe that we should use all the impact fees for these projects because there are other things the money can be used for. He agrees with the route that has been proposed by staff and believes that the City should improve 2nd Street to come straight in, but does not know if a sidewalk makes more sense; however, widening it does make sense. He does like the component to give flexibility to those who do not want to develop now.

Mayor England asked City Manager Royle if in the past the 65% was used every time.

City Manager Royle advised that 8th Street was 65%, but 3rd Street and was not 65%.

Mayor England asked when the special assessment is done is not it in their tax bill?

City Manager Royle advised that they would have to pay in advance of the street being opened. They would pay up front or they could give them a three-year payment plan with interest. He commented that he did not agree with Mr. Craddock's suggestion because the

owners could take years to pay for their share and in the meantime the City must pay for the opening of the street. He suggested that they pay up front or pay over time.

Mayor England asked what happens if the homeowners do not pay.

City Manager Royle advised that the City could put a lien on the property, which they would have to pay, or the new owner would have to pay. He explained that the City Attorney would have to guide him on the special assessment. He commented that the City may have an obligation to build the road for property owners who want to build.

Mayor England advised that the City has the authority to open 2nd Street and there is a good proposal by the staff which is greater than half of the residents. She requested staff put together a plan to open 2nd Street and work with the owners of the three lots for the Florida Trust conservatorship and that the City assess the remaining property owners for the costs of opening up the street and the assessment be over five years and that the City use part of the impact fees for the City's cost of opening 2nd Street, plus to put in sidewalks and widening the street equal to the western part of 2nd Street. She advised that she stated that to see what objections the Commission has.

Discussion ensued regarding Attorney Whitehouse's clients are nine property owners.

Attorney Whitehouse advised that 65% is used with STU's and MTU's for an improvement, such as a sea wall, not for an access road to lots without any access. He explained that he submitted the authorizations of nine properties including Ms. Garrison's lot.

Commissioner George asked is Ms. Garrison for the improvement.

Attorney Whitehouse advised that he represents her as an attorney.

Mayor England asked with nine lots requesting the street to be opened. She explained that the lot owners paying for their share and the City paying one-third, the lots being donated to the Florida Trust would not pay the assessment. She suggested the City moves forward with handling this because of the good proposal.

Commissioner George advised that the lot owners are not denied access. If the lot owners want to open it up themselves and pay for it, they could. She advised that they are asking for more than they are legally entitled to do. She commented that she is not in favor of granting any special treatment or additional funding that has not been provided in the past to other developers.

Commissioner Samora advised that this started because a developer came to us to have the Commission decide which way they wanted to access the properties. He commented that the Commission needs to decide how to pay for it and split the costs. He advised that this needs to move forward. He agreed to move forward and allow staff to work on it and bring it back.

Vice Mayor Kostka agree that the costs share does not need to be done at this time, but she agrees with the direction of the street to be opened.

Mayor England asked Commissioner Rumrell if he agreed with the direction of the street to open the road and then the Commission work through the fees of the assessment.

Commissioner Rumrell agreed that staff can look into the direction of the opening of the street.

Mayor England asked Commissioner George if she agreed with opening 2nd Street and to work through the financials on how to pay for it.

Commissioner George advised she is not taking a position on the directionality at this point. She does not agree with the City taking the reins on this by acting as a developer unless the City has 65% of the residents that agree. She advised that if the Commission wants to manage the nine homeowners then she would not take a position on either direction, but advocates the ownership of the three lots with the conservation easement and make the layout of the road to preserve the trees in the right-of-way and to forgive their assessment which becomes a cost to the City because the taxpayers would have to pay for that cost share. Staff would have to find out where the money would come from.

Mayor England advised that since Commissioner George is in the minority, then direction to staff is to move forward with the plan to open 2nd Street directly and to accept the three lots and work on a plan for the financials.

Discussion ensued regarding that the meeting will continue to the meeting on September 22, 2020.

The Commission agreed to continue the meeting until September 22nd.

6. New Year's Fireworks Show: Update Report and Request for Commission to Decide Whether to Hold It (Presenter: Melinda Conlon, Communications and Events Coordinator)

This item is scheduled for September 22, 2020.

7. Use of City Property Adjacent to Mizell Road Retention Pond: Review of Agreement to Allow Honeybee Hives and Consideration of Agreement with Ark Wildlife Rehabilitation for Injured Bird Recovery Facility (Presenter: Max Royle, City Manager)

This item is scheduled for September 22, 2020.

XIII. NEW BUSINESS

8. Tourist Development Council: Approval of a Letter to Re-Appoint Commissioner Undine George as the City Representative (Presenter: Max Royle, City Manager)

This item is scheduled for September 22, 2020.

9. Civil Rights Monument Adjacent to Former City Hall: Consideration of How to Highlight It (Presenter: Commissioner Undine George)

This item is scheduled for September 22, 2020.

XIV. STAFF COMMENTS

This item is scheduled for September 22, 2020.

XV. ADJOURNMENT

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

Roll Call was as followed:

Commissioner Samora Yes
Commissioner George Yes

Mayor England Yes
Vice Mayor Kostka Yes
Commissioner Rumrell Yes
Motion passed unanimously.

The meeting was adjourned at 9:57p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

CONTINUATION OF REGULAR CITY COMMISSION MEETING ON SEPTEMBER 14, 2020

TUESDAY, SEPTEMBER 22, 2020, AT 5:56 P.M.

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

I. CALL TO ORDER

Mayor England opened the meeting at 6:01 p.m.

II. ROLL CALL

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

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

XI. OLD BUSINESS

6. New Year's Fireworks Show: Update Report and Request for Commission to Decide Whether to Hold It (Presenter: Melinda Conlon, Communications and Events Coordinator)

Mayor England introduced Item 6 and asked Ms. Conlon for her report.

Communications and Events Coordinator Conlon show a PowerPoint presentation regarding Beach Blast Off and alternative events instead of Beach Blast Off. She advised that the City did not get funding from the Tourist Development Council (TDC) because they did not want any events before January 1, 2021 due to COVID-19. St. Johns County limited the crowd size, which would be impossible for the City to maintain. She commented that St. Johns Sheriff's Office and the Department Heads also would not give support to the event due to COVID-19. She then explained that instead of having only Beach Blast Off that there could be events that would support a limited number of visitors. She suggested a shop and dine event with an art walk, a holiday night market promoting local businesses and vendors, and having a fun light or laser show along with the City of St. Augustine. She would work with the businesses and the art studio.

Mayor England asked if this needs to be a consensus or a motion.

City Manager Royle advised that a motion would be needed. He explained that he has had no emails or comments about Beach Blast Off. He commented that he needed to bring it to the Commission's attention now because contracts need to be signed and expenses sent for Beach Blast Off if the Commission wanted to move forward. He advised that he and Police Chief Hardwick do not want the Beach Blast Off do to COVID-19.

Police Chief Hardwick agreed with City Manager Royle. He explained that St. Johns County is still recovering and does not want COVID-19 cases to increase. He does not want to expose the men and women of the City to any more than we have to and advised that there are no other events happening, except the Amphitheater having small events.

Mayor England advised that there is a mask ordinance that says any outside gatherings of 50 or more requires a mask, which would be impossible to enforce for Beach Blast Off.

Mayor England opened the Public Comments section. Being none, Mayor England asked for other Commission discussion.

Vice Mayor Kostka advised that many events have been cancelled due to COVID-19 and does not see the harm in cancelling Beach Blast Off in order to protect the citizens. She said that overtime expenses would be saved.

Mayor England advised that there is no money in the budget for Beach Blast Off expenses.

Commissioner Samora agreed to cancel Beach Blast Off this year because there is no choice; however, he appreciated seeing the alternative planning for smaller events. He suggested starting events before Thanksgiving and continuing the events through the holiday season.

Communications and Events Coordinator advised that she met with City Manager Regan from the City of St. Augustine about being a part of their Nights of Lights. She explained that it does not have to be white lights, but it could be colored lights and our own presentation. She commented that she would like the businesses to all get involved along A1A Beach Boulevard.

Mayor England wanted funky beach colored lights along with the Nights of Lights.

Commissioner George advised that cancelling Beach Blast Off is the only right thing to do and commends staff on their wonderful ideas. Loved the concept of creating a season. She advised that she would help in any way she could.

Commissioner Rumrell agreed with the other Commissioners.

Mayor England made a motion.

Motion: to discontinue the Beach Blast Off in 2020 and consider other alternative ways to celebrate the end of 2020. **Motion by** Mayor England, **Seconded by** Commissioner George.

Mayor England asked for a roll call vote.

Mayor England Yes

Vice Mayor Kostka Yes

Commissioner George Yes

Commissioner Rumrell Yes

Commissioner Samora Yes

Motion passed unanimously.

Mayor England moved on to Item 7.

7. Use of City Property Adjacent to Mizell Road retention Pond: Review of Agreements to Allow Honeybee Hives and Consideration of Agreement with Ark Wildlife Rehabilitation for Injured Bird Recovery Facility (Presenter: Max Royle, City Manager)

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

City Manager Royle showed (Exhibit 2) of Mizell pond and explained that there is a bird facility on the western side of Mizell pond. He explained that this bird facility helps injured birds and they have been there since 2005 and is managed by Karen Lynch, which who like to renew the agreement with the City. He commented that there is an additional proposal for the use of that land for beehives. Diane Spoden will speak to the Commission regarding this Boy Scout project. It is a good location for both the birds and the bees, and no one can disturb the beehives.

Mayor England advised in August 2020, the Commission approved moving forward with the beehives and now will approve the contract that the City Attorney drafted.

Diane Spoden, 7424 A1A South, St. Augustine, FL, advised the property is ideal because it is fenced, and the public cannot disturb the bees. She explained that there would be no problem with the birds being affected and the contract looks fine. She agreed to mow the land around the beehives so no one can get stung.

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

Motion: to approve the contract. **Motion by** Mayor England, **Seconded by** Vice Mayor Kostka.

Mayor England asked for a roll call vote.

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

Motion passed unanimously.

City Manager Royle advised that the second agreement is for the Ark Wildlife Service.

Karen Ward, 700 W Pope Road, St. Augustine, FL, gave history of her bird wildlife sanctuary and thanked the Commission for their help by allowing her to lease the property.

Mayor England asked the Commission if there were any questions. Being none, Mayor England asked Ms. Ward if she was satisfied with the lease renewal.

Ms. Ward advised yes.

Mayor England thanked all Ms. Ward does for the animals.

Motion: to approve the lease for the Ark. **Motion by** Mayor England, **Seconded by** Commissioner George.

Mayor England asked for a roll call vote.

Mayor England	Yes
Vice Mayor Kostka	Yes
Commissioner George	Yes

Commissioner Rumrell Yes
Commissioner Samora Yes
Motion passed unanimously.

Mayor England moved on to Item 8.

XII. OLD BUSINESS

8. Tourist Development Council: Approval of a Letter to Re-Appoint Commissioner Undine George as the City Representative (Presenter: Max Royle, City Manager)

Mayor England introduced the Item 8 and asked for a staff report from City Manager Royle.

City Manager Royle advised that Commissioner George has been the representative for the City on the Tourist Development Council (TDC) and she would like to open up discussion on whether Mayor England would like her to continue in that role or if Mayor England would like to assume the role.

Mayor England advised that Commissioner George has done a great job with the TDC and would like her to continue in the role.

Commissioner George advised that she would continue as the representative.

Mayor England moved on to Item 9.

9. Civil Rights Monument Adjacent to Former City Hall: Consideration of How to Highlight It (Presenter: Commissioner Undine George)

Mayor England introduced Item 9 and asked Commissioner George to comment on the civil rights monument.

Commissioner George advised that she sent to the Commission photographs and the video regarding the civil rights monument and explained that the City has a lot of history. She advised that with the national attention to the monuments, she was asked by a reporter about the City's monument. She commented that the monument has not been taken proper care of, but she is looking into grants and the businesses may be willing to help in cleaning up the monument. She suggested that staff or a board come up with a vision for the monument to bring attention to it and fundraising.

Mayor England advised that she would like to put a photograph at city hall.

Commissioner George asked to come up with a vision to update the site by SEPAC or staff. She would like a concept or a theme and then get funding for it. Staff could do the initial research or SEPAC do it.

City Manager Royle advised that he would like to speak to staff to get their vision and then report back to the Commission if that is the Commission's direction.

Commissioner George asked how the Veteran's Memorial was done.

City Manager Royle advised that Captain Bob Beskind had the vision and then Michael Stauffer did the design of the monument. He explained that the Commission appropriated the money for Mr. Stauffer's design, and it was done.

Mayor England advised that since the City is not doing Beach Blast Off, then maybe those sponsors could be asked to help with this civil rights monument. She suggested contacting Mr. Stauffer and seeing if he had any ideas.

Commissioner George thought it was a great plan. She suggested getting in contact with the Art Studio as well. She said that she would be happy to ask some artists in the City to see if they would like to help with concepts as well. She agreed with contacting Mr. Stauffer.

Commissioner Rumrell agreed with all the suggestions but feels that the monument is in need of some work.

Vice Mayor Kostka advised that the monument is in need of repair and suggested getting the vision first, so the sponsors know what they are contributing too. It's a great opportunity and is deserving.

Commissioner Samora suggested reaching out to the Brumagin family since they funded or designed it and also to get grants.

It was the Commission's consensus to move this forward under Commissioner Comments or Staff Comments next month.

Commissioner George asked who would bring it up to Mr. Stauffer.

Mayor England advised and she and the City Manager would contact Mr. Stauffer.

Commissioner George advised that she would reach out to the Arts Council.

XIV. STAFF COMMENTS

Mayor England asked Police Chief Hardwick for any staff comments.

Police Chief Hardwick advised he is preparing for the General Election and he had a succession plan in place with Commander Ashlock being on staff; however, Mr. Ashlock has been activated and is going to Washington, DC for an unknown amount of time. Mr. Ashlock will be on unpaid military leave from October 1, 2020. He advised that Daniel Carswell has been promoted to Commander. He suggested that after the election, Commander Carswell become Interim Police Chief until a decision can be made permanently. He explained that Commander Carswell has filled in for him and Commander Ashlock when they have been on military leave and his leave of absence during his campaign. Police Chief Hardwick will be with the agency until after the election on November 3rd and after that he plans on transitioning to the Sheriff's Office when Sheriff Shoar welcomes him. He asked for guidance from the Commission. He said the options are that Commander Carswell can fill in as the Interim Police Chief until the Commission decides that he meets the criteria. He has been with the agency for 16 years and can fill the Chief's role. Police Chief Hardwick advised that he would be here if needed until January 1st. Option 2 would be to do a national search for a Police Chief and Option 3 would be to go to a local search. He explained that for a local search he could advertise on the local police association website for free of charge. He commented that he has received resumes, which he has forwarded to the Commission. He remarked that the previously Commission received 224 applications the last time and he was working in St. Johns County. He suggested that the Commission give Commander Carswell until the first quarter of the year to see how he is doing as Interim Police Chief. He advised that he already had a mock accreditation with no blemishes and small word changes to the Standard Operating Policies.

Mayor England asked if Commander Ashlock has left permanently and not be back.

Police Chief Hardwick advised that Commander Ashlock is on military orders as of October 1, 2020 and he will report to his duty station for a year and will be on leave without pay.

Mayor England asked to put this item on an agenda to notice the public.

City Attorney Taylor agreed that it should be noticed and not to make any decisions today.

Mayor England asked that this item be brought up so the Commission could think about what options they would like to move in.

Vice Mayor Kostka advised that it is important to move quickly and that the new chief would be able to spend time with Police Chief Hardwick.

Police Chief Hardwick advised that Commander Carswell will continue until he leaves in December.

Mayor England asked City Manager Royle to have salary information and have this added to the agenda in October.

Commissioner George and Commissioner Rumrell agreed to bring this up next month.

Commissioner Samora asked to bring it up as soon as possible for the sake of the Police Department.

Police Chief Hardwick asked if this should have a separate meeting for this item. He will as Sheriff continue to give St. Augustine Police Department whatever the City needs and will continue their relationship. He advised that Officer Lewis would be back from military in November and there would be full staff.

Mayor England advised we need get information on salaries, Sheriff's Office commitment, whether to accept resumes locally or nationwide, so there are several things to discuss and it may need a separate meeting.

Discussion ensued regarding whether to have a workshop in October or November; present all information possible to present to the public; October's agenda is light right now; election machines will be in the Commission room starting October 17th through November 5th; Commission needing full information; having to schedule a date on the October agenda; whether to delay interviewing for the Chief's position until after the election; listen to Police Chief Hardwick's suggestions; Interim Police Chief Carswell has no limit of time until the Commission decides what option to take; to give the public more time; and having Commander Carswell's resume available to the Commission.

Commissioner Samora asked to formalize whether Commander Carswell would become Interim Police Chief.

Mayor England advised that a date could be set for a November workshop and whether to allow Commander Carswell to be Interim Police Chief on the October agenda.

Police Chief Hardwick will forward the dates for the accreditation in October.

Commander Carswell advised that he would be happy to serve as Interim Police Chief and explained that he has been with Chief Hardwick for seven years. He advised that this is his home and family. He commented that he has a very good relationship with the businesses and Police Chief Hardwick.

Police Chief Hardwick advised that Commander Carswell is going for his master's degree and is on the waiting list for the FBI National Academy.

Mayor England asked for Commander Carswell's resume and Police Chief Hardwick's recommendations.

Mayor England asked City Manager Royle for his comments.

City Manager Royle advised he attended a meeting today to update the transit development plan with a consultant that was just hired for St. Johns County. He advised it was a staff level meeting. The consultant was England, Thims, and Miller. They are creating a 10-year transit development plan and public transportation. The consultant is seeking public comments. A monorail that connect to the two cities would be great.

Public Works Director Tredik advised that this weekend with all the rain was challenging, but the beach took the worse beating. He explained that there is no sand left in front of Embassy Suites and had a seawall failure. There is not much left on the pier. Water was coming in under Pope Road and flowing into the Mickler pipe and into the Mizell pond. There was not any property damage and Lee Drive was fine because of the cleaning of the ditches. He wants to create a stormwater funding mechanism for the future but needs guidance from the Commission on whether they are opened to it for FY 21-22.

Vice Mayor Kostka requested general information on problem areas in the City on flooding when this is brought up on the October Commission meeting.

Public Works Director Tredik advised yes, but only general information. He advised that he would give a briefing on Ocean Hammock Park at the October meeting and is applying for a \$60,000 matching grant for the improvements in Ocean Hammock Park.

Mayor England asked if the deadlines will be met in the contract and the consultant understands the seriousness of meeting deadlines.

Public Works Director Tredik advised yes. He explained that Ocean Walk needs a survey and what the next step would be. He suggested CMT because they have the history and the modeling of the area.

Mayor England asked about Gulfstream in the past.

Public Works Director Tredik advised that Gulfstream does not have the knowledge and there is a lot of knowledge and expertise with CMT.

Mayor England advised that the Commission would have to decide whether to get a second opinion or to go with CMT. She asked Commissioner Rumrell about CMT.

Commissioner Rumrell prefers bidding it out when possible.

Commissioner George advised that it may not be appropriate to speak on this since it has not been noticed.

Public Works Director Tredik advised that he cannot get bids from engineers on this.

Commission agreed that it needs to be noticed on an agenda.

Finance Director Douylliez thanked the Commission for supporting the budget.

Mayor England advised that there were so many comments on how well the budget process went and was transparent.

City Clerk Raddatz had no comments.

City Attorney Taylor had no comments.

Communication and Event Coordinator had no comments.

Discussion ensued regarding when the next beach renourishment would be; three-years to go until the next renourishment is due; taking sand from the south to bring north; and City Manager Royle would look into replacing the sand if possible.

XV. ADJOURNMENT

Mayor England asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Mayor England asked for roll call.

Mayor England asked for a roll call vote.

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

Mayor England adjourned the meeting at 7:20 p.m. and then recessed the meeting for five minutes before starting the Regular Commission meeting.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk