



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, MARCH 1, 2021 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 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON FEBRUARY 1, 2021 AND THE CONTINUATION OF REGULAR COMMISSION MEETING ON FEBRUARY 8, 2021

Mayor England asked if there were any discussions regarding the meeting. Being none, Mayor England asked for a motion.

Motion: to approve the Regular Commission minutes for February 1, 2021 and February 8, 2021.
Moved by Commissioner Torres, **Seconded by** Commissioner George. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

City Manager Royle advised that the Sons of America Revolution requested to reschedule this to the April 5, 2021 Regular Commission meeting.

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.

Vice Mayor Samora suggested that Item 5 be moved to Old Business instead of the Consent Agenda so it could be discussed by the Commission.

City Manager Royle advised that there are several residents here to discuss an item affecting Seagrove and if the Commission would like, they could add it to the agenda.

It was the consensus of the Commission to discuss the Seagrove item.

***** New Item Not on Agenda – A Business in Seagrove without a Business Tax Receipt.**

Mayor England asked Building Official Law for a report on the business called Resurgence located in Seagrove.

Building Official Law explained that last Thursday there was a report that came to the Building Department, which two staff employees followed up on. There was no sign indicating there was a business at the location. He came back to the City and researched Ordinance 01-15 which explained the rules on Planned Unit Development (PUD) in the City. He explained that on page 10 of the PUD regulations it allows medical and dental clinics in their building. He spoke with the manager of the business and they were not giving black and white answers. He spoke with the owner again today and the owner did not call back as promised. He advised that they are currently operating without a business tax receipt (BTR), which is required for any business in the City. The owner was supposed to have the BTR application in today, but the owner did not bring it in. Building Official Law contacted Sovereign & Jacobs who is the management company to see if they would give a letter of approval for the business. He received a letter from them which explains what the business owner can do in the store front (Exhibit 1), which says that it was for yoga and message therapy only, not an outpatient substance abuse disorder clinic. He advised that in his opinion this is not the City's problem except for not having a BTR, but a civil matter between the owner and Seagrove Homeowners Association. The City should not take sides and only follow the City's codes. He explained that if the business is doing an outpatient clinic, the City could not stop the issuance of the BTR because the PUD allows medical and dental clinics. Building Code Chapter 3 of the business occupancy advises that that it is allowed, and he does not find any issue against what they are doing, except for not having a BTR.

City Attorney Taylor agreed with Building Official Law's assessment. So far, the information that the City is getting is that they are practicing medicine in the building. The City does not have official confirmation of the actual use.

Building Official Law advised that if the business is dispensing medicine, it is out of his scope to regulate, but the Department of Business and Professional Regulations (DEPR) does regulate it.

City Attorney Taylor agreed that the City would have no authority in the regulation of dispensing medicine. He advised that the City cannot do anything.

Building Official Law was concerned about the definition of self-preservation in the code.

He asked if the patients capable of independent thought and mobility. He advised that from what he has learned the patients are capable of thought and mobility. He explained that from what the City has heard it is an outpatient facility. He advised that in his opinion it is Seagrove Homeowner Association to regulate their own facility, not the City's.

Mayor England asked how long the business could continue without a BTR.

Building Official Law advised that it would have to go to the Code Enforcement Board and they meet on March 31, 2021. He is working to get the BTR with the business owner, but if not, it would go to the Code Enforcement Board.

Vice Mayor Samora asked if the business owner is making modifications to the building.

Building Official Law saw the business redoing the flooring and removed three water lines, which requires a building permit.

Mayor England asked if the name was up in the building.

Building Official Law advised that only "120" was on the business, which was their address.

Commissioner George asked if there are late fees or any fines that could be assessed.

Building Official Law advised that there are late fees when the license has been established, but it will go to the Code Enforcement Board if they continue to operate without a BTR. He tries to use this first visit as a teaching mechanism and tries to handle it internally.

Vice Mayor Samora recapped that the letter (Exhibit 1) from Seagrove Town Association says they approved the business for yoga and message therapy, but not an outpatient substance abuse clinic. Since the Association is stating that the outpatient substance abuse clinic is not allowed, it has nothing to do with the City.

Building Official Law advised that they are operating under Ordinance 15-01 and the PUD agreement and if the Association wants to change that, they would have to go through procedures to change it.

Commissioner Rumrell asked so that this does not happen in the City as a whole, could the PUD agreements state where outpatient abuse clinics are allowed in the future in the City.

Building Official Law advised that it could be done; however, the City Attorney would have to draft legal language and check with the state on the regulations. He advised that he would not want another overlay district for this because it would be a massive change in zoning and the Comprehensive Plan. He commented that the businesses that have outpatient abuse clinics right now have a good chance to be grandfathered in if the PUD is

changed.

Commissioner George advised that the residents could go to their Association to make the change.

Commissioner Torres advised that the City has given some latitude on this potential business operating without a BTR license, but because there is an overabundance of residents who are concerned about this issue, he feels that the handling of this issue has been unacceptable because they are still operating without a license. He asked that an emergency Code Enforcement Board meeting be called.

Mayor England asked why they must wait for a regular Code Enforcement Board meeting if there is a known violation.

Building Official Law advised that the code gives him the authority to ask the Chair of the Code Enforcement Board to call an emergency Code Enforcement Board meeting. He would have to advertise first before the meeting.

City Attorney Taylor advised that the City could do that, but he cautioned the Commission about not setting a precedent and that if the City only goes after one business or individual out of the normal process it could be a problem. The normal Code Enforcement Board is coming up by the end of the month. He explained that there may be a lawsuit between the two parties and the City may not want to deviate from their normal procedures. He advised that an emergency meeting is permissible.

Building Official Law suggested having the City Attorney draft a letter for operating without a license. He would hand-deliver, certified mail, and regular mail to make sure the business owner receives it.

Commissioner George asked if the business owner has a State and St. Johns County license.

Building Official Law advised that it is not the Building Department's normal protocol. He explained that the last page of the BTR application has approval of zoning type, Building Official, and then the Fire Marshall.

Mayor England advised that the City's responsibility right now is to ask them for the BTR.

Building Official Law advised he was disappointed that the business owner did not call back and he would continue with the Code Enforcement Board if they do not comply in getting a BTR license.

Mayor England recapped that the issue is between the Seagrove Homeowners Association

and the residents of that Board to investigate permitting for that type of business in their Town Center.

Building Official Law advised yes. The City is limited in what we can do.

VII. PRESENTATIONS

- A. Sons of American Revolution 2021 Law Enforcement Commendation Award to Officer Dominic Giannotta

This item was rescheduled to April 5, 2021 Regular Commission meeting.

VIII. PUBLIC COMMENTS

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

Geoffrey West, 660 Sun Down Circle, St. Augustine Beach, FL, thanked the Commission and believes that Building Official Law is on the right track; the City has authority over the Town Association to make sure that they are not adversely affecting the health, safety, and welfare of the community and residents; the property should stay in line to protect the integrity of the residents; and the business is not being transparent on what the business is.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, was looking forward to the workshop next week, but did not understand why waste disposal was not the first workshop; wants one minute of public comments before the agenda starts; and he gave a definition on the Code of Ethics for City Officials.

Sarah Smith, 776 Tides End Drive, St. Augustine Beach, FL, thanked staff for their due diligence for the residents of Seagrove Drive; she spoke with Commissioner Rumrell and things are going well; the residents want transparency from the business; asked the Commission to give pressure to the company; and would like to help with this precedent for other neighbors on their PUD's.

Carol Oyenarte, 392 High Tide Drive, St. Augustine Beach, FL, thanked the Commission for responding to her emails and calls, but also to the Police Department who were so kind to follow up with her calls and questions and for keeping an eye on the property; thanked everyone for their due diligence; and asked at what stage can the Fire Marshall be sent in.

Building Official Law advised that the Fire Marshall has no authority over the City's codes, and he would be the one to decide whether to call him in. He explained that he would call him in when the BTR application will be done.

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

IX. COMMISSIONER COMMENTS

Mayor England asked Vice Mayor Samora to comment.

Vice Mayor Samora advised he had no comments.

Commissioner Rumrell advised that he met with Mr. Curwen on A Street a week ago and then scheduled a meeting with St. Johns County Commissioner Henry Dean to discuss what the next step would be regarding this drainage issue. He thanked County Commissioner Dean for his help. Vice Mayor Samora attended that meeting with County Commissioner Dean. Commissioner Rumrell stated that he was close to getting the funding from St. Johns County for the flashing crosswalks on A1A Beach Boulevard. He advised that if that fails, he would raise the money personally through donations this year. The Visitors and Convention Bureau (VCB) has allowed the City of St. Augustine to start permitting events with social distancing. The VCB has advised that in February tourism has increased. He also advised that a grant has been authorized for a new airport to come into the City of St. Augustine, so there will be more information coming in the future.

Mayor England asked the Communications and Events Coordinator to assist in the publishing of the new airport.

Commissioner Torres was encouraged and thankful that St. Johns County switched to a pre-registration for the COVID-19 vaccination and thank any other Commissioner who reached out to them about that issue. He attended the seminar for the Florida League of Cities for Ethics Training. He was concerned about the way the Building and Zoning Department sends their notices to residents. He gave an example where three letters for different cases were in the same envelope, which confused residents. He feels it is misleading to the public. He would like staff to change their practice. He appreciated the way the Building Department and the Police Department handled the Seagrove residents' concerns. He participated in the Alpha Omega Home Climb event at the Lighthouse, which helps the homeless women and children.

Mayor England asked Commissioner Torres to work with the Building Department staff on a solution regarding the sending notices.

Building Official Law explained that he can send separate letters if the Commission wants him to, but the costs will be added on to the applicant fees.

Commissioner Torres advised that the public should be well informed and especially when it comes to a public hearing. The public should understand which meeting to attend and why they are coming to the public hearing. He explained that at the last meeting no residents opposed because they received three letters and they thought it was a one-story residential home being built in a commercial lot.

Mayor England advised that she wouldn't want to micromanage staff too much, but he could work with staff on this issue.

Commissioner George had no comments.

Mayor England advised after listening to the results Texas storm and feeling bad for them, she would like to make sure that City Manager Royle contacted St. Johns County regarding their backups for water and electricity during hurricane season and walk through their preparedness. St. Johns County wrote back that they are prepared, and the Commission should have received that letter. She then moved on to Public Hearings, Item 1.

X. PUBLIC HEARINGS

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

Mayor England introduced Item 1 and then asked Building Official Law to give his staff report.

Building Official Law advised he recommended the Ordinance 21-01, and the Comprehensive Planning and Zoning Board approved the Ordinance 21-01 with some minor changes on page 7, Section G, being deleted and Section J and added language to be opened only during business hours on Section F.

Commissioner Torres asked where the parking overnight was addressed.

Building Official Law advised that the ordinance was not modified from the first Commission meeting, even though the City Attorney is aware of it.

Commissioner Torres advised that prohibiting overnight parking was addressed at the very end.

Commissioner George asked what penalties the ordinance is speaking of in Section 8.

City Attorney Taylor advised that he believed the penalties were code enforcement penalties for late fees.

Building Official Law advised that the fees are set by the Code Enforcement Board. It could also be for the BTR late fees.

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

Mayor England asked if the Commission agreed with removing Sections G and J.

Vice Mayor Samora commented that those sections were what the Commission asked to have put into the ordinance. The Commission did not want a burden to be placed on City's facilities and restrooms and would need the restaurant owner's approval to operate and use their facilities. He advised that he is okay with adding the language suggested in Item F.

Commissioner Rumrell agrees with removing Section G, but Section J he would like to protect the brick-and-mortar restaurants that are in the City.

Commissioner George is in support of the brick-and-mortar restaurants. She did not think the City should be sacrificing the aesthetics of the community with trash and noise from these mobile businesses. She was in favor of more restrictive standards and not encouraging them.

Mayor England recapped by saying she would be in favor of removing Sections G and J and keeping the language in Section F.

Commissioner Torres supports the brick-and-mortar and aesthetically these mobile trucks have no place in the City, but because of the law an ordinance must be written.

Mayor England asked for a motion.

Motion: to approve the draft ordinance with the sole amendment to adding language in

subparagraph F and paragraph B1 adding language "during normal business hours". **Moved by** Commissioner George, **Seconded by** Mayor England.

City Attorney Taylor read the preamble.

Mayor England asked City Clerk Raddatz to call the vote.

MAYOR ENGLAND YES

VICE MAYOR SAMORA YES

COMMISSIONER GEORGE YES

COMMISSIONER RUMRELL YES

COMMISSIONER TORRES YES

Motion passes 5 to 0.

Mayor England moved on to Item 2.

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

Mayor England introduced Item 2 and then asked Building Official Law to give his staff report.

Building Official Law advised this was the second reading and there were no changes since the first reading.

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

City Attorney Taylor read preamble.

Mayor England asked for a motion.

Motion: to approve Ordinance 21-02. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 3.

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

Mayor England introduced Item 3 and then asked Building Official Law to give his staff report.

Building Official Law advised final reading with no changes since last Commission meeting.

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

City Attorney read the preamble.

Mayor England asked for a motion.

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

Mayor England moved on to Consent Agenda, Items 4 and 5.

XI. CONSENT

4. Re-Appointment of Mr. Marshall Schneider and Mr. Kevin Sweeny to Three-Year Term on the Code Enforcement Board

Motion: to approve. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Torres. Motion passed unanimously.

Mayor England moved on to Consent Agenda, Item 5.

XII. OLD BUSINESS

5. Budget Resolution 21-04, to Appropriate \$15,207.29 from the Building Department Carryover Funds for Various Improvements

Mayor England introduced Item 5 and asked Building Official Law for a staff report and asked where the six-foot wall would be placed.

Building Official Law advised that in the Building Inspector's Office there will be a six by eight-foot wall to break up the occupants with phone calls. The reason it is six-foot tall is, so it does not alter the building structure.

Vice Mayor Samora asked if the new truck would be a replacement or additional staff.

Building Official Law advised that it would be a replacement and the 2017 Explorer would go to the Administration / Finance Department for their staff to use.

Commissioner Torres asked if the account has \$291,000.

Finance Director Douylliez advised yes. She was bringing this forward at the next meeting. She explained that the Building Department can only have so much money in reserves and the City's Building Department has too much money in reserves so Building Official Law has been purchasing items that apply to the Building Department that could be used by other departments as well.

Building Official Law advised that last fiscal year the Finance Director and he were realigning money to the Zoning Department because there was no delineation between the Zoning and Building Department. Next fiscal year it will be separated and will get the levels of money where they should be. He advised that Embassy Suites and The Ridge are nearing completion. He commented that this is the time to move towards digital. The new software will help HR and other departments to be more efficient and they are through the Finance Department software. He explained that the new software that is being purchased will help with resident communications, trash collections, and complaints. He needs the digital software for digital plans signature.

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

Vice Mayor Samora thanked Building Official Law for his insight on the digital plan review because he was going to ask for that. This would put the City ahead of other cities.

Mayor England asked for a motion.

Motion: to approve Budget Resolution 21-04. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Old Business, Item 6.

6. Ocean Walk Subdivision Drainage Improvements: Approval of Contract with Masters Design Group of St. Augustine for Concept Plan (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 6 and then asked Building Official Law to give his staff report.

Public Works Director Tredik advised on October 5, 2020 the Commission asked staff to advertise a bid for Ocean Walk drainage improvements. On January 4, 2021, the Commission approved the rankings and authorized negotiations with Mathew Design Group. An agreement for Phase I was made for a maximum amount of \$33,870. The work will include a topographic survey, data gathering, modeling, estimate, and meetings including a public meeting to show the findings. The cost is appropriate for the work proposed. The price increased by \$4,000 from when we tried to do this with our continuing contract by CMT. It is a reasonable cost for what work they will have to do that CMT would already know. Staff recommends execution of the engineering agreement with Matthew Design Group for the Ocean Walk drainage improvements.

Mayor England asked if the attorney review the agreement.

Public Works Director Tredik advised yes.

Commissioner Rumrell thanked Public Works Director Tredik for his negotiations. He agreed that it is worth a little more to get a second pair of eyes on the project which will bring more comfort to the residents.

Commissioner George requested how important is a new survey and could staff pull from existing surveys. Some information will be used on the next phase, such as geotechnical data. For future modeling purchases this data could last a few years if there were no other improvements.

Mayor England asked if the survey includes elevations and boundaries.

Public Works Director Tredik advised yes.

Vice Mayor Samora asked would this survey include the Mickler drainage and what are the timelines for this.

Public Works Director Tredik advised there are as-builts for that. The report will be due within 120 days of the effective date, then it will be reviewed, and the final report will be due in 30 days. He advised within six months the final report will be done.

Commissioner Torres asked if this data would show if the previous engineer's work was proper.

Public Works Director Tredik advised that he has not hired them to see if the work was properly done at the Mickler ditch; however, they will let him know if they see any problems when they doing the work.

Commissioner Rumrell asked if there are contingency plans for the hurricane season.

Public Works Director Tredik advised yes and explained that pumps will be there if there is a heavy rain to stop flooding.

Commissioner Rumrell thanked staff for working hard to complete this project.

Commissioner George agreed with Commissioner Rumrell and thanked the Commission for being responsive. She asked that Matthews Design Group let the City know if there are any problems with the Mickler Ditch project so the City could do further research on it.

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

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, thanked the Commission and staff for moving this forward and said that the residents will be attending the meeting.

Mayor England closed the Public Hearing and asked for a motion.

Motion: to approve the contract with Matthew Design Group. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England asked for a roll call vote.

MAYOR ENGLAND **YES**

VICE MAYOR SAMORA **YES**

COMMISSIONER GEORGE **YES**

COMMISSIONER RUMRELL **YES**

COMMISSIONER TORRES **YES**

Motion passed 5 to 0.

Mayor England moved on to New Business, Item 7.

XIII. NEW BUSINESS

7. Financial Assistant: Request to Make Position Full-Time and to Approve Budget Resolution 21-03, to Appropriate Money for Pay and Benefits (Presenter: Patricia Douylliez, Finance Director)

Mayor England introduced Item 7 and then asked Finance Director Douylliez to give her staff report.

Finance Director Douylliez advised that her part-time person wants to retire, so she needs a budget resolution in order to pay for a full-time employee. The audit review that will be done next month will show some deficiencies for not having a separation of duties on Mondays and Fridays. She commented that she does discuss her entries with City Manager Royle. She explained that she would be able to focus on grant maintenance. She advised that her part-time employee has agreed to stay until she can train her replacement. She commented that if she retires, there would be someone who could fill her position.

Mayor England asked about the workload to be fully engaged for 40 hours or would there be time to help the City Clerk's Office.

Finance Director Douylliez advised that City Manager Royle and she have talked about in the future taking over Human Resources. She commented that in her experience, she has always had the HR and payroll functions under the Finance Department. She explained that that would not happen immediately because the Finance Assistant would have to learn her duties first.

Mayor England advised that she would like to see the job description of the Finance Assistant.

Finance Director Douylliez explained that if the person does not have HR knowledge, she would allow the training for HR.

Mayor England asked if all the functions of HR would be done under the Finance Department.

Finance Director Douylliez advised yes.

Commissioner George asked if a lot of the duties would be automated with the new software.

Finance Director Douylliez advised it will. The new software will be able to have the Personnel Manual online, pay stubs, W-2, W-4 changes, and changes in addresses.

` about over reducing the workload particularly in the Finance Department and yet investing so much money for a full-time employee.

Finance Director Douylliez advised that while she was able to reduce the position to part-time, she has been maintaining those duties and has been working a lot of overtime. She would like to take back the tracking of the grants to maintain what the City has agreed to do and make sure that nothing has slipped through the cracks. She advised that she is concerned about being out and having payroll done without a full-time employee. The auditor will articulate to the Commission because there needs to be a separation of duties.

Commissioner George commented that she would expect on this type of item to have data on the budget impact and the number of hours you are putting in over and above your normal hours. If the software is going to eliminate the number of hours in your department, it should be shown.

Mayor England wants the updated job description with the new duties. She does not doubt the Finance Director workload. The Commission needs to see that there is a 40-hour workload.

Vice Mayor Samora asked if her previous position as Finance Assistant was full-time.

Finance Director Douylliez advised yes.

Vice Mayor Samora advised that he was comfortable in her assessment of the roles since she has been in both positions. He asked about the language with Resolution 21-03 and whether there was a typo to be fixed.

Commissioner Rumrell asked if the Finance Assistant would also do grant writing.

Finance Director Douylliez explained that they would be able to help with the grant maintenance and make sure that no deadlines on reports are missed.

Commissioner Rumrell would like grant writing experience.

Commissioner George advised that the fund the \$26,000 is coming out of is the contingency fund, which the Commission has been trying to increase.

Commissioner Torres asked if the Finance Department was previously two full-time positions. He advised to have the skill of grant writing and HR assistant added on, what would be the income because that would be a unique position.

Finance Director Douylliez advised that she will be basing the pay within the pay ranges and depending on their experience. She commented that an estimate would be \$40,000 a year.

Commissioner Torres commented that he hopes the City is not asking too much for the salary. He understood that Mayor England wants to come back with this, but he is ready to approve this today.

Mayor England advised that she has concerns about allowing all of HR to go to Finance instead of just the HR payroll tracking. She recapped that the Finance Assistant would be doing grant writing, HR, and finance, which is a lot for one position. She asked if the Finance Department could find an employee with all that experience.

Finance Director Douylliez advised that she is going to try. She will be focusing first on finance to make sure that the Finance Department has separation of duties and other tasks.

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

Commissioner Torres advised that he supports this because it was already analyzed.

Commissioner George agreed with Commissioner Torres about the history of the position but

asked if the Communications and Event Coordinator was supposed to do grant writing and maintenance as part of her position. She is hopeful at the next workshop the Commission would be able to discuss it further. She commented that every year the biggest increase to the budget is staffing and she is nervous about having it both ways by adding on technology to reduce work but then adding another staff member. She remarked that she does not want to undervalue the City's staff because they are amazing, but she feels that she needs to represent the residents of the City with their financial concerns. She said that more information should have been included for the Commission to decide.

Motion: to approve Budget Resolution 21-03. **Moved by** Commissioner Torres, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England advised that she still wants a job description on this position for her edification and then moved on to Item 8.

8. Personnel Manual Changes: Resolution 21-05, Regarding Infectious Disease Preparedness; Resolution 21-06, to Amend Sections XI-10 Through XI-18; and Resolution 21-07, to Amend Sections XI-18 Through XI-23 (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 8 and then asked City Clerk Raddatz to give her staff report.

City Clerk Raddatz advised that the Commission last month asked to bring back a broader resolution on infectious disease preparedness, which she did. She asked if the Commission had any questions.

Vice Mayor Samora advised that City Clerk Raddatz did a nice job on broadening the resolution, so it was not COVID specific.

Commissioner Rumrell agreed and thanked City Clerk Raddatz.

City Clerk Raddatz explained that Resolution 21-06 had minor changes which includes going to the Commission every time an employee goes to training so that was deleted.

Commissioner George asked how common it is for allowing Bereavement Leave for 24 hours in state and 40 hours out of state.

City Clerk Raddatz commented that her mother passed away in September and she felt that everyone should get at least 40 hours Bereavement Leave because there is so much to do when someone passes away. The reason why it was more for out of state was because they need to either drive a long way or try to fly, which may take a while to get a flight.

Mayor England agreed with three days.

Commissioner George asked if the City Clerk have seen that separation before.

City Clerk Raddatz advised that she has not research that recently, but most jurisdictions give three to five days.

Commissioner George advised that many of these leaves would just be to attend the funeral and not to oversee the estate, so she would like three days.

Mayor England wants three days working days.

Commissioner George agreed.

Mayor England asked if an employee could take three weeks for a vocational leave.

City Clerk Raddatz advised that she did not change that policy and it speaks of three vocational leaves, which would be up to the training and the City Manager or Police Chief to approve. She advised that most of the time the vocation is one per year. During COVID-19 employees are doing

webinar.

Mayor England asked if there was a change in how much vacation leave can be accumulated.

City Clerk Raddatz advised no.

Mayor England asked to change the bereavement leave to a flat 24 hours or three working days.

City Clerk Raddatz explained that Resolution 21-07 deals mostly with the Workers' Compensation Leave. She explained that when an employee is injured the City pays the first seven days because workers' compensation does not pay for the first seven days. If the injury goes over seven days, then they pay 2/3 of the employee's salary. The change to the policy is that if the employee wants a full paycheck after the seven days, then they would have to use their sick or vacation leave to make up for 1/3 of their salary. This would eliminate employees from staying home longer than necessary.

Mayor England asked how long the employee can stay out on workers' compensation.

City Clerk Raddatz advised that they are supposed to come back when the City's physician says so. She advised if the employee has a permanent disability, they pay the employee a percentage depending on what how much of a disability they have tax free. She commented that the doctor would have to allow them back to full duty before they can come back.

Commissioner George asked if the employee is not hurt and the City already paid out.

City Clerk Raddatz advised that the City's physician would have to say that the employee was hurt before any money is paid to the employee, but I have never come across that.

Mayor England said that compensable language in the first paragraph would cover that.

Commissioner George asked if there is a pattern of going out for workers' compensation, does the City have a way of taking care of that.

City Clerk Raddatz advised that the Department Head would be able to give an evaluation on that employee.

City Attorney Taylor advised that that could be handled managerially.

Vice Mayor Samora asked if the six-month redundant.

City Attorney Taylor advised that some of that language is from the workers' compensation laws.

City Clerk Raddatz advised may cause problem at court if we fired them on a workers' compensation claim because they were out too long.

Commissioner Rumrell asked if the workers' compensation claims are more from the Public Works or Police Department. He asked how the seven-day work for an officer would be who gets shot or an employee falls off a garbage truck.

City Attorney Taylor advised that that goes back to the compensable language. The workers' compensation rules will work and if they cannot go back right away, workers' compensation will give them a one-time lump sum for any disability that they have. It is not the most generous policy, but it is from the State of Florida and has been in practice for over 20 years. Workers' Compensation gives a temporary disability in the interim until a determination is made on a permanent disability.

Commissioner Rumrell asked for the seven days.

City Clerk Raddatz advised that the City would pay the full paycheck. After seven days, workers' compensation pays 2/3 of their paycheck and the employee would pay 1/3 of the difference from their vacation and sick days if the employee wants to. She advised that she has not come across

anyone faking a workers' compensation claim.

Commissioner Rumrell advised that he wants the employees covered if there is an injury and that they are not being charged if they really are hurt.

City Clerk Raddatz advised that the employees get their full paycheck for the first seven days.

Commissioner George agreed with the resolution now after the discussion.

Interim Police Chief Carswell asked if there has been no fraud, why bring it up and change it. He explained that the Police Officers usually goes out for more than seven days from their injuries. He is concerned.

City Clerk Raddatz advised that the employees also have Family Medical Leave or workers' compensation lump sum if they are a disability from the injury.

Interim Police Chief Carswell advised that he is looking out for his employees because usually they are out for an extended amount of time.

Commissioner George gives them more options and helps them more.

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

Motion: to approve Resolutions 21-05 as written, Resolution 21-06 regarding Bereavement Leave change paragraph A to a flat 24 hours, and Resolution 21-07 leave as written. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 9.

9. State Road A1A Right-of-Way Maintenance by City: Request for Approval of Resolution 21-10 to Adopt Agreement with Florida Department of Transportation (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 9 and then asked Public Works Director Tredik to give his staff report.

Public Works Director Tredik advised this is an agreement with Florida Department of Transportation (FDOT) to receive reimbursement for the City's landscape maintenance of State Road A1A from Owens Avenue to Pope Road. FDOT pays what they would expect to mow the property with little landscaping and the City improves the property on the current A1A. He explained that it is \$35,980 per year. The agreement requires a resolution as an exhibit. It is recommended to approve Resolution 21-10 to authorize the landscaping maintenance.

Commissioner George asked if this was negotiated from FDOT.

Public Works Director Tredik advised that they were not receptive to any change, but it is not possible. However, if we do not pass the agreement now, then we will not get the money for the 1st quarter.

Commissioner George advised not to miss any payments, but to negotiate next year.

Mayor England advised how long has it been since the City received an increase and what the benefit is to do it for the citizens and the shortfall of cost for the employees.

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

Motion: to approve Resolution 21-10 renewal of FDOT maintenance agreement. **Moved by** Commissioner Torres, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Consent Agenda, Item 10.

10. Swimming Pool Clearance Sheet and Building Permit Fees: Request to Approve Resolution 21-11 to Establish a Flat Fee (Presenter: Brian Law, Building Official)

Mayor England introduced Item 10 and asked Building Official Law to give his staff report.

Building Official Law advised that the building of pools has sufficiently increased, and he recommended doing a flat fee of \$300 per swimming pool. He advised that there was a \$400 clearance fee, and he believes that should be done away with or only charge \$250. This is not a reduction in zoning fees because the other \$150 goes to the tree and landscape fund. The zoning fees will still cover its operational costs.

Mayor England commented that it is nice to be reducing fees.

Building Official Law advised that some pools costs \$100,000 to build.

Commissioner George asked are the fees only supposed to cover operating fees and not to make profit.

Building Official Law advised yes, but construction is always up and down and that is why the state allows the Building Departments to hold reserves. This had to be corrected because the system is charging too much. There are five inspections for pools and no charge if one failed.

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

Motion: to approve Resolution 21-11. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 11.

11. Setbacks for Small Platted Lots: Review of Proposal from Building Official (Presenter: Brian Law, Building Official)

Mayor England introduced Item 11 and then asked Building Official Law to give his staff report.

Building Official Law gave the history on the setbacks on small, platted lots and then gave the Commission two choices to decide setbacks. Draft 1 is to restore the 50 x 93 platted lots and all single-family reductions in rear yards at 20-feet, with only 35% lot coverage and reduced street setbacks to 12 feet. Draft 2 is to reduce the building height to 27-feet with reduced setbacks. If the owner builds to 35 feet, then they are reduced to the 10-foot setbacks. He explained that there is no ordinance drafted. This was brought back at Mayor England's request.

Mayor England advised that in the overlay district the small lot could have the 7 ½ feet side setbacks. She commented that some small lots must go with 7 ½ feet side setbacks and others get 10-foot side setbacks, which does not make sense.

Building Official Law advised that he does not like that if the owner gives the City \$400 more, the owner will get what they want. That would not hold up in a court of law. He recommended removing the overlay district and he would reserve it if there were more staffing in the future. He advised that there could be potential for an overlay district on A1A Beach Boulevard to help with architecture profiling in the future.

Mayor England advised that the purpose is to treat regular lots the same and small lots the same.

Building Official Law advised that this would only apply to 50 x 93 platted lots. Some lots are 40 x 93, and they would still have 7 ½ side setbacks and he did not give a front and rear reduction.

Mayor England asked as Building Official Law change the 15-foot side setbacks to 12-feet and

would like further discussion on that.

Building Official Law advised that 15-foot side yard setback with a 10-foot side is 25% of the lot. He commented that it is overly restrictive. He explained that the house would be very narrow.

Mayor England advised that on A1A Beach Boulevard, the Commission wanted a five-foot landscape buffer.

Building Official Law advised that any house on A1A Beach Boulevard will come to the City for a conditional use permit.

Vice Mayor Samora commented that Draft 2 concerns him due to the height restrictions. He did not want to have additional exceptions and separations in the codes. He mentioned that this needs to stop being revisited every year. He would agree with Draft 1.

Commissioner George agreed with Vice Mayor Samora. The impervious surface ratios (ISR) already address that issue. If the reason to modify the setbacks is to encourage the natural management of stormwater runoff, then it is more of an ISR issue than setbacks. Setbacks can box you in especially on a 50-foot lot. She was in support of Draft 1. She does not see the need for the height restriction. She asked if residents could apply for a flexible setback to save trees.

Building Official Law advised yes. He suggested not keeping the flexible setbacks, but in special circumstances, it can be discussed through the variance process.

Commissioner Rumrell supports Draft 1. He feels it helps owners like the house behind the Kookaburra who got denied. He asked that an ordinance be drafted.

Mayor England advised that this came up because of inconsistencies in the code regarding the small lots. She explained that the setbacks are for the ISR's so she does not have any objections with the rear yard setback being reduced on single-family and small lots.

Building Official Law advised all this policy does is to allow staff to move the houses on the property without taking the owners through the variance process to save a tree.

Mayor England said that her goal is to get something reasonable to stop the requests for variances.

Building Official Law advised that he teaches new Board members and there has been a change in the Board's direction.

Mayor England asked staff to go back through Draft 1 regarding the chart and Section 4 regarding the street side yard setbacks. She would refer the 15-foot street side yard setbacks but could be persuaded by the Commission.

Commissioner George advised that the policy of 15-foot would have to do with visibility. She suggested that if the triangulation of the road is met, she would not have a problem with the 12-foot street side yard setback. She suggested regulating A1A Beach Boulevard separately. She said that corner lots would only be the ones effected.

Building Official Law and Public Works Director Tredik will work together to come up with a policy.

Mayor England is persuaded to change her mind on this.

Commissioner Torres asked if this only applicable to residential zoning.

Building Official Law advised that if an owner builds a residential home in a commercial zone they would need a conditional use permit. The Commission has the authority to commit any condition they want. The Commission must review each case and give the best answer for the surrounding area.

Commissioner Torres asked how many applications or permits since the Commission last approved this change have been rejected.

Mayor England advised that there were numerous requests on variances.

Commissioner Torres asked about the 27-foot height restriction at this point.

Building Official Law said that was only an idea to consider.

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

Dr. Michel Pawlowski, 109 Kings Cory Lane, St. Augustine Beach, FL, requested to exempt sheds from this proposal because there is a difference between a pool and a shed. He requested to delay the decision tonight.

William Zeits, 502 Arricola Avenue, St. Augustine, FL, advised that the Building Department staff was fantastic and the \$410 was well spent.

Mayor England closed the Public Hearing and asked for final questions for Building Official Law.

Building Official Law gave a history of the policies on accessory structures and stated that sheds are not being discussed in this policy.

It was the consensus of Commission to include Draft 1 and the chart references should be changed. The Commission directed City Attorney Taylor to draft the ordinance.

Mayor England moved on to Item 12.

12. Mizell Retention Pond Stormwater Pump Station and Weir Project: Approval of Amendment #35 with Civil Engineering Consultant CMT for Construction, Engineering, Administration and Observation Services (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 12 and then asked Public Works Director Tredik to give his staff report.

Public Works Director Tredik advised moving forward with the Mizell Weir Project. Bid opening was set on March 11th. FEMA funding made be received by mid-March. He may extend the bid opening to March 16th. He will bring the bid to the Commission on April 5th. He explained that the Public Works Department does not have the resources to handle the engineering, construction, and observing the project full-time at the weir or expertise for the project. The construction, planning, and observation will be paid by the City and then reimbursed by the grants. It is critical that CMT be the consultant on this project. CMT will be doing all day-to-day detailed tasks needed to complete the project. CMT observer will be used as needed and they will not be paid if they are not needed. The total not to exceed fee is \$39,900 for construction, \$59,600 for observation due to the size of the project. CMT's fee is only 4% of the overall construction costs and it is a fair price. He recommended to approve Amendment #35 with CMT.

Commissioner George said her question was answered that the fee is only reimbursable out of the grant money.

Vice Mayor Samora asked how long this project will take to complete.

Public Works Director Tredik advised about one year.

Commissioner Torres asked if CMT is doing the observation and the construction.

Mayor England asked if the observers will be from another department than those who are doing the construction.

Public Works Director Tredik advised that he would also be doing some observations too.

Commissioner Torres would like to have a broader selection of companies for just that one scope. Public Works Director Tredik advised that the grants will pay for observation. He advised that an outside consultant the City would spend \$120,000 - \$150,000 to do the same work. It is not to their advantage to not report something they see being done wrong.

Vice Mayor Samora advised that the construction firm is not CMT, so it would not be a conflict. CMT will only be doing the inspections and observing to make sure the project is done properly.

Finance Director Douylliez explained that Public Works Director Tredik, Mr. Gary Sneddon from CMT and she had a meeting to discuss billing, and everyone agreed that they would be able to bill monthly for cash flow reasons.

Public Works Director Tredik advised yes there can be monthly billing.

Commissioner Rumrell commented to the audience that grant money will pay for the full project and the taxpayers would not be paying for anything to do this project.

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

Motion: to approve CMT Amendment #35. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Staff Comments, Item XIV.

XIV. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle explained that the books for March 8, 2021 Commission Workshop at 5:30 p.m. are on the dais for the Commission. Also, he asked the Commission if they still want to still hold the Northeast Florida Leagues of Cities dinner / seminar. NE FLC's advised that the City of Fernandina Beach will take the City's slot for October if we want them to. He advised that he does not know the scope of the pandemic at that time.

Mayor England asked if it has been budgeted.

City Manager Royle advised that it would be in FY 2022, so it would not be budgeted yet.

After the Commission discussed it, the consensus was to hold the NE FLC dinner/seminar in October 2021.

Interim Police Chief had no comments.

Finance Director Douylliez had no comments.

Public Works Director Tredik had no comments.

Vice Mayor Samora would like to comment on the A Street meeting. There was positive movement at the meeting, and he would like Public Works Director Tredik to elaborate.

Public Works Director Tredik advised that there was a meeting with the homeowner and St. Johns County regarding the drainage flooding on A Street. St. Johns County has agreed to do a study to see what needs to be done and committed to doing a design and moving towards construction, which may be approximately six months to bring it to construction phase. St. Johns County discussed sidewalks and they will bring back a couple of alternatives due to the challenges of constructing sidewalks. St. Johns County will keep Public Works Director Tredik informed along the way and he will inform the Commission. A project design should be done in approximately six months. He believes that St. Johns County will be able to fund it out of their miscellaneous improvements. He advised that with the field work needed, six months is reasonable.

Mayor England advised that one of the residents told her they had been complaining about this for two years.

Public Works Director Tredik advised that he has had this on the North Florida Transportation Planning Organization's (NFTPO) list but that is Florida Department of Transportation (FDOT) money and takes a year to get funding.

Mayor England advised well done.

Commissioner Torres would like to discuss A Street and A1A Beach Boulevard near Jack's BBQ. He asked what can be done with the dirt public parking. He would like that area enhanced.

Public Works Director Tredik advised that he brought this up last year requesting funding for that project, but it was not funded due to COVID-19. He commented that it is still in the Capital Improvement Plan, but it must be funded.

Commissioner Torres asked about the drainage plan with St. Johns County, could that be incorporated with the other A Street project.

Public Works Director Tredik said probably not because it is on the other side of the road and there will have to be an underground treatment for the connection between the two locations. He advised that it is on the list to be done.

Building Official Law advised that he has no comments.

City Attorney Taylor had no comments.

City Clerk Raddatz had no comments.

XV. ADJOURNMENT

Mayor England asked for a motion.

Motion: to adjourn to meeting. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner

George. Motion passed unanimously.

Meeting was adjourned at 9:14 p.m.


Margaret England, Mayor

Attest:


Beverly Raddatz, City Clerk