



## MINUTES

### REGULAR CITY COMMISSION MEETING

MONDAY, May 3, 2021 AT 6:00 P.M.

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

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I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England asked Commissioner George to 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, 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 APRIL 5, 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 April 5, 2021. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

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 on to Item VII.

VII. PRESENTATIONS

- A. North Florida Transportation Planning Organization's Five-Year Transportation Improvement Program by Ms. Wanda Forrest, Transportation Planning Manager

Mayor England introduced Item VII.A.

City Manager Royle advised that Ms. Forrest could not attend the meeting; however, she Zoomed in to the meeting to discuss her presentation.

Ms. Wanda Forrest showed a PowerPoint presentation (Exhibit 1).

Vice Mayor Samora advised that there were no projects again this year in our City and requested again to please help the City with transportation improvement.

Ms. Forrest advised there are no projects in the City of St. Augustine Beach, but she would bring the Commission's comments back to her Director to discuss it.

Vice Mayor Samora advised that last year the City had suggested to do some safety projects in the City of St. Augustine Beach.

Ms. Forrest advised that there is a St. Johns County Safety Project that the City of St. Augustine Beach could request being a part of.

Mayor England said that the Commission has asked for feasibility studies. She asked if you do a project for the City of St. Augustine, then include our municipality as part the studies.

Ms. Forrest advised that she would discuss it with her Director.

Mayor England moved on to Item VII.B.

- B. Proclamation to Declare May 2021 as Motorcycle Safety Awareness Month by Ms. Sue Hendrick, President of ABATE (A Brotherhood Aimed Toward Education)

Mayor England introduced Item VII.B. and asked Ms. Sue Hendrick to the podium.

Ms. Sue Hendrick, President of ABATE, thanked the Commission for the proclamation and explained that they educate the public, drivers, and motorcyclists on safety programs. She advised that there are far too many fatal motorcycle crashes. She advised that she would like to educate in the schools, but has not been able to as of yet.

Commissioner George thanked Ms. Hendrick and said it was excellent educating the public because of the number of accidents.

Mayor England asked for a motion.

**Motion:** to declare May 2021 as Motorcycle Safety Awareness Month. **Moved by** Mayor England, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved on to Item VII.C.

- C. Proclamation to Declare June 2021 as Gay Pride Month by Ms. Sara Bloomberg

Mayor England introduced Item VII.C. and asked Ms. Sara Bloomberg to the podium.

Ms. Sara Bloomberg, President of House of Prism, 161 Blanco Street, St. Augustine, FL, thanked the Commission for declaring June 2021 as Gay Pride Month in the City of St. Augustine Beach and explained the House of Prism's mission is for advocacy, education, outreach, and services for LTBTQ children and adults in St. Johns County.

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

Mary Cobb, 258 Wisteria Road, St. Augustine, FL, commented that she supports Gay Pride Month's proclamation.

Rebecca Williams, 278 Fox Water Trail, St. Augustine, FL, advised that Pride Month is important because it helps the children and thanked the Commission for declaring June 2021 as Gay Pride Month.

Lyla Williams, 278 Fox Water Trail, St. Augustine, FL, thanked the Commission for declaring the Gay Pride Month for June 2021.

JoAnne Maffia, 161 Blanco Street, St. Augustine, FL, explained that when the City acknowledges Gay Pride Month, gay tourists support the community.

Mayor England closed the Public Comments section and asked if the Commission had any further comments.

**Motion:** to declare June 2021 as Gay Pride Month. **Moved by** Commissioner George, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, suggested using the American Rescue Plan (ARP) funding of \$2.9 million for any water, sewer, city hall improvements, parking, and/or infrastructure projects and start the projects right away because the funding will have to be completed by 2024. He also suggested working with the County, state, and federal governments monthly to expediate the projects to get these items done.

Ray Hamel, 13 Bermuda Run Way, St. Augustine Beach, FL, explained that there are safety concerns at Ocean Hammock Park because of the homeless living there. He said that he has gone by at night and the gates are not locked and they are opened. Also, there are holes dug by gopher tortoises and endangered beach mice. Maintenance needs to be done to the facilities.

Mayor England advised that the facilities are going to be built and are being designed currently. She suggested to Mr. Hamel that he contact Public Works Director Tredik for the improvements that are being planned. She then closed the Public Comments section and moved on to Item IX.

IX. COMMISSIONER COMMENTS

Mayor England asked Commissioner Torres if he had any comments.

Commissioner Torres had no comments.

Commissioner Rumrell thanked Events Coordinator Melinda Conlon for the Arbor Day event that went so well. He also advised that he was able to receive \$694,000 for full funding of the Ocean Walk drainage project. He thanked Public Works Director Tredik for

his help in completing the paperwork and the scope of project for the funding.

Commissioner George explained that an Ocean Trace resident complained about drunken driving, speeding, and destruction of mailboxes in that area. The resident requested speed bumps and other enforcement options. She asked Police Chief Carswell if he responded.

Police Chief Carswell advised that the beach patrol is speaking with him so they would have a good time frame when these incidents have happened, and he will do traffic enforcement along Ocean Trace.

Commissioner George explained that she has had ongoing discussions with the Cultural Council regarding the Civil Rights Monument in our City. She will be bringing proposals and timelines next month to the Commission. She suggested public funding and the Cultural Council feels that there are a lot of good sources to get public funding through the public arts programs, or another artist group said they might be able to get their own funding. She commented that several years ago she brought up the idea of underground utilities and believes it is a worthwhile project, which will take several years to complete. Florida Power and Light (FPL) quoted \$2 million per mile. She explained that property values are increasing and there is an ability for special assessments for the project or other fundraising options. She explained that the first step would be to identify the easements and require the easements to get to the point of construction. She asked for the Commission's support to have FPL to come to a meeting to discuss underground utilities. She explained that there is a 10-15 percent increase in property values when underground utilities are done.

Mayor England advised that now is the time to have all infrastructure projects done with St. Johns County or other agencies to help the City. She asked City Manager Royle today to find out how many properties already have underground utilities and how many do not. She believes that 30-40 percent have that benefit already in the City. She would like to work up a plan.

Vice Mayor Samora would support the first steps in having underground utilities.

Commissioner Rumrell advised that he could ask for funding at Tallahassee for infrastructure projects. He also will research other municipalities that have already done underground utilities.

Mayor England advised that she would ask the North Florida Transportation Planning Organization (NFTPO) to help with this as well.

Commissioner George asked City Manager Royle to bring back to the Commission what steps it would take to go through an underground utility project at future Commission meeting.

Vice Mayor Samora advised that the Tourist Development Council (TDC) has recommended to the Board of County Commissioners a five-cent assessment and discussed how to disburse the five-cent assessment. TDC has five categories of spending and part of what the TDC will be doing is reorganizing those five categories. TDC will meet again on May 17<sup>th</sup> to finish the reorganizing and disbursement and then will recommend it to St. Johns County. TDC direction is to restore the advertising budget to what it was previously, supporting the infrastructure for tourists coming to the area, and having an intercity shuttle. He will report again at the next Commission meeting.

Commissioner George asked if the TDC was looking into the St. Johns County Golf Course. She mentioned that there is a St. Augustine Disc Golf Association that plays nationally and internationally and would bring tourists in. The maintenance on this type of court would be minor compared to a golf course and it would bring a lot of tourists to the area.

Vice Mayor Samora advised that TDC was discussing sports marketing in the area and he would bring that information up to the TDC at the next meeting.

Mayor England attended a Maritime Memorial, and it recognized the different nationalities. She would like the artists to go look at that memorial when getting a conception for our Civil Rights monument. She requested a listing of all agencies that could help with infrastructure and start completing projects. The NFTPO has the expertise for infrastructure projects, and she will continue to contact them to help the City.

Mayor England moved on to Item 1.

#### X. PUBLIC HEARINGS

1. Ordinance 21-04, Second Reading, and First Public Hearing: to Amend the Land Development Regulations to Change Setbacks for Small Platted Lots and to Abolish the Overlay District Adjacent to A1A Beach Boulevard (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1 and asked Building Official Law to come to the podium.

Building Official Law gave the history of this subject matter. In February, the Commission requested to bring back an ordinance that was proposed in 2019. In March, the language of the ordinance was clarified and in April there were more changes made by the Commission and to enable architectural profiling. The Comprehensive Planning and Zoning Board reviewed and voted unanimously to reject the ordinance because no technical information was provided and asked if they could meet with the Commission.

Mayor England advised that it was a delay because the Board would like a discussion with the Commission regarding the ordinance.

Building Official Law advised that the Board had to make a motion to approve or deny, so they denied it. There was no information presented and no requests to change the ordinance.

Commissioner George advised that this ordinance does not allow the increase in impervious surface ratio but would allow a greater lot coverage.

Building Official Law advised that all lot coverage is limited to 35 percent. The current setbacks on a 50 x 93 lot strictly prohibit a building from getting to 35 percent. So, one code goes against another code to make the 35 percent coverage possible. The overlay district is problematic because staff rejects it because the owner is not complying with ten-foot side setbacks and 25-foot front and rear setbacks, but if the owner gives the City \$400 for a variance that goes to the Planning and Zoning Department, the owner could get approval. It looks like a discord in the codes.

Mayor England advised that no matter what the setbacks are, the house cannot be 35 percent lot coverage, which remains the same regarding the drainage, impervious surface ratio, and the lot coverage.

Building Official Law advised yes. He advised that all the Commission requested was to change the setbacks.

Commissioner George advised that the current setbacks preclude the owner from getting to the 35 percent lot coverage. She asked with the proposed changes, what would it allow the owner to get to.

Building Official Law advised the owner will be able to get to 35 percent and still move the building to save trees, etc.

Commissioner George advised that this gives the owner more creativity when developing the home.

Building Official Law advised that no one is recommending increasing impervious surface ratios or lot coverage.

Mayor England asked how many small lots are left in the City.

Building Official Law advised that there are about 80 small lots left in the City. The report he gave to the Commission advised that the 50 x 93 lots are being affected. The regular lots were designed to the standards as they were platted; however, these small lots predate the platted lots.

Mayor England asked during the time when there were smaller side setbacks in the overlay district, plus the variances that have been granted, what percentage of small lots have already been built with the reduced setbacks.

Building Official Law advised that since he has been here in December of 2017 and Chapter 6 of the Land Development Codes was changed in June 2018 and then the moratorium lasted until October 2018. He explained that a lot of the buildings were already being designed at the time. He explained that the biggest problem is the overlay district. He remarked that he has a hard time denying the permit and then receiving \$400 for a variance and telling the Comprehensive Planning and Zoning Board they must approve it because it is written in the code. This ordinance would eliminate the overlay district. He discussed the wedding cake homes at 70 percent, which usually happens east of A1A Beach Boulevard and it has only been utilized once since 2016. He explained

if the Commission changed the setbacks on the small, platted lots, those 50 x 93 lots would be irrelevant because of that one provision in the code. He recommended eliminating the overlay districts. He commented if the Commission in the future want an architectural theme it could be done later on A1A Beach Boulevard. He explained that there are proposed legislative changes in Tallahassee that may remove architectural profiling in non-PUD's and single-family residences. He advised that the beachside overlay districts would be eliminated anyway. He explained that there is one more reading if the Commission votes on this today or it could be tabled or remove.

Mayor England advised that the Comprehensive Planning and Zoning Board wanted to discuss the ordinance before the Commission voted on it.

Building Official Law advised that there is no more information to provide to the Comprehensive Planning and Zoning Board. He remarked that he does not like taking money for a sure thing to be approved.

Mayor England advised that there are two issues. First, any language changes to the ordinance and whether to delay making a motion on the ordinance to discuss this issue with the Comprehensive Planning and Zoning Board in a workshop.

Commissioner Rumrell asked if the Comprehensive Planning and Zoning Board approved and asked for the setbacks.

Building Official Law advised that the Board voted 5 to 2 on the same ordinance plus the changes the Commission has done on the last two months. He commented that no technical information was provided to the Board.

Mayor England requested changes on page 4, in the second whereas in the ordinance, to delete "height" and change to "lot coverage." On page 6, B.1.b., should be deleted.

Commissioner George advised that B.1 relates to decks and B.2 relates to auxiliary structures and that is why it is stated in both places. She suggested that on page 7, 2.e, should be renumbered to B.4 so that it covers all categories under Section B. She also suggested to remove the reference under B.1.b.

Discussion ensued regarding variance hardships for a deck and whether the City ever had one and what a deck definition would be.

Mayor England advised that on page 10 under architectural requirements, 5.c. discusses the 70 percent wedding cake building. She asked if the Commission wants that removed or to keep it in the ordinances.

Building Official Law advised that there are a couple of projects that are not utilizing that because they are using the exemption that the owner complied with the ten-foot setbacks, so they did not have to go to the Comprehensive Planning and Zoning Board.

Commissioner George advised that she cares more about vertical and horizontal articulation than the 70 percent rule. She explained that there are ways to complete that goal.

Building Official Law advised that would be another overlay district and complete overwrite of the

codes. He explained that codes need to be written with the future in mind.

Mayor England explained that she does not want 35-foot-high three-story box homes.

Building Official Law advised that there are two homes proposal to be built with an elevator on the roof after the 35-feet height.

Mayor England asked if the Commission wants to have in the ordinance uniformity of an architectural design of the buildings on A1A Beach Boulevard.

Commissioner Torres advised he wants to keep the 35-foot height requirement. He advised that the 70 percent he could give or take, it did not matter.

Commissioner Rumrell gave an example of the home behind the Kookaburra not being allowed to build a one-story building because of the setbacks.

Building Official Law advised that the homeowner applied for a variance and they were instructed to come to the Commission if they wanted to change the codes. He explained that they could not comply with the setbacks and get the home they wanted.

Commissioner Rumrell advised that this homeowner wanted to do less of an impact but was denied due to the setbacks. He agrees with what the codes say currently, and the previous Comprehensive Planning and Zoning Board voted for the same thing 5 to 2. He advised that he agrees to leave it how it is because the 70 percent architectural design could change by the proposed legislation.

Vice Mayor Samora commented that architectural design standards cannot be done in three paragraphs, it would be hundreds of pages long. He explained trying to save a paragraph is hopeless.

Commissioner George advised that architectural design standards could be done separately and have workshops on it.

Mayor England asked if the Commission wanted to have a workshop with the Comprehensive Planning and Zoning Board on May 18, 2021 at 6:00 p.m.

Commissioner George asked for public comments first.

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

Craig Thomson, 6 D Street, St. Augustine Beach, FL, SEPAC member, advised in the ordinance in one of the whereas's it says it may save trees, which is not true on small lots. He commented that on the west side of the Boulevard is where the tree canopy is and if houses are built on the root of the trees, they will die. Trees preserve the environment and water, and he would not like the trees encroached upon by buildings. He asked to pause on the ordinance.

Mayor England asked Mr. Thomson for his response to the small lots.

Craig Thomson advised that 80 percent of the small lots are on the west side of A1A Beach Boulevard. He explained that the overlay district was on the east side of A1A Beach Boulevard.

Commissioner George advised that the lots cannot get to 40 percent because of the other section



of the code and disagrees that it would cause a risk. She said that the smaller lots are being burdened.

James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, advised that he represents several lot owners in St. Augustine Beach, and he suggested that the lot coverage should be the same as before with the 35 percent lot coverage.

Commissioner George said that the Commission should respect the Comprehensive Planning and Zoning Board by listening to them. She suggested that the Commission move forward tonight and then have a workshop with the Comprehensive Planning and Zoning Board and then have a final hearing.

Mayor England closed the Public Hearing and then asked for the preamble to be read.

City Attorney Taylor read the preamble.

**Motion:** to approve the ordinance with the following changes: on the 2<sup>nd</sup> whereas remove the word height and replace it with lot coverage; in paragraph B.a. remove the last sentence starting with Any requested...; on page 7, 2.e, renumber to B.4 regarding a general sentence applying for a variance. **Moved by** Mayor England, **Seconded by** Commissioner George.

Commissioner Torres asked for discussion before the vote. He asked if the Commission is going to move forward with this ordinance or is the Commission going to have a workshop first with the Comprehensive Planning and Zoning Board.

Mayor England advised that the Commission could move forward with this reading of the ordinance and then have a workshop with the Comprehensive Planning and Zoning Board and then have a final reading of the ordinance at the June Commission meeting.

Commissioner Torres asked if this should go as a referendum in front of the residents because it effects so many people and because this Commission keeps changing it, which costs staff and Commission time.

Discussion ensued regarding that even if it goes as a referendum, it could be changed by a new Commission if they want it changed.

Mayor England asked for a roll call vote.

City Clerk Raddatz called the role.

<b>MAYOR ENGLAND</b>	Yes
<b>VICE MAYOR SAMORA</b>	Yes
<b>COMMISSIONER GEORGE</b>	Yes
<b>COMMISSIONER RUMRELL</b>	Yes
<b>COMMISSIONER TORRES</b>	Yes

**Motion passes unanimously.**

Mayor England asked if the Commission is available for a joint workshop on May 18, 2021 at 6:00 p.m.

Commissioner Torres advised that he had a meeting on that day and could not attend. He requested an excused absence for this workshop from the Commission.

Mayor England remarked for the record that Commissioner Torres would be excused from this workshop.

Commissioner Rumrell thanked the three SEPAC members for coming to this meeting and giving their input.

Should this statement below be added:

It was the consensus of the Commission to schedule the workshop meeting with the Comprehensive Planning and Zoning Board and SEPAC on May 18, 2021. Mayor England moved to Item 2.

XI. CONSENT  
None.

XII. OLD BUSINESS

2. Drug / Alcohol Rehab and Medical Facilities: Review of Proposal of Where to Locate (Presenter: Lex Taylor, City Attorney)

Mayor England introduced Item 2 and asked City Attorney Taylor for a staff report.

City Attorney Taylor advised he investigated the drug rehab and medical facilities. He explained that it is important to have categories, such as commercial and residential zonings. In the commercial zoning, he did not find any limits to do rehabs or medical facilities. There is case law that shows it could be prohibited if there is no place to put those types of facilities. The City is only approximately two miles long and does not have a lot of facilities, such as schools, softball fields, etc. and the City relies on other municipalities nearby to support those functions. He explained that there is nothing in case law that would prohibit the Commission from making these prohibited uses in the City. He recommended using the definitions in the Florida Statutes regarding the types of licensing the business would have to use, which is in F.S. Chapter 397 of drug /alcohol rehabs. He said that would give the City policeable action if there is a problem by checking their licensing. He further explained that in the residential zoning he researched F.S. Chapter 419, which allows rehab homes in a community; however, they need to be licensed with the State Health Department in order to operate and if not, we could bring them to court and close them down. Chapter 419 advises that there could not be multiple rehab homes together

in a community and there are other restrictions. He recommends adding this language to prohibited uses and advise the staff that they cannot open these facilities without the correct licensing.

Mayor England advised that in the residential zoning there are plenty of regulations in place for staff to monitor rehab homes. In commercial zoning, the City could have an addiction treatment center. She asked the question whether the Commission wants to prohibit the treatment addiction centers throughout the whole City or does the Commission want to only allow the businesses on A1A South in the commercial zone within the City.

Commissioner Rumrell advised that he was not against prohibiting these facilities because he did not know if this community could support these types of businesses. He would like to prohibit them. He asked how duplexes would work if a rehab was setup.

City Attorney Taylor advised that it would go by the parcel number, so if there is two duplexes on one parcel number it would count as one. He explained that the rehab could not have multiple duplexes together.

Vice Mayor Samora agreed to prohibit this use but asked how this applies to the Planned Unit Development (PUD) agreements.

City Attorney Taylor advised that the PUDs create their own zoning, so if they have a business established, the Association would have to amend their own PUD's. There are some agreements that a pharmacy could be there, but at this point he does not want to make a ruling on it. He explained that the PUD trumps the City's rules. In the case with Sea Grove PUD and their business licensing, they could be grandfathered in or not because they say they are a yoga studio and administrative offices only. He stated that if a new PUD takes place, they have the right to set their own zoning, which could be different from the City's, but normally the owners look to the City's zoning and try to follow it closely with a few minor changes if they want to.

Commissioner Torres advised that he remembers seeing a memo from another attorney and asked City Attorney Taylor if he could discuss the other attorney's opinion regarding the land use changes, he proposed.

City Attorney Taylor advised that the memo Commissioner Torres is referring to is whether where the current facility is in Sea Grove would a pharmacy be allowed (not sure, but this prior sentence doesn't sound right to me?). The argument the attorney was making was that since a pharmacy was not one of the uses, they were prohibited. Discussions will take place on the intensity of zoning and its definition of intensity. He gave an example of the different intensities between a two-doctor office and a twenty doctors' office.

Commissioner George agreed with Commissioner Rumrell to prohibit these businesses in the

City.

Mayor England advised that she is supportive of people in need and rehab facilities are very important. She said that there are some exemptions in Chapter 397 that do allow psychologists, counsellors, etc. She wants to make sure that Alcoholics Anonymous (AA) and non-profit support group meetings could continue in the City. She agrees with the prohibitions for the medical facilities and medical rehab centers.

City Attorney Taylor advised that that is why he was researching F.S. Chapter 397 because it is a narrow definition of businesses and licensing that the City could have manage.

Mayor England asked that City Attorney Taylor come back to the next Commission meeting with an ordinance with your recommendations and to please include the exemptions listed in F.S. Chapter 397.

Building Official Law asked about where a substance abuse or drug rehab qualifies as a medical clinic. He explained that City staff needs to know to make their determination. The Homeowner Association could not override City staff and that definition needs to be clarified.

City Attorney Taylor advised that he would be using the medical licensing to see if it would qualify.

Mayor England advised that Sea Grove Association would have to research this issue when they see the City's ordinance.

Commissioner George asked if the City's code could be amended to state that a drug rehab facility as licensed does not constitute a medical clinic.

Mayor England advised that in Chapter 397 has the information in it and Sea Gove Association will have to research what the City is doing and make their own determinations.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and moved on to Item 3.

3. Construction of 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue: Approval of Non-Ad Valorem Assessment for Adjacent Lot Owners to Pay Costs (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 3 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik showed a PowerPoint presentation (Exhibit 2). He gave a history of the 16 lots involved and advised that four lots would be conservation. He included in the non-ad valorem assessment \$40,000 for underground utilities. He explained that public hearings are required and then an interlocal agreement will be filed with the Tax Collector to collect the

money. Cost per lot depends on what direction the Commission decides. Commission decision previously was that the City would pay 1/3 of the costs and the lot owners would pay 2/3 regardless of how many lots are developed or kept for conservation. Staff is recommending a middle range from \$15,000 to \$25,000 per lot and maximum total amount for all 12 lots would be \$300,000, with the set cost of \$3,940 per lot based on 12 lots and set a date for a public hearing. He showed a breakdown of payments over six to ten years, which is like a car loan, or the lot owners can pay up front without payments.

Commissioner Torres asked about the history behind this request to pave the roads.

Public Works Director Tredik advised that there are a mixed of lot owners who want or not want the roadway. He explained that 11 lot owners are in favor of the roadway.

Commissioner Rumrell agrees with the six years and asked whether the City's Impact Fee Fund could be used to do this project so it could be done quickly due to the increase in construction costs. As the payments from the lot owners pay, it would be put back into the Impact Fee Fund.

Public Works Director Tredik advised that the Impact Fee Fund could be used and if the lot owners want to pay up front, that would expediate the project.

Vice Mayor Samora asked when the project will be completed.

Public Works Director Tredik advised that the design is being done now and will be done by this fiscal year. Construction could start in the fall. He explained that the City must get an environmental permit; however, it should not be very complicated.

Vice Mayor Samora asked if the lot owners are paying for the roadway, can the City be held to a timeline and can it be in the agreement that if any permits for the lots are pulled, that the assessment needs to be paid in full first.

City Attorney Taylor advised that an agreement could be done with the lot owners; however, he would not like language in the agreement that may set the City up to fail because no one knows what could happen financially in the next few years.

Vice Mayor Samora asked if there can be stipulations or restrictions in the agreement without discussing the full agreement.

City Attorney Taylor advised yes; he could make an agreement with the property owners.

Public Works Director Tredik advised that there could be an amount needed from the property owners before construction will start.

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

James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, explained that time is of the essence. He explained that he would like to lock the costs in by fall. The lot owners want to see the project moving forward. He said that these are individual lot owners and not developers and they want their own homes. He recommended that the costs should be between 16 lots because the City does not know if any of the lots are going to be conserved or not.

Mayor England advised that there should be a deadline on the conservation lots or they should pay as others do.

Public Works Director Tredik advised that the essential assessment would be divided by 16 lots until the lots are dedicated to the City for conservancy.

Michel Cloward, 112 2<sup>nd</sup> Street, St. Augustine Beach, FL, asked what the purpose of the Impact Fee Fund.

Mayor England explained that impact fees are used for new streets and infrastructure. She advised that the Impact Fee Funds can be applied to other projects throughout the City.

Ms. Cloward asked if the \$83,000 is coming from the Impact Fee Fund.

Mayor England advised yes.

Ms. Cloward asked how it is determined what street uses the funds and what streets need to be paid by the owner.

Mayor England gave history of the meetings and the Commission decisions regarding this project. She explained that the lot owners would pay 2/3 and the City would pay out to the impact fees 1/3 of the project's costs.

Commissioner George advised that in the City's history, the City has never paid over 1/3 of street costs because it is usually done by the developer.

Mark Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, that the owners who want to donate their lots to the City have a letter from Putnam Conservation Trust supporting conserving the lots. He explained that there is a commitment of three to four lots. He agrees with the lot owners who want to develop to front the money earlier than the others to get the project moving forward.

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

comments.

Finance Director Douylliez advised that the non-ad valorem assessment letters usually have an annual fee not the total fee amount and suggested to change the range to \$2,500 to \$5,000.

Discussion ensued regarding what the range amount should be; putting \$0 amount in the range could be deceiving to the lot owners; not wanting to deplete the Impact Fee Fund on just this project; having the lot owners who want to pay up front do so in order to replenish the Impact Fee Fund; and the first year the lot owners will pay \$48,000 to be paid back to the Impact Fee Fund.

Mayor England asked for a motion.

**Motion:** to proceed as recommended by staff with Items 1,2,3, and 4; however, amending Item 4 to reflect that notice shall be advertised to reflect the range of \$2,500 to \$5,000 and the first year be \$3,940. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

City Attorney Taylor advised that he is concerned that with the underground utilities it could cause an overrun of more than \$300,000. He recommended to advertise a higher total amount cost in case there are overruns in costs, which could be reduced later.

Public Works Director Tredik agreed with City Attorney Taylor to have the total costs higher.

**Motion:** to amend the motion to reflect Item 2 to be \$400,000 instead of \$300,000. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England asked for a roll call vote.

City Clerk Raddatz called the roll:

<b>COMMISSIONER RUMRELL</b>	Yes
<b>COMMISSIONER TORRES</b>	Yes
<b>MAYOR ENGLAND</b>	Yes
<b>VICE MAYOR SAMORA</b>	Yes
<b>COMMISSIONER GEORGE</b>	Yes
<b>Motion passed unanimously.</b>	

Mayor England when a public hearing could be done.

Discussion ensued regarding the date and time of the public hearing.

**Motion:** to schedule a Special Commission meeting for this public hearing on Monday, June 7, 2021 at 5:30 p.m. **Moved by** Mayor England, **Seconded by** Commissioner Torres. Motion passed

unanimously.

Mayor England asked for a rollcall vote.

City Clerk Raddatz called the vote:

<b>COMMISSIONER RUMRELL</b>	Yes
<b>COMMISSIONER TORRES</b>	Yes
<b>MAYOR ENGLAND</b>	Yes
<b>VICE MAYOR SAMORA</b>	Yes
<b>COMMISSIONER GEORGE</b>	Yes
<b>Motion passed unanimously.</b>	

Mayor England moved on to Item 4.

4. Resiliency Study: Presentation of Report by Bill Tredik, Public Works Director

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

Public Works Director Tredik advised in 2019 the City applied for the Florida Resiliency Coastline Program for financial assistance to conduct a Vulnerability Study and Adaptation Plan. The purpose of the plan was to look at the City's vulnerability to flooding due to storm surge and sea level rise and to develop an adaption plan to guide the City's future decision making. He advised that Gary Sneddon and Katelyn Breland from CMT will be giving a presentation to the Commission. The plan included three major tasks, which were to update the City's GIS system with drainage and topographic mapping to determine the areas vulnerable to sea level rise and storm surge; updating the City's Master's Stormwater Model to bring in new data within the Master Stormwater Plan; have a public workshop for the public that was attended by members of Sustainability & Environmental Planning Advisory Committee (SEPAC) and Northeast Florida Reginal Council gave a presentation; and the final task is to synthesize the two results from the two phases of this project.

Gary Sneddon, CMT, 7400 Baymeadows Way, Suite 220, Jacksonville, FL, showed a PowerPoint presentation (Exhibit 3). He explained that the master drainage plan for the City is rain influenced and would depend on how much rain the City gets. In the vulnerability assessment, CMT looked at the surge from the ocean to the river and was rain influenced as well. CMT looked at flooding throughout the City, which showed a pattern of zero to three feet and some three to seven feet in some areas. CMT looked at whether the water issues were from the City's elevation or were there outside sources coming into the City. He then introduced Ms. Breland to discuss the storm surge.

Ms. Caitlin Breland, CMT, 7400 Baymeadows Way, Suite 220, Jacksonville, FL, continued the



PowerPoint presentation and explained that CMT updated the stormwater model to ICP 4. CMT split the City's stormwater model into four separate basins and then took the four basins into different groups. The mean annual high tide currently shows 3.4 feet and model the storm surge from a one- and two-foot sea level rise. The first basin shows yellow for flooding in a 25-year storm and red shows flooding in a 100-year storm after one foot of sea level rise. The second basin group does not have as much flooding. The third basin has a lot more flooding and has more vulnerability due to storm events and storm surge. In the fourth basin group the yellow lines are mostly around ponds or ditches and most of the properties are a little bit higher. She advised that west Pope Road led to low levels of the City and marshes and wetlands and explained that those areas during storm surges and sea level rise will rise and infiltrate back into the City, which can affect the City's stormwater system. State Road 312 crossings and Sea Grove area should flow out of the City; however, if any storm surge or major rain event happens, then there would be three points that would come back into the City. Ocean Trace properties are higher elevations, but the stormwater system is low and would be affected by the storm surge or sea level rise. She then turned it back to Mr. Sneddon.

Mr. Sneddon advised that State Road 312, State Road 3 (a.k.a A1A South), and A1A Beach Boulevard roadways make a triangle levy around the core part of the City. The weir would protect the City from a 100-year storm surge if it does not come over the berm. Some areas in the City, such as Mickler Road ditch, 11<sup>th</sup> Street ditch, etc. still need improvements. The Public Works station on Mizell Road is vulnerable. Sandpiper and Versaggi are protected by the dunes. He recommended a backflow protection system to solve the six vulnerable locations, but it would be expensive. Recommendations were for a vulnerable mitigation capital improvement plan, adaptation planning, and to revisit the vulnerability conditions.

Public Works Director Tredik advised that there are projects recommended and are only conceptual. He explained that he submitted the report to the St. Johns County Local Mitigation Strategy grant program. He advised that if they give the City the grant, it would be a 75 percent commitment to the City; however, the City will have to pay the remaining 25 percent. He estimated that the costs would be \$750,000 to do the improvements and the City would have to pay 25 percent of that. He said it falls back to funding and how the Commission wants to develop the capital improvement plan. He said that the storms seemed to be getting more intense. He requested the Commission give him questions or what they would like to do separately, and he would send them to the consultant. He asked to approve the draft plan so that he could submit it to the agency.

Mayor England advised that SEPAC and the Comprehensive Planning and Zoning Board could get their comments to Public Works Director Tredik before the workshop so he can submit the study on time. She asked that SEPAC and Planning and Zoning members receive a copy of the report. She asked if this addresses the rainfall.

Public Works Director Tredik advised that it is not addressed in developing projects, which this

grant asked for; however, it does address the need for capacity improvements.

Mayor England asked to address the heavy rainfall.

Public Works Director Tredik advised that it would be addressed when the improvements are being done on the master drainage plans.

Mayor England asked for a list of agencies that could help with the stormwater improvements, storm surge and sea level rise.

Mr. Sneddon advised that Governor DeSantis is asking for these reports to be done.

Commissioner George asked to put the maps online on the webpage.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that this type of project could be allowed under the American Rescue Plan and suggested to list all the projects in writing.

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

**Motion:** to approve the draft Vulnerability Study. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. **Motion passed unanimously.**

Mayor England asked for a roll call vote.

City Clerk Raddatz read the roll:

<b>MAYOR ENGLAND</b>	Yes
<b>VICE MAYOR SAMORA</b>	Yes
<b>COMMISSIONER GEORGE</b>	Yes
<b>COMMISSIONER RUMRELL</b>	Yes
<b>COMMISSIONER TORRES</b>	Yes

**Motion passed unanimously.**

Mayor England moved on to Item 5.

5. Pay for City Commissioners: Consideration of Adjusting (Presenter: Patty Douylliez, Finance Director)

Mayor England introduced Item 5 and asked Finance Director Douylliez for a staff report from other municipalities.

Finance Director Douylliez explained that she submitted to the Commission information. She requested guidance from the Commission for next year's budget.

Commissioner George advised that the results look reasonable and would be happy to move forward with these figures.

Commissioner Rumrell asked if Commissioner George was proposing the \$14,589 for the Mayor and \$11,074 for the Commissioners.

Commissioner George agreed with the methodology that was approved for staff.

Mayor England advised that it has been a long time since the Commission has received an increase and any Commissioner can give the difference back if they do not want it.

Commissioner George advised that the stated amount would make it about \$18 an hour.

Commissioner I show it was Torres? asked if the average was the same as this month.

Finance Director Douylliez advised that she changed the figures by taking out the higher numbers that St. Johns County Board of Director received.

Commissioner Torres advised that he made a motion for the average last month and it was not seconded, so what is different this month.

Commissioner George advised that that average was only an average of two municipalities instead of eleven cities. She advised that the City of Daytona Beach was taken out this month.

Mayor England asked for Public Comments. Being none, Mayor England opened it up for discussion with the Commission.

Vice Mayor Samora advised that he did his own analysis per capita and he felt that the Commission is currently receiving what most do. The outliers like Bunnell are only getting paid \$4 per person and as the cities get larger than the capita rate goes down. He explained that the COLA is built in and with the rate the Commission is at currently, the Commission's salaries are where they should be. He is fine where the salary is now and the current structure with the COLA in place.

Commissioner Rumrell agreed with Vice Mayor Samora. He thinks the Commissioners are worth the increase because they put in a lot of effort, but he feels this is his civic duty to give back to the community. He agreed with the COLA. He advised that he would like to put the money toward having a grant writer instead of an increase for the Commission. He would like to keep the millage the same.

Commissioner Torres advised that a few months ago he asked about daytime meetings and Commissioner George said she would need to be compensated more because of her business, which is reasonable. He explained that he would be comfortable with an increase if the Commission would entertain daytime meetings and use the employee overtime monies to go back to the City; otherwise, he is fine with the current salary.

Mayor England advised that the daytime meeting would be problematic for the public to attend and the meetings should be opened to the public.

Commissioner Torres advised that there are public meetings during the day everywhere in Florida and it is not against the law. He explained that the Commission now goes to functions during the day for the City. He is advocating for daytime meetings.

Mayor England advised that it is a good thing to bring up and sees the logic in it.

Commissioner George advised that she was not trying to imply a direct quid pro quo. She advised that there were several reasons why she supported a pay adjustment over the years. It is consistent with what the Commission did with staff. She advised that this is a professional City and Commission. She advised that if this Commission does not do it, someone else will have to. She agreed that the Commission does this as their civic duty for \$18 an hour.

Mayor England asked what the current hourly rate is for a Commissioner.

Commissioner George advised it depends on how many hours you put in. She advised that doing 12 hours a week would be \$9 an hour.

Mayor England made a motion to extend the meeting.

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

Commissioner George advised that staff brought it up and the same methodology has been applied as the Commission agreed to with staff. She commented that the population approach is not really apples to apples. She explained that some of these cities provide health insurance for their Commissioners, which is not documented on this survey. She said that the City of Atlantic Beach does provide health insurance.

Mayor England would not mind a reasonable hourly rate.

Commissioner George advised that staff needs to know for budget reasons.

Mayor England advised that the amount is almost doubled and would be a big increase.

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

**Motion:** to approve for the Commissioner pay to be adjusted to \$9,000 and the Mayor's salary adjusted to \$11,000 per year. **Moved by** Commissioner George.

Mayor England asked that she amended her motion to make the Mayor's salary to \$10,000 a year.

**Motion:** to amend the motion to adjust the Mayor's salary to \$10,000 per year. **Moved by** Commissioner George, **Seconded by** Commissioner Torres with discussion.

Commissioner Torres asked the Commission to consider adjusting the schedule for daytime meetings. He suggested one meeting a quarter and then increase it later throughout the year.

Mayor England requested to keep those items separately, but it can be discussed.

Commissioner George ask that the meetings would be advertised well if changed.

Mayor England asked to do a rollcall vote.

City Clerk Raddatz called the role.

Mayor England asked for a motion.

<b>COMMISSIONER RUMRELL</b>	No
<b>COMMISSIONER TORRES</b>	No
<b>MAYOR ENGLAND</b>	Yes
<b>VICE MAYOR SAMORA</b>	No
<b>COMMISSIONER GEORGE</b>	Yes
<b>Motion dies 3 to 2.</b>	

Commissioner George said that staff still needs direction so there should be another motion.

**Motion:** a motion to maintain the current salaries for the Commissioners and Mayor as well as the current methodology of applying the COLA. **Moved by** Vice Mayor Samora, **Seconded by** Commissioner Rumrell.

Mayor England asked for a roll call vote.

City Clerk Raddatz called the roll.

<b>COMMISSIONER RUMRELL</b>	Yes
<b>COMMISSIONER TORRES</b>	Yes
<b>MAYOR ENGLAND</b>	No
<b>VICE MAYOR SAMORA</b>	Yes
<b>COMMISSIONER GEORGE</b>	No

**Motion passed 3 to 2.**

Discussion regarding what items could be finish by the Commission in the time allotted and when the Commission would return to complete the rest of the agenda.

After discussion, the following dates and items were approved by the Commission:

May 18, 2021 at 6:00, Joint meeting with the Comprehensive Planning and Zoning Board and SEPAC.

May 24, 2021 after the continuation of the Regular Commission meeting of May 3, 2021 at 1:00 p.m. a workshop regarding recycling and parking will be discussed.

Commissioner George will be out of town but will send questions or comments to City Manager Royle.

Mayor England moved on to Item 10.

6. Upcoming Workshops: Consideration of Scheduling One or Two in May for Solid Waste / Recycling Operations, Creating a Stormwater Utility, and Other Topics (Presenter: Max Royle, City Manager)

Mayor England introduced Item 6 and asked City Manager Royle for a staff report.

City Manager Royle advised the key need for a workshop is to discuss whether to privatize or bring recycling in-house and how it reflects on the budget.

It was the consensus of the Commission to have a workshop on May 24, 2021 at 1:00 p.m. for recycling and public parking.

Commissioner George advised that she would be out of town and would not be able to attend.

Mayor England moved on to Item 10.

7. Public Parking: Discussion of Where to Allow and Not Allow Parking and Creating Five-Year Plan for Improvements (Presenters: Max Royle, City Manager; Bill Tredik, Public Works Director)

This item was rescheduled for Monday, May 24<sup>th</sup> at 1:00 p.m.

8. Ordinance 21-05, First Reading, to Vacate Alley between B and C Streets West of A1A Beach Boulevard to 2<sup>nd</sup> Avenue (Lots 1-16, Block 40, Coquina Gables Subdivision) (Presenter: Brian Law, Building Official)

This item has been continued to May 18, 2021 at 6:00 p.m.

9. Ordinance 21-06, First Reading, to Vacate Alley between A and B Streets, between 3<sup>rd</sup> and 4<sup>th</sup> Avenues (Lots 1-16, Block 49, Coquina Gables Subdivision) (Presenter: Brian Law, Building Official)

This item has been continued until May 18, 2021 at 6:00 p.m.

### XIII. NEW BUSINESS

10. City-Wide LED Streetlight Conversion: Request to Approve Phase 1 for Lights Along the Boulevard, Pope Road, 16<sup>th</sup>, 11<sup>th</sup>, and A Streets (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 10 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik showed a PowerPoint presentation (Exhibit 4) regarding the Light-Emitting Diode (LED) Streetlight Conversion. He explained that there are 386 streetlights throughout the City and 183 are recommended to be converted to LED lighting. He advised that there would be more natural color, easier to see things, focus beam, and night sky compliant. He is recommending the 4000 kelvin for A1A Beach Boulevard, unless it is too bright, and it could be changed to 3000 kelvin at no additional cost. He is not changing the light levels, but if the Commission wants to it would be at an added cost. A hybrid solution would be to increase the light levels on the Boulevard, but not on the other roads at no additional cost. He asked the Commission to execute an LED lightening agreement with Florida Power and Light.

Discussion ensued regarding turtle season making it dark on the Boulevard; protecting the pedestrians on the Boulevard with enough lights; priority on safety on the Boulevard; Department of Transportation pays the City to replace lights; not increasing the brightness; using shields for the lights; the agreement shows equivalent lighting; converting the Boulevard to 41-watt lighting; and the history of the lighting on the Boulevard.

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

Brud Helhoski, 691 A1A Beach Blvd., St. Augustine Beach, FL, advised that the light is too much and recommended not going forward with this agreement until all the Commissioners see the lights on A Street.

Mayor England closed the Public Comments section and asked to discuss how this meeting can be continued.

After discussion, Mayor England asked for a motion for the meetings.

**Motion:** to continue the Regular Commission meeting of May 3, 2021 for Items 8, 9, 10 to May 24, 2021 at 1:00 p.m. and rescheduled Items 11 and 12 to the Regular Commission meeting of June 7, 2021 at 6:00 p.m. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Commissioner George requested to add an agenda item requiring a default date for Commission meetings.

Commissioner Torres advised that he would be available the following Monday.

Mayor England moved on to Item 11.

11. Proposed Personnel Manual Changes: Resolution 21-17, Minor Changes Regarding Shift Work for the Police Department; Resolution 21-18, Regarding Minor Changes to Standards of Conduct and Discipline; Resolution 21-19, Deleting Provision Regarding Employees Making Personal Long-Distance Telephone Calls; Resolution 21-20, Deleting Sick Pay Incentive and Adding Birthday Holiday in Place of Incentive; and Resolution 21-21, Concerning Changes to Criteria of Employees Who Can Donate Time or Be Recipient of Donated Time (Presenter: Beverly Raddatz, City Clerk)

Mayor England asked for a motion to reschedule Items 11 and 12.

12. Long Range Financial Planning: Review of Report (Presenter: Patricia Douylliez, Finance Director)

This item has been rescheduled until June 7, 2021 at 6:00 p.m.

XIV. STAFF COMMENTS

This item was rescheduled until the Regular Commission meeting on June 7, 2021 at 6:00 p.m.

XV. ADJOURNMENT

Mayor England asked for a motion.

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


Meeting was adjourned at 10:07 p.m.



Margaret England, Mayor

Attest:



  
Beverly Raddatz, City Clerk