



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, JUNE 7, 2021 AT 5:30 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 5:30 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, 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 MAY 3, 2021; JOINT WORKSHOP ON MAY 18, 2021; CONTINUATION OF MEETING AND WORKSHOP ON MAY 24, 2021

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

Motion: to approve the Regular Commission minutes for May 3, 2021, May 18, 2021, and May 24, 2021. **Moved by** Commissioner Rumrell, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved on to Item 1.

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 ORDER TO 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

No presentations.

VIII. PUBLIC COMMENTS

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

Robert Langston, 673 Ocean Palm Way, St. Augustine Beach, FL, advised that the walkway near Sea Colony has some noise and visual pollution for Sea Colony residents and when Ocean Hammock Park improvements begin there will be more traffic of people. He requested that a better barrier be put up and he would like to discuss it with Public Works Director Tredik.

It was the consensus of the Commission to have Public Works Director Tredik discuss the issue with Mr. Langston.

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

IX. COMMISSIONER COMMENTS

Mayor England asked Commissioner George for comments.

Commissioner George had no comments.

Commissioner Torres advised that he changed his mind to allow the Comprehensive Planning and Zoning Board to rank the parking areas throughout the City and feels that this task is beyond their scope and should be done by the Commission. He will discuss further under Item 13.

Commissioner Rumrell advised that the lighted crosswalks will be installed, curb cuts will be installed on A Street to stop flooding, and there will be a lifeguard for Ocean Hammocks soon. He thanked Representative Cyndi Stevenson, Senator Hutson, Speaker Sprowls, Representative Tomkow and Kevin Sweeny for getting the \$694,000 from the State of Florida that was not vetoed for the Ocean Walk flooding project.

Mayor England thanked Commissioner Rumrell for all his hard work in getting the grants.

Vice Mayor Samora asked City Manager Royle to keep updating the Commission on when St. Johns County would have the TDC five cent increase on their agenda.

Mayor England deferred her time because of the length of the agenda.

Mayor England moved on to Item V, Additions and Deletions.

X. PUBLIC HEARINGS

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

Mayor England introduced Item 1 and asked for a staff report from Public Works Director Tredik.

Public Works Director Tredik advised this is to adopt the 2nd Street roadway construction. He gave the location of the roadway to be constructed and recapped the history of the process for the non-ad valorem assessment of the past meetings as discussed. He explained that the road will be shifted south and west to save some large trees. He said that there are three lots that are going for conservation and possibly a fourth lot. He advised that the costs would be divided between either 12 or 13 lots as non-ad valorem assessments. The term of the assessment will be six years with a minimum assessment per lot of \$2,500 for a total of \$15,000, and a maximum assessment per lot of \$5,000 for a total of \$25,000. He recommended that the Commission adopt the non-ad valorem assessment for the lots and mentioned that some of the lots previously were joined under one parcel identification number, so those lots would be double at \$7,880 non-ad valorem assessment.

Vice Mayor Samora said the assessment amount covers the connector to the east part of 2nd Avenue, but not the improvements on the east side of 2nd Avenue.

Public Works Director Tredik advised that it does not cover anything east of the existing 2nd Avenue, including the paving which should have been done when the houses were built.

Vice Mayor Samora asked about the progress of the conservation lots.

Public Works Director Tredik advised that Putnam Land Trust sent the documents to the owners, and it is moving forward.

Mayor England asked if there would be a deadline on the non-ad valorem assessment.

Public Works Director Tredik advised that the lots for conservation have not been dedicated to the City yet, so they would be part of the assessment. After they are City property, they would not be assessed.

City Attorney Taylor advised that if the City owns the conservation lots, it would not have to pay the non-ad valorem assessment.

Public Works Director Tredik said that is why the assessment is set up at \$3,940 in anticipation that some of the lots will be dedicated to the City, which would allow for the appropriate amount for each lot owner.

Mayor England asked when the non-ad valorem assessment would start.

Public Works Director Tredik advised that it would be paid in FY21.

Mayor England asked if there is nothing definite on the conservation lots by September 1st would they be assessed.

Public Works Director Tredik advised that the conservation lots would be assessed in that case.

Commissioner George advised that she has received complaints about the construction of the road going in the east and west direction and asked Director Tredik to provide information regarding that decision.

Public Works Director Tredik explained that in previous meetings it was discussed that there were issues with the construction coming in on 1st Street due to traffic and the Fire Department trucks needing room when making their turns. He remarked that the Commission agreed with the direction of the roadway and the safety improvements to the east side, such as widening, sidewalks, etc.

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

City Attorney Taylor read the preamble.

Mayor England asked for a motion.

Motion: to adopt the 2nd Street extension and non-ad valorem assessment as noticed in the advertising at \$3,940 for originally platted lots. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 2.

2. Ordinance 21-04, Second Public Hearing and Final Reading: 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 2 and asked for a staff report from Building Official Law.

Building Official Law advised this was the final reading of the ordinance and the Commission has seen and discussed this four times and the changes that the Commission requested have been updated by City Attorney Taylor.

Mayor England advised that all the requested changes from the Commission were changed in the this proposed ordinance. She advised that there were good suggestions in the joint workshop and asked the Commission if they read the minutes to the workshop and the suggestions made. She asked if all the Commission received the emails from Craig Thomson and Michael Stauffer's suggestions. She advised that these emails are available to the public for public records requests.

Mayor England asked any member of the Commission to start their discussion on this item.

Commissioner Torres said that he appreciated meeting with the Comprehensive Planning and Zoning Board at the joint workshop and advised that it was a very good investment of the Commission's time. He understood what the Commission was doing, and he voted in favor of this ordinance; however, he now has changed his mind after listening to the residents. He appreciates the efforts to bring this here but has changed his mind.

Vice Mayor Samora advised that one of the thoughts that occurred to him was that the Commission never received any recommendations from the Comprehensive Planning and Zoning Board. The last time the Comprehensive Planning and Zoning Board looked into this issue was when the joint workshop was scheduled, and they never reconvened to discuss the ordinance between themselves and come up with their recommendation. He advised that that concerns him. He explained that everyone keeps referring to this as the setback ordinance and really are not considering the overlay district, which he feels is a big deal. It concerns him that people have purchased properties that are nonconforming, and the overlay district specifically says that it was created so that those homes could be improved or reconstructed. He feels if the Commission gets rid of the overlay district and takes that right away from the residents, there would be some trouble. He believes that that portion of the ordinance should be reviewed more and vetted by the City Attorney. He advised that he has less concern about the setbacks than getting rid of the overlay district in its entirety. Additional materials were presented in the booklets, and he was not sure if everyone received it, but it was the number of variances brought to the Comprehensive Planning and Zoning Board over the past three to four years. He said there were 31 variance

requests that involved setbacks. He went through them in detail and by his account a total of two a year or six would have been addressed by this ordinance change. He feels that the Commission may be missing the mark. He said if the variance requests are only going to be reduced by two per year by making this change, he does not feel that the Commission is getting to where they want to go. He advised that those are his concerns and asked to put the question to the public and the Commission so it can be discussed.

Commissioner George recapped Vice Mayor Samora's comments on the variances total from 2018 – 2021 and that there were only six addressed or two a year.

Vice Mayor Samora advised there were only six that addressed side or rear setbacks.

Commissioner George advised that even though 21 variances had to do with reducing the side or rear setbacks.?? Sentence is incomplete/does not make sense

Vice Mayor Samora advised yes. He gave examples of what the variances had requested within those years. He advised that some of them were denied. He discussed maybe having a different path to have people apply within the overlay district for variances. He said that out of 31 variances, only six were agreed upon.

Commissioner George advised that she is not so concerned about the overlay district, so she was glad that Vice Mayor Samora was raising that issue. The primary overlay district eradication is the inability to rebuild on the footprint.

Vice Mayor Samora advised that it is both improvements and reconstruction. It reads that if you have a nonconforming property, and you want to improve the property the existing footprint is deemed conforming by the overlay district. He advised that it could be improved upon within the overlay district if 50% or more on the home was damaged.

Commissioner George advised that when this was discussed previously, it agreed that the variance still could have that option. She was wondering how many are like that.

Vice Mayor Samora advised that the Commission does not have that data. He explained that the Commission has the amount of vacated0 lots there are but not nonconforming properties.

Building Official Law advised that there is no easy way to see whether homes are currently nonconforming because the computer system did not roll out until 2019. He advised that there is a disparity in the Code with the beach overlay district where it says any, and all applications must be seen. He advised that he disagrees with Vice Mayor Samora on the reconstruction of the structure if it is 50% damaged. He advised that the intent of the Code is not to continue nonconforming structures. The overlay district did not approve the nonconforming structures to begin with and they were never approved for the setbacks that the overlay district is giving. He believes it does not correlate. Section 10 addresses fires and other calamities which will take precedence over the overlay district. If the building is substantially damaged and the survey was done with a four-foot discrepancy, the structure of the code cannot allow a damaged home to be built two feet from a lot line. The intent of the Code is to protect the buildings that are existing, but once they lose that status, that is the end. There could be a total disaster come off the coast and seriously damage buildings and the protections will not override Section 31.09 of the Building Code which is structures seaward of the coastal line and would not be the intent of the building code. The building codes have no concern with zoning. As the City Attorney addresses the variance process is the correct process (this sentence does not make sense). He commented that

he does not have any issues if the Commission wants to leave the overlay district or the setbacks. He said Section 3.08 is very clear and it was changed in 2018 by the Commission and says if Section 3.08 complies with all other sections of the code then the homeowners do not have to go through the overlay district. The real problem is that the Comprehensive Planning and Zoning Board is instructed by code to approve any and all applications that meet the code. So, a house is submitted to staff, and it was turned down, so the owner goes through a variance application and pays \$400, and the Comprehensive Planning and Zoning Board cannot deny it. He believes that the overlay district will serve no purpose if the Commission keeps it. The Comprehensive Planning and Zoning Board was upset when they had no choice but to approve the variances that were brought through the variance procedures if they met code.

Vice Mayor Samora still had concerns that if someone has purchased a nonconforming property and the overlay district is in place and the City takes it away, then they are losing some of the rights they had. He read the purpose of the overlay district and advises that that means that those properties in the overlay district become a conforming footprint. He read subparagraph (e) and said that the rebuilding or remodeling located in the overlay district can be on the footprint of the existing structure. He believes that this code allows me to rebuild my structure as it sits currently.

Building Official Law disagreed and said that is not the intent of the code. He said it may be the way it is written, but it is not the intent to allow buildings to remain in nonconforming status if destroyed. Staff would never be able to do their job.

Vice Mayor Samora advised that his concerns are more for the property rights of the owners of the property. He said that the overlay district should be a separate discussion from the setback issue.

Building Official Law suggested to leave the overlay district and just pass the ordinance regarding the setbacks, then after budget season to discuss the overlay district in more detail.

City Attorney Taylor advised that the overlay district could be stricken from the ordinance at this time if that is the will of the Commission.

Building Official Law advised that the overlay district is more for the beach side of A1A Beach Boulevard and is geared more with the wedding cake look. The beachside medium density only allows ten-foot side setbacks and there is no provision for small, platted lots. He said no one is going to use the overlay district on a small lot because that would make the owner build a smaller house. He suggested bringing this back and rewriting it from two overlay districts to just one overlay district. He said the 50 x 93 lots should be treated the same.

Mayor England advised that the point Vice Mayor Samora is making is that if a home is nonconforming (this sentence does not make sense).

Building Official Law advised that means that it is allowed to have a 7 ½ foot side setback on the western lots, not the eastern lots.

Mayor England said if a lot is nonconforming and exceeds the 35% lot coverage and setbacks in the overlay district or anywhere, a principle in the land development regulation is that there is no expansion of a nonconforming use and if it is substantially destroyed the owner would have to build back and conform. This is a basic principle. The concern from Vice Mayor Samora is that the lots that are nonconforming if they are substantially destroyed, he wants to rebuild them the way they were.

Vice Mayor Samora advised his concern is that if someone owns a nonconforming home, this ordinance is on the books right now. If we make this change when an owner is going to improve or construct a home with these codes, then we have taken away property rights to an owner.

Mayor England advised that legally the City would not expose themselves because this is a legal principle of land development regulations and land use. She commented that an owner cannot rebuild or expand nonconforming structures.

Vice Mayor Samora advised according to the current code you can.

Mayor England agreed that the language Vice Mayor Samora is pointing out is worth taking a second look at.

City Attorney Taylor advised that Mayor England is correct that there could not be a taking of property or a lawsuit for the City. He advised that the Commission should not be concerned that they would be sued if something is changed. He advised if the Commission is concerned about precedence on reconstructing homes, the overlay district owners who want or had a two-foot setback would not be allowed anyway. The number of things that would conform with the overlay district would not alarm him. The variance process would take care of this and allows someone to look at it case by case. In some cases, the setbacks might be allowed in a hardship case. The process allows the owners to get closer to the correct zoning and requirements of the City. If there is a natural disaster the City may give some forgiveness or parameters for the homeowners. There are a lot of reason for setbacks.

Commissioner George advised that the City has allowed a grace period where the code does not go into effect for a few months in case a property owner is in the process of building.

Building Official Law explained that a lot of owners had one lot and sold half of the lot to another owner for a buildable lot, which makes the property in existence nonconforming to the setbacks. It is the Commission's decision, and he is only providing expertise of the code.

Commissioner Rumrell thanked Vice Mayor Samora for bringing up this issue, but he believes that the explanation during this meeting and when he spoke with Building Official Law is that the Florida Building Code supersedes the City's codes anyway.

Building Official Law advised yes. The Building Official cannot reject a plan submittal based on zoning.

Commissioner Rumrell advised that if a structure would get struck down, the Florida Building Code would supersede the City's code regarding the overlay district code.

Building Official Law advised that the Florida Building Code would require the use of substantially improvement and damage protocols seaward of the coastline regardless of the special flood hazard area. Florida Building Code allows zero lot line houses.

Commissioner Rumrell advised he would like to waive the \$400 fee and he would move forward with the setbacks in this ordinance and discuss the overlay district later if the Commission wants to do that.

Building Official Law advised that the language is not clear, but he will never approve a home to

be reconstructed of a substantially damaged building that does not comply with the setbacks or some avenue to allow him to. It is the intent of the code to build with conformity.

Mayor England advised that if a nonconforming home would be allowed to be built back to a conforming land use ordinance home with any variances that have been approved.

Building Official Law advised that it would depend on how the variances were written.

Mayor England advised that it is separate points on the overlay district and how the language is written.

Commissioner Torres asked if the overlay district included commercial properties.

Building Official Law advised no, only residential.

Mayor England advised that she remembered the purpose was equal treatment for all small lots regarding setbacks because in the overlay district it could be 7 ½ foot setbacks and elsewhere it had to be a ten-foot setback. Those setbacks govern the placement of the building or the footprint on the lot. The change for the remaining small lots going forward would allow consistency. The lot coverage of 35% impervious surface ratio (ISR) has been in place for single-family residential homes for a long time as she could remember. She advised that the ordinance is not changing that, and it will be the same for all lots. The allowances for the bump outs, chandeliers, and architectural design will remain the same for all lots. It will not change. If the Commission decided to have the small lots less than 35% impervious surface ratio, that would be back-zoning and that gets dangerous because it has been 35% for all these years. The impervious surface is not being changed for any of the lots and will remain the same. She advised that if there is a concern about the loss of trees, the Commission can address that with a tree ordinance. The issue with the stormwater drainage is vital and if there needs to be more engineering review of the lots, that can be addressed directly. It would not reduce the lot coverage or the ISR. Since the changes of the side setbacks on small lots she tried to give the Commission facts and figures in order to consider the setbacks, ISR, and coverage on small lots separately. She wants equal treatment on small lots. The variance requests for the rear or side yards are outside of the normal. A lot of the requests were for a bigger house, bigger pool, etc. She explained that she wants to right size the ordinances so that people can build on the small lots with the current setback requirements the footprint for a one-story home is 1290 square feet. The cost of a small lot to build a 1290 square foot home is unreasonable but changing the setbacks it will allow a one-story house to be 1650 square feet and allow for a three-bedroom two bath home. That would be a reasonable home and that is what she would want for the residents instead of making them go to a two-story home if they only want a one-story home. Requests for variances are because most people want a one-story home but cannot accomplish that with a 1290 square foot home. Of the 31 requests, all were approved except for one and this year four requests for variances were denied. There was a request for a one-story home, and it was denied so they had to build a two-story home. She agreed that the Commission needs to address the trees, stormwater drainage, and nonconforming uses, but right now this ordinance is for setbacks on a small lot and what the purchaser of the lot and home would be confined to.

Building Official Law advised that that home was permitted as a two-story home. The Comprehensive Planning and Zoning Board did everything they could.

Mayor England advised that the Comprehensive Planning and Zoning Board is doing a great job this year.

Commission George advised that impact on the trees is not related to the setbacks because even with the larger setbacks and smaller homes you can still add on the patios and outbuildings and still preserve the trees. She sees consistency in the discussion that are not on point and Mayor England brought up good points and highlighted the issues well. The Commission needs to make a decision tonight on this.

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

Ted Hellmuth, 3 15th Street, St. Augustine Beach, FL, advised that he built his side setbacks to 7 ½ feet in 2015 and he did not have to ask for a variance. He remarked that the setbacks are reasonable.

Don McCarthy, 5 15th Street, St. Augustine Beach, FL, advised he would like it to be fair for every resident and agrees with the 35% impervious surface ratio. He mentioned that if the City stops the 70% on the top floor, the City will lose tax money.

Isabell McCarthy, 5 15th Street, St. Augustine Beach, FL, thanked Mayor England and Commissioner George for their compassion on the issue and advised that she did not understand Commissioner Torres changing his mind because she felt that it should be the same for every resident.

Mayor England closed the Public Hearing and asked if the Commission would like to delay this for now.

Vice Mayor Samora suggested taking this as two separate issues. He advised that he would not want to carve it apart to piece meal it. He wants it all to stay in or all of it comes out. He felt these are two separate issues, setbacks and overlay district. He agrees that the setbacks do need to be fixed. There is a fundamental fairness issue there. He is uncomfortable with taking out the overlay district until it has been fully vetted by the City Attorney. He respectfully disagrees with Building Official Law's interpretation on this issue. He would like the City Attorney to research the overlay district more before deciding on the ordinance. He suggested leaving the overlay district language in and changing the setbacks how it is proposed.

Mayor England advised that if the small lots are unified, the main purpose for the overlay district was to give 7 ½ foot side setbacks. She asked if the overlay district should be confined to one area or could language be written to simplify in the land development regulations what the concerns are that Vice Mayor Samora wants to address. She asked if the overlay district should be kept in that small geographic area.

Vice Mayor Samora advised he does not know because he does not know how many nonconforming properties there are in the overlay district. He explained that the overlay district was created for a reason and the houses back date the current codes. He agrees with the setback changes.

Commissioner George advised that she did not remember in any way to maintain or allow a rebuilding of nonconforming structures. She read the codes and she felt that the setbacks should be brought into conformity. She advised that nonconforming structures should not be kept once the structure is 50% or more destroyed. She explained that it is a standard principle to bring properties into conformity. She requested the Commission move forward with the ordinance.

Building Official Law recapped the code on nonconforming structures. He understands Vice

Mayor Samora's concern, but it should go to the staff for permitting and go through the variance process for those items that are not in the code.

Commissioner George advised that she would not believe keeping nonconforming structures would ever be a policy.

Vice Mayor Samora advised that it says in the codes that in the overlay district nonconforming setbacks can be replaced in the existing footprint.

Building Official Law advised that it should go through the variance process if an emergency event happens. When the building comes to the end of its life, it has to come into compliance.

Mayor England stopped the discussion and asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the preamble.

Mayor England made a motion.

Motion: to approve Ordinance 21-04. **Moved by** Mayor England, **Seconded by** Commissioner George.

Mayor England asked for a roll call vote.

City Clerk Raddatz read the roll call as follows:

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

Motion passes 3 to 2.

Mayor England moved on to Item 3.

3. Ordinance 21-05 Public Hearing and Final Reading, to Vacate Alley between B and C Streets West of A1A Beach Boulevard to 2nd Avenue (Lots 1-16, Block 40, Coquina Gables Subdivision) (Presenter: Brian Law, Building Official)

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

Building Official Law advised this is the final reading with no changes.

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

City Attorney Taylor read the preamble.

Mayor England asked for a motion.

Motion: to approve Ordinance 21-05. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 4.

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

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

Building Official Law advised there were no changes.

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

City Attorney Taylor read the preamble.

Mayor England asked for a motion.

Motion: to approve Ordinance 21-06. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 5.

XI. CONSENT

5. Resolution 21-22, to Declare Certain Items of City Property as Surplus and Authorize Their Disposal

Mayor England introduced Item 5 and asked for a motion.

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

XII. OLD BUSINESS

6. Drug / Alcohol Rehab and Medical Facilities: Review of Proposed Ordinance to Provide Addition to Prohibited Uses in Section 3.02.03 of the Land Development Code (Presenter: Lex Taylor, City Attorney)

Mayor England introduced Item 6 and asked for a staff report from City Attorney Taylor.

City Attorney Taylor advised that the Commission has discussed this issue previously regarding Sea Grove residents objecting to a drug / alcohol rehab and medical facility being in their neighborhood. This ordinance would reflect Florida Statutes 397 which requires full licensing for these types of businesses with the Florida Health Department.

Mayor England thanked City Attorney Taylor for listing the exemptions and suggested to write "as amended" in the list so that the ordinance does not have to be brought back often to be updated.

Commissioner Rumrell thanked City Attorney Taylor and advised that the business has already vacated the property.

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

Sarah Smith, 776 Tides End Drive, St. Augustine Beach, FL, thanked the Commission for their due diligence and for helping the residents of Sea Grove.

Mayor England closed the Public Hearing and asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the preamble.

Mayor England asked for a motion.

Motion: to approve Ordinance 21-07. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 7.

7. City Meeting Facilities: Consideration of Converting Space to Office Needs (Presenters: Max Royle, City Manager; Bill Tredik, Public Works Director)

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

City Manager Royle advised that city hall is 20 years old and that the Building and IT Departments have grown and need more office space. He proposed that the meeting room be part for public meetings and part for an office for the Events Coordinator. The Building Department will be moving the Zoning Department into the Events Coordinator's office. He explained that the public meetings would have half of the meeting room. He advised that Building C would be for the IT staff. Public meetings would have to be limited in size and the large homeowners' associations would not be able to meet in this facility. He would be budgeting for a new IT staff member because of the need. The televising equipment will remain upstairs, but IT staffing would be in Building C. He asked the Commission if they would agree to the changes so he can research the costs.

Commissioner Torres agreed with using the meeting room and Building C for staffing instead of a public meeting space.

Vice Mayor Samora agreed that there was a need for staffing space.

Mayor England advised that she does not want to lose the meeting space for the public, especially for AA groups. She suggested when doing the design work to include cubicles and asked Building Official Law to contact the County to see if they have cubicles that they are not using. She also suggested to reach out to St. Johns County Facilities Director on a design and insight for the best staffing solution.

Building Department Law advised that two full-time employees will be in the Events Coordinator's current office.

Discussion ensued regarding the design of the office spaces; having cubicles might allow more employees within a room; and the construction and costs.

Commissioner Rumrell remarked that he would like to have a public meeting space.

Mayor England opened the Public Hearing. Being none, Mayor England closed the Public Hearing.

It was the consensus of the Commission to have staff research cubicles and bring back a design for approval.

Mayor England moved on to Item 8.

XIII. NEW BUSINESS

8. Chapter 16 of the City Code Regarding Law Enforcement Department: Consideration of Updating (Presenter: Dan Carswell, Police Chief)

Mayor England introduced Item 8 and asked for a staff report from Chief of Police Carswell.

Chief of Police Carswell advised his memo was self-explanatory. He explained that there was a different police structure in 1963 when this Code was adopted. He updated the information to the current police structure and requested the approval of the Commission.

Mayor England asked what belongs in Code and what belongs in policy.

Chief of Police Carswell advised policies are procedures on how to arrest and pursue people. The Code explains certain duties and has been updated for accreditation. He explained that the changes to the Code are minor, but at Mayor England's suggestion he would be happy to consult with the City Attorney.

City Manager Royle advised that this will come back to the Commission as an ordinance.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and directed staff to bring back to the Commission an ordinance.

Mayor England moved on to Item 9.

9. Beach Services: Approval of Interlocal Agreement with the County (Presenter: Dan Carswell, Police Chief)

Mayor England introduced Item 9 and asked for a staff report from Chief of Police Carswell.

Chief of Police Carswell advised that in April the Commission asked him to review the costs for beach services with St. Johns County. On May 19th St. Johns County Board of Commissioners approved a five-year interlocal agreement not to exceed \$113,193 annually, which is an increase from prior years. This agreement is only for the current duties that the Police Department is already doing.

Commissioner George asked what the prior agreement amount was.

Finance Director Douylliez advised that there was no prior agreement with St. Johns County for beach services. She advised annually Finance budgets \$50,000 - \$55,000 and most years the County pays \$90,000. This is an increase from last year's budgeted amount.

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

Motion: to approve the interlocal agreement between St. Johns County and the City of St. Augustine Beach providing law enforcement to the local beaches. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 10.

10. 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 introduced Item 10 and asked for a staff report from City Clerk Raddatz.

City Clerk Raddatz recapped all the resolutions and changes to the Personnel Manual which were noted in the Commission's packets.

Mayor England advised that she remembers bringing up establishing a criterion for donating sick time to other employees. She then opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked for a motion.

Motion: to approve Resolutions 21-17 through 21-21. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 11.

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

Mayor England introduced Item 11 and asked for a staff report from Finance Director Douylliez.

Finance Director Douylliez advised in the Commission's packets are many charts and statistical information based on revenues and expenses. She explained that the charts date back from 2016 to current and show the direction of the City, including the General Fund balance. The General Fund balance is increasing. The methodology for revenues and expenditures is taking the data from prior years and average how the expenditures and revenues are increasing. She gave an example that the State of Florida Communication taxes will be phased out, so she knows that she cannot budget those funds anymore. She gave credit to Commissioner Rumrell and Public Works Director Tredik who have obtained many grants. She has been calculating the five-year Capital Plan to see what direction the City will be going over the next few years. She advised that it is hard to know where the economy is going with everything that has happened with COVID-19. She explained that the data for the American Rescue Plan is not in the projections because the City has not developed a project to apply the money to. It is not clear what funding the State of Florida will give the City and what the grant money can be used for. She advised that the proposed money will not be in the budget for next year until it is received and then it would be a budget adjustment. The funds are required to be spent by 2024. The \$694,000 and 2nd Street projects are not in this data as well.

Mayor England requested a list of what data is not in this report. She explained that the old city hall is not in the report because it does not come due until 2026.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and moved on to Item 12.

12. St. Johns County 200th Anniversary: Request for City Representative to Attend July 21, 2021, Time Capsule Dedication Ceremony and Designation of Item from City for the Capsule (Presenter: Max Royle, City Manager)

Mayor England introduced Item 12 and asked for a staff report from City Manager Royle.

City Manager Royle advised that in the Commission's packet was a letter from County Commission Chair Mr. Jeremiah Blocker who requests a representative and an item to be placed in St. Johns County's time capsule on July 21, 2021, for St. Johns County's 200th anniversary.

Discussion ensued regarding what object the City would like to put in the time capsule; the object being small; who will represent the City; St. Johns County said no masks; and the time capsule when the time capsule will be opened.

Mayor England asked the Commission to give their ideas to the Events Coordinator.

It was the consensus of the Commission to allow Mayor England to represent the City at St. Johns County function.

Mayor England suggested a cube that could have the old city hall and the seal on it. She advised that the Events Coordinator will communicate via email individually to all the Commissioners on what the item will be.

Mayor England opened the Public Comment section. Being none, Mayor England closed the Public Comments section and moved on to Item 13.

13. Commission Meetings: Discussion of Possibilities to Shorten Agendas, When to Hold Continuation Meetings, Changing Meeting Time, and Setting Dates for Certain Upcoming Meetings (Presenter: Max Royle, City Manager)

Mayor England introduced Item 13 and asked for a staff report from City Manager Royle.

City Manager Royle explained that all the items on the agenda tonight require the Commission to approve. He advised that the City Attorney would be able to come back with an ordinance regarding what the Commission wants for their meeting topics, and regular monthly scheduled meeting dates and time limits for Commission meetings.

Discussion ensued regarding the Comprehensive Planning and Zoning Board would not have the final say on parking, but it would come back to the Commission for final approval; whether to have staff do the parking research or the Comprehensive Planning and Zoning Board; and the duties of the Comprehensive Planning and Zoning Board does not list parking in the Code.

After discussion on what the Comprehensive Planning and Zoning Board functions, the Commission advised they could give input on the parking issue and report their findings to the Commission. The Commission will request the City Attorney to prepare an ordinance to bring back to the Commission for approval on this issue.

Mayor England advised that this came up in the Vision Plan that parking was an issue and that the parkettes in the City could be used partially for parking, to beautify the City, and for rest areas.

City Manager Royle advised that the Tree Board did give recommendations to the Commission for the landscaping of the parkettes.

Commissioner George said if SEPAC wants to be involved that is fine, but otherwise the Comprehensive Planning and Zoning Board could make recommendations and bring everyone's recommendations to the Commission for approval.

Mayor England asked Commissioner Torres if SEPAC and the Comprehensive Planning and Zoning Board would give recommendations to the Commission, would that satisfy him.

Commissioner Torres advised no. He would like to have the Public Works Director to work on this.

City Manager Royle advised that staff will work on this and come back to the Commission with recommendations at the July Commission meeting. He then moved on to asking the Commission when they would like to meet for their meetings.

After Commission discussion it was decided that the Regular Commission meetings will be the 1st Monday of the month at 6:00 p.m. and the continuation meeting of the Regular Commission meetings on the 1st Tuesday at 9:00 a.m.

City Manager Royle advised that there is a holiday on July 5th and asked when the Commission would like to reschedule it.

It was the consensus of the Commission to have the Regular Commission meeting in July on Tuesday, July 6, 2021, at 6:00 p.m. and to allow Commissioner George to vote via zoom at the meeting as long as there is a quorum and a voting consensus.

Discussion ensued regarding the staff overtime to work after hours and whether to have meetings in the morning or afternoons; and to send a survey out to the residents on what time they would like to have the meetings.

City Manager Royle advised that he would like to have a Commission workshop to discuss solid waste and stormwater non-ad valorem taxes.

After discussion, it was the consensus of the Commission to have a workshop on Thursday, June 17, 2021, at 6:00 p.m.

Commission discussed changing the August Regular Commission meeting.

After discussion, the August Regular Commission meeting will be on Wednesday, August 11, 2021, at 6:00 p.m.

Mayor England moved on to Item 14.

14. Drainage and Paving Projects for Oceanside Circle and 11th Street: Approval of Amendment to Contract with CMT for Engineering Services (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 14 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik advised that he needs CMT to design and permit Oceanside Circle and 11th Street and recommends that the Commission approve CMT Agreement Amendments 36 and 37. He explained the construction that is needed.

Mayor England asked if 11th Street could be made into a rain garden.

Public Works Director Tredik advised that he could have CMT look at that.

Vice Mayor Samora asked if impact fees could be used for these projects.

City Attorney Taylor advised that if the road was not complete to begin with, then impact fees could be used for the project and the design and engineering services.

Motion: to approve amendments 36 and 37 between CMT and the City of St. Augustine Beach for engineering services for drainage and paving improvements for 11th Street and Oceanside Circle. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item XIV.

XIV. STAFF COMMENTS

Mayor England asked City Manager Royle if he had any comments.

City Manager Royle advised that the Art in the Park was a nice event and created a lot of goodwill to the City. Events Coordinator wanted to give a special thanks to Paul Slava from the Arts Studio also with the St. Johns County Cultural Council and Tom Large from Public Works who did the setup for the event. He mentioned there will be a Luau Event on Friday, June 25, 2021, between 6 -9 p.m. at Pier Park.

Chief of Police Carswell advised that in May there were 2,000 service calls and it was very busy Memorial Day weekend.

Building Official Law advised he had no comments.

Public Works Director Tredik advised he had no comments.

Finance Director Douylliez advised that she had no additional comments.

City Attorney Taylor advised that he would provide some legislative updates in the future.

Mayor England asked about the American Rescue Plan.

Finance Director Douylliez advised that the State of Florida has given no guidelines as of yet or how much money the City will receive. She advised that they did mention stormwater and when the money is received the City will match a project to fund it.

Mayor England asked about the Vulnerability Study.

Public Works Director Tredik advised that he submitted the Vulnerability Study and the state responded with a couple of comments about clarification on the meeting that was held. He will get back to them this week and then the City will be approved. It might help to get more grants to have projects in that study. He applied for the HMPG grant and might be successful in receiving that grant for A1A Beach Boulevard drainage culverts. He explained that he did not know how the funding will be divided up between the cities from the state.

Finance Director Douylliez advised that she has not received any information on that as of yet. She estimated \$3.2 million. She advised that on July 15th the City's auditing firm will have a webinar on the funding and she will be participating. She explained that the City's auditing firm has gotten more money for St. Johns County and will be helping the City as well.

Mayor England asked about the new engineer.

Public Works Director Tredik advised that some are not qualified but he is are going to get in touch with those who are. It is part of his succession plan and wants the right person.

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 8:52 p.m.



Margaret England, Mayor

Attest:



Beverly Raddatz, City Clerk