



MINUTES
REGULAR CITY COMMISSION MEETING
MONDAY, SEPTEMBER 13, 2021, AT 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor England called the meeting to order at 7:38 p.m. after the completion of the Special Budget Commission meeting.

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, City Clerk Raddatz, Finance Director Douylliez, Building Official Law, and Public Works Director Tredik.

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON AUGUST 11, 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 August 11, 2021. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

Mayor England advised that Item 4 was discussed under the Special Commission Budget meeting earlier this evening and would be available on YouTube or the City's website tomorrow.

City Manager Royle advised that VII.A. has been postponed per Craig Thomson's request.

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

- A. Green Infrastructure Model for Parkettes by Mr. Craig Thomson and Dr. Lonnie Kaczmarzsky of the Sustainability and Environmental Planning Advisory Committee

Item VII. A has been postponed.

VIII. PUBLIC COMMENTS

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

Ed Pritchett, 1121 Overdale Road, St. Augustine Beach, FL, thanked the Commission for all they do and asked people to thank the Police Department for doing a fantastic job. He also thanked Public Works Director Tredik for fixing a problem for Sea Grove residents so quickly.

Roger Wentz, 117 Spanish Oaks Lane, St. Augustine Beach, FL, advised that next time there was a \$30,000 expense in the budget, just put a counter expense line item in the budget; suggested not to recycle glass because there is no market for it; he advised that the Commission requested residents' ideas on revenue streams and suggested making a different homeowner tax rate for owner occupied and non-owner occupied homes; suggested having a beach tag for hotel and Airbnb guests to go on the beach and those monies would be used for beach cleanings, lifeguards, etc.; and strictly enforce no parking and have a contract with a towing company for revenues. He also suggested to purchase a lot between 4th and 5th Street to make a parking garage and have parking fees to all non-residents.

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

IX. COMMISSIONER COMMENTS

Mayor England asked Vice Mayor Samora if he had any comments.

Vice Mayor Samora commented that he has had discussions with Police Chief Carswell and City Manager Royle regarding creating an ordinance restricting park hours regarding Ocean Hammock Park.

Police Chief Carswell advised that there are ordinances regarding regulations of no overnight parking, etc.; however, nothing regarding City parks. He suggested composing an ordinance because that would regulate Ocean Hammock Park and Splash Park as well.

Vice Mayor Samora suggested that the ordinance be done before the restrooms are completed at Ocean Hammock Park because of all the residents' comments and concerns. He suggested language of no parking overnight or after dark at City parks.

Commissioner George advised that she thought there were specific ordinances for that park.

Police Chief Carswell advised that it is governed by the signage at the gate and there is an ordinance about camping overnight.

Commissioner George advised that there is an no alcohol ordinance at Ocean Hammock Park, she believed.

Police Chief Carswell advised that there is no alcohol at County parks, which is adopted by the City,

but not a City ordinance.

Commissioner George advised that there was an ordinance for no alcohol for that specific park and asked for that to be researched. She remembered Mayor Snodgrass was a strong advocate for that and she opposed it because she wanted to keep the heritage of the City with allowing containers.

City Manager Royle advised that the Police Chief and he would research it.

Commissioner George asked if staff was responding to the Linda Mar residents about the condition of the commercial property immediately adjacent to them and what could be done about the maintenance of the property.

Mayor England asked Public Works Director Tredik to address what has been done on this issue.

Public Works Director Tredik advised that he did not have Ms. McConnell's letter in front of him, but he can address what has been done along Versaggi Drive. He advised that signage of "No Outlet" has been added as well as other requests in the letter. He explained that one sign that was requested has not been done because it would encourage pedestrians to go into the neighborhood to the beach and would not deter people from driving into the area. He commented that there are some things that are related to the Alvin's Island property that have not been completed, such as the fencing along the back of their property and there is no dumpster enclosure, but the property conforms generally with what was approved.

Mayor England asked Public Works Director Tredik to send an email to City Manager Royle and copy her on what has been done, what the owner promised to do, but hasn't, and what the City can do about it. She advised that she would respond since the letter was addressed to her attention. She commented that the letter mentioned that there was going to be another court hearing and some confusion regarding the date and notice.

City Attorney Taylor explained that according to the court hearing they are requesting that the City have a rehearing on this issue even though the City has put in the access at the property.

Mayor England advised that there was a hearing and reinstituted the City's decision. She asked if there was another court hearing that needs to be done.

City Attorney Taylor advised yes. The judge has ruled that the City's code says the City is supposed to have a traffic study done before the City approved that decision and the City did not. There was some confusion by one of the Commissioners whether or not the Commission could deny it even if the City wanted to. So, the judge is asking for another hearing in the future. The date has not been decided because the City was not given proper notice of the appeal and the permit was issued for access. The judge did not address that issue in his ruling so City Attorney Taylor is not sure if the decision of another hearing would change the judge's decision. He advised that he needs to speak with the owner of Alvin's Island to see their position and whether they would be involved in the lawsuit. It has been confusing, but their attorney has been good to work with the City so far. He commented that he would be looking to see if the code needs to be changed so this does not happen again. He explained that Public Works Director Tredik advised that a traffic study is not necessary because he can tell the number of homes that are there. This code could be a problem with any commercial property abutting residential property, so he is researching the code. He explained that he does not know the next step until he talks with the owner of Alvin's Island. He explained that this has been a problem because the City has been caught in the middle between the residents and Alvin's Island's property where the residents do not want any changes and Alvin's

Island's owner is saying that they have a right to those access driveways. The judge did not award attorney's fees to either side and said that another hearing is necessary.

Mayor England advised that these are residents of the City and we need to work with them to make sure that whatever they believe needs to be done, like the traffic study, should be done. She asked for City Attorney Taylor's help in responding to the Ms. McConnell's letter this week.

Commissioner Rumrell commented that 20 years ago 246 people went to sleep in preparation for their morning flights, 2,606 people went to sleep in preparation for work, in the morning 343 firefighters went to sleep for their morning shift the next day, 60 police officers went to sleep for their morning patrol, and 8 paramedics went to sleep in preparation for their shift. None of them saw past 10 a.m. on September 11, 2001. As we remember 20 years ago, he thanked those who fought to keep us free, the people who sacrificed their lives back in 2001 and thereafter and also thanked our police officers, retired military in the City and appreciated what we have done as a nation. He prays every day that we wake up and it's September 12th where we all unite and come back together.

Mayor England commented that that was well said, and it brings back memories of that day and thanked Commissioner Rumrell. She then advised that she did send a letter to St. Johns County asking for their help with parking and that she will follow up with a meeting with them. She advised that the Arts Council said if the City had that strip of property at Pier Park, they could do a community building with all the office space that is needed. She commented that the City needs more space and she will be pursuing the topic of the fire station with St. Johns County.

Mayor England moved on to Item X.

X. PUBLIC HEARINGS

1. Ordinance 21-09, Second Public Hearing and Final Reading: to Amend the Land Development Code to Have Second Public Hearing of Ordinance to Amend the Comprehensive Plan and/or Code Done by the Comprehensive Planning and Zoning Board (Presenter: Brian Law, Building Official)

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

Building Official Law advised this is the final reading to change the Land Development Regulations to allow the Comprehensive Planning and Zoning Board to hear one public hearing and bring the number of public hearings from four to three. He advised that there was no opposition from the Comprehensive Planning and Zoning Board. There have been no changes from the public hearing last month.

Mayor England advised that the ordinance says the Comprehensive Planning and Zoning Board will hear the case first at a public hearing and then it would go to the Commission for two public hearings. She asked whether the Commission would want to hear the change to the Land Development Regulations first to see if the Commission would want to change the language.

Building Official Law advised that he does not change the codes unless the Commission tell him to.

Mayor England advised that suggestions to change the Land Development Regulations would be done at a public hearing with the Commission first and then to the Comprehensive Planning and Zoning Board at the second public hearing and then back to the Commission for the final public hearing.

Commissioner George advised that there are supposed to be three public hearings. She commented that according to the ordinance it only shows two public hearings.

City Attorney Taylor advised that only two public hearings are required, but usually at a public meeting the Commission will discuss it first. He explained that the first public hearing would be at the Comprehensive Planning and Zoning Board meeting. As a practice, the Commission has an agenda item first and then goes to the public hearings. He advised that there are three public meetings where the public can discuss the topic.

City Manager Royle explained that this only applies to Land Development Regulations and Comprehensive Plan changes and restated the process for the Commission.

Commissioner George commented that it will now be three meetings instead of four.

Building Official Law advised that the Commission could send it back to the Comprehensive Planning and Zoning Board if they do not agree with their recommendations for another public hearing.

Commissioner George asked if it would come back to the Commission if the Comprehensive Planning and Zoning Board denies the changes to the Land Development Regulations.

Building Official Law advised yes.

Commissioner George requested to change some language of the proposed ordinance.

City Attorney Taylor advised that he would make the changes that were requested by the Commission.

Mayor England opened the Public Hearing. As there were no comments, Mayor England closed the Public Hearing and made a motion.

Motion: to approve Ordinance 21-09 with the changes to Section 12.05.03, which reads "Upon first reading by the Comprehensive Planning and Zoning Board, the Building Official shall refer the recommendation on the application to amend these Land Development Regulations to the City Commission for second public hearing at the City Commission's next regularly scheduled meeting."

Moved by Mayor England, **Seconded by** Commissioner George with the clarification that the Building Official references shall be amended to read "Building Official or designee."

Mayor England agreed with the clarification from Commissioner George.

Mayor England asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the preamble.

Mayor England asked for the vote.

Motion passed unanimously.

Mayor England moved on to Item 2.

2. Ordinance 21-10, First Public Hearing and Second Reading: to Amend the Land Development Regulations Concerning Home Occupations and Conditional Use Permits (Presenter: Brian Law, Building Official)

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

Building Official Law advised that the small modifications requested by the Commission on pages 4 and 7 were done. He explained that he addressed the Comprehensive Plan changes regarding the mixed-use districts which was left out of the final reading. He commented that there is another public hearing on this item.

Mayor England opened the Public Hearing. Being there were no comments, Mayor England closed the Public Hearing and asked for a motion.

Motion: to approve Ordinance 21-10. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Torres.

Mayor England asked City Attorney Taylor to read the preamble.

City Attorney read the preamble.

Mayor England asked for the vote.

Motion passed unanimously.

Mayor England moved on to Item 3.

XI. CONSENT

3. Resolution 21-30, Authorizing the City Manager to Sign Grant Agreement for Funding for Ocean Walk Subdivision Resilience Improvements

Mayor England opened the Consent Agenda and asked for a motion if the Commission had no discussion on the item.

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

Mayor England moved on to Item 4.

XII. OLD BUSINESS

4. Recycling Service: Request for Guidance from the Commission (Presenter: Bill Tredik, Public Works Director)

This item was discussed in the Special Budget Commission Meeting, September 13, 2021, at 5:01 p.m.

Mayor England moved on to Item 5.

5. Public Parking Improvements: Review of Recommendations from the Comprehensive Planning and Zoning Board (Presenter: Max Royle, City Manager)

Mayor England introduced Item 5 and asked City Manager Royle to give his report.

City Manager Royle advised that the Commission requested the Comprehensive Planning and Zoning Board to recommend possible parking areas in the City. He commented that they did give their recommendations and from the recommendations staff provided specific projects by fiscal year for the Commission. He explained that the primary areas staff is considering are the plazas on the west side of A1A Beach Boulevard between A Street and 1st Street, north side of 4th Street, the unimproved plaza by the auto repair shop on 7th Street, 8th Street, the north side of 5th Street, and in fiscal year 2026 he suggests additional parking spaces at Ocean Hammock Park. He asked the Commission to give staff a project for fiscal year 2022. There is money in the budget for improving parking. The Comprehensive Planning and Zoning Board recommended to the Commission not to take any beautified areas and convert those areas to parking. The plazas on the west side of A1A Beach Boulevard between A Street and 1st Street are the most complicated because of the slope to the west and the new brewery. Next to the brewery is Jacks BBQ, which is sits at ground level. The City needs to make sure that any improvements would not harm Jacks BBQ. He explained that the City would get an expert to tell staff what the best parking layout and construction method would be to avoid flooding the adjacent property as well as improving the appearance of those plazas.

Public Works Director Tredik showed Exhibit 1.

Commissioner Rumrell advised that the brewery parking is substantially higher than the grade of the dirt parking lot. He was concerned how the City is going to level that out.

Public Works Director Tredik advised that there is a drainage system that goes to an underground drainage system that discharges to the rear of the west towards 2nd Avenue, so it will not come into the parking lot. He explained that the grade would have to remain the same.

Commissioner Rumrell asked with the improvements would drainage be part of the project.

Public Works Director Tredik advised yes. He advised that he has already talked with St. Johns County for a coordination meeting about the access. The plans are not to use the access on A1A Beach Boulevard to stop traffic accidents on A Street. He explained that north to south works better than south to north. There will be concerns from 1st Street residents about traffic and he will research the options.

Commissioner Rumrell advised that there will be less spacing by paving, but hopefully there will be less traffic driving back off 1st Street.

Public Works Director Tredik advised that Jack's BBQ owner was against driving right by the building, so Option B on Exhibit 1 was opposed. Either way there will be four to five spaces less than the dirt parking lot.

Mayor England commented that she did not feel that many spaces would be lost. She remarked that the change in appearance and improvements offsets the parking spaces that are being lost.

Public Works Director Tredik agreed.

Commissioner George advised that Jack's BBQ has a parking lot behind his restaurant also.

Discussion ensued regarding traffic plans and what the best direction to stop accidents from happening.

Mayor England asked Jack's BBQ's owner to redo his back lot when the City does the other parking lot.

Public Works Director Tredik advised that he would have to speak with City Manager Royle about that.

Mayor England asked staff to encourage and request a meeting to discuss with the owner to redo Jack's BBQ back parking lot at the same time.

Commissioner Torres requested landscaping be part of the project on the side of 1st Street because of limited parking on the left and right. He would like barriers to stop illegal parking.

Public Works Director Tredik advised that he would have to do something because it would be a line of sight issue if not done especially on the east side.

Mayor England asked if there was more comprehensive parking in that area off 1st Street to widen the street and where people can park and where they cannot. She commented that City Manager Royle asked to select what project to start with. She said that the Comprehensive Planning and Zoning Board did a comprehensive listing for the Commission.

Discussion ensued regarding parking areas on 1st Street, with no conclusion.

It was the consensus of the Commission to start with the plazas on A1A Beach Boulevard between A Street and 1st Street for fiscal year 2022.

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

Sandra Krempasky, 7 C Street, St. Augustine Beach advised that Public Works Director Tredik answered her question regarding the River to Sea Trail.

Mayor England closed the Public Comments section and moved on to Item 6.

XIII. NEW BUSINESS

6. Helium Balloons: Request to Ban Outdoor Release of Them (Presenter: Ms. Lana Bandy, Vice Chair of the Sustainability and Environmental Planning Advisory Committee)

Mayor England introduced Item 6 and asked Ms. Bandy to come to the podium.

Ms. Lana Bandy, Vice Chair of SEPAC, showed a PowerPoint presentation, Exhibit 2. She explained the history of the ban on releasing balloons and explained that legislation still allows ten balloons per person per day to be released. She requested Nicole Crosby from St. Johns County to speak regarding an ordinance to stop helium balloons from being released.

Ms. Nicole Crosby, 1169 Neck Road, Ponte Vedra Beach, FL, presented Exhibit 3, which was Ordinance 2021-14 to ban helium balloons completely. She explained that she is also requesting St. Johns County to adopt an ordinance to ban balloons. She commented that not only are the balloons a problem, but the strings are too. She explained that even biodegradable balloons could

take up to four years to decompose. She advised that balloons are the most single deadly marine debris deceiver for birds and third most deadly to sea turtles and mammals. Florida has more miles of coastline than any other state in the lower 48. She explained that 90 percent of sea turtles nested in Florida's coastlines and balloons look like jellyfish which threatens every sea turtle. She remarked that mylar balloons when release can cause power outages when they are caught on powerlines. The City of St. Augustine passed their ban on balloon releases on August 9, 2021, and she asked the City of St. Augustine Beach Commission to please ban releases of balloons as well. She advised that usually balloon releases are planned and some people are aware of the regulations and laws and enforcement, so enforcement would not be an issue for police.

Mayor England advised that it is littering and is destructive.

Commissioner George advised that she was in full support of this ban.

Commissioner Rumrell advised that St. Johns County oversees the beach and is not in the City's jurisdiction. He asked City Attorney Taylor whether an ordinance could be done.

City Attorney Taylor advised that the City enforces the laws of St. Johns County through the Police Department.

Police Chief Carswell advised that the City Police Department has adopted St. Johns County's beach code.

Mayor England advised that St. Johns County would have to regulate it; however, the City could encourage St. Johns County to pass an ordinance or do something.

Commissioner George advised that there could be a City-wide ban.

Mayor England thanked Ms. Crosby for bringing it to the Commission's attention and asked City Attorney Taylor to look at the City of St. Augustine's ordinance and start to create an ordinance for the City.

Mayor England opened the Public Comments section. Being none, Mayor England moved to Item XIV.

XIV. STAFF COMMENTS

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

City Manager Royle asked if the Commission would like to continue to receive can water or if they would like to bring their own.

It was the consensus of the Commission's decision to bring their own water.

City Manager Royle read a thank you letter to the Public Works Department for helping a resident bag her yard waste before the truck left. She was truly grateful to the employees.

Police Chief Carswell advised that National Night Out is on October 5th at 5 p.m. at Pier Park.

Vice Mayor Samora asked what the status was on the construction at city hall.

Building Official Law advised that the Building C will be complete by the end of the week and the Public Works offices are painted and trimmed. He explained that he is waiting on the doors, but it is operational.

City Manager Royle advised the Commission that this City has employees with amazing skills. He commented that it would have taken a lot more money to complete these projects without these employees and he thanked all who were involved.

XV. ADJOURNMENT

Mayor England made a motion.

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

Meeting was adjourned at 9:01 p.m.



Margaret England, Mayor

Attest:



Beverly Raddatz, City Clerk