



MINUTES

REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 4, 2021, AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

Also, present were City Manager Royle, Assistant City Attorney Taylor, 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 SPECIAL BUDGET COMMISSION MEETING AND REGULAR COMMISSION MEETING ON SEPTEMBER 13, 2021

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

Motion: to approve the Special Budget Commission meeting and the Regular Commission meeting on September 13, 2021. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. **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.

City Manager Royle advised that as an addition Mr. Todd Grant, Public Works Director of the City of St. Augustine, will address the Commission regarding their loan of the dumpsters so the City of St. Augustine Beach can still recycle. He advised that Item VII.C regarding the Anastasia Island Environmental Stewardship Awards, the Sea Oats presentation, will not be done because they were unable to attend this meeting. He advised that the Northeast Florida Regional Council will be attending virtually tonight.

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. Interviews of Candidates for Two Alternative Positions on the Comprehensive Planning and Zoning Board

- Mr. R. Conner Dowling
- Mr. Kyle Vincent Lewis – was not in attendance

Mayor England introduced Item VII.A. and asked Mr. Dowling to come to the podium.

Mr. Russell Conner Dowling, 695 16th Street, St. Augustine Beach, FL, explained that he was born and raised in St. Augustine Beach and his family moved back to the City about one-and-half years ago. He is an architect and has presented to the Comprehensive Planning and Zoning Board many times. He remarked that he would like to give back to the community that raised him.

Commissioner George asked if he does a lot of business in the City and whether he knew he would have to recuse himself if he had a conflict of interest.

Mr. Dowling advised that he was aware of that requirement. He advised that his practice is varied between commercial and residential. He advised that he doesn't only work in this City and his work is spread out so a conflict would not be consistent.

Vice Mayor Samora asked if the Commission needs to indicate whether Mr. Dowling would be the Senior or Junior Alternate.

City Manager Royle advised that since Mr. Dowling is the only one here tonight that he would automatically move into the senior alternate position.

Mayor England asked for a motion.

Motion: to approve Russell Dowling as the Senior Alternate on the Comprehensive Planning and Zoning Board. **Moved by** Vice Mayor Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Commissioner George asked Mr. Dowling to get with the City Manager and City Attorney to learn the Sunshine Law and what resources are available.

Mr. Dowling advised he would.

Mayor England moved on to Item VII.B.

B. Proclamation to Declare October 2021 as Domestic Violence Awareness Month as Requested by the Betty Griffin Center

Mayor England introduced Item VII.B. and asked if there was a representative from the Betty Griffin Center.

Kelly Franklin, Palm Coast, FL, CEO for the Betty Griffin Center, advised that Betty Griffin has a 24 hour help line and thanked the Commission for recognizing Domestic Violence Awareness Month.

Mayor England congratulated Ms. Franklin for being promoted to the position of CEO for the Betty Griffin Center recently. She advised that the Betty Griffin Center does so much for the community to help people in need.

Mayor England made a motion.

Motion: to approve the Proclamation for October 2021 as Domestic Violence Month. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item VII.C.

- C. Anastasia Island Environmental Stewardship Awards by Ms. Sandra Krempasky, Chair of Sustainability and Environmental Planning Advisory Committee

Mayor England introduced Item VII.C. and asked Ms. Sandra Krempasky to come to the podium.

Ms. Krempasky, 7 C Street, St. Augustine Beach, FL, advised that it was her pleasure to introduce the winners of the Anastasia Island Environmental Stewardship Awards. These awards recognize individuals, groups, businesses, and educational institutions that are working to protect the natural resources and enhance the ecosystem within the City. The Sustainability and Environmental Planning Advisory Committee (SEPAC) recognized one group and one individual for their work. She read a letter from Alex Farr on behalf of Sea Oats Chapter of Florida Native Plant Society (Exhibit 1) who won the first award from SEPAC. She then recognized the individual award winner, Dr. Sandra Bond, for her work in global real estate impact regarding climate change.

Dr. Bond remarked that it is a pleasure to serve and she has gained a lot of knowledge over the years with her training, research, and studies. She encouraged the community to not only focus on resiliency, but also focus on climate change itself because that is the cause of all the problems we have. She thanked SEPAC for doing amazing work.

Mayor England then presented Dr. Bond with a plaque acknowledging her work. She then moved on to Item VII.D.

- D. Northeast Florida COVID-19 Recovery Plan by Representatives of the Northeast Florida Regional Council

Mayor England introduced Item VII.D. and asked Mr. Shane LaHav, Resiliency Coordinator, for the Northeast Florida Regional Council to give his presentation.

Mr. LaHav showed a PowerPoint presentation. He addressed the COVID-19 Economic Recovery Plan that was published in May 2021. He remarked that this presentation would address the American Rescue Plan Act. He advised that the Northeast Florida Regional Council (NEFRC) serves seven counties including St. Johns County, the City of St. Augustine, and the City of St. Augustine Beach. His focus has transitioned from resiliency to COVID-19 and some of the economic impacts from the pandemic. In August 2020 the NEFRC received an award at the federal level, which allowed them to establish the Northeast Florida Economic Resiliency Task

Force. The task force has met monthly over the past year and provided data on how Florida would look before and after the pandemic. He presented a PowerPoint of data formulating the Northeast Florida Economic Recovery Plan. Policy recommendations were broadband access, climate resiliency infrastructure, power projects across Northeast Florida, establishing public Wi-Fi in downtown areas, climate rated hazards such as flooding, which could be addressed through the American Rescue Plan Act (ARPA), small business assistance through University of North Florida and Jacksonville Chamber of Commerce are available to this community, crowd source funding, expand mental health resources, and to ensure affordable housing. According to estimates across northeast Florida more than \$500,000,000 are coming to counties and local governments. He suggested using ARPA funding for behavioral health care, small business support, investing in housing and the community, water and sewer infrastructure, and broadband infrastructure. U.S. Economic Development Administration announced they will give \$3 billion in ARPA funding opportunities at the federal level. These funds will be focused on economic development and could give opportunities to travel, tourism, and recreation. He requested the Commission to read his report on items that ARPA money could be used for and advised that the Regional Council can assist with planning needs related to ARPA, such as data collection or additional information. Because the Northeast Florida Economic Resiliency Task Force has federal funding, they can help the City with federal funding opportunities.

Mayor England asked if he was here to give support to the City.

Mr. LaHav advised that his task force is to give support to the City.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, asked on the pending infrastructure bill, do you foresee any of those monies fitting into any of your objectives?

Mr. Lahav advised yes, but it is still being vetted. He believes that broadband would be an additional opportunity.

Mayor England moved on to VII.E, which was added to the agenda.

E. Todd Grant, Utility Director of St. Augustine Regarding Recycling

Todd Grant, 55 White Court, St. Augustine Beach, FL, Utility Director of St. Augustine, FL, advised that the City of St. Augustine and the City of St. Augustine Beach have worked well together, and he offered services of the dumpsters for recycling. The ground rules for recycling are to break down boxes, no glass, only 1 and 2 type plastics, no plastic bags even to carry recyclables to the dumpsters, and to reduce and reuse plastics. There were two water heaters left by the dumpster, which are not allowed. He advised that he would remove the dumpsters when the Commission requested it and it is free of charge. He will continue to work with the City Manager and Public Works Director Tredik.

Mayor England thanked Mr. Grant and the St. Augustine City Commission for their help in this situation.

Discussion ensued regarding putting up signage; no glass; no pizza boxes; recycling list for the long term for what will be taken is on the City's website; paper products can be recycled; glossy

print can be recycled; no plastic bags; no styrofoam; and City putting the list on the can, so people know what to put in the dumpsters.

Mr. Grant advised that the City of St. Augustine will take electronics, can shred sensitive documents, and cooking oil even if you are not a resident of the City of St. Augustine. November will be an event at Francis Field and again on Earth Day at the wastewater facility. It is free of charge.

Vice Mayor Samora asked if Mr. Grant was working on ARPA funds for the City of St. Augustine.

Mr. Grant advised that he has made a wish list for utility projects. He explained that ARPA guidelines at present are very broad, and the City of St. Augustine is waiting for more direction.

Vice Mayor Samora thanked Mr. Grant for working with our City and hoped that some of the projects could be combined.

Mr. Grant would like to have the City of St. Augustine to process its own recycling so it would have better control and receive revenues. He advised that that is his view, not the City of St. Augustine. It makes sense for the City of St. Augustine and the City of St. Augustine Beach to work together for tourism, resiliency, and stormwater.

Commissioner Rumrell advised that the City of Flagler Beach bought an incinerator for glass.

Mr. Grant advised that he would look into their recycling of glass.

Mayor England moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Craig Thomson, 6 D Street, St. Augustine Beach, FL, asked for seasonal workshops for drainage and then read a portion of an article regarding drainage (Exhibit 2).

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, remarked that at the last meeting he asked why the public notice for changing the non-ad valorem did not go out to every citizen because people purchase property etc., and may have not been here when the first notice came out. He requested that if this happens again to please notice every change. He mentioned that recycling has been suspended and when this is done again to do a proper public notice. He remarked that non-ad valorem cannot be deducted from taxes. He requested to check with other municipalities on how they are using their ARPA funding. He asked if the Commission was invited to be a part of the Northeast Florida Economic Resiliency Task Force.

Mayor England advised that the City was not asked to be on the Northeast Florida Economic Resiliency Task Force, but it was nice that they came to the meeting and said they would help the City.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, stated at St. Johns County's public meeting that it was not right the Northeast Florida economic Resiliency Task Force did not invite a member of our Commission to be a member. He thanked the four Commissioners who voted for the increase of the waste disposal fee. He asked to stop the marijuana facility from using their packaging.

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

IX. COMMISSIONER COMMENTS

Mayor England asked Commissioner Rumrell to give comments.

Commissioner Rumrell advised that he went to the delegation meeting on Friday as one Commissioner to thank them for their support for Ocean Walk. He advised the delegation that the City will have future projects that will be sent to Tallahassee. He explained that St. Johns County has agreed to three crosswalk projects starting this year at Pier Park, Whispering Oaks Circle, and Sea Colony Parkway. They will also move the signs where they are more visible.

Vice Mayor Samora advised that there was a Tourist Development Council (TDC) meeting, but nothing new to report. TDC was finalizing the reallocations and a lot of money is going into the beach fund. He had a meeting with Public Works Director Tredik, City Manager Royle and St. Johns County regarding drainage and sidewalk projects for A Street. He gave his perspective as a business owner and a citizen. St. Johns County wanted direction from the City on what the City would like. He asked the Commission to give St. Johns County impute if they had any. St. Johns County would be coming back in January with revisions to some of their plans.

Mayor England asked if there would be a compromise on the sidewalk.

Vice Mayor Samora advise there is plenty of room for compromise and from what St. Johns County explained that they wanted input from the City on the design and maintenance perspective. He advised that the City will probably be responsible for maintaining A Street.

Mayor England advised that a serious recycling education program needs to be done. She suggested sending postcards to each resident with a listing of what can be recycled, even though it would be a cost to the City. She recommended it be done right before the City restarts the recycling program. She asked Ann Marie from Beaches Go Green to do a presentation at the November Commission meeting. She suggested to educate the citizens on what containers they purchase that can be recycled. She remarked that staff is using an Excel spreadsheet for the budget, which is very time consuming. She suggested staff research budget software and use the ARPA funds to pay for it and compare what software St. Johns County and the City of St. Augustine are using for their budgets, grants, and construction projects.

Finance Director Douylliez advised that the current software, Edmonds, does a good job in enrolling up the financials, billing, payroll, and the Building Department. Edmonds is

partnering with ClearGov Inc., which does budget software. She is not sure of the costs; however, she will research the benefits and the costs for next year.

Mayor England asked Public Works Director Tredik to speak with his peers to see what software they are using to improve managing construction projects.

Public Works Director Tredik advised that he would research it. He would like to like to add Microsoft Projects software.

Commissioner Rumrell advised that tomorrow night is National Night Out.

Police Chief Carswell advised that National Night Out is tomorrow at 5 – 8 p.m. at Pier Park.

Mayor England moved on to Item 1.

X. PUBLIC HEARINGS

1. Ordinance 21-10, Second Public Hearing and Final Reading: to Amend the Land Development Regulations Concerning Home Occupations and Conditional Use Permits (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 a final reading and has no changes since last month.

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 21-10 as read. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved to Item 2.

XI. CONSENT

None.

XII. OLD BUSINESS

2. 2nd Street: Review of Proposed Construction Plans (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 2 and asked for a staff report from Public Works Director Tredik.

Public Works Director Tredik showed a PowerPoint of the progress of 2nd Street (Exhibit 3). He advised that he is ready to apply for the permit to the Water Management District for the design work.

Gary Sneddon, Crawford, Murphy and Tilly (CMT) Consultant, 7400 Baymeadows Way, Suite 220, Jacksonville, FL, continued the PowerPoint presentation. He advised that he saved most of the trees on the properties except for two on the corridor. He explained the street design and taking out existing driveways that will be replaced at the correct locations. Florida Power and Light (FPL) will remove the power poles and try to replace them with utilities underground. Water and sewer will be placed under the pavement to save the trees. The cost would be \$330,000 to \$390,000 for the pavement and utilities. 2nd Street block 100 west widening will cost \$85,000 to \$100,000. He will be filing a conveyance permit to Water Management District in October 2021. November through December bids will be advertised. The contract will start January 31st and end June 30th.

Mayor England advised everything that the Commission wanted is in the design.

Vice Mayor Samora asked if the cost is in the underground utilities.

Mr. Sneddon advised yes, but not sure of the costs.

Public Works Director Tredik advised that the residents did not want sidewalks, so they are not part of the project.

Mayor England asked about the safety for pedestrians and children.

Public Works Director Tredik advised that they would not be able to completely park their cars in the driveways. They would have to park partially on the sidewalks. There are narrow rights-of-way. He remarked if sidewalks are put in, there needs to be more right-of-way.

Commissioner George advised that residents could move away, but it is a public safety issue.

Public Works Director Tredik advised that there is a lot less risk not having a sidewalk, than having the cars in the sidewalk. He advised that the plans can be changed to include sidewalks if the Commission wants them.

Mayor England advised that in the future, the City should not poll residents, but should think of safety first and keep it consistent with sidewalks.

Public Works Director Tredik advised that he did not ask the residents if they wanted a sidewalk, the residents reached out to staff and said they did not want sidewalks. Staff then reached out to all the residents, and he believed only one resident wanted a sidewalk.

Vice Mayor Samora asked about the gutter sizes.

Public Works Director Tredik explained the measurements of the gutter and the curbs.

Commissioner Rumrell asked if there will be signage.

Public Works Director Tredik advised that there will be signage.

Commissioner Rumrell asked that the contract have damages if the contractor does not finish on time.

City Attorney Taylor advised that he would keep the contractor on track to accomplish the project.

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

Marc Craddock, 116 2nd Street, St. Augustine Beach, FL, thanked staff for saving the trees. He would have liked the sidewalk because half of the homes are transient rentals. If the sidewalks are not put in, he would be disappointed. He explained that he made progress with Putnam Land Conservancy for giving the land to the City.

James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, advised on behalf of landowners he thanked the Commission and staff on their progress. He advised that on the west side of the street the sidewalks were not going to be done because of the trees and explained that most of the roads throughout the City do not have sidewalks.

Mayor England closed the Public Comments section and asked if there were any further Commission discussion.

Commissioner George asked if underground utilities would be done because she wanted to advocate for them.

Public Works Director Tredik advised that there are some difficulties doing underground utilities. The landowners would have to give up a 10-foot easement. Florida Power and Light would have to be reimbursed by the landowners or the City for connecting underground utilities.

City Attorney Taylor advised that the residents would have to be noticed and they would have to pay for the hookups, not the City.

Mayor England advised that she wants to stick to the same design throughout the City.

Public Works Director Tredik asked the Commission whether to add the sidewalk.

It was the consensus of the Commission that they did not want to change the plans to have sidewalks.

Mayor England moved to Item 3.

3. Stormwater Utility Fee: Continuation of Discussion (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik asked the Commission whether they want a stormwater utility fee. He explained that if there was a stormwater utility fee, the monies collected would only be used for stormwater operations and maintenance for what the City has currently in place and the new projects that would be done. He explained that the cost of a project is only one of the costs and operation and maintenance of the projects are another. He commented that the annual operation and maintenance costs to run the stormwater utilities were approximately \$209,000. He explained how that could be split up between the residents per Equivalent Residential Unit (ERU) at \$45.93 or \$4.00 a month. He remarked that he knows the Commission has already increased the non-ad valorem assessment for collection, disposal, and recycling to \$315 a year,

but these costs should be done as well to maintain the City. He asked if the Commission would like to start collecting in 2023, in which case, they would have to start the process for a non-ad valorem assessment right away or wait until 2024.

Mayor England advised that the American Rescue Plan Act does not allow for operation and maintenance costs. She brought up whether to bring this issue to a referendum and let the residents decide.

City Manager Royle advised that the referendum would have to be a bond of indebtedness for several years with a specific millage rate and the voters would have to agree.

Mayor England advised that the operation and maintenance costs would have to be in the budget every year and with future Commissions, it might be better to have dedicated millage for those costs.

Commissioner George asked why the operations and maintenance should not be a part of the General Fund.

Mayor England advised that it should be in the budget every year; however, other Commissions may try to cut those costs and not maintain the stormwater system like it should be. She explained that with new projects come new operation and maintenance costs.

Commissioner George asked why these costs would not be the appropriate use of General Funds. She advised that she would not support this when the City just adopted an increase of \$315 non-ad valorem assessment for solid waste and on top of a tax increase. She remarked that the City does not have the projects yet, so this is bad timing for this request.

City Manager Royle advised that staff is not asking the Commission for the non-ad valorem right now, but whether staff should start the process. The Commission could stop the process at any time. He explained that this would only be to maintain and operate the current equipment the City has now.

Commissioner George asked what the guarantee would be for the reduction of the millage. She said there is none. She advised that this is just another way to bring more money into the City and not considering the pocketbooks of the residents.

City Manager Royle advised that more money is needed because the City is creating more drainage structures.

Commissioner George advised that the plans are not ready yet or the structures.

City Manager Royle explained that the Mizel pond needs new pumps, and they must be maintained and operated.

Commissioner George remarked that there is a Capital Improvement line item, and we should be managing the City's budget to stay within that budget.

City Manager Royle explained that Capital Improvement line item is for capital improvements, not for maintenance and operation.

Commissioner George advised that the City has been able to fund them all along.

Public Works Director Tredik advised that the City has been underfunding them.

Commissioner George advised that if this is added, she wants a reduction somewhere else. If the budget is insufficient, then she would like to see why. She commented that the Commission approved the top part of the range for the solid waste non-ad valorem assessment right away. She thought it was disingenuous to give another non-ad valorem range for stormwater and then have this Commission or another Commission go to the top of the range right away. This is premature. There is \$3.5 million from ARPA that is going to be discussed, and stormwater projects can be paid by ARPA. She stated that this was another tax, and she does not believe it would be right for the residents.

Commissioner Torres agreed with Commissioner George and asked when it would end. He said next would be a need for non-ad valorem assessment for the Police Department or other budgeted items. This is not the right time for it. He would like Public Works to spend their time on something else, not this.

Vice Mayor Samora agreed that this was not the time. He said that the City has an inherited problem bringing in revenue because of the size of the City. These items will come up until there is a drastic change. Overhead costs continue to rise on every line item. There needs to be a way to deal with it, whether it is to raise the millage, increase the size of the City, etc. The Commission needs to do something. He likes that stormwater utility fees are another option, but does not feel this is the right time. He would like another timeline where it could not be implemented for another two years. He expressed that he felt the process of the last non-ad valorem assessment was rushed for the adoption. He would not oppose this if it came back in 2024 or 2025. There is a lot of research that needs to be done before this is settled. He mentioned that the infrastructure throughout the City is getting older and asked how old the systems were.

Public Works Director Tredik advised that most of the pump systems were built in the 1990s. He explained that at the Mizel pond, the pumps are original, and one is not operating, and the other pump is rattling. He advised that over the years it has not been maintained properly. He explained that the City gives money every year, but it's not enough and the infrastructure is starting to fail. The crews do a good job with the equipment, but there is more to it to keep them going. He advised that the City should have automated pumps so staff does not have to go out to turn them on when it rains. He explained that if the pump station fails, the City is in a fair amount of trouble.

Vice Mayor Samora asked how Public Works Director Tredik feels about using a non-ad valorem assessment versus a rise in millage rate.

Public Works Director Tredik advised that he would like a dedicated source like the non-ad valorem assessment because it cannot compete against other interests in the budget. He explained that if he requests a \$50,000 maintenance budget and it gets chopped down to \$40,000, some maintenance is not being done. It protects the maintenance and operating costs.

Commissioner George advised that it also means that the residents and commercial businesses are the ones getting the service, when there are public parks, public streets, county property, state property, etc. within the City's jurisdiction that are contributing to that. She advised that the City is outsourcing the financial burden on the residents as opposed to the fact that our

General Fund pulls revenue from all different locations. She advised that the ERUs should not only be for the residents and business properties, but also public properties.

Public Works Director Tredik advised taxing the City would not help.

Commissioner George advised that she did not mean taxing the City in the collection of the fees, but as a credit towards the maintenance and operating costs.

Public Works Director Tredik advised that that could be done to meet a balance.

Mayor England asked for Commissioner Rumrell's thoughts.

Commissioner Rumrell agreed that the timing should not be now, but the long-term plan needs to be completed. He commented that the City pays now or later and later costs five times more. He stated he is an advocate for user fees. He advised that taxes should not be increased for user fees. He explained that this needs to be decided soon because the state is not going to fund projects if the City does not have a maintenance plan. He stated that the City needs to look at the infrastructure and do something now because later it will cost hundreds of thousands of dollars more.

Mayor England advised that the City needs federal funds and grants to start doing these projects. She suggested a consultant to help the City find ways to bind the maintenance and operating costs in the Comprehensive Plan or by ordinance. She explained with more projects there is more maintenance and operating costs the City needs to pay for. She would like to make sure that maintenance and operating costs on the City's infrastructure could not be decreased in a budget and have them done through the millage rate. She felt that residents may be more inclined to accept an increase in the millage rate than a non-ad valorem assessment.

Public Works Director Tredik advised that he would have to research that. He advised that he is putting out a Request for Qualifications for the master drainage update in the next few weeks, which is in the budget. He said that there is never a good time to ask for more money, but it must be done to fund the new projects. The grants match to do the projects are costly and the City does not have the funds for a multi-million-dollar project.

Mayor England advised what she is hearing from the Commission is that the timing is off, and they do not want to move forward now. She would like to have research done to ensure that the maintenance and operating costs go into the budget every year by the Comprehensive Plan, resolution, or ordinance. She commented that as the residents get used to climate change and resiliency projects, maybe a referendum should be done to see what the voters want for the City. She is not negative on the referendum because she trusts the residents to be logical.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, encouraged staff to go to all the homeowner associations in the City and see if they would give up their rights to their pump stations, stormwater systems, etc. to the City and have the City take over the maintenance and operations of the systems.

Mayor England closed the Public Comments section and then moved to Item 4.

4. Proposal Ordinance: to Amend the City's General Code to Prohibit the Release of Helium or Lighter-Than-Air Balloons (Presenter: Lex Taylor, City Attorney)

Mayor England introduced Item 4 and asked for a staff report from City Attorney Taylor.

City Attorney Taylor advised he drafted an ordinance that was like St. Augustine's ordinance regarding releasing of helium balloons. He changed the code on littering to address this topic.

Commissioner Rumrell asked how this ordinance will be enforced.

City Attorney advised that the ordinance says that the person who is releasing the balloons would need to show an intent to release; otherwise if one gets away from a child there would be no enforcement.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section 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 21-13. **Moved by** Vice Mayor Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved to Item 5.

XIII. NEW BUSINESS

5. Owner-Provided Solid Waste Services: Review of Proposed Ordinance (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 5 and asked for a staff report from Public Works Director Tredik.

Public Works Director Tredik explained that this would change Chapter 10 of the Code of Ordinances. He advised in 2020 the Commission adopted Ordinance 20-09, which modified and restated Chapter 10. Several changes were adopted including changes to the residential and commercial waste for dwelling units within mixed-use buildings. He explained that there was a problem with the term as mixed-use building was narrow and does not get all the intended uses the Commission wanted to do when the change was made. He advised that he proposes modifying Section 10-13 to eliminate the language in the subsection pertaining to mixed-use buildings and allow the owners of the buildings to have up to four containers and allow the owners to use the same dumpster or containers.

Commissioner George asked if someone had a duplex and one of the units is commercial and the other unit is short-term transient rental, would this change in the ordinance allow both units to utilize one account and one trash bin.

Public Works Director Tredik advised yes, if they were a commercial use in a dwelling unit, this is intended to use the property commercial dumpster.

Commissioner George asked if it would also apply if the commercial unit were paying the City for the trash service. She asked if that would be one account.

Public Works Director Tredik advised yes; it would be billed for the can usage for their combined use.

Commissioner George asked if an affidavit will trigger that if the commercial owner testifies that they are taking responsibility for the other unit.

Public Works Director Tredik advised yes.

Commissioner George asked if the commercial trash area language somehow limits that to exclude the City's commercial trash pickup.

City Attorney Taylor advised that he would research the language before the second reading of the ordinance.

Public Works Director Tredik advised that the old language did not address two commercial units in a mixed-use dwelling. It only addressed one residence and one commercial unit. This language does it all.

Discussion ensued regarding that transient rentals are considered commercial because they need a business tax receipt and are considered a business regardless of the building.

Finance Director Douylliez advised that condos are not considered residential properties under the City's billing fees regarding the non-ad valorem fee. She explained that the Finance Department is manually billing condo owners as well as transient rentals. She asked for this change to be in the next reading of this ordinance to be more efficient.

Public Works Director Tredik advised that the condo owners would be paying the same amount for their trash collection, but the Finance Department would not have to be billing, collecting, and tracking payments.

Commissioner Torres asked how many condo owners these effects.

Finance Director Douylliez advised there were 87 in Makarios and there are other homeowners associations.

Mayor England asked if the Ordinance 20-09 really worked.

Public Works Director Tredik advised that at least half were taken off the list.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section 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 21-14. **Moved by** Commissioner George, **Seconded by**

Commissioner Rumrell. Motion passed unanimously.

Mayor England moved to Item 6.

6. American Rescue Plan: Discussion of Allowable Users of Funds and Possible Projects (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

Mayor England introduced Item 6 and asked for a staff report from City Manager Royle and Finance Director Douylliez.

Finance Director Douylliez advised that staff needs more direction before moving forward with any projects and gave a summary on how to spend the money (Exhibit 4). She explained that the state has not sent any money to the City and there are more delays in the process. The reporting process has been changed to April 2022 instead of October 2021. She said she is researching premium pay for essential workers. She explained that on October 11, 2021, the City Manager and her will be on a webinar to discuss further updates on ARPA. She explained that City Attorney Taylor and she will be meeting on Wednesday to go over the ARPA document to see if ARPA could be used for the solid waste new dump truck. She mentioned that the stormwater master plan would benefit the City substantially and will help to prioritize projects. The funds are supposed to be sent to the City by December 2022 and allowed to spend them through 2026.

Mayor England named the four categories for ARPA funds, which are: revenue lost, premium pay, water/sewer, and broadband. She suggested that City Attorney Taylor should ask the questions on ARPA because sometimes it is the way a person formulates the questions depends on the answers they receive. The City of St. Augustine Beach is a non-entitlement unit of government. She explained that the costs incurred must begin March 3, 2021, which puts the City in a good position for funding our projects. She suggested staff be in touch with the City of St. Augustine and St. Johns County to see how they are spending the money and if our City could work with them to combine projects. She advised that there needs to be a water quality benefit on the drainage projects. She would like to be able to see the other Commissioners' comments and thoughts during this process without violating any Sunshine Laws.

City Attorney Taylor said that the Commission could have noticed workshops where the Commissioners could be online and chat.

Mayor England thought that this should be discussed at the Commission's monthly meetings.

Vice Mayor Samora asked about revenue replacement.

Finance Director Douylliez advised that she had not run the numbers yet because she wanted to target the money going to projects. She said that Florida Government Finance Officers Association cautioned cities who benefited from grants should not use ARPA funding with those projects.

Vice Mayor Samora suggested running the numbers.

Finance Director Douylliez advised that the City did lose one full month of state revenues which was about \$15,000 and there was a decrease in sales tax revenues.

Vice Mayor Samora suggested to investigate park projects as well. He agreed with Mayor

England on seeing what the City of St. Augustine and St. Johns County are using the funds for and to see if they and our City could work together.

Commissioner George asked if most municipalities received the first half of their money.

Finance Director Douylliez advised it was not clear, but they said the deadlines have been pushed back. She suspected that many municipalities have not received their first half of their funding. She explained that she has set up an account for this money for an accurate accounting trail. Any interest would have to be used on the projects or returned if the projects are not completed along with excess funding. The bank will only give a very small interest rate for this money because they cannot use the money while in their bank.

Commissioner Rumrell advised that it sounds like ARPA funding could be used for studies for sewer projects. He supports pooling money with the City of St. Augustine and St. Johns County for regional projects. He asked to research statewide project matches with the ARPA funding.

Finance Director Douylliez advised that initially staff did not think ARPA funding could be used for project matches; however, she is researching that further.

Commissioner Rumrell asked if the City had any loans that extend past 2026 and can ARPA funding be used, especially Ocean Hammock Park because the millage ends before it is paid off.

Finance Director Douylliez advised that she would research it.

Commissioner George wanted to know if broadband would qualify in any area of the City. She would like to further the goal of underground utilities.

Mayor England asked staff to talk to the Northeast Regional Council Task Force about that. She would like to use the money first on easy known projects and spread the money between the four categories.

Commissioner Rumrell advised that it would be a good idea to work together with some of the funding that is left to complete regional projects.

Commissioner Torres agrees with stormwater projects, revenue lost, and premium pay.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, suggested using ARPA funding for the A Street paving and sidewalk project, work with the congressional districts representatives and see what their districts are doing, having a combine effort with St. Johns County and the City of St. Augustine for underground utilities on A1A Beach Boulevard, and use state and county matches for projects if allowed.

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

XIV. STAFF COMMENTS

Mayor England asked Public Works Director Tredik for comments.

Public Works Director Tredik advised that they poured the footing for the weir.

City Attorney Taylor advised that he would be on two separate podcasts regarding ARPA and will communicate the information to the Commission and staff.

Mayor England moved to adjourn.

XV. ADJOURNMENT

Mayor England made a motion.

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

Meeting was adjourned at 9:11 p.m.


Margaret England, Mayor

Attest:


Beverly Raddatz, City Clerk