



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, AUGUST 5, AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor George asked to Commissioner Kostka lead the Pledge of Allegiance.

III. ROLL CALL

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

Also present: City Manager Royle, City Attorney Wilson, Police Chief Hardwick, Finance Director Douylliez, City Clerk Raddatz, Building Official Law, and Public Works Director Tredik.

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON JULY 1, 2019, AND SPECIAL COMMISSION MEETING ON JULY 2, 2019

Mayor George introduced Item IV and asked the Commission if there were any discussion regarding the minutes. Being none, Mayor George asked for a motion.

Motion: to approve Regular Commission meeting on July 1, 2019 and Special Commission meeting on July 2, 2019. **Moved by** Vice Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

Commissioner Rumrell asked to delete Item 10 to the October Regular Commission meeting and then asked Finance Director Douylliez to explain.

Finance Director Douylliez advised that she would like to put it on October Regular Commission meeting in order to check all the numbers that she inherited to make sure she is satisfied.

It was the consensus of the Commission after discussion to place this item on the September Regular Commission meeting on September 9, 2019 at 6:00 p.m.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor George asked if there were any changes to the order of topics on the Agenda. Being none, Mayor George moved on to Item V.

VII. PRESENTATIONS

None

VIII. PUBLIC COMMENTS

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that he was disappointed the Commission rescheduled the hearing for Item 10 and not subsidizing the solid waste could save the City \$436,176, which could help keep the same health insurance for the employees.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for supporting keeping Fish Island for the community and advised that it is now protected by state law; asked why the Road and Bridge Fund and Capital Improvement funds were at a negative balance and shortly after that the Chief Financial Officer left the City; requested to get rid of the City Manager and do a national search; and to stop the corruption.

Sandra Krempasky, 7 C Street, St. Augustine Beach, FL, announced that St. Johns County Public Library has agreed to sponsor the City through SEPAC and explained that the first film of the series, "Oldest City Underwater," will be shown at the Anastasia Island branch on Thursday, August 29th, at 6:30 p.m. for the public. She explained that this film was shown at the St. Augustine Film Festival and Mallory Hopkins, the filmmaker, will be in attendance. She commented that this would bring awareness of sea level rise to the community and asked the public and Commission if they have any suggestions for films, to please forward the information to SEPAC.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, thanked the Commission for delaying the recycle issue since there is such a poor attendance; asked the City to show examples of what staff is doing in regards to recycling on the City's properties in order to lead by example; and suggested leaving recycle bins in front of condominiums to help with recycling and to have the City's facilities be environmentally proficient with green toilets and LED lighting.

Nancy Moore, 8 Sea Oaks Drive, St. Augustine Beach, FL, asked what the status of the oak tree on the corner of her property on the right-of-way was. She advised that the oak tree tag had been taken away and staff has not gotten back to her regarding why. She explained that she hired an arborist to write a report on the tree (Exhibit 1) and he advised that the tree was healthy. She had a petition signed (Exhibit 2) by her surrounding neighbors to stop anything from happening to the tree.

Mayor George asked what the tag was.

Ms. Moore advised that it was a tag that has been in the home since 1997 and was on the tree since approximately 2006. She explained that the tag was removed a couple of weeks ago, but the nail is still there.

City Manager Royle advised that there is a dilemma for staff because an arborist and a tree surgeon advised that the tree is dying and there are safety concerns for the public; however, Ms. Moore's arborist said the tree was not dying and is not in danger of falling. He explained that Public Works Director Tredik has to make a decision whether to cut down the tree or not.

Public Works Director Tredik advised that the tree is in the right-of-way and it does have damage; however, the question is whether the damage is enough to cause a danger to the public and the roadway. He commented that he wanted to talk to the arborist and wanted an independent arborist who has no vested interest one way or the other. He advised that the independent arborist said the tree should be cut way back to the point that the tree could die.

Mayor George explained that the Commission is very tree friendly and would like the tree preserved unless it is a danger to the public. She asked staff to follow up with the neighborhood when a decision has been made.

Jodi Hatin, 27 Sea Oaks Drive, St. Augustine, FL, came to support Ms. Moore and advised that the Sea Oaks community is very proud of the hammocks. She asked that more communication be done with the public and to answer their questions. She explained that the neighborhood would be willing to donate money to save the tree if necessary.

Steve Mitherz, 17 Sea Oaks Drive, St. Augustine Beach, FL, wants to save the 36-inch tree.

Dr. Lisa Chase, 11 Sea Oaks Drive, St. Augustine Beach, FL, thanked Mr. Tredik for putting the Sea Oaks community at ease by communicating with the neighborhood regarding the tree. She commented that she came to support Ms. Moore and Ms. Hatin regarding communication. She asked for more notification in the future when something like this happens again. She advised that one of the contractors who said the tree needs to come down owns a tree cutting business.

Dr. Laurence Herzog, 28 Mickler Blvd., St. Augustine Beach, FL, said that there has been a lack of communication from 16th Street to Pope Road regarding the Public Works drainage project. He advised that it is noisy and dirty and has continued for a long time. He asked for the timeline of the project to end. He asked to dampen the noise of the pumps that go on all the time.

Mayor George closed the Public Comments section and asked City Manager Royle to have a policy on notifying the residences if something is going to happen in a neighborhood.

City Manager Royle advised that notices did go out on the Mickler Ditch Project to all the neighbors.

Mayor George explained that this was important to hear from the community and the importance of communication when projects are being done.

Public Works Director Tredik advised that there were notices sent to the community regarding the Mickler Ditch Project and that the project would be completed in September and he would check on the noise complaints. He advised that he hadn't heard of any previous complaints. He explained that there were problems with dewatering.

Mayor George suggested that Communication Coordinator Walker give her list of emails of the residences to staff and if Dr. Herzog would like to leave his email, then Mr. Tredik can notify him of what he found out. She asked what kind of landscaping plan is there for the Mickler Ditch Project.

Public Works Director Tredik advised that the contract is replacing the sod, which is needed for drainage issues, but there was no specific landscaping plan and he would address the bare spots as needed.

Mayor George advised that the sod will cause an ongoing maintenance issue for the City. She suggested to plant native plants that would like the extra moisture from the ditch and to move the sidewalk closer to the fences and then have a landscape buffer between the sidewalk and the road. She commented that that mile length of road is fully exposed to the sun. She asked that SEPAC be involved in making the decision on the landscaping recommendation.

Public Works Director Tredik advised that this could not be under the current contract, but it could be discussed after the project is done. He advised if anything is added, it would go in the next fiscal year's budget. He explained that the contractor will replace any broken sidewalk, but he does not know the final amount to do that. He commented that the City was not going to replace the entire sidewalk because it is not in the budget and the amount would be significant.

Mayor George asked to not do the sod and get a credit back for landscaping.

Public Works Director Tredik advised that he would want to sod it because of the drainage and to stabilize the slopes.

Mayor George requested staff to research low maintenance native plants that could be used to solidify the turf there rather than sod and speak with the members of SEPAC who have specialized knowledge on the subject.

Public Works Director Tredik advised that the intent was not to be a wet swale, but a dry swale, so it may limit the types of plants that are being discussed.

Mayor George asked to let the Commission know the status at the next meeting and to ask SEPAC if they have a meeting before the next Commission meeting.

Mayor George moved on to Item V.

IX. COMMISSIONER COMMENTS

Mayor George asked Commissioner Kostka for her comments.

Commissioner Kostka attended the Census Committee meeting and explained that there are part-time jobs available if people want a job and it is starting the beginning of March. She commented that Communications Coordinator Walker has the email address for those who want to apply online. She explained that St. Johns County ranked one of the highest participating counties in the country at 70% and the City ranked at 58%. She explained that the City would receive state funds based on the number of the population and that helps to increase revenues. She commented that the census has a shorter number of questions in 2020 and has four levels of security. She explained that they only keep the statistical numbers, not any other information.

Vice Mayor England explained that the North Florida Transportation Planning Organization sent an email again explaining their data base that counts smart cities. She advised that she forwarded it to the City Manager and the IT Department to see if we could use the information.

Mayor George advised that she contacted the organizer of a green co-op that does recyclable products at a discount. She explained that businesses can join and get green products at less costs than an individual business would get. She also contacted a company in Duval County regarding composting. She explained that the Cadillac plan for residents to compost would be \$25 per household per month and she would bring more information in October or November's Commission meeting.

Mayor George moved on to Item X.

X. PUBLIC HEARINGS

1. Continuation of Review of Request for Conditional Use Permit to Construct Five Houses in the Commercial Land Use District on North Side of 7th Street, Opposite Marriott Hotel (Lots 5, 7, 8, 9 and 10, Block 15, Chautauqua Beach Subdivision) (Mr. James Whitehouse, Agent for MSB Hotels of Ormond Beach, Florida)

Mayor George introduced Item 1 and asked Attorney Whitehouse to come to the podium.

Attorney James Whitehouse, St. Johns Law Group, 104 Sea Gove Main Street, St. Augustine Beach, FL, recapped the previous discussions with the Commission regarding this item and explained that the Commission had a consensus to move forward with the conditional use permit and the applicant tried to find a way to preserve the tree on Lot 7. He then gave the Commission a copy of the Tree Preservation Agreement for their review, which will be recorded. He explained that City Attorney Wilson and he drafted the agreement for the Commission in order to save the oak tree in accordance to Section 3, which cannot be taken down unless it is a danger to the public. He then showed Exhibit A that should be recorded with the agreement and advised that the conditional use permit does not change the zoning from commercial.

Mayor George asked Attorney Whitehouse whether it preserves the commercial zoning.

Attorney Whitehouse advised that the lots are remaining under commercial zoning.

Mayor George advised that it doesn't change the original application.

Attorney Whitehouse advised it is the same as the original application.

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

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked if this went in front of SEPAC for the landscaping plans.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with saving the oak tree and explained that former Mayor Snodgrass kept the tree in front of the Marriott from being cut down. He thanked the Commission for agreeing to preserve the oak tree.

Mayor George closed the Public Hearing and asked then asked City Attorney Wilson if he reviewed the agreement.

City Attorney Wilson advised that he had reviewed it and made a few changes and wanted it recorded in the public records so any future purchasers would be aware of it. He agreed to keep the tree, which stops Lot 7 from being built on.

Mayor George advised that she just received this on the dais today and the Commission has not had a chance to review it. She commented for the City's code regarding the exceptions under Section 5.01.02 (b) are explained in the agreement in Section 3 and she asked what exceptions they are.

Attorney Whitehouse showed City code Section 5.01.02 (a) and (b) to the Commission.

City Attorney Wilson explained that the exceptions are in case the tree is dangerous to the public. He commented that if the tree would be cut down, the owners would have to go back to the Comprehensive Planning and Zoning Board to have it removed if it was diseased or a danger.

Commissioner Rumrell asked if the tree needed to be removed would the owner have to come back to the Commission to get a conditional use permit to build on Lot 7.

City Attorney Wilson advised no. If the Commission granted the conditional use permit now, it would be for all the lots. He explained that the owners would have to come back to get a permit to cut down the tree from the Comprehensive Planning and Zoning Board.

Mayor George asked if the conditional use permit runs with the land.

City Attorney Wilson advised that was correct. He explained that the Commission is not sure what would be built there, and it could be residential, commercial buildings, or mixed use. He commented that the Commission is opening the possibility of residential use.

Commissioner Kostka asked about the root system of the tree and whether the roots are on the other lots, which could be damaged by building on the other lots.

Building Official Law explained that the root system does not exceed its canopy and even if it did the roots would not be substantial. He commented that there will be setbacks on the other lots adjacent to the tree as well.

Mayor George asked about the language in the code that speaks to the requirement of an environmental boundary to be installed at the base of the tree by the size of the canopy.

Building Official Law explained that staff can provide a boundary area to keep equipment out, but it usually is not for the root system. He commented that the applicant would be more than happy to do that for the tree.

Mayor George asked if there were any other codes to assist the goal to protect the tree while construction is going on the adjacent lots.

Building Official Law advised that this tree is no different than any other tree. Given the tree's size, it would have to go back to the Comprehensive Planning and Zoning Board who would have a report from a certified arborist on the condition of the tree.

Mayor George asked what kind of remedy the City would have if the tree was sabotaged.

Building Official Law advised under City codes Section 5.01.03 regarding replacement mitigation. He explained that it would be a substantial cost with the majority of the money going to the Tree and Landscape Fund, which is under the direction of the Public Works Director. He commented that the cost is \$100 per square inch of the tree.

Vice Mayor England advised that the goal is to prevent anything happening to the tree.

Building Official Law advised that the equipment will not be on Lot 7 and the contractor will be aware not to use Lot 7 as a storage for materials. He explained that staff would require silt fences around the property line too for another barrier. He advised that the contractor could construct a permanent barrier out of wood around the tree as well.

City Attorney Wilson advised that the Commission could put that in the conditional use permit to make sure that no equipment is stored on Lot 7.

Commissioner Samora asked if the tree preservation agreement was binding since it is between the developer and the City.

City Attorney Wilson explained that it runs with the land and with the successors of the properties, which is on the first paragraph.

Attorney Whitehouse agreed to the condition about protecting the tree during construction but asked if the condition to develop the properties could be changed from one year to two years because of the particular development.

Commissioner Kostka asked about the one-year extension.

Building Official Law advised that the Commission has the authority to change the development from one year to two years. He explained that the design processes for the houses are taking longer time to complete since the State of Florida has a lot of building going on.

Commissioner Samora asked if there were discussions on what the use of the properties would be, such as limiting the use of properties to commercial zoning or short-term rentals.

Attorney Whitehouse advised that City Attorney Wilson and he discussed the use of the properties, but it is very hard to make someone do something on a lot. He commented that the houses would look the same whether they are single-family or rentals. He remarked that the intent is to use these properties as transient rentals, but there is no legal way to force that on an owner.

Commissioner Samora would like a vehicle to get it closer to what the intent is so it is more solidified.

Commissioner Rumrell asked if the Commission could make that a deed restriction for only short-term rentals.

City Attorney Wilson said it is possible as a condition of the conditional use if that is what the Commission wants; however, the City has not done that before. He advised that the property owner would have to concede to that request.

Commissioner Rumrell advised that he wants to stop any problems with transient units being next to single-family homes.

City Attorney Wilson advised that there would be a foundation in the record since there are two hotels next to these properties and it could be on the conditional use permit as long as the property owner consents to the condition.

Vice Mayor England asked why they would need that condition because the commercial properties would allow for transient units even though the improvement would be a residence. She advised that there have been discussions on too many short-term rentals. She asked if Commissioner Samora and Commissioner Rumrell want to force short-term rentals. She explained that if the Commission lets it go, then anyone who purchases a lot could construct a residence or a short-term rental if they want to.

Commissioner Samora advised that he has a concern that transient rentals are mixed in with the residences who complain. He explained that he doesn't want to have another mixed neighborhood with more complaints. He would rather stay true to the commercial zoning with transient rentals being one of the uses.

Vice Mayor England advised that she would hesitate to have that kind of condition because its buyer beware, and the potential buyer of the lot could see where its located and see if they decide they want to buy it or not for their own use or as an investment. She commented that the more the Commission adds the more complicated it becomes.

City Attorney Wilson commented that it sounds like the owner is not going to sell the properties but develop the properties himself. He explained that if the owner sold a property to another owner and wanted to live on the property themselves, they would have to come back to the Commission to take off the condition of transient rental.

Mayor George asked for a motion.

Motion: to approve the request on the conditional use permit with item 1-3 from the Comprehensive Planning and Zoning Board except change the application for the conditional use permit to two years rather than one year, and add the following: 4) that the tree preservation agreement for Lot 7 be executed and recorded in the public records that runs with the land; 5) on issuance of the first application for construction, the developer shall erect a barrier around Lot 7 to protect the tree from damage and no equipment shall be stored on Lot 7. **Moved by** Vice Mayor England, **Seconded by** Commissioner Rumrell.

Mayor George asked for a roll call vote.

City Clerk read the following roll call and vote.

MAYOR GEORGE	No
VICE MAYOR ENGLAND	Yes
COMMISSIONER KOSTKA	No
COMMISSIONER RUMRELL	Yes
COMMISSIONER SAMORA	No

Motion did not pass by a 3 to 2 vote.

Commissioner Samora requested another vote with shorter condition 3 to 18 months. He asked City Attorney Wilson to discuss a deed restriction on the properties for transient units.

City Attorney Wilson advised that a deed restriction would be necessary. He advised that whatever is decided on the conditional use permit should be sufficient to accomplish what Commissioner Samora wants to do. He explained that deed restrictions are more complex, but if you limit the conditional use permit to specific type of uses, then that would be effective, and it would be attached to the land. He explained that a deed restriction requires an association.

Commissioner Samora advised that he would like to restrict any single-family homes on the properties. He commented that he would rather it be transient rentals, not residential.

Mayor George advised that the properties would not be homesteaded.

Commissioner Samora advised yes.

City Attorney Wilson advised that the property owners would have to construct homes that would be up to the commercial standards and be transient rentals.

Mayor George asked if they could be mixed use.

City Attorney Wilson said they could be mixed use too. He advised it would be used and licensed as transient use and would not be part of the 100 license restrictions because it is commercially zoned. He suggested that they be licensed and used as transient rentals.

Vice Mayor England asked if Commissioner Samora wants all five lots to be transient rentals.

Commissioner Samora advised yes.

Mayor George made a motion.

Motion: to approve the application with the five conditions articulated by Vice Mayor England in her former motion and adding a six condition that all structures built upon on any lot shall be used and licensed as transient rentals as mixed use. **Moved by** Mayor George, **Seconded by** Commissioner Samora.

Mayor George asked for a roll call vote.

City Clerk Raddatz read roll call.

MAYOR GEORGE	Yes
VICE MAYOR ENGLAND	Yes
COMMISSIONER KOSTKA	Yes
COMMISSIONER RUMRELL	Yes
COMMISSIONER SAMORA	Yes

Motion passed 5 to 0.

Discussion ensued regarding requiring condominiums and homeowner associations to notify the City if they have any transient rentals in the commercial districts.

It was the consensus of the Commission to have City Attorney Wilson amend the City's code to require annual recording of transient rentals and to require business tax receipts for the City for condominiums and homeowner associations. It was also requested to have Communications Coordinator Walker to reach out to the homeowners' associations to track the number of transient rentals there are within their associations.

Mayor George moved on to Item 2.

2. Ordinance 19-10, Public Hearing and Final Reading: to Levy a Franchise Fee for Solid Waste Haulers (Presenter: Jim Wilson, City Attorney)

Mayor George introduced Item 2 and asked City Attorney Wilson for a staff report.

Finance Director Douylliez asked to speak. She advised the Commission that in reviewing the ordinance and how it is written, she would suggest moving this item to the next Regular Commission meeting. She explained that the ordinance does not address the commercial waste haulers, which the Commission requested 10% franchise fee revenue. She advised that the ordinance only addresses the C&D materials only. She suggested changes to include 10% fees for solid waste and commercial materials.

Mayor George asked if the ordinance could just be amended.

City Attorney Wilson advised no, that would be a substantial change and he would like to bring it back to the Commission.

Mayor George advised that there was testimony from the solid waste haulers to keep the fees the same and the Commission wanted 10% in both categories as Finance Director Douylliez explained.

City Attorney Wilson advised that he would make the changes to the ordinance and bring it back to the Commission for final reading at the September 9th Commission meeting at 6:00 p.m.

Mayor George asked if this would include recyclables.

City Attorney Wilson advised that recyclables are handled in a separate contract.

Mayor George asked what about the private company pickups.

Finance Director Douylliez advised that private companies do pickup recyclable materials within the City. She advised that owners can contract with any hauler they choose.

City Attorney Wilson advised that he would include the recyclable materials as well.

Mayor George asked for Commission discussion.

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

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked what regulations the City can have on the haulers for the recyclable materials.

Mayor George closed the Public Hearing and then moved on to Item 3.

3. Ordinance 19-11, Public Hearing and Final Reading: to Add Cigarette Butts and Tobacco-Related Products to the Definition of Litter (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 3 and asked City Attorney Wilson for a staff report.

Attorney Wilson advised this ordinance contains cigarette butts and tobacco related products to be included in the City's code for litter.

Mayor George asked what penalty would be received if not followed.

While staff researched the penalty fees, Commissioner Rumrell handed out Exhibit 4 which showed where the cigarette butt cans would be located.

Mayor George opened the Public Hearing. Being none, Mayor George closed the Public Hearing and asked for any further discussion.

City Attorney Wilson advised that the fine is \$50.

Police Chief advised that the language should be changed to \$50 instead of not to exceed \$50 and if the citation is not signed it should be up to \$200 instead of not to exceed \$200.

Commission requested City Attorney Wilson to make the changes to the City's code to \$50 and \$200 for the penalties.

Mayor George requested a label on the cans that says there is a \$50 penalty for littering.

City Attorney Wilson then read the title of the ordinance.

Mayor George asked for a motion.

Motion: to approve Ordinance 19-11. **Moved by** Commissioner Samora, **Seconded by** Mayor George. Motion passed unanimously.

Mayor George moved on to Item 4.

4. Ordinance 19-12, Public Hearing and Final Reading: to Vacate Alley on East Side of A1A Beach Boulevard in Block 9, Chautauqua Beach Subdivision, between 2nd and 3rd Streets (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 4 and asked City Attorney Wilson for a staff report.

Attorney Wilson advised abandon an alley that doesn't provide access to the waterways. He then read the title of the ordinance.

Mayor George asked for Commission discussion.

Mayor George opened the Public Hearing. Being none, Mayor George closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor George asked for a motion.

Motion: to approve Ordinance 19-12. **Moved by** Commissioner Rumrell, **Seconded by** Mayor George. Motion passed unanimously.

Mayor George moved on to Item XI, Consent Agenda.

XI. CONSENT

5. Resolution 19-08, to Adopt New Financial Policies
6. Budget Resolution 19-06 and 19-07, to Transfer and Appropriate Money in the General Fund and the Road / Bridge Fund for Unforeseen Expenses
7. Re-Appointment of Comprehensive Planning and Zoning Board Members Mr. Kevin Kincaid and Mrs. Elise Sloan to Another Three-Year Term

Mayor George asked the Commission if they had any questions regarding the Consent Agenda. Being none, Mayor George made a motion.

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

Mayor George moved on to Item 8.

XII. OLD BUSINESS

8. Sunshine Bus Service: Review of Request from County for Subsidy of \$49,000 (Presenters: Representative from County Staff; City Communications Coordinator Cindy Walker)

Mayor George introduced Item 8 and asked for a staff report.

City Manager Royle advised there is no representative from St. Johns County to discuss this. He advised that Communications Coordinator Walker is here to answer questions regarding the survey.

Commissioner Kostka acknowledged that the Sunshine Bus provides a great service; however, it seems that the company for the Sunshine Bus did not research any other funding and just came to the cities and counties for funding. She advised that the Commission gave them excellent alternatives to secure funding and was not sure if they did their research or not, but the City should not give funding to help supplement a business.

Commissioner Rumrell advised that he did the math for what the Sunshine Bus company was asking for and found that it costs the City \$9 per resident; it costs the City of St. Augustine \$12 per resident; and it costs St. Johns County \$2 per resident to have the bus service. He explained that Sunshine Bus service could find other subsidies.

Commissioner Samora advised that as City residences we are also paying St. Johns County taxes.

Mayor George agreed.

Vice Mayor England asked the Sunshine Bus company for more information, which was not completed. She explained that the City of St. Augustine has a mobility department and a mobility manager and haven't heard what they decided yet. She advised that they did not check with the North Florida Transportation Planning Organization for their input. She advised that there was an audit done and she was not hearing that everything that could be done was done.

Commissioner Rumrell advised that the City of St. Augustine mobility staff member requested to deny the funding. He then made a motion.

Motion: to deny the \$49,000 from the City to subsidize the Sunshine Bus system. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Kostka. Motion passed unanimously.

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

Ed Slavin, P.O. Box, St. Augustine, FL, agreed with the Commission to deny because it is not a good bus system because they can't get to church or work with this system and asked to rebid for a new contractor.

Mayor George closed the Public Comments section and asked for any further Commission discussion.

Mayor George moved on to Item 9.

9. Streaming of City Meetings and ADA Compliance: Review of Options (Presenter: Anthony Johns, Information Technology Manager)

Mayor George introduced Item 9 and asked for a staff report from IT Manager Johns.

IT Manager Johns advised he did the research that the Commission requested. He did get a response from Flagler College and they use the company REV. He did mention that they also use a sign language person for their meetings. He explained the costs for the different vendors and how they charge.

Commissioner Rumrell asked if the EEG iCap pricing he received was correct.

IT Manager Johns advised yes. He explained that it was more cost effective to lease the caption decoder than to purchase one and advised that the City would still have Florida Captioning to do the actual captioning service. He explained that the IT Department had gone out to bid prior to finding out this information and they did not get the bidders from these agencies.

Commissioner Rumrell advised that the Commission is not hiding anything from the residents or the public, but staff needed to research the products to make sure we get the best price and the Commission wants it back up as soon as possible.

City Attorney Wilson explained that he went to the municipal attorney conference and they advised that there is no true guidance on how the ADA applies to websites.

Discussion ensued regarding going back on YouTube for the public for live streaming, but to do closed captioning after 24 hours; respond to ADA requests when received; not having ADA requests for closed captioning; whether to be proactive for this issue and budget for it or wait until the City receives a requested monthly contract with a 48 hour cancellation to stop; meetings are currently live stream; and service does not have the video indexing; Granicus had the video indexing, but was very expensive.

It was the consensus of the Commission to continue with the live streaming through YouTube and to budget the \$6,000 a year for closed captioning.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City Manager didn't know he was the City's ADA Coordinator and then blamed staff; asked if any other City went off the air because of this ADA compliant; and requested the City purchase Swagit.

Mayor George closed the Public Comments section and then moved on to Item 11.

10. Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables, and Yard Trash: Continuation of Discussion (Presenter: Bill Tredik, Public Works Director)

This item was rescheduled to the September 9, 2019 Regular Commission meeting.

11. Strategic Plan: Review of Suggestions for Goals from Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (Presenter: Max Royle, City Manager)

Mayor George introduced Item 10 and asked for a staff report from City Manager Royle.

City Manager Royle handed out the Mission Statement that was created by Vice Mayor England, which asked for Commission input. He also advised that Commissioner Kostka gave information regarding the Mission Statement and Vision Statement differences. He suggested that the Commission discuss this item at the next Regular Commission meeting in order for the Commission to review the information given out. He asked for some guidance to bring back to the next Commission meeting.

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

Sandra Krempasky, 7 C Street, St. Augustine Beach, FL, explained that she didn't come prepared to speak about this tonight, but she advised that SEPAC was only four days from this Commission meeting, and they didn't have a lot of time to discuss the Mission Statement. She advised that Mr. Thomson came up with some leads that he wanted to pursue, which was more specific. She explained that she felt it should be more general for the Mission Statement. She felt that the suggestions were good, but a little too pointed.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked to lead by example at the City's facilities by putting environmentally sensitive ground cutting. She suggested stop installing pipes in the alleyways and leave the greenspace for drainage.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, St. Augustine, FL, asked to put this on the website to get the whole world to comment; advised that SEPAC or the Comprehensive Planning and Zoning Board did not have sufficient notice; and requested to get a national search for City Manager and suggested Police Chief Hardwick to be the Interim City Manager.

Mayor George closed the Public Comments section and then asked for any further Commission discussion.

Mayor George thanked Vice Mayor for a starting point on the Mission Statement. She asked City Manager Royle about his suggestion moving this issue forward to the next Commission meeting.

City Manager Royle advised that Commissioner Kostka has good information, but it is seven pages and it would be best to allow the Commission time to review the documents. He explained that there should be discussion regarding the Mission Statement because it would be part of the Strategic Plan.

Commissioner Kostka advised that she has had experience in creating Mission Statements and was surprised when she became a Commissioner that the City didn't have a Mission Statement. She explained that the total words on a Mission Statement should be only 15 words and it should be memorable. She explained that after the Mission Statement comes the Vision Statement to fulfill the City's Mission Statement, which is lengthier. She agreed that it should take more time to formulate but would suggest more input from all the Commissioners at a workshop.

Vice Mayor England advised that the Strategic Plan should be broader, and she submitted to City Manager Royle five categories to work from with bullet points. She advised that her categories were: 1) Vision for City Access and Streetscape (i.e. the old city hall, proposal from the Dance Company), 2) Improve the Financial Ability under a Financial Goal (i.e. reduce spending, research for grants, etc.), 3) Improve Citizens' Engagement, (i.e. City surveys, education, etc.) 4) Help SEPAC by Becoming a Sustainable City, (i.e. what the Commission has done by ordinance on sustainability and what the Commission wants to do), 5) Expand and Improve Public Parking (i.e. updating the master parking plan, seeking Tourist Development Council funding for parking, and developing creative ways to create shared parking in the commercial corridor). She advised that more goals could be added.

Commissioner Rumrell advised that the City could incorporate items like Google and Coca-Cola. He commented that he came up with language from Vice Mayor England's suggestions by suggesting language: "City of St. Augustine Beach home to arts, cultural family events, and culinary delights along the historical coast of Florida." He explained that would encompass the information that Vice Mayor England has done.

Mayor George asked to circulate language from each Commissioner to City Manager Royle so they can be put together a Mission Statement. She then thanked Vice Mayor England and Commissioner Kostka again for the goals and information.

Mayor George moved on to Item 12.

XIII. NEW BUSINESS

12. Educating Businesses for Compliance with Ordinances Banning Single-Use Plastic Items: Review of Proposal from Full Circle Resource Management (Presenter: Ms. Jennifer Snare)

Mayor George introduced Item 12 and asked Ms. Snare to come to the podium.

Ms. Jennifer Snare, 319 Arricola Avenue, St. Augustine, FL and Tera Dodson, 502 Arricola Avenue, St. Augustine, FL, showed their presentation for alternative products for businesses contract. They explained their 1 – 3 phases and advised the total costs for the contract would be \$35,750.

Mayor George asked how there be a cost without knowing how many businesses would be involved in the processes.

Ms. Dodson advised that because she and Ms. Snare live here, they know the businesses in the community and know the alternatives available to those businesses to be in compliance.

Vice Mayor George asked if any businesses were contacted to see if they have a need for these alternative green products.

Ms. Dodson advised no, but they have experience in working with other businesses that needed the service.

Ms. Snare advised that a lot of businesses don't know where to go to find alternative products and they need to know what would be in compliance with the City's ordinances and would be good for the environment.

Vice Mayor England advised that there was little feedback from the businesses except positive feedback, but received feedback from senior customers who like plastic bags and containers from the restaurants.

Discussion ensued regarding doing education before implementing the ordinance on alternative products and asked that the Commission receive the presentation to review.

Mayor George opened the Public Comments Section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked Ms. Snare and Ms. Dodson for the presentation. He suggested that the City hire a part-time or full-time employee who would look at the sustainability or environmental needs for the City like St. Johns County. He suggested doing a Request for Proposal or Request for Qualifications for this type of service.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, suggested that first the businesses should be contacted to see the need for this service and have the staff or volunteers that can help the City for sustainability. She suggested that the presenters qualify themselves before giving their sales pitch.

Mayor George closed the Public Comments section and advised that the City may not have the budget for this service or the need but applauded the presenters on what they are doing for the community. She wanted to give clear direction to staff to utilize the Communications Coordinator to do the legwork that this organization was offering to do for the City. She explained that the Communications Coordinator is a new position that the City is trying to decide how to use and this could justify that position and excel in. She requested that City Manager Royle have a formal, organized plan of attack for this issue, so the City shows that this issue is important and not taken lightly.

Vice Mayor England and Commissioner Kostka agreed.

Mayor George moved on to Item 13.

13. Electric Scooters and Other Mobility Devices: Consideration of Regulations (Presenter: Max Royle, City Manager)

Mayor George introduced Item 13 and asked City Manager Royle for his report.

City Manager Royle advised that the City is seeing more electric mobility devices and suggested to have regulations for these devices.

City Attorney Wilson advised that he has experienced many electric scooters left on the roadways or sidewalks which are a hazard to the pedestrians. He suggested regulations to have docking stations, speed limits, the way they are being used and boundaries.

Police Chief Hardwick advised that he has researched this topic and has spoken to a couple of vendors and to the City of St. Augustine regarding regulations. He explained that Governor DeSantis signed into law Florida Statute 316.003, which says that the e-scooters are under the same regulations as bicycles and the speed is allowed up to 20 mph. He commented that they are not prohibited on the sidewalks and if the driver is under age 16, they must have a bicycle helmet on. He remarked that the lighting is bad on A1A Beach Boulevard and they have been meeting with Florida Power and Light to get more lighting and St. Johns County to get more pedestrian walks and crossings. He explained that the vendors can set the boundaries on where the e-scooters can go. He commented that he doesn't want a monopoly like they have in the City of St. Augustine on the horse and carriages. He suggested that if an e-scooter is left for a number of days, then the City would keep them for 30 days and then sell if they are not claimed.

Mayor George advised that she didn't think there was any harm in regulating this.

To answer Commissioner Samora's question, City Manager Royle advised that the City of St. Augustine has passed a regulations ordinance on this issue.

Mayor George asked for Commission discussion.

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

Mike Wauldron, EWHIPZ, LLC. representative, 5053 Cypress Links Blvd., Elkton, FL, advised that EWHIPZ's is an independent operator for Bird, which is an organization in 100 different cities for e-scooters. He explained that he met with the City of St. Augustine and the Police Department to get their feedback on e-scooters. He advised that he put together a brochure and would like to spend some time with the Commission to talk about a program in the City for the public.

Steven Dennison, FROG Scooter Company representative, 217 Arricola, St. Augustine, FL, advised that the City is a small sustainable, environmentally friendly community with good leadership and a progressive way into the future and commented that these scooters would be a great fit under proper regulations. He explained that there are two companies that are here tonight and suggested putting it out for a Request for Proposal to prevent a monopoly. He explained that FROG is a growing business and would like to work with the City. He commented that the City of Tampa just started this business and the City of St. Pete has been using this service for a couple of months like other college towns.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, advised that the regulations need to be clear and gave an example that an 18-year-old could give his 13-year brother the e-scooter to ride. She explained that the City has pedestrians, bicycles, and strollers on the sidewalks and adding another motorized vehicle would be a problem. She said that if it is commercial, the City is responsible for it.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Ms. Palmquist on the safety issues involved and suggested that the City Attorney create non-exclusive franchise agreements that include safety and that the business pay a living wage of \$15 an hour.

Mayor George closed the Public Comments section and asked City Attorney Wilson what the downside would be for non-exclusive franchise agreements.

City Attorney Wilson advised that a franchise agreement may be useful to regulate the number of e-scooters but suggested not using an exclusive franchise agreement because of litigation concerns.

Discussion ensued regarding having docking stations; not allowing them on rough streets because of the small wheels; not allowing two people on one e-scooter; having a franchise fee to govern regulations; how other cities are regulating; being proactive instead of fixing a problem; whether this would be a good fit for the community before implementing it because of the traffic activities and accidents; safety concerns; becoming more pedestrian friendly and leaving their cars at home; no difference between a bicycle and e-scooters; e-scooters are geared to tourists using this product than residents; e-scooters having lights for nighttime use; allowing e-scooters on the streets not sidewalks; the City not having a true bicycle lane; e-scooter businesses carrying enough liability insurance; the City requiring liability insurance; researching legislation on Segway's insurance; the impact on the Police Department to enforce e-scooters; adding additional lighting on the Boulevard; people not being responsible; Boulevard being busy already without adding e-scooters; how many e-scooters would be allowed within the City boundaries; docking station being used at the Marriott for bicycles currently; whether e-scooters would have to pay for parking on private property; and the City will be a part of the River to the Sea Trail on A1A Beach Boulevard.

Mayor George advised that the suggestions on page A is very appropriate in regard to the e-scooters and asked if the City needs to make a decision to prohibit or agree to the e-scooters.

City Attorney Wilson commented that the Commission should establish regulations for e-scooters first, but beyond that it would be up to the Commission to decide. He explained that he is seeing motorized bicycle businesses now also.

Mayor George agreed to move forward with regulations and would like more public feedback from residents and businesses about their concerns.

City Attorney Wilson suggested that the Commission speak with Mr. Dennison and Mr. Wauldron to see what they are proposing.

Commissioner Kostka requested more information from the vendors, such as where would the docking stations be, how many e-scooters would there be, etc. before the Commission moves forward.

City Attorney Wilson advised that the Commission could ask for the vendors business plans.

Police Chief Hardwick advised that the City Clerk suggested the Communications Coordinator to do a survey for feedback from residents and businessowners.

It was the consensus of the Commission to collect more information, to look for other cities' regulations, to have City Attorney Wilson start drafting regulations and non-exclusive franchise agreements, and to get more feedback from residents and businessowners.

Mayor George moved on to Item 14.

14. Dog Licenses: Consideration of Removing the Requirement for Them from the City Code (Presenter: Beverly Raddatz, City Clerk)

Mayor George introduced Item 14 and advised that she had no idea that a survey would be done in five days regarding this topic. She commented that she didn't know how much meaning it has with that short of a survey.

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

City Clerk Raddatz advised that the information and the research came from Deputy City Clerk Fitzgerald and she did a great job with the breakdown of costs. She then asked if there were any questions from the Commission.

Mayor George read the comments from the survey and advised that a couple of residents were adamant on keeping the dog tag licenses. She explained that none of the residents she spoke with knew about the survey.

City Clerk Raddatz recapped that the Florida Statutes requires every dog to have their rabies shots and St. Johns County has an Animal Control Department which enforces the rabies shots. She advised that the City has only 49 dog owners who have voluntarily come in for their City dog tag licenses. She explained that the City has no enforcement and fewer residents are coming in each year.

Commissioner Rumrell commented that it is redundant for the City to be doing dog tags when they can't enforce it.

City Clerk Raddatz agreed and advised that it is a lot of time and energy for staff to keep a spreadsheet and mailings yearly.

Commissioner Rumrell advised that the City is losing money on this.

Mayor George advised that that could be addressed by increasing the fees and promoting the fact that there are dog tag licenses the residents should get.

Commissioner Rumrell asked how to regulate it because there are more than 49 dogs in the City.

Vice Mayor England agreed and said that enforcement would be the challenge even though the City is dog friendly.

Commissioner Samora agreed.

City Clerk Raddatz advised that the dog tags have to be ordered, so we need to know which direction the Commission would like to go.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that this encourages having owners to get their dogs rabies shots and said it would help during a hurricane if the dog is lost.

Mayor George closed the Public Comments section and asked City Attorney Wilson to read the title read.

City Attorney Wilson read the title of the ordinance.

Mayor George asked for a motion.

Motion: to approve Ordinance 19-13. **Moved by** Commissioner Samora, **Seconded by** Commissioner Kostka. Motion passed 4 to 1 with Mayor George opposing.

Mayor George moved on to Item 15.

15. Flying Non-Government Flags on City Property: Consideration of Policies (Presenter: Max Royle, City Manager)

Mayor George introduced Item 15 and asked City Manager Royle for a staff report.

City Manager Royle advised that there are no policies regarding the flying of non-government flags and could put the City in a position of censoring flags from groups that the City does not approve of. He commented that he was not suggesting the Pride flag as one because the Commission did approve it but was thinking of hate groups that might want the same consideration. He explained that the signs now on City property can be government speech unless it is during voting times.

Mayor George asked if anyone has asked to fly any other flags since June.

City Manager Royle advised that the POW flag was requested, but that is allowed by law anyway.

City Attorney Wilson advised that if the City does not have a policy it leaves you open to litigation and the policy would have to allow certain things and nothing else or certain action to be taken to approve it. He explained that once the Commission applies discretion, how does the Commission say no. He advised that the easy way is to allow only government flags and nothing else; the hard way to decide what the Commission wants and decide what hate speech is. He explained that there is a risk and this issue is going on throughout the country.

Mayor George advised that she would not want to be in a situation that looks reactive to the City flying Pride flag. She asked if this would exclude the Pride flag in the future.

City Attorney Wilson advised that it could, but it could allow the Nazi flag to fly too.

Vice Mayor England asked if the policy could be that the Commission would have to approve a proclamation for the special event and the flag could fly it for a certain amount of time.

City Attorney Wilson advised that the City grants all proclamations and if one was denied it the could be construed as not allowing the right to speak and the City would have a lawsuit. He explained that once the Commission allows a public forum, then the Commission is under the public forum rules. He commented that it is hard to regulate speech.

Mayor George suggested that the Commission have the proclamation approach and not act out of fear of a lawsuit. She said that the Commission could actively rein in if a lot of requests come in.

Vice Mayor England advised that it needs to be approved through a proclamation and the flag be flown for a limited amount of time.

Mayor George and Commissioner Kostka agreed.

Commissioner Samora advised that he was concerned, based on some of the email traffic that went on after the Pride flag went up, that someone will want to do hateful messages to make a point. He agreed with City Attorney Wilson that the Commission could be put in a position to say no to someone for whatever reason, which could lead into litigation. He explained that the Commission would have to react in one way or another.

Mayor George asked staff to draft a policy on what has been articulated by the Commission and include in the agenda packet the policies for City of Tampa, the State of California, and the City of St. Pete for the next time it comes up. She then opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City of St. Augustine had a policy and the City of St. Augustine denied the right to fly the flag. He thanked the Commission for voting unanimously on the Pride proclamation, but the City Manager did not fly the Pride flag until seven days after the Commission approved it.

Mayor George closed the Public Comments section and moved on to Item 16.

16. 2020 Legislative Priorities: Request from County and Northeast Florida Regional Council (Presenter: Max Royle, City Manager)

Mayor George introduced Item 16 and asked City Manager Royle for a staff report.

City Manager Royle advised that County Administrator Wanchick sent letter to him which asked to have the Commission to provide the 2020 legislative priorities action plan to him by August 7th. He said that he gave the Commission the Northeast Florida Regional Council legislation priorities for 2019 for guidance purposes and suggested to continue state funding for beach restoration project, to respect Home Rule for cities and counties, and allow the cities and counties to regulate short-term rentals instead of the State of Florida. He asked if the Commission wants to include others.

Mayor George agreed with all three suggestions and requested to add sustainability and sea level rise.

Vice Mayor England requested funding for conservation funding, like Fish Island.

City Manager Royle advised funding for the Florida Forever Program.

Commissioner Samora requested encouraging non-vehicular transportation such as the River to Sea Loop and to encourage Florida Tourism by Visit Florida and expanded use for TDC funds.

Mayor George advised that expanded use for TDC funds has already been addressed by legislation by giving it to St. Johns County. She advised that this seems like a long list.

Commissioner Rumrell suggested mental health.

It was the consensus of the Commission to give County Administrator Wanchick all the items listed.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to add St. Augustine National Historical Park and National Sea Shore, False Claim Act, not limiting the legislation items, and a stronger ethics law.

Mayor George closed the Public Comments section moved on to Item 17.

17. Water Resources and Issues: Invitation for a City Commissioner to Attend the Tri-County Water School in January 2020 (Presenter: Max Royle, City Manager)

Mayor George introduced Item 17 and asked City Manager Royle for a staff report.

City Manager Royle advised that he received a letter with the attached material. He explained that they would like a City Official to attend.

After discussion, it was the Consensus of the Commission to have a staff member attend.

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

XIV. STAFF COMMENTS

Mayor George asked City Manager Royle for his comments.

City Manager Royle reminded that the Budget Commission meeting will be on September 9th.

Building Official Law advised that the Certificate of Occupancy was given to Panama Hatties last week and Ocean's Thirteen is under plan review and Corral Dental is expected to be in next week.

Public Works Director Tredik advised that he had a meeting with the Water Management District on the Mizell pond which went well, and will be meeting with the consultant for the 3rd Lane drainage project.

Police Chief Hardwick advised that National Night Out will be tomorrow from 5:00 p.m. to 8:00 p.m. at Pier Park.

Commissioner Samora advised that Communications Coordinator Walker does have an educational project on plastic items and asked for an update on that at the next Commission meeting or in the interim.

Mayor George suggested that the businessowners who know vendors and supply companies to share it with other businesses and asked the Communication Coordinator to share the information received.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Mayor George, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George adjourned the meeting at 10:00 p.m.

Undine C. George, Mayor

ATTEST:

City Clerk