



MINUTES

CONTINUATION OF THE REGULAR CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 10, 2019, AT 5:30 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 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor George asked to Commissioner Rumrell 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. CONTINUATION OF THE REGULAR COMMISSION MEETING OF SEPTEMBER 9, 2019

Mayor George advised that County Commissioner Henry Dean is in the audience and would like to speak to the Commission.

County Commissioner Henry Dean advised that he received an email from Mr. Tom Reynolds regarding the \$15.5 million of surplus the County Commission has received and suggested a portion of the money go to City's projects. He advised that the St. Johns County Commission will be adopting their budget on September 24, 2019 and then will have another meeting to discuss how to separate the \$15.5 million. He explained that the City would get approximately \$400,000 to \$500,000 for City projects and asked the City to come up with a list of projects they would like to do with that money. He advised that he would present to his fellow County Commissioners the listing from the City at the meeting when this is discussed.

Mayor George requested to add this agenda item on the next Special Budget Commission meeting. She advised that the Commission could review the list that was proposed to the County Commission and to keep in mind the priority projects brought to the Commission's attention from the Public Works Director to formulate an appropriate list. She thanked County Commissioner Dean for all his good work.

County Commissioner Dean advised that he appreciated the City Commission as well and thanked Mr. Reynolds for contacting him.

Mayor George advised that there was a press release saying that the e-scooter topic would be heard tonight even though we finished that discussion yesterday. She opened the floor to anyone who wanted to speak about it tonight. Being none, she moved on to Item 7.

7. Ordinance 19-16, First Reading: to Repeal Ordinances 19-03 and 19-04, Which Prohibit Certain Plastic Items (Presenter: Jim Wilson, City Attorney)

Mayor George introduced Item 7 and then asked City Attorney Wilson for his report.

City Attorney Wilson advised the ordinances that were passed regarding plastic items were based on a Circuit Court decision for the City of Coral Gables, Florida. He explained that a law was just passed that anyone who sues a municipality and wins is entitled to lawyers' fees. He commented that the City of Coral Gables case sat in the courts for two years until the District Court decided that the ordinances were invalid except the plastic straws, which would be difficult to separate out of the City's ordinance the way it is written. He recommended to the Commission to repeal the ordinances, like every other city is doing, until it goes further up the courts. He explained that the Circuit Court and District Courts both say at this point it is not allowed and he would not be comfortable keeping them as law. He advised that Commissioner Kostka asked if we could ban plastics at City events and he suggested to do that by contract, which would be better for the City.

Mayor George asked about the new statutes.

City Attorney Wilson advised that the statutes say that attorney fees can be charged to the party that wins the case, including citizens groups. He commented that several cities feel that the new statutes would apply to these ordinances.

Mayor George asked if the City changes the effective date would that still hold the City liable.

City Attorney Wilson advised that the statutes say if the City doesn't repeal within 60 days that would open the door for the Restaurant Association to sue the City. He then read the title of the ordinance.

Commissioner Samora advised that he agrees with the repeal and liked to have a discussion regarding adding our name in support of the City of Coral Gables.

City Attorney Wilson advised that he could talk with others and have this back at a later meeting.

Mayor George suggested when this item comes back to have recognition or award to those businesses in the City who voluntarily implemented the ban on plastics. The customers in the City wanted this for the environmental request. She then opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that he appreciated all that was done to prohibit plastics in the City; requested the voters not to vote for Senator Travis Hutson because he voted against this and should be voted out of office.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Attorney Jane West and Captain Morley are not in the audience and suggested tabling this until they are present; asked for legal research to be done; and requested to do an ordinance on straws.

Mayor George closed the Public Comments section and asked whether it was in the best interest of the City to repeal the ordinances.

City Attorney Wilson said yes, because of the existing laws. He explained that the City is not part of the City of Coral Gables lawsuit and if the Restaurant Association sues us the City would be liable for attorneys' fees if we lost the case.

Commissioner Kostka asked about the resolution that asks business owners to voluntarily stop using plastics.

City Attorney Wilson advised yes, but that is not a law and could not be enforced. He advised that the resolution could still be in effect.

Motion: to approve Ordinance 19-16. **Moved by** Commissioner Kostka, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George moved on to Item 8.

8. Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables and Yard Trash (Presenter: Patricia Douylliez, Finance Director)

Mayor George introduced Item 8 and then asked Finance Director Douylliez for her report.

Finance Director Douylliez presented a PowerPoint presentation (Exhibit 2). She explained that the expenses for solid waste collection come out of the General Fund revenues. She advised that for her presentation she used FY 2018 because it would show the full year of expenses. Residents make up 93.83% of the City and then 183 commercial properties, which are made up of transient rentals and true commercial businesses. She told the Commission she would like to focus on residential for this meeting because commercial units have a lot of different components that need to be worked on and cleaned up. She suggested changing the rate per can on the correct amount expended. She explained that four cans a month would cost the commercial business \$7.04 for the minimum and advised that it is too low and needs to be increased. She suggested doing an audit semi-annually on the commercial pickups and restructuring the billing and the structure of the commercial solid waste collections. She explained that for residential collection of solid waste taking into a full cost analysis annually is \$460.34 per household, which includes trash, construction debris, recycling, special pickups and yard waste. She showed that St. Johns County is \$230 for FY 2020 and will increase for the next five years. She explained that some cities bill in the utilities and some in the taxes. She explained that \$230 is more in line with other municipalities for what services are being provided. She commented that St. Johns County and other municipalities do not pick up construction debris and they limit the volume of waste being picked up at residential homes, which the City does not. City of St. Augustine provides their residents with one toter per residence and if they go over that, it will not be collected.

Discussion ensued regarding how the municipality tracks the toters; must use city provided toters; City is still doing the service whether the residence puts out or not; special pickup items are limited; mechanics on the pricing for each pickup if invoicing would be different; whether the cities have inhouse collections or use private companies; outsourcing for toters; residents sign up for the number of toters and they are charged per toter; cities bill inhouse; whether to ask St. Johns County if the City could bill through their utilities; increasing the solid waste collection fees annually per residence of \$156 or \$13 per month, which would give the City an additional \$436,000 annually of revenues; \$436,000 would go towards new vehicles, the Public Works facility, trash disposals, etc.; and vehicles usually are not housed in a facility because of combustible engines, unless the facility has a compression system; vendor to spray wash the vehicles that are used on the beach a couple times a week to keep the vehicles longer.

Mayor George pointed out for a \$200,000 home a \$156 would be a 30 -32% increase in the tax bill, which is significant and would not be an ad-valorem tax so they cannot be deducted in taxes. She commented that looking long-term it would be beneficial because it would be delegated to one purpose and could not be used for other purposes.

Commissioner Samora asked when the Commission would have to make a decision.

Finance Director Douylliez advised that an ordinance would have to be done by December 2019 in order to get it to the Property Appraiser's Office on time.

City Manager Royle advised that there are requirements for public hearing, which will be done, and the Commission could decide by public opinion whether to continue on with the ordinance.

Commissioner Rumrell asked to clean up the properties that are showing residential that are really commercial according to the City's code of ordinances. He advised that that would give another source of revenue. He advised that he would like to wait to see what money that gives before moving forward with this. He explained that if he can show residents a service being done at a value, then it would make sense to do.

Vice Mayor England asked how the Property Appraiser would charge the transient and short-term rentals if they were in a residential area.

Finance Director Douylliez advised that staff is currently charging commercial fees for those properties and staff would notify the Property Appraiser when any rental homes are active or inactive as rental homes for the next budget year.

Vice Mayor England asked about software that would make it more efficient to work with St. Johns County.

Finance Director Douylliez advised not, but she would research it.

Commissioner Kostka said that trash service is in the City Charter as a responsibility of the City and the City has been charging \$74 to supplement the trash pickup to defer the cost. She advised we don't want to increase over 100% when this year the Commission is asking the taxpayers to pay an additional 6% on top of the increase in property values and .5 mills for debt reduction. She suggested researching the commercial properties to see what the revenues would be once it changes from residential to commercial. She explained that a lot of the residents are on fixed income and how will they be able to afford the increases.

Commissioner Samora advised that he has an equally hard time with the way the City is doing things right now. He advised that he has the following concerns: 1) the City is already paying a non-ad valorem for part of the trash collection, which doesn't come to near covering the cost of it; 2) part of the reason we have to increase the millage this year is because the City had to replace the garbage truck which costs \$50,000 out of the General Fund each year for five years; 3) he explained that each tenth of a mill is \$137,000, which is 3 mills out of the General Fund for the garbage truck that would be done through the increase in the non-ad valorem solid waste collection fee, which could decrease the City's taxes; 4) tax bills are paid through the millage, which the commercial properties pay, so they are paying twice because they are paying separately; and 5) vacate land owners are paying for trash collection with no service. He advised that this non-ad valorem brings the cost in line with the services being received.

Commissioner Rumrell asked to clean up what we already have to see what monies we really have for solid waste collection. He explained that if there are more than five units, then they need to be charged at a commercial rate. He thanked staff for bringing in new ideas for revenues and he supports that, even if the Commission doesn't always agree. He commented that he is looking long-term.

Commissioner Kostka advised that she understands the rising costs and the need for more money, but should the City keep passing the burden off to the citizens. She explained that she is concerned about the fixed incomes and the larger houses compared to the smaller houses.

Mayor George asked what amount the increase should be and whether the Commission likes the structure of the non-ad valorem or ad valorem fees. She asked if the current ad valorem tax money could have an account that could be segregated for long-term capital improvements savings plan for major purchases like a new truck.

Finance Director Douylliez advised that that would be along the lines of funding the building and having a designated funding source, which would be set aside for that. She explained that designating a part of an ad valorem would need a referendum. She advised that the little bit of money that is left is going to the reserves to build that back up because they are being depleted because of not having additional resources for the Road and Bridge Fund, which are coming out of the General Fund. She commented that she doesn't see a way to segregate the funds unless there is a referendum.

Vice Mayor England advised that the Commission discussed that budget and did not get to do all the projects that were needed, and the Commission set it at 2.5 mills. She advised that the 2.3992 was steady for several years and she hopes that the Commission can keep steady the 2.5 mills for a while. She explained that the Commission needs other sources of revenues, which this is one. She commented whether the driver picks up one bag or two, the City still needs the personnel, the equipment and gas. She explained that the Property Appraiser already said to do it on square footage, but she advised that the way the staff is doing it by deciding which is commercial that includes rental property, and which is residential is more stable and doable. She commented that she wants to build up the reserves and by keeping this in a special account, the money would not be taken out of the General Fund and the reserves. She advised that the City needs to be a smart city. She remarked that she is in favor of reducing the cost of trash pickup if possible. She explained that it is time to build the reserves and looking in the future what the needs are for the City and not ignore it any longer.

Discussion ensued regarding the monies will go into the General Funds but will only be used for Public Works expenses.

Vice Mayor England asked if the funding would be constrained too much.

Mayor George advised what is proposed would constrain it.

Finance Director Douylliez explained that the \$436,000 would not go into a special fund that would be held. She explained that it would fund the general operation of the solid waste services annually, so it will offset the annual \$800,000 costs for solid waste services.

Mayor George advised that the \$436,000 can only be used for the service that it is meant to provide instead of any other projects.

Finance Director Douylliez advised that the \$436,000 would go into the General Fund and be used towards the \$800,000 of expenses, but that would free up the \$436,000 General Fund money we are using toward the solid waste services.

Mayor George asked if there was any way to do it by ad valorem taxes.

Finance Director Douylliez advised no, unless the Commission wants a referendum.

Commissioner Kostka advised that she would feel more comfortable with an ad valorem than a non-ad valorem tax.

Mayor George agreed.

Commissioner Samora asked if there was a way to assess ad valorem just to residential units or does it apply equally to vacant land.

Discussion ensued regarding whether vacant lots are paying the non-ad valorem tax; having the Property Appraiser tell the difference between approved and unimproved land; not charging a vacant lot owner for services they don't use; not using a private company, but doing the services inhouse; the increase in recycling costs when an Request for Proposal was done; whether to implement the non-ad valorem in stages, but designate it to a department to cover the expenses; what the costs are to do a referendum; getting public input; survey responses was 50 / 50 on a non-ad valorem tax , but the comments on how the Public Works Department is doing were very good; and not cutting back on the staff if the City wants to keep the services we have.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, commented that users should pay user costs; Commission cheating the condo units who pay the General Fund; suggested going to a private company and use the staff for Parks and Recreation Department.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, welcomed the new Finance Director; asked not to rush the process and continue paying with the millage, but to have hearings on whether the public wants the non-ad valorem tax or not; and the non-ad valorem taxes will continue to go up in the future.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Nick Binder and Commissioner Kostka that the non-ad valorem tax should not be done; vacant lot owners should still pay for solid waste pick up because it is part of the cost of a civil society; commented that if a portion of the City had non-for-profits, then a non-ad valorem tax would work; asked to put this out for referendum to have the people decide; and give the employees up to a living wage of \$15 an hour.

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

Mayor George asked City Clerk Raddatz to research the costs of a referendum per item and/or find out if it would be the same cost for multi items. She also requested the deadlines to go forward with a referendum. She asked staff what is required of the Commission now.

City Manager Royle advised that he would like to know where the Commission wants to move forward on the non-ad valorem tax or not. He advised that if the Commission wanted to proceed, then we would set up the notifications and hearings for the public. He suggested that the Commission should hold a special meeting on this subject. He also advised the Commission that they could stop this process at any time if the Commission doesn't want to continue to move forward.

Commissioner Rumrell asked if the commercial properties could be cleaned up so the Commission could see the real numbers before moving on with this action.

Finance Director Douylliez advised that the commercial properties are a large item that staff will need a couple of months to analyze. She also advised that the City needs to research whether these commercial units need a dumpster or not depending on the number of units they have. She explained that if more commercial properties go to dumpsters, the City would be getting 10% of the private company's revenues and will not be doing the services, which is found revenue for the City. She suggested moving forward with the residential properties first and then after staff has analyzed the commercial properties components, move forward with them second.

Mayor George asked if a duplex pays two \$74 fees.

City Manager Royle advised that he owns a duplex and yes both sides pay \$74 each.

Finance Director Douylliez advised that the commercial properties being taxed as residential units should have the ad valorem taxes removed and have them pay for a dumpster through their Homeowner Associations.

Public Works Director Tredik asked to move forward with this because the City is more vulnerable without a non-ad valorem tax than we are with it due to the financial impacts of storms. He explained that the City has guaranteed solid waste pick up, drainage, and drivable roadways to the citizens. Competing with funds that are want to haves instead of need to haves hurt the services that the City currently provides. He recommended moving forward with the non-ad valorem tax.

Mayor George asked for a motion.

Motion: to move forward to increase the non-ad valorem tax for residential solid waste pick up and disposal. **Moved by** Vice Mayor England, **Seconded by** Commissioner Samora.

Mayor George asked for a roll call vote.

City Clerk Raddatz read the roll call as follows:

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

Motion passed 3 to 2

Vice Mayor England asked what the latest date the non-ad valorem tax could be stopped.

City Manager Royle advised that he would have to find out for the Commission.

Vice Mayor England asked to clean up the commercial properties as quickly as possible in order to follow the City's codes. She advised that there might be loss of support if the City does not reduce the overall costs of the commercial pick-ups and the overall costs. She suggested educating the public on this as well, so everyone understands it.

Mayor George advised that there will be more public meetings to get the word out to the citizens when moving forward. She explained that the survey was closed, but the public hearings would give the Commission more of the pulse of the citizenry.

City Manager Royle advised that now that the Commission has given direction to staff, they will move forward with the process, unless the Commission changes their mind. He commented that he would check on the deadlines for the Tax Collector. He explained the timeline given to the Commission in their books and what specific dates are necessary to complete the non-ad valorem tax roll for FY 2021.

Commissioner Kostka asked that the commercial aspect needs to be worked on as soon as possible.

Mayor George requested at the last Special Budget meeting to set a date for the first public hearing on this issue.

City Manager Royle advised that he give a report to the Commission on the timetable for the non-ad valorem tax public hearings and how staff is proceeding with the commercial components.

Commissioner Samora agreed with Mayor George and asked to give a report regarding the commercial industry progress.

Mayor George advised that the first public hearing would be in November and the second meeting would be in mid-December.

Commissioner Kostka said that we should have definite dates already since this was such a close deadline and that the City Manager should be prepared for any direction that the Commission decides to do.

It was the consensus of Commission to have a report at every Commission meeting and the plan for commercial clean up and billing.

Mayor George moved on to Item 9.

9. Strategic Plan: Review of Possible Mission Statement and Guidance to Staff Regarding: Next Steps for Development of the Plan (Presenter: Max Royle, City Manager)

Mayor George introduced Item 9 and then asked City Manager Royle for his report.

City Manager Royle provided samples to the Commission of Mission Statements from other cities. He explained that the Mission Statement should be short and state the basic activities of the City. He commented that the City did a survey, but there were only four responses.

Mayor George advised that she liked the slogan, "The beautiful beach community where everyone knows your name."

City Manager Royle asked if the Commission would like him to craft the Mission Statement or the Commissioners could craft the Mission Statement and send them individually to him.

Vice Mayor England asked to get past the Mission Statement tonight so the Commission could start on the Strategic Plan.

Discussion ensued regarding the wordsmithing of the Mission Statement.

City Manager Royle advised that he would ask staff for their input as well.

Commission suggested that it could include a beach community, safe natural environment, City where the sun rises, meeting a stranger who becomes your best friend, and kids playing on the beach.

It was the consensus of the Commission to have City Manager Royle work on the Mission Statement and bring it back to the Commission at a future date.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, commented that the City needs a new pier with Tourist Development Council which would have a restaurant and fish market. He explained that the Commission's discussion has been very shallow and needs to ask the employees and the citizens for suggestions.

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

Mayor George moved on to Item 10.

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

Mayor George introduced Item 10 and then asked City Manager Royle for his report.

City Manager Royle advised that this came up at the August 5th Regular Commission meeting. He commented that the City Clerk, Deputy City Clerk, he researched other cities and did not find any flag policies. He mentioned that Deputy City Clerk Fitzgerald found that the Pride Flag flies everyday in the City of Key West in the City Council Chambers. He explained that the City of Largo went through the same process as our City did and is trying to come up with a policy but has not done so yet. He suggested to the Commission three options: 1) that the City allow only government flags; 2) a non-government flag could be flown on City property only if a Commissioner requests it and the Commission approves it by proclamation and the flag is flown for a limited time; and 3) a non-government flag could be flown on City property by a request by a non-government organization.

Discussion ensued regarding whether a flag could be flown if it has been approved by congressional action or Presidential Proclamation.

Commissioner Kostka suggested using the sign code for flying non-governmental flags.

City Manager Royle advised that he thought that only government flags could be flown on City properties.

Mayor George asked if the Pride flag was flown against the sign code.

Commissioner Kostka advised that she was wondering if it did.

Building Official Law read the definition of what a sign was in the code.

City Attorney Wilson advised that that was a broad definition. He explained that the problem the Commission could get into is that if the Commission opens the City properties to an open forum, then the Commission must open it up to everyone and any organization. He explained that the simplest way to not have this problem is to not allow groups to request flags be flown. The City can decide on what they would like to fly, but they will not take requests from the public.

Commissioner Samora advised that City Attorney Wilson's recommendation would be in line with Option 2.

Vice Mayor England advised that she feels that it is Option 1.

City Attorney Wilson advised that it should be what the Commission wants to elect to do, such as 4th of July flags or national holidays that are recognized. He explained that it's a City flag pole and the Commission should only put up what stands for the City of St. Augustine Beach.

Mayor George advised that it should be ad hoc. She explained that her concern is that whatever we do does not get misinterpreted as a reaction against any certain group or to prevent the Pride flag from being flown.

City Attorney Wilson advised that staff just needs to know what flag that the Commission wants to fly, and they would do so.

Commissioner Samora said he doesn't want to be the selection committee for the flag pole.

Commissioner Kostka agreed and says that why she believes the sign code protects the Commission.

Vice Mayor England asked why not fly a flag that does goes along with our diversity and Mission Statement a few times a year, but it needs to be controlled by the Commission.

Mayor George advised that if a member of the public comes to city hall and asked to fly a flag, City Manager Royle could say the City does not allow that, but if they ask a Commissioner individually and they want to fly the flag, they would bring it up at a Commission meeting for the Commission to approve by proclamation. She advised that staff has direction for a draft policy to be done and be brought back to the Commission to approve.

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 appalled when the Pride flag was flown because it reminded him of the Jessie Jackson Coalition and brings division.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, feels that it is government speech to fly the rainbow flag and advised government speech is not a public forum.

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

It was the consensus of the Commission to not allow non-governmental flags to be flown unless an organization contacts a Commissioner individually and they would like to bring it in front of the Commission for a proclamation approval and for a limited time.

Mayor George moved on to Item 11.

XI. NEW BUSINESS

11. 5K Race in City: Request by Miami Tri Events for Permit to hold Race on Saturday, November 9, 2019 (Presenters: Representatives from Miami tri Events)

Mayor George introduced Item 11 and asked for a staff report.

City Manager Royle advised that the representatives from Miami Tri Events had a miscommunication on their end and could not be here to speak to the Commission. He explained that staff reviewed this and felt it should go to the Commission for them to decide whether to have a for-profit event because the last for-profit event the Commission wanted to charge them for the services the City would have to do for the event.

Mayor George asked why this was an issue last time because it helps the businesses in the City. She explained that they should contribute to the City for the run.

Police Chief Hardwick explained that the Diva representatives said they only made \$5,000, which was untrue. He advised that there was a lot of miscommunications and they changed these routes the day of the race. He explained that there are four 5k runs every year for non-for-profits. He commented he wanted the Commission's approval. He explained the routes to the Commission that will be approved.

Discussion ensued regarding the number of Police Officers that are needed; how did the public respond to these races; contractor for the event does their own cones and barricades that are certified to do it; the requested date for the run is on Veterans' Day; the expenses for the City should be covered; Police Officers being paid at off-duty rate; the City of St. Augustine has a policy and a fee for profit and non-profit events; the City puts out the signs for the event; the need for policy for a payment schedule for events; being inundated with requests for profit events within the City; whether to keep limiting events to not-for-profit events; calculating the overhead costs; the City of St. Augustine gets 10% of the gross profit; businesses cannot always be truthful on their profits; having the Communications and Events Coordinator advise the Miami Tri Event no because the City doesn't not have a policy in place and then have the Coordinator create a policy for for-profit events and fees; and putting a cap on how many races would be allowed and not allowed on a holiday weekend.

It was the consensus of the Commission to have the Communications and Events Coordinator advise the Miami Tri Event representatives that the time they requested the race was not enough time for the City to prepare and there needs to be a policy in place. Also, the Commission requested the Communication and Events Coordinator to create a policy for for-profit events stating the fees and not allowing any races on holidays.

Police Chief Hardwick asked that no for-profit events be done from May until September when the kids go back to school.

Mayor George asked for an enough time to review the applications in the policy.

Commission agreed.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, commented to have an audit provision in the policy and a franchise fee of general application for all these races, bikes, e-scooters, trains, etc.; and non-profits are making a lot of money too.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, 503 (c) require more paperwork than for-profit vendors; and supports the Commission's direction.

Mayor George asked for a motion.

Motion: to deny this request before us and to create a policy specifically regarding events such as 5k's within our City limits and to exclude 5k's on holiday weekends when public schools are not in session. **Moved by** Commissioner Kostka, **Seconded by** Mayor George.

It was the consensus of the Commission to bring the policy back by November 2019 Regular Commission meeting.

Mayor George moved on to Item 12.

12. Changes to the Land Development Regulations: Review of Proposal from the Building Official (Presenter: Brian Law, Building Official)

Mayor George introduced Item 12 and then asked Building Official Law for his report.

Building Official Law explained and went through the changes in code language that he felt would be beneficial to clean up or to eliminate extensive costs. He first explained Section 3.02.02.01 Mixed Use Districts, D.

Mayor George asked if the mixed-use districts were ever created.

Building Official Law explained that staff went to the Vision Plan which defines it on A1A Beach Boulevard where it is really been seen. He also said F Street may become a mixed district.

Building Official explained Section 3.02.02.01, K. regarding signage.

It was the consensus of the Commission to approve the changes.

Building Official Law presented proposed changes to Section 3.08.00 Overlay Districts.

It was the consensus of the Commission to approve the changes.

Building Official Law presented changes on Section 3.09.00 – Transient lodging establishments within medium density land use districts.

Vice Mayor England asked about transient rental having a conditional use permit condition, what would happen.

Building Official Law advised that the Commission would have the authority to give conditions. He suggested leaving Section 3.09.00 alone and use that under Section 3.10.

Vice Mayor England said that if one of the conditions is that the property use must be a transient rental, unless the Commission changes the language, and take away the right to be a transient rental, then what happens to the conditional use permit.

Building Official Law advised that there could be language if the transient rental is taken away because of abuse, it could be changed to a single-family use and not be a transient rental any longer.

Mayor George said that would be a problem when the Commission wants the homes to be a transient rental.

Building Official Law advised that only one house has been problematic.

Public Works Director Tredik advised that Section 3.09 would only apply to mixed-use and not commercial properties.

Building Official Law presented changes to Section 5.01.02 Conditions of tree removal.

It was the consensus of the Commission to approve the changes.

Building Official Law presented Section 5.01.03 Replacement and mitigation.

Mayor George advised that that language is the purpose of the review.

Building Official Law explained that was why he was hired. It would be his job. He explained that there is a delay in time for the residents in order to bring it in front of the Comprehensive Planning and Zoning Board.

Mayor George asked if the language could be that the structure could be relocated or redesigned.

Building Official Law said any structure can be redesigned, but do we have a right to tell a property owner how to design their house.

Mayor George advised the Commission does if there was a tree with a 30-inch trunk.

Building Official Law advised that he stopped that with regulating the pavers with 15% coverage. He explained that he has not seen one turned down yet by the Comprehensive Planning and Zoning Board and it costs staff time for these reviews.

Commissioner Kostka asked if the code could say that the same size tree needs to be placed on the lot.

Building Official Law advised that there is a code regarding replanting 3-inch trunk trees if bigger trees are taken out. He explained that the Commission didn't want to do tree credits.

Mayor George asked not to add the language in subparagraph B because this was a provision because of trust issues.

Building Official Law advised that he would take the language out.

Mayor George asked for language that this language is only good for as long as this statute is effective.

Building Official Law advised that he would add language that this code shall expire upon the effectiveness of the legal statute as number 4. He suggested that the Public Works Department should use the fees received for in this section to beautify the City.

It was the consensus of the Commission to make those changes requested.

Building Official Law moved on to Section 6.01.02 Impervious surface ratios and explained how property owners are paying for a lot of money when putting in the pools. He suggested to make it 50% for maximum and medium density.

It was the consensus of the Commission to approve the proposed changes.

Building Official Law moved on to Section 6.01.03 Building setback requirements and explained his proposed language. He explained it would help him to save trees.

Vice Mayor England advised that if it is a single-family residence with a side yard on A1A Beach Boulevard, that conditional use requirement will override Section 6.01.03 because the City may require more landscaping or conditions.

Building Official Law advised that he would add that language for A1A Beach Boulevard.

Vice Mayor England said that when we change the setbacks then the variances need to stop unless it is a real hardship.

Building Official Law asked if the Commission would like to change the architecture of the structure from the ten-foot side setback to 7.5-foot setback.

Mayor George explained that only if it is not touching the ground and would rely on Building Official Law's expertise.

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

Craig Thomson, 6 D Street, St. Augustine Beach, FL, explained that four years ago Ordinance 13-14 applied to 1200 homes within the City regarding their setbacks and advised if this is changed the Commission would be taking away the citizens zoning rights. He requested that these changes go to the Comprehensive Planning and Zoning Board and Sustainability and Environmental Planning Advisory Committee (SEPAC). He advised that Building Official Law is not a certified planner and should not be bringing these recommendations to the Commission.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed and feels that Building Official Law is becoming like Gary Larson. He explained that Building Official Law should not be saying he approves anything, and legal counsel should review these items before coming to the Commission. He requested to table this.

Mayor George closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor George moved on to Item XIV.

XIV. STAFF COMMENTS

Mayor George asked City Manager Royle for any comments.

City Manager Royle thanked Public Works Director Tredik for the steps he took during the last storm. He explained that it was like he had been a Public Works Director for years and he stepped up to the plate and did what he should have done. He explained that for being with the City only four months, he was very impressed by his performance and appreciates him very much. He also thanked the Police Department as well and said they did all worked together to do a great job. He explained that Building Official Law was prepared to do damage control, but there was no damage and his services were really not needed. He advised that the discussion on the non-ad valorem assessment was one of the best discussions he has heard in his 40 years in government. He explained that the Commission acted civilly and worked out the differences of opinions. He commented that there is a star in our new Finance Director. He advised that Ms. Douylliez has stepped up to the plate and has done very well. She has received her bachelor's degree in Public Administration while working for the City.

Building Official Law explained about the flood plain and explained that most properties in the City are out of the flood plain area.

Mayor George advised that Building Official Law has saved the City residents thousands of dollars on their flood insurance. She asked all the residents to contact their insurance agents and request a refund.

Public Works Director Tredik advised that the Public Works Department staff are amazing workers and exceptional. He commented that Building Official Law is exceptional too. He

explained that the contract for the Mickler Ditch is almost done and will be hydro-seeding to complete the project. The weir project is moving along, and the consultant is researching to find the correct pumps and the permit will be sent soon. He explained that the permit has been received for the 3rd Avenue drainage project. SEPAC has reviewed the Urban Forestry Management Plan and will be discussing when the final product comes back. 2nd Street opening project was discussed by the neighbors who requested a letter to open the street, but only 11 signed that they would pay for their portion and there needs to be 16. Atlantic Circle is asking for speed bumps to be installed.

Police Chief Hardwick advised that the Police Department has a vacancy and they are filling it on September 23rd with a 14-year veteran. He reminded the Commission that tomorrow is a 9-11 ceremony that the City and County does at the Fire Department. He gave a draft report to the Mayor and there were 24,000 visitors to the pier from May to August. He advised that he will give the Commission a final draft soon.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

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

Mayor George adjourned the meeting at 9:05 p.m.


Undine C. George, Mayor

ATTEST:


City Clerk

