



MINUTES

REGULAR CITY COMMISSION MEETING
MONDAY, NOVEMBER 1, 2021, AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

Commissioner Rumrell had an excused absence.

Also, present were City Manager Royle, Assistant City Attorney Taylor, Police Chief Carswell, Police Commander Harrell, City Clerk Raddatz, Finance Director Douylliez, Building Official Law, and Public Works Director Tredik.

IV. APPROVAL OF MINUTES OF SPECIAL BUDGET COMMISSION MEETING ON SEPTEMBER 26, 2021, AND REGULAR COMMISSION MEETING ON OCTOBER 4, 2021

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

Motion: to approve the Special Budget Commission meeting on September 26, 2021, and the Regular Commission meeting on October 4, 2021. **Moved by** Commissioner Torres, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor England asked if there were any additions or deletions of the agenda. Being none, Mayor England moved to Item VI.

VI. CHANGES TO ORDER TO TOPICS ON THE AGENDA

Mayor England asked if there were any changes to the order of topics on the agenda.

City Manager Royle advised Mr. Nicholas Binder requested to discuss the American Rescue Plan Act of 2021 (ARPA) after Commission Comments so the audience could discuss it before 10:00 p.m. tonight.

It was the consensus of the Commission to discuss the added item regarding ARPA after Commission Comments.

Mayor England moved on to Item VII.

VII. PRESENTATIONS

A. Interview of Ms. Berta Odom for Position of Junior Alternate on the Code Enforcement Board

Mayor England introduced Item VII.A. and asked Ms. Berta Odom to the podium.

Ms. Odom advised that she served on the Comprehensive Planning and Zoning Board for nine years and would like to be on the Code Enforcement Board now.

Mayor England asked if the Commissioners had any questions of Ms. Odom.

Commissioner Torres thanked Ms. Odom for volunteering for the City.

Mayor England asked for a motion.

Motion: to approve Ms. Berta Odom to the Code Enforcement Board as a Junior Alternate.

Moved by Commissioner George, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Nick Binder, 232 Big Magnolia Court, advised that this month there was no financial reports from the Finance Director in the last two months. He requested that City Manager Royle and the Commission give their comments on the American Rescue Plan Act before 10:00 p.m. tonight. He asked that ARPA be discussed during Item IX. Commissioner Comments. He commented that he received his tax bill today and it was clear where the money has been appropriated. He remarked that City Manager Royle advised that there would not be a reduction in recycling costs because the City is purchasing a recyclable truck. He advised that the commercial accounts should be paying the same and not getting a break.

Roberta Odom, 7 11th Street, St. Augustine Beach, FL, asked about the progress on blinking lights on the crosswalk lights.

Mayor England advised that normally during staff comments this would be addressed, but if City Manager Royle would like to speak on this now, he could do so.

City Manager Royle advised that St. Johns County are doing the southern part of A1A Beach Boulevard. He advised that St. Johns County has the plans, and the lights will have motion activated signals. He commented that unfortunately, like everywhere, the materials have been delayed. He also advised that there will be a raised crosswalk in front of the pier between the pier parking lot and the 7 – 11 gas station.

Mayor England asked Finance Director Douylliez to answer Mr. Binder's question on the financial reports.

Finance Director Douylliez advise that only September's report is not done because the numbers do not close until November 30, 2021, when all the billing has been received in the City. She will make final adjustments for the prior year and September will be closed. She explained that the Commission will have the October and September reports in the Commission books for December.

Mayor England advised that normally the Commission does not answer questions during Public Comments section, but because there were only a few residents in the audience and the agenda was light, she allowed it.

Lauren Trice, 3209 Turtle Creek Road, St. Augustine, FL, showed helium balloons that were washed up on the waterways. She belongs to a group, The Litter Getter, that cleans the waterways.

Mayor England advised that this item would be coming up as an agenda topic and she would be able to speak at that time. The Public Comments section is for non-agenda items only.

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

IX. COMMISSIONER COMMENTS

Mayor England asked Vice Mayor Samora for his comments.

Vice Mayor Samora first gave his condolences to Commissioner Rumrell and his family for their recent loss they had. He advised that he went to a Tourist Development Council (TDC) meeting and there were budget adjustments done and there is more advertising that the TDC is doing. He explained that the Visitors and Convention Bureau and the Cultural Council's budgets increased. He commented that the TDC will not meet again until the end of January.

Commissioner George advised that City Manager Royle and she were working on the draft Vision Statement and read it to the audience and Commission (Exhibit 1). She advised that she would submit it in draft form too. The three main points were environmental preservation, City engagement with its citizens, and quality of life for the people and businesses within the City. She then switched topics to the civil rights monument and her discussions with the Cultural Council and advised that the project was delayed on their part. The Cultural Council's recommendation would be to host a community meeting or workshop. The artist group who was interested before is now working on another project, but they are still interested in working on this project too. She commented that since funding is limited, it would be good to piggyback this on another group. She advised that she would be having another conference call with the artist group to discuss funding at that location. The artist group and the City are short on money, but are looking for funding.

Mayor England asked if Commissioner George was working with Christina Parrish.

Commissioner George advised yes. She suggested that a workshop or an agenda item should be done to discuss this further. She hopes to have a firmer plan on how to move forward by the next Commission meeting based upon Ms. Parrish's timeline.

Mayor England suggested sending invitations for the community meeting to agencies that are interested in the civil rights monument. She advised that the City may get some sponsorships.

Commissioner Torres had no comments.

Mayor England advised that the Cultural Council has petitioned Tallahassee for a historic designation for old city hall. Christina Parrish will put together a meeting in early November and believes that she will get the designation. Because of the changes to the buildings, it is harder to get the designation, but she still believes it could be done.

Discussion ensued regarding whether a letter from the City would help the process for the historic designation; Cultural Council is a strong advocate for this project; whether Mayor England needs to go to the meeting in Tallahassee to support this project; the Commission can Zoom into the meeting, but cannot discuss their opinions when more than one Commissioner is in the meeting; otherwise, there would be a Sunshine Law violation; and the Commission should contact City Manager Royle if they want to listen in on the Zoom meeting.

Mayor England moved on to the added item regarding the American Rescue Plan Act.

***** Added Item Regarding American Rescue Plan Act*****

Mayor England introduced the added item on American Rescue Plan Act (ARPA).

City Manager Royle advised that these funds are a moving target. The guidance is not clear and is changed often. He explained that stormwater projects could use ARPA funding; however, they need to improve water quality, or the funding cannot be used.

Finance Director Douylliez advised that the Florida Government Financial Officer Association has given guidance and the guidance was sent to the Florida League of Cities to receive further clarification. She explained that the items such as a Public Works garbage truck or safety equipment could only be purchased through ARPA funding if there was a revenue loss. The City has not had a revenue loss, according to what figures she has done from 2016 to present. She explained that the City has hired a Certified Public Accountant (CPA) consultant, Mike Brynjulfson, to do the City's notes disclosure that the State of Florida requires. She explained that the City gets points taken away by the Auditors every year for it. She further explained that the consultant would do other tasks as well, such as the checking her figures to see if the City had any loss revenues. She advised that the City of St. Augustine has not shown any revenue loss either and is having trouble spending their ARPA funding.

Discussion ensued regarding why a CPA consultant was hired when the Auditors have a contract with the City; training for the note disclosures has not been offered since the City's Finance Director has been in her new position; the CPA consultant would work with

the Finance Director one-on-one to train her on note disclosures; the Auditors would do the note disclosures at an additional cost of \$1,500 to the City; and the CPA consultant will look at the loss revenue calculations at no additional fees to the City.

Finance Director Douylliez advised that the City had a millage increase this year and there was a large true up on communication franchise, so she feels that the City did not lose any revenues this year. She advised that the City had funding from the CARES Act, which the City piggybacked on St. Johns County's order. She explained that the ARPA funding cannot be used for equipment or paying off debt. She requested the Commission approve City Manager Royle to have the authorization to sign the financing for the Public Works garbage truck so that the City does not have to call another Commission meeting before December 6th. The stormwater improvement projects are specific because the projects must have some type of clean water feature in them to use the ARPA funding. Public Works Director Tredik is researching the Storm Water Master Plan to see which projects can be adapted to the clean water requirement to use the APRA funds. After discussing this with St. Johns County, City of Ft. Lauderdale, and other cities, everyone seems to be in the same boat because the guidance is only tentative right now. If the City does a project and the ARPA funding does not apply, then the City would have to pay it back, which would be detrimental. She advised that she is keeping up to date with the newest guidance as it comes out.

Mayor England commented that she has had several conversations with the City's Finance Director and City Manager and has found that the funding cannot pay down debt. Even stormwater projects must have a component for cleaning water. Staff is doing their best to use the funds; however, it may take time to accomplish.

Finance Director Douylliez advised no. She explained that the City uses a modified accrual basis. Because the State revenues are two months behind, the CPA consultant advised that revenue would be what is booked through December 31 or September 30th the prior year. Revenues are what the City received through that time. She explained that in November and December a large part of the taxes are paid to the City by the Tax Collector.

Commissioner George asked if it would be across the board revenue and not subsets to other services.

Finance Director Douylliez advised that revenues must be shown as a whole and include all funds.

Commissioner George advised that would include grant funding.

Finance Director Douylliez advised correct. That was one of the reasons there was no loss of revenue because the City received so much grant funding.

Commissioner George advised that the stormwater projects should have a way of filtration of clean water.

Public Works Director Tredik advised yes. There are different ways to use technologies to clean water, but some of them are labor intensive. He advised that staff would develop

ways to clean water in order to use the ARPA funding.

Commissioner George said that is good news so we can have funding for the goals the City wants to accomplish.

Mayor England asked Public Works Director Tredik if he needs any consultant help.

Public Works Director Tredik advised that he has help through the consultants and the department did just hire an engineer. He explained that the City's Civil Engineer is handling the Request for Qualifications on the stormwater drainage plan and will present it at the next Commission meeting. Ms. Shaffer, the engineer, is helping a lot and once she has more experience, she will be helping even more.

Mayor England asked if extraordinary income would have to be counted as revenue.

Finance Director Douylliez advised yes. She explained that she sent to the consultant all the revenues from 2016 to 2020 to confirm if there was any loss of revenues.

City Attorney Taylor advised that the guidelines are everchanging and explained that Florida has made more money than other states because Florida was open during the pandemic.

Finance Director Douylliez advised that she has received \$1.7 million in a separate account of ARPA funding. She explained that the City of St. Augustine is not showing any revenue losses, which they did not anticipate, and they did not budget for the fleet they needed because they thought ARPA funding could be used. She commented that she has a scheduled meeting with the City of St. Augustine's Finance Director and their consultant to see what can be used with the ARPA funding.

Mayor England encouraged City Attorney Taylor and staff to investigate, network, make calls, to get as much information as possible whether other cities calculate loss revenues and using APRA funding for equipment. She suggested to wait until more information is gathered before putting this back on the upcoming Commission agendas.

Mayor England moved to Item 1.

X. PUBLIC HEARINGS

1. Ordinance 21-13, Second Public Hearing and Final Reading: to Prohibit the Release of Helium-Filled Balloons (Presenter: Lex Taylor, City Attorney)

Mayor England introduced Item 1 and asked City Attorney Taylor for his report.

City Attorney Taylor advised that this was the second public hearing and final reading. He advised that this ordinance would allow the City to mirror the City of St. Augustine on the purposeful release of helium balloons.

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

Lauren Price, 3209 Turtle Creek Road, St. Augustine, FL, advised that she has a waterway clean

up program and showed the Commission the daily balloons she and others pick up in the waterways, which is a danger to wildlife. She asked the Commission to approve this ordinance.

Mayor England closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Taylor to read the title.

City Attorney Taylor read the preamble.

Motion: to approve Ordinance 21-13 as read. **Moved by** Commissioner George, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved on to Item 2.

2. Ordinance 21-14, Public Hearing and Final Reading: to Clarify Payment of Garbage / Trash Fees for Commercial Properties (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 2 and asked Public Works Director Tredik for his report.

Public Works Director Tredik advised Ordinance 21-14 modifies Section 10-13 to clarify language regarding mixed-use buildings. The intent was to allow two commercial services within the same building to use the same commercial dumpster or trash can. He explained that the current language in the code does not allow a commercial trash area to be used together. He commented that he added Subsection G to allow it.

Discussion ensued regarding examples of the changed language.

Vice Mayor Samora asked what the primary differences were between Subsections F and G.

Public Works Director Tredik advised that there may be a situation where a building has four different businesses that are similar, so staff tries to capture what the businesses have as a commercial trash area. He advised that one have a commercial trash area and one in Subsection G does not.

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

City Attorney Taylor read preamble.

Mayor England asked for a motion.

Motion: to approve Ordinance 21-14. **Moved by** Commissioner George, **Seconded by** Mayor England. Motion passed unanimously.

XI. CONSENT

3. Budget Resolutions 21-05, 21-06, and 21-07: to Amend the FY2022 General Fund Budget
4. Resolution 21-31: to Declare Surplus Equipment

Mayor England asked Finance Director Douylliez to explain the budget resolutions.

Finance Director Douylliez advised that Budget Resolution 21-05 on page 2 in Section 3 there is a correction. She explained that there was a purchase of a vehicle last year and because it did not come in the money went back into reserves. Now the vehicle has been received and the funding is being put back to pay for the vehicle. She explained that it was not in this year's budget. Budget Resolution 21-06 is the financing for Police Department's tasers. Resolution 21-32 is to declare surplus equipment to be retired for parts.

Mayor England asked for a motion.

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

XII. OLD BUSINESS

5. Ocean Walk Subdivision Flood Protection: Review of Proposed Plan of Resiliency Improvements (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 5 and asked for Public Works Director Tredik's report.

Public Works Director Tredik explained that there were rainfalls that would be considered a 10-year storm in June 2021, which flooded Ocean Walk subdivision and showed that flood protection was needed. He commented that the Commission instructed staff to get engineering designs to help this situation. He advised that Mr. Knowles from Matthews Design Group will present his findings to the Commission on what needs to be done to stop the flooding in Ocean Walk subdivision.

Scott Knowles, P.E., Matthews Design Group, 7 Waldo Street, St. Augustine, FL, showed a PowerPoint presentation on flooding within Ocean Walk subdivision in several stages during a 10-year storm with alternative options the City could use to stop flooding through Ocean Walk subdivision. He explained that the lowest evaluation in Ocean Walk subdivision is 6.3 inches. With a heavy rainstorm or 10-year storm several homes would be flooded, even if the rainfall only gets to 6.1 elevation because of wind and waves from automobiles, etc. He explained that Anastasia Park has several open ditches and if they were closed by the Mosquito Control District, the flooding would be lessened, but this would not stop the flooding of several homes. He explained that staff could use pumps to pump the rainfall to Mickler ditch or 16th Street, but it is gravity feed and if the pumps are turned on too quickly, the other section of Ocean Walk subdivision would flood as well. He explained that the eastern side of Ocean Walk has no water ditches, which they need. He recommended using one large 24-inch pump and pipe the rainfall into the Mickler ditch. He would not suggest having two pumps because that would be overkill and it might starve the pumps if not turned off in time. He commented that pumps would last 15 years approximately with proper maintenance but running them can be expensive. He advised that the neighborhood is low, and the stormwater elevations are high. Ocean Walk subdivision would need infrastructure, piping, and pumping.

Discussion ensued regarding using the pumps and piping to Mickler ditch and 16th Street; closing the ditches in Anastasia Park didn't really matter if two pumps are used; pumping water from the intersection from Mickler Boulevard and 16th Street ditch by gravity to Pope Road; piping is gravity feed and pumps are needed to get the water to the pipes and into the culvert; having residents do their part by protecting their driveways and directing the water; pumps would turn

themselves; and having the water go to into the river to dispose of it.

Mr. Knowles advised that there is still a potential of flooding, but the company is looking into reducing the flooding potential early before it gets worse.

Mayor England experienced this at her house. She asked about the swales and the protecting the garages and homes from flooding. She asked if they have any way to direct the water out with bumpers from the driveways and garages, rain gardens, etc.

Mr. Knowles advised that he is hoping that most of the homes are higher than the road. Some homes are not, and they would be harder to take the water off the roadways because it flows down to their garages. He advised that recommendations can be done.

Mayor England advised that a workshop with the homeowners would be helpful. Everyone in Ocean Walk subdivision would have to help to elevate the problems.

Mr. Knowles advised that homeowners could be educated on what they can do to stop flooding.

Mayor England asked for a workshop for the homeowners with Public Works Director Tredik and the consultant in attendance.

Public Works Director Tredik advised he would. He suggested that residents put swales back. The consultant is going to have to look downstream to fix the problem and to make sure it won't cause other problems. He suggested using only one pump and to have a stage approach. Timing of when the water is evacuated is crucial. He advised that this item is informational only, so the Commission understands the progress that is being made. He is going to negotiate a contract with Matthews Design Group to go forward with the design and permits. Construction will be done as soon as possible, and this item will be back to the Commission probably in December.

Commissioner George asked if there is another place to put the water.

Mr. Knowles advised I wished, but it could get very expensive to build a culvert that would move the water to the river. He explained that closing the ditches in Anastasia Park really would not help because there are not a lot of impervious surfaces. The water sits there until it goes into the ground.

Public Works Director Tredik advised that there would be a problem with storm surge on Pope Road and A1A Beach Boulevard if more water is routed there. It would not be permissible to discharge water there. He advised that Anastasia Park does not want the discharge because of the salt runoff and because they must maintain the infrastructure. The project would work with the Master Stormwater Plan.

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

Karen Kempler, 30 Lee Drive, St. Augustine Beach, thanked Public Works Director Tredik and the Commission for all they have done.

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

6. A Street Drainage / Safety Improvements: Approval of Plan (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 6 and asked for Public Works Director Tredik's report.

Public Works Director Tredik met with St. Johns County, and they developed a design that includes a three-foot valley curve and a six-foot sidewalk that abuts the valley curve. He did not like that configuration because it gets close to the residences along the north side of A Street. He suggested to St. Johns County to reduce the curb width to two feet and change the sidewalk to a standard sidewalk of five feet. St. Johns County was consulting with their consultant to see if they could take the City's suggestions. St. Johns County's consultant was concerned that the sidewalk was abutting the back of the curb which is part of the roadway section. He advised that the consultant was supposed to meet with St. Johns County today, but he did not get a response back yet.

Commissioner Torres asked if the consultant was integrating this project with the parking lot.

Public Works Director Tredik advised that the project is separate from the parking lot on the west side of A1A Beach Boulevard. He advised that it would tie into the same drainage system, but that's all.

Commissioner Torres advised that when the Commission discussed this project it was supposed to tie into the drainage improvements.

Public Works Director Tredik advised that St. Johns County's proposal for a drainage structure is to put drainage in a low spot 150 feet east of A1A Beach Boulevard which would tie into the existing drainage culvert. The parking lot on the west side will need to have a system to infiltrate the water, which would give the City stormwater treatment and could be funded through ARPA funds.

Mayor England asked about the request of alternatives from the City to St. Johns County. There are four alternatives and St. Johns County has not responded yet.

Public Works Director Tredik recapped his alternative plan. He would like both drainage and the gutter installed. He would like them decorative, but St. Johns County would want to have an interlocal agreement with the City to maintain them. St. Johns County would maintain concrete, but not decorative.

Mayor England asked if St. Johns County maintains any other curbs and gutters in the City.

City Manager Royle advised that they do. He advised that most of the side streets are owned by the City, but A1A Beach Boulevard is owned by St. Johns County.

Public Works Director Tredik advised that St. Johns County in the initial discussions did not agree with the alternative curb and gutters the City has requested. He explained that the drainage improvements must be done regardless because of the pedestrian safety issue. The drainage makes the safety issue worse because when the road ponds, people must walk in the middle of the road to get around the flooded roadway. The solution may be to not build the sidewalk and build a three-foot gutter because it gives a refuge from the vehicles, but it would not work for a wheelchair. Ideally, a sidewalk and gutter would be better, but it might not be feasible now. A sidewalk could be done later. He did not suggest the decorative sidewalks and gutters because they are more expensive to maintain and without a funding mechanism, he would not like to take that maintenance on. This would be very close to the homes.

Commissioner George asked if the project could have underground utilities.

Public Works Director Tredik advised that they have talked about it.

Vice Mayor Samora advised that the utilities are on the south side of the street.

Commissioner George asked if it would be better to put the sidewalk on the south side then.

Public Works Director Tredik advised that if the sidewalk is on the other side the City might end up with the same issues on the south side. There are a lot of nice driveways on the south side, and they would be impacted, and the sidewalks would be close to the properties. Years from now the road could shift and then it may be feasible, but that would be a big project. It would be much worse on the north side.

Commissioner George asked if the property owners want the sidewalk on the north side instead of the south side.

Public Works Director Tredik advised that the property owners do not want the sidewalk being so close to their properties.

Vice Mayor Samora advised that the property owners want it to be more decorative if it is this close to their houses.

Commissioner George advised that she understood that.

Public Works Director advised that there are options to make it more decorative. St. Johns County does not want to maintain decorative sidewalks. He advised that the discussion with St. Johns County did not include the sidewalk being on the south side because of the alignment of the street. He advised that there was a plan to put a sidewalk on the north side before he came to the City.

Mayor England advised that on the south side the City may be able to put in underground utilities and thought that it would be a good question to bring up because it would bring additional benefits to the City and residents.

Public Works Director Tredik advised that St. Johns County will not pay for underground utilities. He advised that the City would have to do it and it is expensive. The drawbacks are that Florida Power & Light wants five to ten-foot easements for underground utilities. He sent letters to owners on 2nd Street to see if the homeowners would even consider granting easements before undergrounding is planned. He explained that Florida Power & Light will not allow underground utilities to be in the right-of-way. He explained that it is St. Johns County's right-of-way on A Street. He advised that the right-of-way would be a legal easement that Florida Power & Light would own.

Commissioner George advised that no structure would be built in the right-of-way, so that would not be a problem that Florida Power & Light owns it.

Public Works Director Tredik advised that a 10 x 10 transformer pad will be placed on 2nd Street, which homeowners usually do not want. He advised that underground transformers are more prone to flooding.

Discussion ensued regarding underground utilities and flooding after a hurricane and whether they would be accessible for weeks afterwards.

Vice Mayor Samora advised that the City of Pompano has underground utilities. He suggested to check www.gopompano.com. He said it will cost \$175 million.

Commissioner George advised that the City could start with getting the easements first and then look for funding for underground utilities.

Public Works Director Tredik advised that it would not be easy to have residents pay for connecting to the underground utilities or would the City pay for it.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and then moved on to Item 7.

XIII. NEW BUSINESS

7. Budget Transfers: Proposal to Amend Section 2-103 of the City Code to Allow Finance Director and City Manager to Make Transfers of Any Amount within the Fiscal Year Budget (Presenter: Patty Douylliez, Finance Director)

Mayor England introduced Item 7 and asked for Finance Director Douylliez's report.

Finance Director Douylliez commented that the Commission has approved Section 2-103 to transfer from \$1,500 to \$15,000 with the City Manager's approval. She explained that in the last two months of the fiscal year bills are coming in and there is a need for budget adjustments to balance the budget and close the previous year's budget. The Auditors mark a point against the City because staff cannot close the budget before the deadline because the Commission needs to approve the budget transfers. She asked the Commission if they would consider changing in the last two months of the fiscal year to allow her to do budget transfers with the City Manager's approval to close the budget on time and not call for a special meeting. She explained that the Commission would be told about the transfers at the next Commission meeting.

Discussion ensued regarding who should see and approve the budget transfers in the last two months; an ordinance would have to be prepared to change the codes if the Commission agrees; this would not go into effect until next fiscal year if the Commission agrees; and whether the City Manager and the Mayor should approve the budget transfers; and the new budget software would not help with this.

Commissioner Torres asked if the Mayor could approve it between meetings and then bring it back to show the Commission at the next meeting.

City Attorney Taylor advised that he did not know if there would be any conflicts with that or not. He would research it.

Mayor England advised that the City Manager could review any transfers.

Commissioner George suggested that the Mayor and City Manager could approve budget transfers.

Mayor England advised that it could be done only in the first quarter of the fiscal year.

Finance Director Douylliez advised that the budget needs to be closed 60 days after the first of the fiscal year. It would cover the timeframe to make those the adjustments. The books are officially closed on November 30th per state statutes. The Auditors asked to allow interdepartmental transfers.

Commissioner George asked if the transfers can only be done with a specific purpose.

City Attorney Taylor advised that it would be difficult to judge what the purpose would be. He suggested having it on the agenda after the fact so the Commission sees it and if the Commission was not happy with the transfer the Commission could talk with staff and stop doing the transfers. He suggested having the Mayor and the City Manager review it and sign off on it.

Mayor England suggested it have a time limit with ratification.

City Attorney Taylor agreed.

Finance Director Douylliez advised that City Attorney Taylor and she will work on the language for the ordinance.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that he was concerned about having the authority for any amount to be transferred. He advised that he trusts Finance Director Douylliez, but what about people in the future. He would be cautious. He then commented on submersible pumps for Ocean Walk and advised that Whispering Oaks has a drain field that allows the water to go down gradually. He thanked the Commission for allowing the ARPA discussions to come up early in the meeting.

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

Mayor England moved on to Item 8.

8. Solid Waste Fees: Removing Condos Without Dumpsters from Monthly Billing to the Yearly Non-Ad Valorem Assessment (Presenter: Patricia Douylliez, Finance Director)

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

Finance Director Douylliez advised that the condominium and homeowner associations are billing the condominiums currently and after discussion with the condominium homeowners and the homeowners' associations, staff wants to have billing go through the non-ad valorem assessment. She explained that the fee of \$315 will remain the same and that rate matches the residential rates. She commented that four legal advertisements need to go into The Record before the Commission's December's meeting, so the Commission needs to direct staff tonight whether to move forward on this or not.

It was the consensus of the Commission to move forward with the advertisement and staff will bring back at the December's Commission meeting the information necessary for a vote on this issue.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and moved on to Item 9.

9. Vision Plan for City: Consideration of Preparing New One (Presenters: Mayor Margaret England; Max Royle, City Manager)

City Manager Royle advised that in 2006 was the last Vision Plan that was done with a consultant and the Vision Committee, and the Commission had several meetings regarding the Vision Plan. The Commission never officially adopted the Vision Plan in 2006, but the Commission has used it as a reference from time to time. He included pages from the 2006 Vision Plan in the Commission's books. A1A Beach Boulevard has remained the same through the years and even though the 2006 Vision Plan suggested moving buildings closer to A1A Beach Boulevard and putting parking behind them, which the City has not done that. Most of the buildings were built before the 2006 Vision Plan was done. He advised that Mayor England and he have talked about a new vision plan and he has provided the Commission with Mayor England's proposal for a new vision plan and what it might include. He asked the Commission if they want a vision plan, what should be included, and how the Commission wants to proceed.

Mayor England advised that she brought this up because of the funding available for infrastructure and explained that she has always been a proponent of architectural design on A1A Beach Boulevard. She would like the buildings to move forward and have parking lots in the back off A1A Beach Boulevard. In 20 years, it can make a difference and as buildings change it could improve the appearance of A1A Beach Boulevard. The Commission has had several discussions about underground utilities, sidewalks, etc. She advised that this Commission has done the work, but not conceptualized the vision. She commented that it is time to give more authority to the Comprehensive Planning and Zoning Board and to move forward with the Smart City concept. She suggested that City Manager Royle and she work on drafts to bring back to the Commission and the other City Boards to get input. She said that the vision plan should be in writing so if funding is available, the City would be ready to use the funding. She advised that Vilano Beach received money to make those beautiful mosaics.

Commissioner George commented that she has no objections to it.

Mayor England advised that she believes the vision plan could be done by the Commission and without a consultant. She advised that everything that the Commission has discussed could be taken out of the minutes.

Commissioner George advised that the 2006 Vision Plan could be a guide to the new vision plan. She agreed that this could be done inhouse.

City Manager Royle advised that the 2006 Vision Plan is a good basic guideline and items could be added as well. The Sustainability & Environmental Planning Advisory Committee (SEPAC) is interested in resiliency and sustainability issues within the City and they might want to be involved in the plan for the City's future.

Commissioner George advised that some of the 2006 Vision Plan has already been accomplished and it is good to see things that have already been done. Circumstances have changed with the economy, environment, population, etc. There could be different priorities and projects that could be added.

Mayor England advised that City Manager Royle and she will start to update the index.

Commissioner George asked if the Comprehensive Planning and Zoning Board and SEPAC are

going to be part of the process.

City Manager Royle advised that it is up to the Commission to give direction. He advised that Mayor England and he could do a draft index and then have the Boards review it, if that is what the Commission wants.

Commissioner George agreed.

Mayor England suggested that City Manager Royle and she would do the first draft and an index and then give it to the Boards to review and make changes. After the Boards have made their changes, it would go back to the Commission for approval. She suggested that if Commissioners would like topics covered, then bring them to City Manager Royle's attention. She commented that in Section 3 she would change that to Smart City visioning. Rezoning commercial is not necessary at this time.

Commissioner George asked if the streetscaping on A1A Beach Boulevard would still be part of the component or would that be taken out for Smart City visioning.

Mayor England advised that she would like urban designs and architectural design controls on A1A Beach Boulevard. She remarked that the City has been lucky with the buildings so far.

Commissioner George took issue with the description that the City should be limited to the current financial restraints because it could change in the future.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section.

Building Official Law commented that last year the Florida Governor signed HB 55 which stops local governments from architectural styling on single-family residences. There were a series of cases that the residents won. He asked City Attorney Taylor a question regarding if a conditional use permit on a single-family home on A1A Beach Boulevard overrides state statutes.

City Attorney Taylor advised that he would have to research that question.

Mayor England advised that there are some homes in the commercial district that have conditional use permits.

Building Official Law advised that he could lend assistance to the discussions regarding underground utilities by only allowing within the City all new construction to have underground utilities. He advised that it would be a simple code change if that is what the Commission wants, but it would cost the homeowner more to do the hookups. He could write the code for all new construction and all building with 50% or more damage.

Commissioner Torres agreed that it would be a step in the right direction for the City's future.

It was the consensus of the Commission to move forward with a new vision plan.

Mayor England moved on to Item XIV.

XIV. STAFF COMMENTS

Mayor England asked Building Official Law for his comments.

Building Official Law advised that the new Planning and Zoning staff members have had great success this month. He advised that staff member will be reviewing landscaping plans inhouse and keeping with native plants. He modified the webpage to have a series of links to websites on native plants. He remarked that staff did not approve a landscaping plan this month for having non-native plants.

Mayor England advised that there was a complaint about buffering around parking lots.

Building Official Law advised that Sunset Grill's acquired a non-improved parking lot that everyone was using as a parking lot for many years. He asked whether it would be fair to have a restaurant owner pay for landscaping on a non-improved property. The owner did put a fence in because the previous fence was in disrepair. He advised that some City parking lots are not meeting the five-foot landscaping buffer between the parking lots and the sidewalks. He asked if it was fair to ask the owner to put a 15-foot buffer against a fence and have him lose more parking spaces.

Mayor England advised that if an ordinance is not working, the City should not make exceptions, but should change the ordinance. She suggested giving more alternatives in the ordinance for more reasonable ways to buffer.

Building Official Law advised that he could see new development having to follow those guidelines; however, a parking lot that has been there for years should not lose a strip of parking spaces. He explained that he has a meeting with Sunset Grill's owners to discuss this.

City Attorney Taylor advised that the City needs to follow whatever the code is. The Code Enforcement Board could make adjustments and say what is fair and what isn't. He said that a variance might be the answer to the problem.

Mayor England advised that she would rather look into the ordinance instead of making exceptions because the ordinance is not working. She asked to research the buffering requirements when this is researched.

Building Official Law advised that he would ask the Comprehensive Planning and Zoning Board to research the buffering issue.

Public Works Director Tredik advised that Phase 1 of the LED Lighting conversion has been done; however, Florida Power & Light is switching a couple of lights. He advised that costs are going up, so it is important that this work is done now. He advised that he will try to get Phase II approved by the Commission soon.

Vice Mayor Samora asked for an update on recycling.

Public Works Director Tredik advised that recycling will resume on January 3rd. He remarked that he is limiting what can be recycled, which are type 1 and 2 plastics, aluminum cans, brown paper bags only, etc. He plans on doing a mailer to all the residents in the City for outreach and education. There will be non-compliant bins and staff has been informed not to take the bin, but to leave notes on why they were not collected. Hopefully, within a couple of weeks residents will understand what to recycle. He will be taking the

recycling to Bunnell instead of St. Augustine because of the pricing. The new recycling truck will be closed on December 9th and staff will conform it to the City's recycling needs. Staffing has been difficult, but within the next two weeks should be fully staffed.

City Manager Royle advised that the residents recycling day will be the same as their garbage collection day so there would be less confusion.

Mayor England advised that the City now has three recycling dumpsters and asked what the contamination rate is.

Public Works Director Tredik advised he has not received a report for the last week, but before that there was some concerns. He suggested not placing bags in the recyclable dumpsters.

City Attorney Taylor advised that he has been working on a case that a person believes that they were exempt from the City's business tax receipt and from the City's conditional use permits. The owner is operating a business out of a residential home. He suggested that anyone in a similar situation under Florida Statutes 419.001, please contact the City Attorney or the agency that you believe you have an exemption with. He explained that even if you think you are exempt, you need to be on list so no one else can take your spot.

Mayor England told Police Chief Carswell that the Halloween Party was great.

Police Chief Carswell thanked Public Works Department for all their help and for the Commission for coming out.

XV. ADJOURNMENT

Mayor England made a motion.

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

Meeting was adjourned at 8:51 p.m.

Margaret England, Mayor

Attest:

Beverly Raddatz, City Clerk