



MINUTES

REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 3, 2022, AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor Donald Samora, Vice Mayor Rumrell, and Commissioners Margaret England, Undine C. George, and Beth Sweeny.

Also present were City Manager Max Royle, City Attorney Jacob McCrea, Police Chief Daniel Carswell, Police Commander T.G. Harrell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Building Official Brian Law, and Public Works Director Bill Tredik.

IV. APPROVAL OF MINUTES OF THE SPECIAL BUDGET MEETING ON SEPTEMBER 12, 2022, AND THE REGULAR COMMISSION MEETING ON SEPTEMBER 12, 2022

Motion: To approve the minutes of the special budget meeting on September 12, 2022, and the regular Commission meeting on September 12, 2022. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle said that Ms. Chambers has advised that she cannot serve on the Planning Board for personal reasons and therefore Item VII.A is being removed from the agenda and Item XII.7, Ordinance 22-13, is being moved to the November Commission meeting.

Finance Director Douylliez advised that there has been a change to Item XI.4.C and that she has provided a copy for the Commission. She advised that the Ocean Hammock Park restrooms were not received by September 30th, so it is a carryover item into FY 2023.

Mayor Samora advised that he would like to include a storm update and asked where that could be added. City Manager Royle advised that a storm update can be added under Presentations and before Public Comments.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

None.

VII. PRESENTATIONS

- A. Interview of Ms. Allyson Chambers for Position of Junior Alternate on the Comprehensive Planning and Zoning Board

This Item was removed from the agenda.

- B. Report by Ms. Christina Parrish Stone Regarding the Former City Hall and Civil Rights Monument

Ms. Parrish Stone advised that the former City Hall building did not receive any storm damage or flooding from Hurricane Ian. She said that when she was here a few months ago, she had advised that the City Hall building had been added to the National Register of Historic Places and that they were also in receipt of a \$500,000 grant. She advised that no work has been done yet because there is a lengthy process before the State funding would be released: approved during the regular budget process, contracts had to be negotiated, etc. She advised that the contract was approved for the full \$500,000 for repair/replacement of the items that were previously discussed such as the windows, the awnings, balcony, waterproofing, etc. and that all the primary exterior items are included in the budget. She advised that the State requires that a preservation architect be hired to manage the projects, so they did a Request for Proposals (RFP) and have engaged two local architects from Open City Architecture, Sarah Ryan and Conner Dowling, who are here today and have a few things to discuss with the Commission about the process.

Mr. Dowling said that the firm is excited to be working on this project because it is a postcard building for St. Augustine Beach and adding some love back to it would be appreciated by all. He advised that the grant budget would not allow for every box to be checked right away, but it would be a visioning exercise to look beyond the first phase of the \$500,000 grant. He advised that public input would be involved in the process and that Ms. Parrish Stone has given them direction for the project; they would do the visioning process first and move into phase one, which the grant requires to be complete by September 2023. He said that they will identify the most important things and would give a sense of where the building can go in the future.

Ms. Parrish Stone said that they received the other two grants for the building, one was a \$50,000 grant from the National Park Service, and a \$25,000 grant from the National Trust for Historic Places, which would allow them to do some interpretive signage. She said that a designer has been hired and is working on a vision of what the signage should be and that the preliminary plans would be done soon and brought to the Commission. She said that they have already received some estimates for the roofing tiles to resolve the roof issues right away.

Mayor Samora said that he appreciated their interest in the building and said that there is always a lot of public interest as well. He asked if there was a timeline for soliciting community input. Mr. Dowling advised that right now they are doing fact-finding and would possibly want to get public input around the first of the year.

Commissioner George asked what mechanism would be used for public input. Mr. Dowling said that after they gather all the information from the first public meeting that they would do their first potential visioning and then ask for public input. He said that any discussions would quickly expand into Pier Park, etc. Commissioner George asked if the requirements of the grant specify that it be historically accurate. Mr. Dowling said yes and that they would be doing historically accurate updates in the areas that could be rebuilt/refurbished but that some windows might need replacements, which would be in line with the rest of the existing windows. He said that the second floor really is not in as bad a shape as he expected and there are a lot of good bones to work with. He said that they need to figure out how to keep the coquina intact and work from the back of the existing wall. Commissioner George asked if the Commission or the public would be included if there are funding decisions to be made. Mr. Dowling said that it is a great idea and that it would be easy to do. Commissioner George said that some decisions would be obvious such as the waterproofing.

Commissioner Sweeny asked if there would be any anticipated impact to the Dance Company or The Art Studio during the improvements. Ms. Parrish Stone said no because almost everything is happening upstairs and on the exterior of the building. Mayor Samora asked if those businesses have been kept updated as well. Ms. Parrish Stone said yes. She advised that one correction is that she believes that there would be a little more time to get things done past September of 2023 because the State understands that they drag their feet and are expected to give extensions. She said that the opportunity for discussions may be limited because the items that the Commission/public wanted to see such as the windows, waterproofing, and roofing would take up the majority of the budget. She said that in a few months the plan is to come up with ideas for the next phase and to look for other sources of funding.

Vice Mayor Rumrell thanked her for chasing the grants and said that he looks forward to the progression.

Mayor Samora moved on to Item VII.C and said that he would like to keep it on a high level and that more detailed comments could be done during staff comments. He said that the Commission's hearts go out to those affected by the hurricane. He said that there were some residents and businesses in our area that incurred some damage, and he thanked the City's Police Department and Public Works Department. He said that staff mobilized quickly and did everything to get ready for the storm.

C. Report on Hurricane Ian

City Manager Royle advised that for the first time he could remember in the past 33 years, that the Chief divided the City into sectors and had officers patrolling street by street. He said that the weir and the Mizell retention pond worked, which is where the northern half of the City drains into. He said in 1997 during Hurricane Floyd that the ocean met the intercoastal in the middle of the City's park west of Mizell Road. He said that the weir kept the intercoastal out of pond so that it could receive more rainwater from the northern part of the City. He advised that they took some photos and did inspections into Marsh Creek where the outfall canal goes out from the pond into the intercoastal waterway. He said that the marshland between the pond and Marsh Creek's Porpoise Point Drive was underwater, which he has never seen happen before. And the canal, which the City owns an easement through Marsh Creek, was over the bank but did not harm any of the residents. He said that the beach held up well except south of La Fiesta, which had more severe erosion but that the primary dune was never breached as it did during Hurricane Irma. He advised that there would be a major beach restoration project next year, which would put 2.7 million cubic yards on our beach and that the engineer from the Army Corp of Engineers would be here in January to give a status report to the Commission. He said that the sand in the vicinity of the pier always erodes because the land sticks out into the ocean but that the beach in the area of 14th and 12th Streets stays there. He said that the theory is that it tends to flatten the undersurface area where the waves break and that they would break farther to the east and would save the beach. He said that there was no beach here from 3rd Street going north when he arrived in 1989, it was rocks. He described how at low tide you could walk from 4th Street to 10th Street and see a fifteen-foot-high rock revetment, which most is covered by sand now. He said that the City owes a great amount of thanks to former Mayor Pacetti, County Commissioner Jim Bryant, former County Parks and Recreation Director Leon Shimer, and most of all a former U.S. House Representative for our district, Ms. Tillie Fowler. He said that when the City first approached Ms. Fowler in the early 1990s for a Federally authorized beach project that there were earmarks, which meant that she could add to the budget special appropriation requests that were done away with for a while, but he heard that they may be added back. He said that she got the City money year-after-year until we had the first full beach restoration project in the City's history in 2000-2001. He said that the City has a beach because of the people that he mentioned, which protects us from storm events. Mayor Samora thanked the City Manager for the interesting

history he provided and that he hopes that the program can be kept going. City Manager Royle said that the Army Corp of Engineers mentioned that they would seek a new authorization in 2053.

Chief Carswell said that he would like to share the credit with Commander Harrell and the rest of the staff for a fantastic job executing the plan, which went flawlessly. He advised that they were on duty for about sixty straight hours, were sleeping on the floor, and that a lot of credit goes to them. He said that they did receive a lot of calls, but most of them were for minor things such as trees and powerlines down and that they spent a lot of time blocking off the Boulevard when it flooded and unsafe to drive. He said that the pier was also unsafe and was blocked off from pedestrian traffic. He said that credit is also due to the Public Works crews who were out there during the flooding to unclog drains and remove debris to help the water recede. He advised that there were no injuries or major incidents. He said that there is a post operational meeting at the EOC (Emergency Operations Center) tomorrow to discuss how things went. Mayor Samora said that the City is very fortunate to have the Police Department, the Public Works Department, and City staff.

Mayor Samora moved on to Item VIII and opened Public comments. He said this is for anyone interested in addressing the Commission regarding non-agenda items, that they would have three minutes to speak, and to please state their name and address for the record.

VIII. PUBLIC COMMENTS

Amanda Rodriguez, 32 Versaggi Drive, St. Augustine Beach, FL, thanked the employees and officers for their response before and after Hurricane Ian; Alvin's Island got very upset when the residents asked them to not put debris on the sidewalk; the result was retaliation with lights again into her bedroom; Code Enforcement Officer Timmons has tried very hard to resolve all the issues; it is bullying from the company; waited six weeks for their air conditioner to be fixed from the high pitched noise; Mr. Timmons requested that a police officer give a citation; she called the officer and he said that there was no citation because he was not comfortable using the decibel meter and that it was not a nuisance; she advised the officer that the City asked her to call and there was still no citation done; asked for the Commission's help; provided photos of weeds and tall grass, which is never taken care of [Exhibit A].

Earl Evans, 545 Barefoot Trace Circle, St. Augustine Beach, FL, there are people who use the Ocean Hammock Park walkway during the day; at night time there is a different group of people that should not be there; residents have to live with what happens at night and they are taking the brunt of it; having the boardwalk on the border of the neighborhood was not a good idea; the visitors have no skin in the game but the residents are heavily invested; the new plan provides a better walkway; the animals currently have people walking on them on the walkway.

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, a week ago she emailed the Commission and Mr. Tredik because of a startling amount of water in her neighborhood; she was told that he City experienced four inches of rain in a short period of time and the standing water was excessive; questioned if there was a problem with the outfall in Ocean Walk; noticed that there are other drainage problems around the beach; if the beach cannot handle four inches of rain, what about a hurricane; appreciated that Commissioner Rumrell and Mr. Tredik responded to her emails; neighbors were concerned about Hurricane Ian and Mr. Tredik advised that the City would deploy a pump at the Mickler outflow to draw down the water at Ocean Walk; thanked Public Works, Mr. Tredik, and Commissioner Rumrell for their attention to Ocean Walk during Ian; the pump was placed and Commissioner Rumrell drove the neighborhood; she believed that he asked Public Works to place a second pump at the outflow because the water at the north end was rising; saw Public Works driving the neighborhood, which was appreciated; she was told that Matthews

Design Group was in the neighborhood during the storm taking pictures and videos, which is very important for them to see what happens during a storm; thanked Mr. Tredik and Commissioner Rumrell for helping to keep their homes from flooding; a few homes on the north end may have flooded if it were not for the pumps; anxious for the drainage project to move forward and a workshop with Matthews Design Group to hear what is proposed and implemented; understands that other areas experience drainage problems; drainage effects on existing homes and businesses should be top priority with any request for land use changes or development amendments; it will be an ongoing problem and should remain in the forefront of the decisions that are made.

Bill Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, oppositions were made during the September 12th meeting with concerns regarding wildlife and ecosystem and he shares the same concerns; there is a misunderstanding of the proposal and he does not understand their objection; there were also concerns that private citizens would be providing money to the project; people like what they have and did not want change, but there will be major change with the amenities going in the park, which is underway; there will be more utilization of the park, which is driving the increased security concerns from the residents bordering the park; there were concerns about understanding the actual cost and the cost assessment includes the \$600,000 as being contributed to offset the cost as well as the future savings for the City with respect to the maintenance and replacement of the existing boardwalk; there was a comment made that only a few people would benefit from the change and there are over 400 residents in Sea Colony; a survey was conducted in Sea Colony and 96% of the residents approved this project; it is a security issue and Bermuda Run has a 60-foot security buffer on the north border; Whispering Oaks has a 60-foot security buffer in the new plan for Hammock Dunes Park, and he hopes that Sea Colony's residents receive the same accommodations.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, showed a photo of federal wetlands [Exhibit B], which gives an idea of why the boardwalk is where it is; the survey was a proposition and we know for certain that there are Sea Colony residents that do not want the boardwalk moved and are not expected to contribute to it; we need to know how that stands; Sea Colony is a high real estate turnover area; Zillow shows that only a few percent of the homes were there before the boardwalk so people moved in after it was there; we are pushing through wetlands and moving through a protected tortoise habitat; contacted various Federal agencies for direction; he said there is a five year call report from the City Police Department and a huge percent is citizen assist, a few harassments, and a spray can was thrown, which could have been a construction worker.

Jennifer Wilson, 141 Whispering Oaks Circle, St. Augustine Beach, FL, thankful for everyone's response during the hurricane; moved here for the boardwalk and the City should be proud of it; she has never had a security issue there ever; police respond within three minutes; does not understand how moving the boardwalk thirty feet would change anything; the boardwalk is lovely and we enjoy seeing turtles, bunnies, and deer; do we have an official environmental impact study; \$600,000 may not be sufficient to cover the environmental impact, the safety, the liabilities of accepting private funding into a public project; she is hopeful that the Commission considers everyone and the needs of all the people of St. Augustine Beach; her son has grown up on this boardwalk, which is sentimental, but that is what this town brings to its citizens; it is not about how much money or influence you have because you live in Sea Colony, who might move in three years or who only live there three months out of the year; she has never seen the man that lives in the house that was just built and he is maybe there only a few months out of the year; she is a year-round resident and she hopes that the Commission takes all of us into consideration.

Doug Gibson, 105 Whispering Oaks Circle, St. Augustine Beach, FL, one reason that he moved to Whispering Oaks was because of the access to the boardwalk; Sea Colony residents moved there

because they had access to the ocean and the beach; security barriers in Sea Colony provide a false sense of security because people could get around them very easily; thinks it is wrong to move it and it is a waste of money; questioned the life expectancy of the existing boardwalk.

Joshua Kline, 209 Madrid Street, St. Augustine Beach, FL, has been here for 18 years; has lived across from the Park for 12 years and uses the boardwalk twice a day; has never seen anything of concern and sees the police monitoring it regularly; feels very safe in the area at night; concerned for the health of the habitat in the areas; would hate to see the impact of removing the boardwalk to place it somewhere else; is not in favor of moving the boardwalk.

John Wilson, 141 Whispering Oaks Circle, St. Augustine Beach, FL, has lived in St. Augustine since 2007; lived at Vilano Beach and now at Whispering Oaks, which is highly protected by the wetlands and dunes across from where the boardwalk currently exists; that dune line was washed back during Irma and Mathew, which was recouped largely because of the beach renourishment; purchased in Whispering Oaks because of that barrier system and the boardwalk; the boardwalk is a part of the neighborhood kids' life; he has not felt any sense of threat or nefarious behavior, nor does he think people live there at night; there are not enough police reports to support a high level of terrible behavior at night; his wife has encountered a homeless person and the police responded quickly; the expense and the impact of moving the boardwalk for people that have not invested anything into their own security to protect themselves; it is not reasonable to go to the most extreme measure of moving the boardwalk with all the impacts, costs, and any unknown that it would entail without making an effort to secure yourself; is opposed to moving the boardwalk.

Tyson Eavenson, 204 Big Magnolia Court, St. Augustine Beach, FL, has not heard any proposals for extending the height of the fence or securing that side of the property, which would be a lot cheaper than offering to pay to move the boardwalk; the crime, loitering, and noise have been a primary argument, but there are very few police reports because of that; it does not seem to be a safety issue, which are not substantiated by facts; perception is reality and from the ethical standpoint of Chapter 212 of the Florida Statutes, if there is a direct or perceived direct interest in an issue from an ethical standpoint that most professional organizations require that you recuse yourself; Commissioner George recused herself at the last meeting regarding this issue and there are other Commissioners that either are residents of Sea Colony or have a direct interest in Sea Colony; not sure why this isn't being pushed off to another Board; it is a beautiful boardwalk and not worth moving to benefit the few on the border that claim there are issues.

Beth Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, there seems to be a major misconception from those in Whispering Oaks that Sea Colony wants to move the boardwalk; Sea Colony wants the park to stay the way it is but that is not going to happen because there is a grant, which obligates the City to add amenities such as a restroom, showers, etc.; these amenities would happen regardless and there would be two boardwalks instead of one; the Campbells' house was recently completed and is the house that was complained about; she is a full-time resident and she does not know why Sea Colony has been made the bad guy; this proposal is not shutting down any access to the beach; they have the opportunity to give Sea Colony the same buffer that Whispering Oaks and Bermuda Run have; it is a security issue and they did have to put up their own fence for privacy, which can only be so high; she has witnessed people coming over the fence and kids running the boardwalk; there are fires there and people that do spend the night in the Park; Sea Colony is not evil, we did not propose it, but we are trying to make the best of a situation that is going to happen and Whispering Oaks residents do not understand.

Mayor Samora closed Public Comments and asked the City Manager to follow up on the Code Enforcement issues at Alvin's Island. He said that most of the comments would need to be a topic on a future agenda. City Manager Royle advised that he would have to get with the City Attorney

about it. Mayor Samora asked to correct one misstatement and said that there were no recusals because the Commission did not vote on anything or take up the topic during the last meeting. He advised that the City Attorney is looking into any new potential conflicts of interest and any suggested recusals on the matter when it does come before the Commission, and he is waiting for that before we discuss that topic again. He asked the City Attorney to let the Commission know when he has had a chance to do his research and we can add it back to the agenda.

Mayor Samora moved on to Item IX.

IX. COMMISSIONER COMMENTS

Commissioner George extended her thanks to the Police Department, Director Tredik, and the staff. She said that she also went out and checked on Ocean Walk and saw him and other Public Works employees that had been up for at least twenty-four hours to make sure that those pumps were running and that everyone is so grateful. She said that her heart goes out to those that were directly impacted by the storm.

Vice Mayor Rumrell thanked the Police and Public Works Departments and Building Official Law for going to Embassy Suites to check on it. He said that he spent about eight hours at the EOC on Tuesday and about ten hours on Wednesday and that the Chief and the Commander were both there. He said that were a lot of fast decisions that needed to be made for the City and that his only concern moving forward is that there needs to be a plan in place for a hurricane or an emergency and he would like it to be an agenda item at some point. He said that the City of St. Augustine and the County were there and that he was the only representative there for the City and it would be easier to make those decisions. He said that Chief Carswell made the right calls and that he appreciates it.

Commissioner England thanked the Police Department because a huge tree fell in her neighborhood, the police were out there, and the reporting was amazing letting us know about the damage. She thanked the Public Works Department and Police Department for protecting us.

Commissioner Sweeny also extended her appreciation to the Police and Public Works Departments and asked that they let staff know that we appreciate their work.

Mayor Samora moved on to Item XI.

X. PUBLIC HEARINGS

There were none.

XI. CONSENT

(Note: Consent items can be approved by one motion and vote unless a Commissioner wants to remove an item for discussion and a separate vote)

1. Proclamations:

A. To Declare October 2022 as Domestic Violence Awareness Month

B. To Declare October 17-23, 2022, as Florida City Government Week

2. Reappointment to Three-Year Term of Comprehensive Planning and Zoning Board Members Kevin Kincaid, Chris Pranis, and Larry Einheuser

3. Resolution 22-12, to Have Canvassing of Vote-by-Mail Ballots for the November 2022 General Election Done by the St. Johns County Supervisor of Elections

4. Budget Resolutions:

- A. 22-12, to Adjust Three Accounts in the Current Fiscal Year 2022 General Fund Budget for Planning Department Wages and Purchase of Air Conditioning Equipment for City Hall and the Police Station
- B. 22-13, to Adjust the Fiscal Year 2023 Budget to Show Carry Over of Funds from FY 22 to Purchase Two Vehicles for the Building Department
- C. 22-14, to Amend the Fiscal Year 2023 Budget to Appropriate \$500,000 from American Rescue Plan Funds for the Purchase of Two Garbage Trucks

Commissioner England said that she needs more information on the wages. Finance Director Douylliez advised that when she does the wages they are estimates for ARPA and that there was a shortage in that Department. Commissioner England said that it was something that the Commission already approved. Finance Director Douylliez said yes, it was not an increase for anyone and sometimes her estimates are not 100%.

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

Mayor Samora moved on to Item XII and asked Director Tredik for his report.

XII. OLD BUSINESS

- 5. Stormwater Utility Fee: Consideration of Levying (Presenter: Bill Tredik, Public Works Director)

Director Tredik said that this storm brings home the point that stormwater is absolutely critical. He advised that even though the City was in good shape it was not in perfect shape so there is a way to go. He said that the weir operated well but it is still a manual operation, which required a lot of back and forth at midnight to adjust the pumps. He said that that would be resolved when we finalize the project, and it would be in automatic mode. He said that the pond could pump, and we could send more water there, but it was not getting there fast enough. He said that there is maintenance that could be done at the 11th Street ditch, which has not had an overhaul since it was built and has probably filled in to some degree over the years. Commissioner George asked where the ditch was located. Director Tredik advised that it is west of A1A behind the Commodores Club. Commissioner George asked if it was an open ditch. Director Tredik said yes and that it functioned well, but it could function better. He said the City needs to spend some resources to do a survey to see how the profile has changed over the years.

He advised that the reason he brought it up is that there are things that need to be done that the City does not have the resources to do financially, staff wise, or the equipment to clean it because it is too big. Vice Mayor Rumrell asked if the ditch was in the County. Director Tredik advised that it is a combination of City and County. He said that we had talked about cleaning pipes with some of the ARPA money and that it is absolutely necessary, and it costs a lot of money. He advised that this is not just about capital projects, it is also about maintenance. He said that he presented the stormwater utility fee about a year ago and the \$10.2 million worth of projects, which does not include the maintenance. He asked if there was any desire to fund stormwater improvement and maintenance with a stormwater utility fee. He said that this year's budget was very tight and that most of the capital projects were either funded by grants or ARPA money with very little funded through City revenues. As time goes on, we need to be able to fund these things and not be reliant on other funds and the stormwater utility fee would give us that tool.

He suggested that the Commission could decide tonight to start the process and then change your decision at any time. He advised that a lot of other cities can do it through a utility bill but that the City would do it just like any other non-ad valorem assessment to fund it. He said that having a dedicated revenue source would let us program in some of those things that are now funded through ad valorem taxes. He advised that there is only one person, Mr. Orlando, who goes

around and keeps the drains clean in the City, and he can pull in people to help as needed. He said that Mr. Orlando kept the City out of a lot of trouble during the storm. He said that it is not enough and that we do not have a funding source to grow a staff to maintain our stormwater such as the new pump station for Ocean Walk and improvements at Magnolia Dunes and Atlantic Oaks Circle. All these things are going to cost money to maintain and operate through the future and a stormwater utility fee would give us the tool to do that. He advised that it would not need to start out big and it could just be maintenance for the first year and as capital projects grow, the fee could be adjusted to cover those projects and it could be tailored any way that the Commission would like to see it grow. He advised that the Master Drainage Study Update is not complete, so we do not have that list of projects yet, but we know that they will cost a lot of money. He advised that he would need authorization from the Commission today to move forward and at least take the first steps because we would have to advertise for the public meetings for four consecutive weeks to pass a resolution for a non-ad valorem assessment, which would need to be to the Tax Collector by December. He said that the actual fee structure would not be developed until the spring so there is a lot of time to make changes, but if there is any chance to have a funding source for FY 2024 or else it would be FY 2025.

Mayor Samora asked how much of the General Fund goes towards projects that would be covered under this stormwater utility fee. Director Tredik advised that he did not have that number in front of him but that it would be the "Drainage" line item in the Road and Bridge Budget. Finance Director Douylliez advised that the projects that were funded this year through ARPA and other funding mechanisms are roughly \$1 million. Mayor Samora asked what amount the City would be looking for as an annual budget for the projects covered by the stormwater utility fee. Director Tredik advised that it would depend on the Commission's desire to implement those projects and their timeframe. He advised that a stormwater fee could be as low as \$5 a month per residence. Mayor Samora asked how much money he would be looking to generate annually. Director Tredik advised that if it is implemented to its full capability that it would probably be \$250,000 to \$500,000 annually depending on what it is set at. Mayor Samora said that he is trying to look at the big picture, which is that Director Tredik is asking for another revenue source to cover annual operational expenses. He would like to have a budget number and then the Commission can decide how to work towards that. Director Tredik advised that he would need to go back into the budget for that. Commissioner George advised that Page 3 has a table that might have the information that the Mayor is looking for, which specifies \$209,000 estimated FY 2023 operational cost. Director Tredik advised that figure was what was looked at a year ago, which may have increased a little and that some of those numbers were estimates. He was thinking of having \$200,000 to fund maintenance and another \$200,000 to fund some projects or use as the matching funds for grants. He advised that it could start small with \$200,000 to cover maintenance and when the Master Drainage Study Update is complete to possibly increase the stormwater utility fee next year to cover one project in a certain time period. He advised that there is a lot to do before we get to that point. Mayor Samora asked if he envisioned this as a revenue source that would completely pull all of these expenses out of the ad valorem tax. Director Tredik advised that there is no reason that it could not pull all the drainage expenses out.

Commissioner Sweeney said that she sees different calculations for residential vs. commercial and she asked if that fee amount would be the same. Director Tredik advised that you would look at the average impervious surface square footage for residences and then look at how many square feet are in the commercial and that is how many equivalent residential units you would have. He said that basically residences would all pay the same, but the commercial would pay based on the impervious surface area tied to that equivalent residential unit.

Commissioner George asked if the square footage is based on the footprint of the structure or all interior square footage. Director Tredik advised that it would be based on the exterior footprint

impervious surface area, which would be the house, the driveway, and anything else that sheds water. He advised that there is going to be some work getting there and that it would not be quick. Commissioner George asked if a pool would be considered impervious for this. Director Tredik advised that that is a decision that can be made going forward because most pools hold water about six inches below the lip of the pool, but would overflow just like everything else. Building Official Law advised that the Land Development Code is very specific on this, and all pools count as impervious surfaces.

Commissioner Sweeny asked if Director Tredik would come up with an average for all properties no matter their size. Director Tredik advised that is the way he would prefer to do it, but that some places do have a tiered system, which is more challenging to manage, such as if someone adds an addition to their home. He advised that a non-tiered system would be much simpler and that he understands that it would not be fair across the board but that it is not a huge cost either.

Commissioner George asked if properties with swales would be entitled to some kind of credit. Director Tredik said yes potentially if they retain a certain amount of flood waters, which could be determined if we go down this path and to look at other cities that have had similar questions. He advised that the City would want to make sure that it is not challenged legally, but if we start granting exceptions that are not tested then it could be thrown out. He advised that we would probably model it after a successful stormwater utility fee.

Vice Mayor Rumrell advised that we should look at fixing the stormwater situation because at some point the funding in Tallahassee may not be there and we may need to consider doing something since we are a coastal community. He said that it is only going to get worse, and he would like to find a way to get ahead of it. He said that he is open to moving forward with this process at least to get some more information.

Commissioner Sweeny agreed that the situation is not going to get any better and that the City needs a dedicated funding source for these projects. She said that the State funding is not going to be there forever. She advised that she is in favor of moving this forward and continuing the conversation to get more details.

Commissioner England advised that keeping the money in the General Fund is subject to giving up projects each year as opposed to separating it out. She said that sustainability is one of the primary ideals of this community. She said that she agrees that it needs to be separate, but she questioned whether it should be a fee or a dedicated millage. She advised that going forward the presentations would have to show the pros and cons of a separate millage. She said that some people would rather have the millage because it is tax deductible and people do not like fees. She said that the City Manager convinced her today that the fee is a good way to start. Director Tredik advised that the advantage of the fee is that it is a set amount and if we had a decline in property values we would still have to maintain the system. Commissioner England said that she would like to see that in writing for any future presentations to the public and to be transparent.

Finance Director Douylliez advised that the City stopped using the Road and Bridge Fund for the most part and that the revenue and expenses could be isolated strictly for this. Commissioner England said that a separate account is not enough and that we need something that the funds go in to and cannot be used. Finance Director Douylliez said yes that the Road and Bridge Fund is currently only used to pay the Debt Service payment and to collect the Local Option Gas Tax and the revenues could be moved directly into that fund as well as the stormwater utility expenses. Commissioner England said that every year the Road and Bridge Fund changes and you are talking about a fee that is totally dedicated to sustainability/stormwater and that is what she thinks is needed. Director Tredik said that we can always change paths later, but we need guidance now or a non-ad valorem would not be an option for FY24.

Mayor Samora agreed that the current situation is not sustainable for the long-term and that relying on State funding, etc. is not a good plan and this is an option. Director Tredik advised that a lot of cities do it. Mayor Samora advised that the Commission needs a lot more detail on how to execute this.

Mayor Samora opened Public Comments.

Amanda Rodriguez, 32 Versaggi Drive, St. Augustine Beach, FL, said that the City needs transparency or there would be a high level of frustration; there is always a need for the maintenance; why didn't the money come from somewhere else and a fund for every year; what would be different for the citizens would be good to know for the next presentation.

Cathy Stone, 826 A1A Beach Boulevard, Unit 51, St. Augustine Beach, FL, thanked the City for a fabulous job keeping the drains cleaned; Ponce Landing has an underground pump system with a backup generator; as long as the City is functioning, Ponce Landing does not flood; putting another tax on us to pay for stormwater and then pave a road is double trouble; would not be in favor of another fee in the property taxes; seven inches of rain would flood their condos; talking about increasing their pumps/new drainage; every time you resurface it raises the road and more water on everyone's property; the dunes are doing their thing and we spent \$3,000 to have a sand fence put in after Matthew to help replenish the dunes, which worked.

Mayor Samora closed Public Comments.

Mayor Samora said that several of the communities have private drainage and he asked if they would be treated any differently. Director Tredik advised that it would need to be determined because most of them still depend upon the City's drainage system that goes down to the Mizell Pond, and if the City's system fails, they all fail. He advised that when the water came from under Embassy Suites from the ocean and into the system, it overwhelmed it. He said that when it backs up downstream and upstream, properties that discharge from the Boulevard would have problems and that everyone would benefit from increasing the maintenance of the City's system. He said that a credit system for those that attenuate a certain amount of runoff is very doable in the development of the fee. He advised that there are a lot of ways to do this but that a dedicated fee is essential.

Motion: To authorize staff to advertise for a public meeting to discuss and adopt a stormwater utility non-ad valorem assessment. **Moved** by Commissioner England. **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Commissioner George advised that she is going to keep an open mind, but she has concerns for the slippery slope. She said that we know a lot more now about sea level rise and climate change but the last time we implemented a fee it maxed out in three years, and it is another form of taxation. She said that she appreciated all the work that Director Tredik put into this.

Mayor Samora said that there are a lot of questions and that this is a good opportunity to ask for specific information and to let Director Tredik know what you would like to see. He said that he is interested in how to come up with a fee structure that is fair and manageable because the bones of the structure are overwhelming. He would also like to get a more solid feel for the budget that Director Tredik is trying to generate annually from this fee.

Commissioner George advised that she would like to have historical data for how these capital improvement projects have been funded in the past to see what the other options are. If we keep adding on fees and the milage does not go down, then it is unconscionable. She agreed that we need to be transparent and have a concrete explanation.

Vice Mayor Rumrell advised that if the one-cent sales tax passes in November that there may be an opportunity for infrastructure and to use it for some of this so that the City does not have to do a fee and that everyone else helps pay for it as well.

Commissioner England suggested a separate fund and protecting it for sustainability/drainage so that it could not be used for other operating costs. She advised that she is looking at the long-term future of the City and to have the money to protect property and drainage.

Commissioner Sweeny agreed and said that she liked the idea of having a dedicated fund for these projects, but that she did not like the idea of another fee or a tax increase. She said that she has concerns for next year's budget and these are critical infrastructure needs. She said that there have been three of these "fifty-year" storms in the last six years and that she has concerns for future storm surges and these projects. She said that it is critical that the City protects the residents' homes and that if this fee could help, that she would be open to future conversations. She appreciated Ms. Rodriguez's comments about ensuring that we communicate the "why" to the residents and what would be gained from it. She suggested to come up with a potential project list of what these funds would go toward. She also suggested to create a list for the legislature, which would be here before we know it.

Mayor Samora said that the Commission has given some direction and there is a vote and second.

Mayor Samora moved on to Item XII.6 and asked Director Tredik for his presentation.

6. Second Street East of 2nd Avenue: Consideration of Sharing Costs with Property Owners to Connect Houses to Underground Electric Lines (Presenter: Bill Tredik, Public Works Director)

Director Tredik advised that 2nd Street is under construction and that the Commission was pretty clear that they wanted to do underground powerlines on both the west and east sides as we widen the road. He said that the Commission authorized FPL to begin the design, but that he does not have those designs yet. He said that the preliminary design for the east block is in the agenda packet. The west block now has the easements needed to make it work based on the discussions with FPL, but those easements would not be recorded until everything is in place. He said that the east block has been more challenging because the people are concerned about the cost, and he had a Zoom meeting with some of the residents and a local electrician to discuss the issues which are included in the agenda packet. Some of the concerns were the electrician's cost to run underground service to the transformer, modifications to the meter, modifications to roofs, etc. and that FPL also has a tariff, which could be up to \$750 per meter. He said that the local electrician provided a ballpark estimate of \$2,000 to \$4,000 per home if they have a clear path to make the change, or a directional bore could be \$5,000 to \$7,000. He said that the total for that block is between \$34,000 and \$52,000. He said that we are struggling to make this happen in the east block because of the cost for the homeowners.

He said that a similar project that he was interested in was Holly Hill because it is similar in a lot of ways, they funded it through Tax Increment Financing, but we do not have the ability to do that because we do not have an area that would fit the criteria for a Community Redevelopment Area. He said that we would need to find some other way if the Commission wants to pursue this or not. He advised that there are four different choices in the agenda packet to be funded by the property owners, but that they probably would not go for it because they already have power. The second choice is to pay up front and establish a non-ad valorem assessment to recover costs, which would work but we would need the upfront money and recover it afterwards; the third option is to fund it in full or part but if we do that we are setting a precedent for any future underground projects; the fourth is to defer the project to a future date, which is not a popular choice because of the strong desire to put the powerlines underground. What is being done to the roadway now allows for the lines to be put underground at a future date and the cost

difference would probably not be dramatic. He recommended option two or four and to direct staff to move along the path towards a non-ad valorem or to just defer it to a future date.

Commissioner Sweeny asked how many homes are on the block and how much money would the City need to have upfront with option two. Director Tredik advised that he does not have exact amount but that the estimate would be \$34,000-\$52,000 and he believes that there are eight homes and that some are multi-family. Commissioner Sweeny asked how many years the assessment would be for. Director Tredik said the extension was over six years but that it could be whatever the Commission believes would cause less pain for the homeowners.

Mayor Samora asked if there is an option that the City could put the structure underground and let the homeowners opt in when they are ready. Director Tredik advised that he did not think that it would work for us; that Jax Beach did it, but they have their own power company, which makes a difference. He said that if we did it, we would have to put in a transformer and come up a pole and then down to the existing service, which would leave the poles in place until the services are changed to underground.

Commissioner Sweeny asked how many lots were not onboard. Director Tredik replied three.

Commissioner England said that the City is proud of the tree canopy and would not want to lose it. She said that FPL has a very strict policy that the trees would be trimmed if they are too close to a wire. She said that going forward with undergrounding is very important because of the tree hammock and cut back on the risk and danger of outages due to those trees. She said that paying for that connection in the whole town is not feasible, but that there are special assessments that allow people to get the benefit of something that the City is doing and gives them time to pay for it, which is a reasonable offer. Commissioner George agreed.

Commissioner Sweeny asked if the idea of a multi-year assessment has been presented to the holdout lot owners. Director Tredik advised that he does not have confirmation that they would not object to an assessment, but just like the other assessment, the Commission could authorize the Public Hearing and if they say no, then it would be over in November. He said that the Public Hearing would at least get the ball rolling for FY 2024. Commissioner George said that for the property owners that are willing to pay, even with the special assessment, there is nothing stopping them from paying upfront and that it really serves everyone's purposes. Commissioner Sweeny would like to ensure that the assessment would be less than the \$50,000 if some pay upfront and if it is in the budget to float the money. Director Tredik advised that it is not in the budget now and that he would have to get with the Finance Director and pull it from somewhere else.

[Multiple people were talking over one another, and nothing could be retrieved for the minutes.]

Finance Director Douylliez advised that the majority of the Impact Fees would be spent on projects that we currently have, and it would be years before we recover it for Ocean Hammock Park. Vice Mayor Rumrell asked if the ARPA money could be used initially. Finance Director Douylliez advised that the ARPA funds could be used however the Commission chooses. She said that her only hesitation with a non-ad valorem is that it is a set fee for every property and there are varying degrees of that, and it could be challenging for the Tax Collector to accommodate it for us. She said that we do not have the option of a special assessment, our option is for a non-ad valorem. She said that she would have to find out what the steps would be to get a special assessment implemented. She advised that the non-ad valorem is typically the same rate for every homeowner. Commissioner England said that it would not work and that we need a special assessment. Finance Director Douylliez said that the City has not done a special assessment before

other than the one cent millage, which was voted in by the residents and she would have to find out how it works.

Commissioner George asked if the non-ad valorem could have two categories for properties with different conditions and then average it and that would be the rate. Finance Director Douylliez advised that she would suspect that we would have a low end and a high end range so that we could manipulate it as needed and that there may come a point when we have overtaxed and then would have to do a refund like what happened with 8th Street. Commissioner George said that it would still be an average for everyone. Finance Director Douylliez said yes. Commissioner George asked the City Attorney whether we could create two categories. City Attorney McCrea advised that the special assessment is what you should look into because he has not heard of having two categories before.

Director Tredik said that it could be argued that everyone on the block is receiving the same benefit. City Attorney McCrea said that everyone on the street is getting a general benefit from it but to get to that benefit people are paying more. Commissioner England said that she does not want to be the neighbor that has the tree limb that causes a power outage and that undergrounding benefits everyone. Director Tredik advised that the lot at the end has underground power but could still lose power if a tree falls on a powerline in the rest of the block.

Mayor Samora asked if he has all the easements needed. Director Tredik said he has the easements for the west but not on the east.

Commissioner Sweeny asked if a special assessment would have the same schedule by starting the public hearings next month. Finance Director Douylliez advised that it has never been done but that she believed that we would need to have a similar agreement with the Tax Collector before December 31st. She suggested to continue on and advertise for the four weeks and that she could make a call to the Tax Collector tomorrow to try to gather information.

Vice Mayor Rumrell said that in his opinion the only option is number two because if we defer it then we would just have the same discussion at another meeting. Mayor Samora agreed.

Mayor Samora opened Public Comments.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, has walked through the City for decades; everyone would benefit from underground lines; it is a tough problem, and he supports whatever can be done to underground utilities especially because of the tree canopy, which is key.

Cathy Stone, 826 A1A Beach Boulevard, Unit 51, St. Augustine Beach, FL, why were new utility poles put in the last six years on the Boulevard; not a fan of powerlines and we should be undergrounding.

Mayor Samora closed Public Comments.

Mayor Samora said that he believed that the new poles were done by FPL.

Commissioner George said that this is a special assessment or a non-ad valorem for a specific project and she does not have the concerns for a slippery slope. She said that twelve years ago when she was sworn in, she mentioned undergrounding utilities and it was not politically palatable at that time; meanwhile, FPL has their capital improvement projects and now today we have a Commission that sees the benefit of it and that we just need to find the money.

Mayor Samora said that the Commission could do the same thing as the last motion to move forward with option #two and authorize staff to draft a resolution to state the intent of implementing a non-ad valorem and we can give time to research a special assessment.

Motion: To authorize staff to advertise for a public meeting to discuss and adopt a non-ad valorem to cover the costs. **Moved by** Mayor Samora. **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XII.8 and asked Public Works Director Tredik for his report.

7. Ordinance 22-13, First Reading, to Vacate Alley between 1st and 2nd Streets, West of 2nd Avenue, Block 32, Chautauqua Beach Subdivision (Presenter: Brian Law, Building Official)

This Item was removed from the agenda.

XIII. NEW BUSINESS

8. Vacation Rentals: Consideration of Levying Non-Ad Valorem Assessment for Solid Waste Collection (Presenter: Bill Tredik, Public Works Director)

Director Tredik said that the advantage of this is that it is not new, it is just a different way of collecting the fee. He advised that in 2020 we changed Chapter 10 of the City Code regarding garbage and trash, which was intended to expand the non-ad valorem assessment to fund the collection of recycling, because we had already funded for disposal. It was supposed to reduce the number of can counts that were being done and it required commercial customers to purchase cans to standardize their garbage use. It did its job for commercial, but it did not work as well for 164 transient rentals. He advised that it has been challenging because there is always a different person putting garbage out, a lot of staff time logging overages, uncontainerized garbage, etc. and then for Finance to invoice and bill for the overages. He said that condominiums are technically commercial service premises and we had them billed through the Condo Associations but that the Commission recently approved bringing them back into the residential non-ad valorem. He said that we have not tackled the issues of the vacation rentals, which continues to be a problem, we cannot use residential because the fees are different and it is a business. He advised that staff came up with the idea of having a non-ad valorem assessment and shift them into it instead of having the can counts, overage calculations, etc. and that they would have a set fee. He advised that in order to move this forward we need to advertise it and have a public hearing in November. He said that there might be more conversations needed to determine if this is the right path, but it would solve the problem of logging overages and reduce staff time for Public Works and Finance. Mayor Samora asked if this is revenue neutral. Director Tredik said yes.

Commissioner George read a sentence from the agenda packet information about this being savings for the customers and she asked if it really a savings. Director Tredik agreed that it may not have been written as well as it could have been but that he was trying to say that it has reduced the effort that Public Works has to do to go out and count cans and that overages have been less common for the commercial. He advised that it has not cut the City's cost on the transient rental side.

Commissioner England asked if Public Works separates the costs between yard waste vs. household. She said that in a year like this the Commission wanted to overhaul that ordinance to reduce costs overall and right-size the customers but that the costs have gone up. She said that as we get more efficient that we should see the collection of household waste and recycling even out or go down, but that yard waste can fluctuate with the weather. That may help the Commission see if we are reducing the expenses of household and recycling. Director Tredik said that those numbers are available as to how much is going to the dump site but that he has not done that analysis because collection and disposal covers both categories. He said that the tonnage on household garbage has probably gone up because we are growing and there is no reason for it to go the other way. Commissioner England said that we were hoping that with the

new methods of billing that we would save some money. She said that people do not like non-ad valorem assessments but hopefully we can at least show that our billing method is more efficient even though yard waste is adding to the overall cost. Director Tredik said that the non-ad valorem for residential does not make us more efficient it was just a different way to collect revenue to pay for the service. He said that efficiencies might be gained by changing the routes to cut back on fuel, etc., which would be challenging because it would be a change for everyone. He said there were initial savings by going to Bunnell because of the reduced tipping fees, which have largely evaporated because of the fuel costs, so it may be more economical to bring it back to the County, which costs \$50 more a yard to dispose of. He said that it is challenging to try to juggle the numbers for what is best for the City and to keep the bottom line. A non-ad valorem on the commercial side would save staff time because can counts and logging of overages would stop.

Mayor Samora opened Public comments. Being none, he closed Public Comments and asked for Commissioner discussion.

Mayor Samora said that it is revenue neutral, and it would help with efficiency. Commissioner George said that it is consistent with what we already have for other properties even though I objected to it when it started, now it is a consistency. City Clerk Fitzgerald advised that a significant number of complaints received are due to objections about the billing on the transient rentals and moving it into taxes would be a much better use of office time and reduce expenses such as postage, printing, etc. It would reduce Public Works staff time to help make their routes more efficient, get the garbage collected faster, and would be an overall advantage to the City and that there are cost savings involved. She noted that the discussions to decide what the fee should be would happen over the next several months. Commissioner George said that it would relieve the homeowners from having to mail in a check every month.

Discussion ensued regarding other examples of complaints that could be alleviated by this non-ad valorem assessment.

Motion: To authorize staff to advertise for a public meeting to discuss and adopt a Non-Ad Valorem Assessment for Solid Waste Collection for transient rentals. **Moved by** Mayor Samora. **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XIII.9 and asked Building Official Law for his report.

9. Code Enforcement: Request for Approval to Hire Second Code Enforcement Officer (Presenter: Brian Law, Building Official)

Building Official Law advised that this was discussed several months ago at the individual budget meetings, that by the time the need arose, he could not go back and change the budget. He said that he sees an opportunity to pay for a second Code Enforcement Officer out of the transient rental program because people want more Code Enforcement. He said that it is very problematic to only have one employee in a division, Mr. Timmons is overworked right now, and he would be taking FMLA leave soon. He provided a slide chart depicting the current rate of \$125 per unit along with other figures. He said that he also included other surrounding jurisdictions which shows that the numbers are all over the place, but they do demonstrate that the City is not charging what the neighboring communities are, with the exception of Palm Coast. He advised that he could house them on his side, he has extra computers, and could make this happen. He advised that if the Commission decides to do this that he would come back in December with a resolution to amend the City's fee schedule to whatever is decided, the Finance Director would amend the budget, and he would ask for a thirty-day moratorium on any increase, that way someone could appeal if they choose to, and to honor the current rate for the renewal period. He said that not everyone renews their Business Tax Receipts (BTRs) at the same time and transient rentals are late in the fiscal year. He advised that when we get through this current renewal period, we will

hit a lull with the stragglers, but it would start up again with the next fiscal year's renewals in August and then he would have four to eight inspections a day, which does not leave much time for other Code Enforcement issues. He said that we must inspect the buildings unless the Commission were to decree that the buildings did not need to be inspected, but that he would strongly recommend that they continue to be inspected.

Mayor Samora asked what the fee increase would need to be to cover the cost of another Code Enforcement Officer. Building Official Law advised that Finance provided a number for the starting salary, full medical, etc. and that this is a General Fund account. He said that \$500 per year/per unit would definitely cover it all.

Commissioner George asked if the need would be there if the ordinance does not pass. Building Official Law said that there is more Code Enforcement that could be done outside of transient rental inspections, such as helping the Public Works Department with the rights-of-ways violations, illegal construction, helping Finance with overdue payments, etc. Commissioner George asked if a part-time position would be a sufficient option. Building Official Law commented it would need to be a full-time position and that he has no doubt that two Code Enforcement Officers are needed.

Commissioner Sweeny said that during past discussions, the Commission heard complaints about unlicensed transient rentals and a lot of Code violation issues, and she asked if this new position would help to better regulate the rentals. Building Official Law advised yes, and not just with the transient rentals. He said that it is harder and harder to find illegal transient rentals because they have gotten a lot smarter over the years and it could take weeks to generate a case because we cannot use someone else's pictures for the Code Enforcement Board.

Commissioner England said that his reports indicated that most Code violations were for not getting a permit. Building Official Law advised that that is usually a double-edged sword because we work between Code Enforcement and the Building Inspector and if a permit is not obtained then the eventual route would be the Code Enforcement Board.

Commissioner England asked if this would help move the cases along that seem to linger. Building Official Law said yes and that we could take the workload and divide it in half. He would like to get to the point of only sending one notice letter and if they do not comply then they would get a letter to appear with legal advertising. He said that whether they comply or not, that once it is advertised, he requires that they come before the Code Enforcement Board because the Chair may require that the City be reimbursed for the legal advertising.

Mayor Samora opened Public Comments.

Amanda Rodriguez, 32 Versaggi Drive, St. Augustine Beach, FL, said this is related to her first comment and that it is very hard to enforce the Code; Alvin's does not feel that the City can enforce it and that there are consequences; whether there are one or two officers that they need to have the authority, resources, and tools; Mr. Timmons asked for a citation and did not get it; it should have been resolved in ten days but took six weeks; the lights are back on and that asking nicely again would not happen; things cannot just sit until someone feels like complying.

Mayor Samora closed Public Comments.

Mayor Samora asked if Building Official Law feels that the Code Enforcement Officer has the authority that he needs to enforce properly. Building Official Law advised that this jurisdiction utilizes a Code Enforcement Board and that staff does not have the power to issue monetary fines, nor does he believe that it should be something that one individual staff member has the power to do, that should be handled by a panel of their peers. He advised that he has the authority to call an emergency Code Enforcement Board meeting and that he actually called for one today for a noncompliant fence. He said that he believes that they have the necessary tools and have been

pretty successful with their limited staffing. He said that they have done a lot of things but that they want to do more, and the transient rentals are an avenue to generate some of the revenue.

Commissioner George asked about after hours issues, especially for the transient rentals because people feel like there is no enforcement after hours. She said that she expects that this would not change that, and she asked for suggestions. Building Official Law said that the Code gives the City Manager the right to remove a BTR, but that he would still recommend that it goes to the Code Enforcement Board so that it is not an individual affecting someone's business. He said that the police are staffed twenty-four hours a day and if there is a verifiable noise complaint that gets logged by a police officer, then Code Enforcement would contact the owner/property manager. He advised that if the complaint happens again then he would probably want to convene the Board. He said that he would caution against any one person having the ability to remove a BTR especially for transient rentals with a finite number.

Commissioner George asked if Board action could be taken based upon someone calling a report to the police. Building Official Law no. Commissioner George said that the police would have to verify the issue. Building Official Law said yes and that it was one of the big changes recently with anonymous complaints, which went away for this reason. He advised that he would want three verifiable complaints. He said that if the Commission allows for another Code Enforcement Officer that they work standard hours, or it would defeat the purpose.

Commissioner George asked how much of the new Officer's time would be spent on transient rentals vs. all the other things. Building Official Law advised that vacation rentals during this time of the year are normally one of the busiest things done and the inspections would be split once the new person is trained. He said that he would offer an internal hiring position for a few weeks, and he would want to get through the transient rental inspections before he brought in someone new because of the training.

Commissioner George said that her concern is that she would not want to fund both Code Enforcement Officers with just the short-term rental program and she is trying to get a feel for what that ratio might be. Building Official Law advised that the transient rentals are twelve-months because we regulate the amount allowable and the illegal rentals, which occur every month with the majority happening August through year end. Commissioner George asked if it would be a quarter of the year or a third of the year. Building Official Law advised that there is no way to quantify that question because Code Enforcement is complaint driven, especially with the success of the Resident Self-Service Portal. Commissioner George asked if the one Code Enforcement Officer is handling all the transient rental inspections as well as all the other Code Enforcement issues. Building Official Law said yes.

Vice Mayor Rumrell suggested that \$300-\$350 range would probably cover the full cost of another Code Enforcement Officer based on the new number because it looks like \$300 is about \$68,100 and we need to get to \$73,416. Commissioner George advised that that would be tripling the existing fee and that among the two Officers, 75% would not be going towards just the vacation rentals, and that it should be a benefit to the entire City. Mayor Samora said that he would not want to burden the transient rentals with the entire cost. Commissioner George said yes and that there should be a happy medium and that if the City's fees are too low then they should be adjusted and we have not talked about whether there would be a tiered system based on size, etc. Building Official Law advised against a tiered system based on limited staffing because every tier would be another line item for Finance. Commissioner George said that if there is three times the square footage that they would spend more time on that property. Building Official Law advised that he has a small staff in all divisions, and he would not want to complicate the fee schedules. Commissioner George said that by adding staff there would presumably be a lot more work. Building Official Law advised that a Code Enforcement Officer would not be doing that line

of work. He advised that the fee schedules were based on the City of St. Augustine and the County because they are our neighbors.

Mayor Samora advised that the Commission needs to give Building Official Law some direction and would not be approving anything today. Building Official Law advised that he is asking if the Commission has the will to hire another Code Enforcement Officer and if so, to decide what an inspection cost would be because then he would have to amend the City's fee schedule, prepare a resolution, and amend the budget that was just adopted, which is why he would not bring it until December.

Mayor Samora asked for Commissioner discussion and advised that he liked the suggestion of a part-time Code Enforcement Officer. He believes that the City needs more than one and does not like the fact that there is no backup person, whether it be full-time or not.

Commissioner England suggested that the person should start out as a part-time Code Enforcement Officer and a part-time floater to do other things within the Building Department. Building Official Law advised that could not be done because he runs three independent budgets, and the training could not be correlated between the two. Mayor Samora said that the Code Enforcement budget is one person. Building Official Law advised that he gets a portion of it because if he were not compensated then it would violate the 553 Statute of using Building Department revenue for other City purposes.

Vice Mayor Rumrell advised that there is the need especially if Mr. Timmons is going to be out on FMLA for six weeks and the City would have no one, whether it be part-time or full-time. He said that he looks at it as a business and some of the transient rentals are making \$300 a night. Commissioner George said that some are only making \$50 a night. Vice Mayor Rumrell asked how to balance that. He said there has to be a happy medium but that it sounds like we need somebody. Building Official Law advised that about two years ago there was a part-time Code Enforcement Officer in the past, but that he was still entitled to time off and that part-time is not going to suit the needs of the City.

Commissioner George asked what the other funding mechanism is for the Code Enforcement position. Building Official Law advised that the purpose of the Code Enforcement Board is not to generate revenue, it is to bring compliance, but that the Board does have a significant outstanding fine and that he believed that the Board had ordered the foreclosure on that property. City Attorney McCrea said yes that the foreclosure had been ordered but that there are still some steps to be done. Building Official Law advised that this is not the desired outcome.

Mayor Samora asked outside of fines what are other mechanisms would be used for funding. Building Official Law advised that it is funded by the General Fund and that transient rental inspections currently generate around \$28,000.

Commissioner England said that based on the report, the cases, plus the inspections, that she did not see how one person could do the job. Building Official Law advised that he would also love to be able to help other divisions such as the City Clerk's office and the Public Works Department and with an additional Officer they would be able to make contact and begin the process and if they do not get compliance then the full Code Enforcement mechanisms would begin, and the first thing would be to educate the citizens.

Vice Mayor Rumrell asked if any of the BTRs from transient rentals could go to Code Enforcement. Building Official Law advised that he looks at it in the bigger picture because it is all the General Fund and that is why he fought so hard years ago to break that division away and have the three individual divisions and three individual budgets.

Commissioner George asked if it would be okay for their funding if this individual were to do things other than Code Enforcement. Building Official Law advised that he never asks Code Enforcement

to anything outside of Code Enforcement, but they do a lot of assistance with the Planning and Zoning Division. Commissioner George advised that Building Official Law stated that the new person would be able to help the City Clerk, etc. and she questioned whether that would be considered non-Code Enforcement activity. Building Official Law advised no because failure to renew a BTR and continuing to operate becomes a Code Enforcement event. Commissioner George said that the General Fund is another funding source for Code Enforcement. Building Official Law advised that he would default to the Finance Director, but that is how he understands it.

An audience member asked to make another comment. Mayor Samora advised that Public Comments have been closed and City Attorney McCrea advised not to take additional comments. Mayor Samora advised that the comments would not be taken on the advice of the City Attorney.

Mayor Samora said that it sounds like the City needs another Code Enforcement Officer, but that he does not necessarily want to triple the transient rental fees and that he would like to see it come back with a resolution and a recommendation of where Building Official Law feels the transient rental fee would need to be. He suggested providing information about other duties and/or a definition of what they would assist the City with. Building Official Law advised there isn't really any more information to provide and that the Code Enforcement Officer is the Officer for the City and that they enforce the entirety of the Land Development Code and City Code and operate outside of the Planning and Zoning Board and essentially operate outside of the City Commission. He advised that they operate to the Code Enforcement Board and that their job is to enforce any and all code as written. He advised that \$400 would be needed for the transient rental fee and that it is \$300 just for an application with the County.

Commissioner George said that she does not have a problem having additional Code Enforcement, but she has concerns for burdening one small segment of the community and doing it in a way that would not be representative of all the transient rentals. She said that she would be more comfortable with a tiered system and if an oceanfront home is undervalued than it should be charged more but not to triple it. She said that we cannot do it with the BTRs, which are only allowed a 5% max increase because it would be impacting the business owner. She is not opposed to hiring another officer but that they would need to figure out where the money is coming from. Mayor Samora asked for clarification regarding the 5% BTR increase. City Clerk Fitzgerald advised that the 5% increase could only be done every two years. Commissioner George said that this is not a BTR, it is a BTR inspection fee. Building Official Law advised that there are three fees that go with BTRs. Commissioner George said that she is just using it as an analogy and that it is kind of similar. Building Official Law said that he has no problem with a tiered system, he could come up with something to make it work, and it would be based on the Property Appraiser's site.

Commissioner George asked if some cities hire out Code Enforcement. Building Official Law advised that the economy is really good right now and there are not a lot of people sitting around waiting to come and do a very hard job. Commissioner George said that she remembers once that the City hired from St. Augustine, or the County, to fill in during vacancy periods. Building Official Law said to try to bring someone in to learn two new books of codes and the way this government works is not viable. Commissioner George asked if the City has ever had more than one. Building Official Law said no but that he could only speak for the last five years. Commissioner George asked the City Manager if the City has ever had to bring someone in for such things as medical leave, etc. City Manager Royle advised that medical leave has been used more recently than in the past but that he does remember the City being loaned a Building Inspector once when things were a lot simpler. He said that his concern is that when Mr. Timmons goes on FMLA leave that there would be no one to do Code Enforcement. Commissioner George said that we all agree that it is a real concern. City Manager Royle said that he lives in a neighborhood with a transient rental

that is a duplex, and it is well maintained and there is never a problem. He said that he does not know what they charge but that they are obviously making money. Commissioner George said that if it is rented every weekend that they are probably making the equivalent of a long-term rental or less.

Commissioner England asked the Commission to focus first on whether we all agree that we need another Code Enforcement Officer and then talk about how to fund it. Commissioner Sweeny said that if the Commission does not approve another position then what would be done to cover it. Building Official Law advised that you would not have any Code Enforcement, that you cannot ask the Building Official to go out and do Code Enforcement because we are already getting dinged on Federal audits because staff is doing too many building inspections. He said that this is what happens when you have a one-man division. Commissioner George said that by splitting the divisions and increasing medical leave, we have created a situation where we have to have even more overhead. Building Official Law said yes, but that Mr. Timmons could also get hurt at any time.

Mayor Samora advised that it is never good to have just one person and that the need is there whether it would be full or part-time. He said that he would like to see the number of calls coming in brought back next time. He said that he thinks the Commission needs to move this forward and to bring it back in a resolution with a funding proposal. Building Official Law advised that he is ok adopting the City's fee schedule and that he would hate to write a resolution to just tear apart the financial number. Mayor Samora asked Building Official Law to take a stab at covering the costs and that the Commission needs to have more discussion about it. Building Official Law said that for future comments for the month while the Commission dwells on it that he would bring it back with a \$400.00 inspection fee to cover the cost.

Mayor Samora moved on to Item XIII.10.

10. Request by Vice Mayor Rumrell to Discuss Changing Policy on When Commission Regular Meetings are to End

Vice Mayor Rumrell advised that tonight is probably a good night to have this discussion because we are already rolling into the 9:00 p.m. hour and a lot of this was under the Consent Agenda. He said that he and Commissioner England probably have the most flexible schedules and in consideration of everyone that he would rather finish the meetings in one night vs. a continuation because sometimes it is not possible for all of the Commissioners to convene the next day, which could save money for staffing. He said that it could also help with Public Comments because if people attend and then the meeting gets continued, that they would have to come back the next day or the Commission would need to change the order of topics on the agenda. He said that evening meetings work better for the public and that he believes that finishing the meetings in one day would be the best option.

Commissioner George asked the City Manager if it was prior Commissioner Snodgrass that asked to shorten the meetings and if the meetings used to be allowed to go until 10:00 p.m. City Manager Royle advised that he believed it was during Commissioner Snodgrass's reign as Mayor. He said that the time was 9:30 p.m. and then the Commission would need to take a vote to continue the meeting to 10:00 p.m. Commissioner George asked if this was a proposal to bring it back to what it used to be. City Manager Royle advised that it used to be that there was no limit. Commissioner George said that she recalls some other rule that was not like a policy. Commissioner England said that it was the previous Clerk that cited some rule. City Manager Royle said that there is nothing in the Charter. Commissioner George said that we used to be told that we did not have authority to extend it after a certain time and that she thought it was 10:00 p.m. City Manager Royle advised that he did not believe that was correct because he remembers Commission meetings going until midnight.

Commissioner George said that at some point she gets worn out, does not mind coming back, and does not have a problem going until 10:00 p.m. She said that we have not had this issue so far and she commended the City Manager for creating agendas that were not burdensome.

Mayor Samora said that it sounds like we can set our own rules. City Manager Royle said yes. Mayor Samora advised that he would not be opposed to trying to finish up by 10:00 p.m. but could extend it by vote for another thirty minutes. He would hate to say that we would finish in one night because he does not want to be here until midnight, and it is counterproductive to stay two hours after 10:00 p.m. Commissioner George said that is how you lose Public Comments too.

Commissioner Sweeny said that Public Comments are her main concern and that she is in favor of the current rules because she feels like it discourages public participation to go much later and to ask the public to stay up until midnight.

Mayor Samora said that it would be nice to have the flexibility to stay to finish up one more item. Vice Mayor Rumrell said that we start looking at the clock and could be rushing our decisions and that he would like to finish in one night for those who do not have flexible schedules.

Commissioner George said that she likes the suggestion of bringing back the rule that if the meeting is not finished, that it would be finished the next business day for planning purposes and to always keep that Monday and Tuesday open. She said that the only reason we got away from that was because of Commissioner Torres, so it could be brought back.

Vice Mayor Rumrell said that if the meeting can continue on and end at 10:45 p.m. vs. coming back for thirty minutes next day.

Commissioner Sweeny advised that she would rather come back the next day because at that point she has been at work since 8:00 a.m., then the meeting, and that her brain is fried. She said that she would rather come back with a fresher mind the next day. City Manager Royle advised that the Commission has the flexibility to change the order of topics to accommodate a room full of people that are there to speak on a certain topic. Commissioner George agreed and said that it would depend on what the issue is and whether the meeting would run late.

Mayor Samora suggested having both the flexibility to extend the meeting for a half an hour by vote and also to leave the next day open. Commissioner George said that is the function of it being at 9:30 p.m. but to also have the option to vote and consider each other's mental state and what the issue is. City Manager Royle advised that you could vote to extend it forty-five minutes in order to finish up the business.

Mayor Samora asked if a resolution would be needed to make this change. City Manager Royle said that it is a policy. City Clerk Fitzgerald advised that it is in the Policies and Procedures Manual, and it would take a simple resolution to make any changes. She suggested that the 10:00 p.m. limit could be removed, then they would have the freedom to continue that night and end at whatever time or continue it the next day.

Commissioner England said that the policy would be much more general and allow the Commission the ability to extend the meeting or come back the next business day. City Clerk Fitzgerald advised that removing that definitive end time would allow the Commission the flexibility to either continue on or stop and continue the next day.

Mayor Samora opened Public comments.

Virginia Morgan, 208 Bluebird Lane, St. Augustine Beach, FL, said that going really late discourages engagement from everyone; she has attended many of the meetings and that none have gone past 10:00 p.m. and thanked the City Manager for that; she liked the idea of either voting if it is going to go past 10:00 p.m. or reorder the agenda topics to accommodate audience participation in the hot topic; you do not want to be quick or not put in the amount of time it needs.

Vice Mayor Rumrell said that we are the only jurisdiction that does not finish in one day. He said that the Mayor and the City Manager have done great jobs.

Mayor Samora said that Commissioner England summed it up well and he asked for it to be brought back as a resolution. City Manager Royle agreed.

Mayor Samora closed Public Comments and moved on to Item XIII.11.

11. November Regular City Commission Meeting: Selecting Date for It Because on First Monday the Meeting Room is Reserved for the November Election (Presenter: Max Royle, City Manager)

City Manager Royle advised that there would be a number of Public Hearings for the November meeting, so we need to have a specific date and he recommended the second Monday.

It was the consensus of the Commission to have the meeting on November 14th at 6:00 p.m.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

Chief Carswell advised that National Night Out is October 4th at the Pier.

Director Tredik advised that Public Works is working hard to get the City back to where it was before the storm.

City Manager Royle advised that our City Clerk has received her Certified Municipal Clerk (CMC) certification and that she has one more certification to go to get Master Municipal Clerk. He advised that any residents who do not want to wait for their household waste to be collected on its normal schedule can take their waste to Public Works on Mizell Road and put it in a dumpster that has been loaned to the City from the City of St. Augustine.

He said that the last three meetings have had Public Comment about the Ocean Hammock Park boardwalk and he feels that it is a topic for a special meeting because we might have 50-60 people who all want to speak for two minutes about it. City Attorney McCrea said that he would have his research material ready by the next meeting. City Manager Royle advised that he would not want it on the November agenda because that already has four Public Hearings. Mayor Samora asked if it would be a special meeting with one topic or a workshop. City Manager Royle advised that we are past the workshop stage because people have given a lot of comments. He advised that it should be a special meeting to be able to make a decision whether the boardwalk would be moved or not. Commissioner England advised that she would like to see the hard numbers for the cost to keep it where it is with a replacement vs. what is the cost and the long-term negatives and benefits of relocating it.

Mayor Samora said that the Commission still has some things to sort out and he asked for Commission's thought about a special meeting. Commissioner Sweeny said that if we are going to have a special meeting to discuss and vote on it, that we should have all the information that we want at that meeting. Mayor Samora said that maybe at the next meeting when we set a date for the special meeting, that the City Attorney may have direction for us and if there needs to be any recusals. Commissioner George suggested to give direction to staff to prepare an agenda item content booklet so that we can review it at the next meeting to determine if anything is missing before the special meeting. City Manager Royle agreed that it is a solid approach, but that it would not shorten November's meeting because once people see it on the agenda, they will be here and there are already four Public Hearings as well as other items. Commissioner George said that depending on how it is worded in the book might reduce some of the time. Mayor Samora suggested for the Commissioners to email staff with the information that they want to request to allow for more time to prepare. Commissioner George said that just putting on the agenda that there would be discussion of scheduling a special meeting would likely draw a lot of Public

Comments. City Manager Royle said that he would prefer that it be in December and not in November, besides we may want to wait until the newest Commissioner is on board to help make the decision.

City Manager Royle advised for the Commission to give him the information that they want to see about the item in November and then in December he would present the information and ask to set a date for a special meeting either in December or January. Commissioner Sweeny asked if there is a timeline to be conscious of with the Park moving forward if it is decided to move the boardwalk. City Attorney McCrea interrupted and said that we are starting to have fundamental questions regarding this after everyone has left and people would say that we are being disingenuous with the discussion. Mayor Samora asked if the City Manager was good with the direction given. City Manager Royle said yes.

Mayor Samora advised that we have had a busy week of events and that he reminded everyone of the following items: National Night Out, October 4th at the Pier from 5:00 p.m. to 8:00 p.m.; Vision Plan Workshop would be held in the Commission Room on October 5th at 5:30 p.m.; the SEPAC meeting October 6th at 6:00 p.m.; and the Planning and Zoning meeting on October 18th; and that early voting would occupy the Commission Room for part of November.

City Attorney McCrea asked Building Official Law if the emergency Code Enforcement meeting was set. Building Official Law said no because they have to send the official letter out and then would need to legally advertise. He believed it would be October 19th, which is the same day as the Planning and Zoning Board meeting but that it may not be able to happen then because of the Port and Waterway meeting. City Manager Royle advised that the Port and Waterway would meet on October 18th. Building Official Law said that October 19th is the tentative plan and that he instructed Mr. Timmons to send the certified letter and to hand deliver one.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 9:06 p.m.



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk



Exhibit 10-3-2022
Date 10-3-2022



Exhibit A-2

Date 10-3-2022





Exhibit B

Date 10-3-2022