



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, JULY 10, 2023, 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 Dylan Rumrell, and Commissioners Undine C. George, Beth Sweeny, and Virginia Morgan.

Also present were City Manager Max Royle, City Attorney Charlie Douglas, Police Chief Daniel Carswell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Building Official Brian Law, Assistant Public Works Director Russell Adams, and Engineering Director Jason Sparks.

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON JUNE 5, 2023

Motion: To approve the minutes of regular Commission meeting on June 5, 2023. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised that there were none.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Commissioner Morgan asked to pull Item XI.3 from the Consent Agenda and discuss it as the first item under Old Business.

Chief Carswell asked discuss Budget Resolution 23-05 first under Item XIII.7.

VII. PRESENTATIONS

There were none.

VIII. PUBLIC COMMENTS

Vice Mayor Rumrell asked to allow County Commissioner Henry Dean to update the City on the beach sand issues first. Mayor Samora agreed.

Henry Dean, 224 North Forest Dune Drive, St. Augustine Beach, FL, St. Johns County Commissioner for District 5. The City Manager handed out a letter [Exhibit A] that Commissioner Dean signed

encouraging the Assistant Secretary of the Army for Civil Works in Washington to expedite funds for the beach renourishment. He said that when there is a Federal project, and a major storm hits, that the Corps of Engineers will decide whether to put the beach back to pre-storm condition with all the funds coming from them. He advised that the Corps has ten or twelve divisions consisting of five or six states and that we are in the Southeast Atlantic Division. Each Division has Districts and ours is the Jacksonville District, which covers all of Florida and Puerto Rico. The Florida District has about twenty-seven Federal beach renourishment projects with St. Augustine Beach being one of them. He said that they have done the design and they are ready to proceed but that the funds are held up in bureaucracy and that the letter he signed was mailed today. He said that it is about a three-mile project that starts at the pier area and goes south to Ocean Hammock Park, and he is hoping for a response so that the project can get started. He said that he spoke to the District Commander in Jacksonville and the Project Director and that they would do all they could to help move this project forward at the local level. He advised that the money is there and that we just need headquarters to get through their process.

Mayor Samora asked the City Manager if the Corps was supposed to brief the City on the project in August. City Manager Royle said yes. Mayor Samora asked Commissioner Dean if he thought that the start date was in jeopardy because they wanted to brief the City in August and start it possibly in November. Commissioner Dean said that we should certainly be on that course and that they are doing everything they can to get it expedited and that he believed that the funds would be released in the near future. Mayor Samora asked if Commissioner Dean thought that the City should also write a letter similar to his. Commissioner Dean said that it would be helpful.

It was the consensus of the Commission to write a letter similar to [Exhibit A]. Mayor Samora asked the City Manager to get a letter together for signature. The Commission thanked Commissioner Dean.

Dee Fix, 4 Ocean Trace Road, St. Augustine Beach, FL, thanked Director Sparks for holding a special meeting on June 22nd; there are one hundred homeowners with the building value of about \$55 million and they deserve to have drainage; thanked Commissioner Dean for his quick response to her letters regarding their drainage issues; thanked City Manager Royle for his response; asked to give this the consideration that it needs; the water comes into a drainage in front of their townhouses and if we did not have our lot closed off to the pond, the nasty water would come into the parking lot; yesterday we had to use an underground pump and an auxiliary pump but we should be able to open up to the pond; a Water Management person from Jacksonville intended to look at the pond recently and she would like to know if that happened.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, stated that he emailed everyone regarding the roping on F Street and asked if that would be something that could be considered up and down the beach; the far left has a "Do Not Enter" sign and that traffic goes straight through; the roping may be a way to preserve the dunes; Ocean Hammock Park is going to be a great spot and he asked to consider more trash cans similar to those at the Lighthouse; asked to consider more security cameras in the Park; at the Publix Variance Hearing there were people talking about getting across the street and he recommended that they talk to Commissioner George about it; he sees people trying to get across from Marsh Creek.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, showed the St. Augustine Beaches News Journal July issue cover [Exhibit B] and said that the photo is wrong in many ways and he thought that we got over this when we were not going allow the rainbow flag to fly anymore; this is not a representation of this City and that he has not met one person that thinks that it is okay; it contradicts several of the elected officials that he backed and that he hopes that they rethink any awards like this in the future; this room is for City business and not to give awards to people that choose another lifestyle; suggested having a heterosexual proclamation because everyone in

the photo was a result of a heterosexual act and that a child is not the result of gay pride; very disappointed in the City ripping off the condo owners and the misappropriation of funds by using ARPA money to purchase trash trucks for the minority of the residents; there are more condo owners than single family and duplex owners; after years of stealing from the condo owners to turn around and cheat them again, that he does not have high respect for people that cheat; asked to end these silly proclamations.

Mayor Samora closed Public Comment and advised that there are a few things to follow up on.

Mayor Samora said that he appreciated Engineering Director Sparks having a meeting with the residents of Ocean Trace Road in June and that he understands that the City is going to keep some pumps deployed there and he asked what the next steps are for the drainage. City Manager Royle advised that that is something that we need to talk more about but that the City would help in an emergency. Engineering Director Sparks said that Christine Wentzel from the St. Johns River Water Management District come out and that there was an email going around and that Mr. Wiley Page is coordinating the alliance that we have suggested to the homeowners to help them understand the permitting, etc.

Mayor Samora moved on to the public questions regarding Ocean Hammock Park and he asked Chief Carswell if there were plans for security cameras. Chief Carswell said yes and that he met with Assistant Public Works Director Adams about the placement of the cameras and that they have laid out the map of where they are going to go. Mayor Samora said that a lot of money has been spent getting Sea Oats planted and he asked about putting ropes around some of the sea oats. City Manager Royle advised that the County has done ropes in the past and that he would contact Mr. LeClare for the exact location and then contact his County counterpart about it. Commissioner George said that she believed that they had someone do an initial assessment after hurricane season because they did install them at numerous locations and that maybe a new assessment could be done.

Mayor Samora advised that he would not address the rest of the comments. Commissioner George said that they do not deserve a response.

IX. COMMISSIONER COMMENTS

Mayor Samora advised that the Tourist Development Council (TDC) has some significant restructuring, which is already in motion. The St. Johns County Visitors and Convention Bureau (VCB) has been the TDC's main advertising body, which is being split off and will be combined into one big marketing contract. He said that there is a vacancy on the Board and that he wanted to get that out to as many people as possible and that they would like to fill the position with someone from the lodging sector and that he would love to have representation from our City.

Commissioner George advised that her meeting with Marsh Creek Homeowners' Association is July 25th to see if there is any interest to collaborate with the planning or funding for a traffic signal or at least an analysis to do one. She also thanked the City Police Department for giving her visiting nephews a tour of the Department, which is available for everyone to do, and that everyone should attend the Police Department's events such as Coffee with a Cop, Bowling with a Cop, the Bike Rodeo, etc., which is a good way to meet our police officers and garner mutual respect. She was impressed with the quality of our Department, the organizations within it, and the projects that they are working on. She said that she accidentally learned about the Clean Water Constitutional Amendment that would be up next year and that she wanted to bring it to everyone's attention and that there will be a resolution for the Commission's consideration next month. She advised that petitions were dropped off at her office that are circulating to educate

people and help get it on the ballot. She volunteered to make herself available and to share information with anyone who is interested in learning more about the Amendment.

Commissioner Morgan advised that she has had several people ask her about the Publix shopping center and that it should be on the agenda in the upcoming months. Mayor Samora asked the City Manager when he anticipated that the Commission would see information regarding the shopping center. City Manager Royle said probably in October, and he referred the question to the Building Official. Building Official Law advised that it should be on the September Planning and Zoning Board meeting agenda and the Commission should see it in October.

Commissioner Sweeny thanked the Police Department for everything that they do, especially around the July 4th holiday because the beach was packed. She said that they also do the bike parade through her neighborhood and that Officer Martinez is fantastic with the kids and everyone knows him.

Mayor Samora moved on to Item X.1.

X. PUBLIC HEARINGS

1. Ordinance 23-04, Final Reading, to Change Section 8.00.10 of the Land Development Regulations Concerning Business Signs (Presenter: Jennifer Thompson, City Planner)

City Planner Thompson advised that this is the final reading for the nonconforming signs. She said that the Commission saw this last month, that the ordinance was approved unanimously during that meeting, and that there have been no changes.

Mayor Samora opened Public Comment.

Ellen Avery-Smith, Rogers-Towers, P.A., 100 Whetstone Place, Suite 200, St. Augustine, FL, has a client that owns the Dunkin Donuts, and he is very happy; thanked the Commission for being proactive for the City's businesses.

Mayor Samora closed Public Comment and asked the City Attorney to read the preamble. City Attorney Douglas did so.

Motion: To approve Ordinance 23-04 on final reading. **Moved by** Commissioner Sweeny, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to X.2.

2. Public Hearing on Proposed Non-Ad Valorem Assessment for Solid Waste Disposal, Collection and Recycling for Transient Rentals, Resolution 23-03 to Establish Assessments and Resolution 23-04 to Adopt Agreement with the Tax Collector (Presenter: Patricia Douylliez, Finance Director)

Finance Director Douylliez advised that this was to convert the monthly solid waste billing for transient rentals to an annual non-ad valorem assessment on their annual taxes [Exhibit C]. As discussed at the last meeting, the divisible number for the City's 64-gallon and 96-gallon carts is 32-gallons of waste (i.e., $32 \times 2 = 64$ and $32 \times 3 = 96$). She advised that the Commission established a beginning rate of \$190 per year, per 32-gallons of waste. She said that a 96-gallon cart would be charged for three 32-gallons of waste or \$570 per year ($\$190 \times 3 = \570) and 64-gallons would be charged \$380 per year ($\$190 \times 2 = \380).

Finance Director Douylliez moved on to the next slide, which showed the comparison costs of the monthly payments vs. what the non-ad valorem assessment payments would be with the two percent Tax Collector's billing fee. She moved on to the next slide, which showed the benefits of going to a non-ad valorem, such as no need for the transient rental customers to mail a monthly check or make monthly online payments, no possibility of late fee charges, no more overage

charges, etc. She said that there will be periodic reviews of the transient rental services and that Public Works will monitor any overflow, take appropriate action with photos, and contact the property owner to notify them that they need to increase their service levels. She said that other benefits would be that less staff time would be invested in counting cans, looking for overages every single day, entering the information into a database, along with the savings in postage, paper costs, etc.

Finance Director Douylliez advised that there are two resolutions and that there was a change brought to her attention for Resolution 23-03, which should specify in the Service/Annual Assessment box at the bottom of the page that the service is "Per 32-Gallon Unit", which has been corrected. City Clerk Fitzgerald advised that if it is approved, she would have a draft ready with the change after the meeting. Finance Director Douylliez advised that Resolution 23-04 is the agreement between the City and the Tax Collector authorizing them to put this in the tax bills going forward when the tax roll is certified in September.

Mayor Samora advised that a lot of work has gone into this to simplify things, that it is revenue neutral, and it seems like a very good solution.

Commissioner Morgan asked when this assessment would begin. Finance Director Douylliez advised that the City would continue billing through December 2023 and the assessment would start billing from January 1, 2024, through December 31, 2024. Commissioner Morgan pointed out in Resolution 23-04, Exhibit A, paragraph 2, that the second sentence specified the "County", and she questioned if it should be changed to the "City". Finance Director Douylliez advised that it should be corrected to the "City". Commissioner Morgan said that there is also no definition of what "MSBU" stands for as stated in paragraph 3 of Exhibit A.

Commissioner George asked for clarification of the billing cycle. Finance Director Douylliez advised that it would go out on the tax roll billing for calendar year 2024, that the City would continue manual billing through December 31, 2023, and that the last invoices would be received in early January because the City bills in arrears based on what was collected. Commissioner George said that it would mirror the property tax cycle and that they would continue to pay monthly until the end of the payment cycle so there would not be a gap or overlap in billing. Finance Director Douylliez said yes.

Mayor Samora opened Public Comments.

Sharon Freeman, 7 B Street, St. Augustine Beach, FL, stated from the audience that all her questions had been answered.

Mayor Samora closed Public Comment.

Vice Mayor Rumrell advised that he received several questions about it and that the City Clerk helped him so that he was able to explain it better and let them know that they could possibly save several hundred dollars a year.

Motion: To approve Resolution 23-03 with addition of "Per 32-Gallon Unit". **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Motion: To approve Resolution 23-04 with the changes to Exhibit A. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora asked what the next step would be. Finance Director Douylliez advised that she would certify the tax roll along with the residential solid waste, which she believed was due by mid-September.

Mayor Samora asked to change the order of topics to accommodate members of the public and he moved on to Item XIII.7.

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)

3. Approval of Five-Year Contract with James Moore and Associates for Auditing Services

Mayor Samora summarized and said that we have the option to do renewals one year at a time, but what is being proposed is a five-year contract so that we have a fee schedule for the next five years. He asked if there were any other benefits.

Finance Director Douylliez advised that she had a discussion with them today and if we choose to go year-by-year, that next year's price would \$36,500, which is a \$6,500 increase over and above what they are proposing if we go with a five-year term contract. She said that the added information that she provided today is from the Auditor General, which recommended that the Government Finance Officers' Association (GFOA) general accounting practices is to have at least a five-year agreement for continuity, and we just started with them five years ago. She said that it is her intent to go out to bid after this next renewal for whatever length contract the Commission chooses and it takes some time because we have to establish a review board. She said that she was a part of that board the last time because she was not in the Finance Director position but would not be able to participate this time. She advised that the initial audit is tentatively scheduled for the second week in October for FY 2023 financials.

Commissioner Morgan said that she noticed on Page 17, Paragraphs 18 and 19, regarding Mediation and Binding Arbitration, that it specifies that they would take place in Alachua County and that the previous contract was like that as well. She wanted to bring that to the Commission's attention because it would be her preference for it to be in St. Johns County, but that she would not want that to hold up the process. She said that she would not want to deal with a cost increase every year and she liked the financial benefit of going with a five-year contract.

Commissioner George said that she is frustrated because we do not have time to have any other options. She asked if data was gathered from other cities regarding increases from auditing firms. Finance Director Douylliez advised that other auditing firms are presenting similar increases. She said that our prior auditor is now suffering from a lack of employees, so they are no longer bidding on city contracts, and that some auditing firms are struggling to meet deadlines. She said that another benefit that we have had with James Moore is a consistent team doing our audits, which is one of the requirements that we requested, and that makes it so much easier because they understand our policies and procedures. She said that James Moore said that he would typically have two or three years out of people getting ready to graduate and sign a contract with his firm and now he has no one. She said that she was confident in their ability but that she would go ahead with a Request for Proposals (RFP).

Commissioner Sweeny said that she had a concern about this initially and had a conversation with the Finance Director and a CPA friend and that she had no idea that there was a massive shortage of CPAs and that prices are skyrocketing for CPA services. She thanked Finance Director Douylliez for working on this to try to lock us in to pricing and she feels more comfortable with it and fully supports going with a five-year contract at this price.

Mayor Samora said that he was also concerned about the pricing because it was about five percent a year, which seemed high and ours was only two-and-a-half percent each year but if you look at the Consumer Price Index (CPI), they have been underpaid for the last few years. He said that he felt better after having some clarity about it.

Mayor Samora opened Public Comment. Being none, he closed Public Comment.

Vice Mayor Rumrell advised that he also talked to the Finance Director about it and that he feels more comfortable after she explained it. He said that the numbers are going up and there is nothing that we can do to hide from it just like what happened with Ocean Hammock Park.

Finance Director Douylliez advised that she consulted with the City Attorney on the verbiage in the contract to meet the letter of what the contract states and that he was in agreement and said that he had also seen increases in pricing and to lock something in is probably in our best interest.

Commissioner George asked if she spoke with the City of St. Augustine. Finance Director Douylliez said that she did not.

Motion: To approve the contract with James Moore and Associates. **Moved by** Commissioner Sweeney, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XII.4

XII. OLD BUSINESS

4. City Attorney Services: Review of Addendum to Professional Services Agreement with the Douglas Law Firm (Presenter: Charles Douglas, City Attorney)

Mayor Samora advised that we heard this request last month and had some revisions.

City Attorney Douglas said that after listening to the comments and concerns of the Commissioners last month, he went back and spoke with the primary attorney, Mr. Blocker, and that we want to demonstrate our willingness to work with the City. He said that our original request was for \$8,500 and we have come back with a lower request of \$8,000 with a five-year contract with the first three years being at \$8,000 per month and the last two years going up to \$8,500 per month. He said that all the other provisions from the original contract are still there, and that the City would be able to separate from our legal services at any time in the five-year period with thirty days' notice.

Mayor Samora asked for more clarification regarding the CPI information on Page 8 of the agenda packet. Finance Director Douylliez advised that she went to the website and pulled what the CPI was year-over-year for the past three years to provide the City Manager with details of the percentage increases that we have seen and then applied those percentages to what the current rates were of \$6,000 a month for the set fees. She pointed out that the right-hand side of Page 8 showed what the increases would have been for 2021, 2022, and 2023.

Mayor Samora said that that puts us somewhat in line with what has been requested and he pointed out that the contract stipulates a three-year term not a five-year term. City Attorney Douglas apologized for specifying a five-year contract and said that the three-year contract would have the first two years at \$8,000 per month and the last year would be at \$8,500 per month.

Commissioner Morgan pointed out that the City Manager's last name was misspelled on the contract. She suggested to make paragraph 1 clearer and state that we are extending the current contract for a term of thirty-six months beginning October 2023 to clarify that the entire term is thirty-six months. Mayor Samora suggested to add the verbiage at the beginning of paragraph 2. Commissioner Morgan agreed.

Commissioner George suggested to add a subparagraph 5 specifying, *"that detailed billing statements showing hours worked on City business, in 1/10 of an hour increments, shall be submitted to the City periodically but no less frequently than quarterly."* She said that that way we can see what the services are that we are getting and gauge what we are actually paying on an hourly basis. She said even though we get the benefit of a reduced hourly rate for litigation, it is her understanding that it would only apply if we were suing someone. She said normally if the

City is being sued, then the League of Cities' legal contract would cover us, so it would be very rare that we would ever tap into that \$175 per hour rate. She said that it is part of the conceptual benefit offset for having a monthly fee, but we need to have transparency for our fiscal responsibility.

Commissioner George said that the contract references an "Exhibit B", but in both agenda items where this has come up before us, we have never had an Exhibit B that clearly identified what the regular services are. She said that she did not know if that was ever a part of the contract, but the regular scope of work should be. She said maybe it is not necessary because we are only carving out the services that are hourly as being litigation, but if there is an Exhibit B that exists, she would like to see it, otherwise we should just strike reference to it, which might be a cleaner way to do it.

Commissioner George asked if the frequent contact by Department Heads instead of the City Manager was for legal issues that staff has concerns about, whether there is normal protocol to keep the City Manager informed, and that she would presume that it was not for personnel issues. She asked if contact should be made directly from a Department Head or if the City Manager should be a part of those conversations. City Manager Royle advised that it usually planning & zoning matters because they deal with property, building code regulations, etc., sometimes Code Enforcement because the City Attorney sits in on their meetings. He said that he did not feel that it would be necessary for him to be involved. Commissioner George agreed and said that the way it was presented was that there was an increase in work, and she wanted to know if there were issues that posed real legal questions that need to go to an attorney, which might be a flag that the Commission or the City Manager needed to get involved in. She wanted to make sure that there were not grave staff concerns that the City Manager was not being informed about, but that Code Enforcement and ordinances would make sense. City Manager Royle said that he could not think of instances where it would need to be defined more narrowly than how we practice it now.

Finance Director Douylliez said that we have been spending some time with the City Attorney on contractual issues to make sure that he is reviewing them before we engage with service providers on a lot of the projects that we have, and we want to make sure that we are meeting the letters of the law. She said that prior to Mr. Tredik leaving, there had been some discussion about developing some standard contract language so that when we have a new project, we could just pull from that standard contract. She said that Mr. Tredik had some conversations with the City Attorney and that Engineering Director Sparks probably is too because he is fairly new to our processes. Commissioner George said that her expectation has always been that the City Attorney should absolutely be reviewing every contract and that she liked the idea of a standardized form.

Mayor Samora asked the City Attorney if adding a proposed paragraph 5 regarding detailed billing was something that his firm could do. City Attorney Douglas said yes and that it was something that City Attorney Blocker had already started and that he believed had been sent to the City Manager, which averaged about fourteen to eighteen hours a week.

Vice Mayor Rumrell said that he just did quick math and the minimum of fourteen hours a week would be a savings of approximately \$400 a month. He said that he is all about the taxpayer's dollars and coming from a legal family, his father's billable is over \$500. He said that you get what you pay for and that he is okay with the proposal and that adding the billable is good because it shows transparency. He said that for the record he thinks that it is a good deal because we would probably be looking at \$9,600 to \$10,000 and that he also liked the fact that the Department Heads are able to talk to the City Attorney. Commissioner George said that maintaining communication is critical. Vice Mayor Rumrell said that it is well deserved and that they had low fees for the previous three years.

Mayor Samora thanked City Attorney Douglas for working with the City on this.

Mayor Samora opened Public Comment.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, did not particularly care for this; agreed with Commission George's comment regarding that the League of Cities takes care of our big lawsuits; what exactly are they doing for \$8,000; he likes City Attorney Blocker but is he a good attorney; termination of the County Administrator, he broke the State of Florida law; hiring of the County Administrator, he broke the County ordinance and discriminated against women; City Attorney Blocker is also one-hundred percent disabled, don't you want to know what for, he also pays no property taxes; he thinks the disability is mental illness, which could get us into a bigger lawsuit; these are questions that the Commission should ask and he does not think that this is a good contract, we are overpaying, we won't get the services, and this is not the best we have; if you did not do an RFP, then you billed the residents.

Mayor Samora closed Public Comment.

Commissioner Sweeny thanked City Attorney Douglas for working with the City and for lowering his fee. She also thanked the Finance Director for providing the CPI numbers and said that the cost of everything is increasing. She said that she believed that from accountability for taxpayers' dollars that this is in line with our duties, and she takes those responsibilities very seriously. She said that she appreciated all the work that the City Attorney is doing and that she disagreed with what some people said because she believed that we would get the services and that we have been getting those services. She said that City Attorney Blocker has proven that he is providing excellent legal services and she agreed that if we were to go out to bid with it, that we would be paying more.

Mayor Samora agreed and said that he has been extremely happy with the services that have been provided.

Motion: To approve the Addendum with noted changes. **Moved by** Mayor Samora, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XIII.5.

XIII. NEW BUSINESS

5. Rain Gardens: Consideration of Request from the Sustainability and Environmental Planning Advisory Committee (SEPAC) That They be Located on Parkettes (Presenter: Lana Bandy, SEPAC Vice Chair)

SEPAC Vice Chair Lana Bandy and Committee Member Karen Candler presented a PowerPoint [Exhibit F]. Vice Chair Bandy said that this presentation is about green infrastructure and rain gardens. She said that we have been talking about this and that it is mentioned in the City's Vision Plan that was recently adopted to use some of the parkettes for rain gardens and other environmentally friendly landscaping options. She said that green infrastructure is an approach to managing stormwater and sea level rise through natural systems in addition to the gray infrastructure, which is a benefit to St. Augustine Beach. We get a lot of rainstorms, which we have had lately and there is a lot of standing water, and that rain gardens and green infrastructure could help alleviate that. She said that some examples of green infrastructure are: bio swales, like the one on Mickler Boulevard; increasing the number of trees; landscaping with native plants such as the wildflower garden that SEPAC recently did on Mickler Boulevard; and rain gardens, which the City does not have any of yet. She said that a rain garden is typically a six-to-ten-inch depression in the land where we would put native plants, grasses, and flowers, which would help with some of the flooding and stormwater runoff issues, but it would also beautify the area. We

need rain gardens because the City is growing and has more and more impervious surfaces and the rain gardens would hold some of the stormwater runoff for a brief time before it goes through the ground, which would help remove some of the pollutants. Rain gardens can have different designs depending on the location and the idea is to do a demonstration of an eco-garden with a sign and explain the benefits of it. She advised that the rain gardens look really nice near parking areas to beautify them.

Vice Chair Bandy said that SEPAC has been talking about this for a while, we are ready to move ahead, and have had one design done, which is a rough sketch of what we had in mind. She said that SEPAC has been looking at some 40 x 15-foot locations on the parkettes, which is what the Vision Plan called for. She showed the first location, which is on the Boulevard at 8th Street near the auto repair shop. She said that it is a parkette that has not been improved at all, it is not very attractive right now, and a rain garden would beautify it. She said that it is also a very visible location in the City, our residents and visitors would see it, it would be a good educational point, and that she did not see a downside to doing a rain garden on this space. She said that there is no swale at this point so it would be a little work to dig it out five or six inches but there is drainage, which would help us. She said that she was told that after it rains that it flows over into the nearby neighborhood and hopefully a rain garden could help prevent some of that.

Vice Chair Bandy moved on to the second location, which is also on the Boulevard just south of Café Eleven on a very narrow strip of land, which would also be highly visible, and it is not very attractive right now, but it already has a white fence. She moved on to the last location at the northwest corner of 3rd Street and 2nd Avenue, which is farther off the Boulevard in a residential area, but we are not sure about resident buy-in. Member Candler advised that it is on the walkway that the County is currently working on. She said that even though it is in a residential area, a lot of people use that sidewalk. Vice Chair Bandy said that the City has already done some work in the area by planting three Cypress trees and that the area currently holds some water.

Vice Chair Bandy said that SEPAC would like to have Commission feedback/suggestions, and answer any questions that you have, and then move ahead with one of these locations.

Commissioner George advised that she had talked with other SEPAC members about this and that her concern is that the name "rain garden" is getting a lot of push back from the community and she suggested calling it an eco-garden. Mayor Samora asked what the push back was about. Commissioner George said that the neighbors think that a rain garden is going to hold water or that it would be a barrel and suggested changing all the messaging going forward, which would be an easy fix.

Commissioner George asked if it is intended to be low maintenance. Vice Chair Bandy said yes, but that it would require a little bit of maintenance, such as weeding, but that SEPAC has funds in the budget to cover that expense every quarter. Commissioner George asked if SEPAC already had a budget in place. Vice Chair Bandy said yes that SEPAC has a budget this year and that they would like to implement it by starting with just one, and maybe be able to do more in the future. Commissioner George asked if these locations were chosen because they are not directly adjacent to residential areas and because of the push back. Vice Chair Bandy said yes that SEPAC had looked at several locations on D Street and had workshops with the residents, which did not work out. She said that people get used to the way the area is, they do not want to give up the activity that they use the land for, and we did not want to go with a location that did not have total buy-in from the community. Member Candler said that she thought some of their hesitation was because of the maintenance aspect and if we can get one or two started then the residents would see that they are being maintained and maybe we could go back to D Street in a few years.

Commissioner George asked if SEPAC would need additional funds to implement the first one. Vice Chair Bandy said that SEPAC has enough in the budget this year. Commissioner Sweeny asked if the budget included an educational sign. Vice Chair Bandy said yes, and she referenced the sign that they put at the wildflower meadow on Mickler Boulevard, which is very attractive and that they could do something similar. Commissioner George said that she believed that the City stopped using the term "parkette" and to use the term "plaza".

Commissioner Sweeny said that she liked the second location because it looked the worst and had the most room for improvement. Member Candler said that Café Eleven is right there and it would be very visible. Commissioner George said that the parking lot holds a lot of water and that there is a house right behind the fence. Member Candler said that they did not discuss it with the resident because her lot is heavily treed, and we were not sure if she would even notice it. Commissioner George said probably not from inside her property but with all the water there that it could be an added benefit.

Mayor Samora said that he liked that location as well. Vice Mayor Rumrell agreed but said that in the long-term we would have to think about is the River to Sea Loop, which is supposed to expand those sidewalks. Commissioner Morgan said that we could not get close to the street because of what the Vice Mayor brought up, but there is also a driveway access to that house from the back so you would not be able to be right next to the Boulevard, but it is still probably a good spot because it needs beautification. Vice Chair Bandy asked how wide the sidewalks would be. Vice Mayor Rumrell said that that was to be determined but that the Engineering Director may have an answer. Engineering Director Sparks said that the last he heard, the sidewalks would be twelve feet wide. Vice Chair Bandy said that it would still work because it is a very large area, and you could fit an eco-garden in any size area. Vice Mayor Rumrell asked if they contacted the auto repair shop. Vice Chair Bandy said that she would be happy to do that.

Commissioner Morgan asked if SEPAC only had a budget for one eco-garden. Vice Chair Bandy said that she believed that they have the budget for two for this year but that they would like to move one to next year.

Vice Mayor Rumrell asked if SEPAC had ever considered becoming a club so that they would not have Sunshine Law restrictions or minutes and could raise funds and still come back and do things with the Commission. Member Candler said yes but that they felt like they would lose the Commission's support. Vice Mayor Rumrell said that he often thinks of how much more SEPAC could do if you could talk and work together and that there have also been times that SEPAC did not have a meeting because there were not enough members attending. He said that he feels like people quit quite often on SEPAC and that he was trying to think of a way to make it easier for SEPAC to do projects because he would still support them.

Commissioner George said that there are other reasons for the City to want a board such as the requirement to have a Tree Board with our Tree City designation. City Clerk Fitzgerald advised that we either have to have a Tree Board or a Public Works Department. Vice Chair Bandy said that she believed it was a good thing that the City has an association with SEPAC because environmental issues are huge. She said that even if it is just the perception of the public that the City is really supporting it, that it is still a win. Member Candler said that they would be surprised at the number of citizens that show up at their SEPAC meetings.

Mayor Samora opened Public Comment. Being none, he closed Public Comment.

Mayor Samora said that he liked the second option the best. Commissioner Morgan said that she liked options one and two. Commissioner George liked the first option for the pilot because it is closer to the Boulevard. Vice Chair Bandy suggested that SEPAC talk to the homeowners and the businesses and take some measurements to make sure that it is feasible if the sidewalk is

widened. Vice Mayor Rumrell asked who would be doing the work. Vice Chair Bandy said that they have it in the budget to hire someone and that they have estimates for the plants and the labor. Member Candler said that they also have had a lot of input from Foreman Large.

Commissioner Sweeny asked that SEPAC work with the Engineering Director as well to avoid easements, etc.

Finance Director Douylliez advised that we are coming up on the end of the fiscal year and all the work has to be completed and billed by September 30, 2023.

Commissioner Morgan asked if the Commission could make a motion to approve more than one location in case there is opposition from any of the adjacent property owners so that we could just go with the next location with the Engineering Director's approval.

Commissioner George asked what type of approval is needed and could it just be a consensus to spend the money. City Attorney Douglas advised that it was his understanding that SEPAC was coming before the Commission to see if there was a consensus for one location.

Mayor Samora said that it is the consensus of the Commission for both the 8th Street and the 11th Street options based on the feedback that SEPAC comes back with.

City Manager Royle pointed out that the 8th Street location has potentially been considered for parking in the future because we have parking across the street. Mayor Samora said that there could be some potential projects that could affect it. Commissioner George said that it is a pilot program, and we want to get it up and running and see how it impacts the community and whether it garners support or not.

Mayor Samora moved on to Item XIII.6

6. Resolution 23-05, to Establish Fees for Mandated Milestone Inspections (Presenter: Brian Law, Building Official)

Building Official Law said that everyone is aware of the condo that collapsed several years ago in south Florida and since then the Governor and legislation have moved very fast to mandate that Building Officials are now in charge of maintenance, but that he cannot create a program until he sets a fee. He is recommending the lower fees to see how it goes. He said that the City has a little over sixty individual condo buildings that we have flagged already for three stories or higher and that there is one complex that was built in the early 2000s, which is not an issue right now but that they going to be part of a major program using our MCSJ software. We would have to go to each parcel, get the Homeowners' Association (HOA) and management companies contact information, have letters sent, and then begin the review process. He said that they have until the end of next year to complete the milestone inspection but with the limited supply of engineers and architects that specialize in this type of work that he would rather be more proactive and keep moving.

Building Official Law advised that he is asking for three things. First, that you approve the fee schedule and that the only change is on the last page for the milestone inspections. He said that Phase 1 is that you would have to do it with no exceptions and Phase 2 is for if an engineer or architect finds structural deficiencies that require a follow up inspection with additional permitting. He said that we would be charged with hiring whatever staffing they need and charge whatever fees we need to start the program. Since this is in the early stages, he recommended a lower number to see how it goes in the first round. He said that these laws are changing as fast as he can absorb them, and the Florida Building Commission has been tasked again with modifying it and coming up with standardized inspections and we are laying the groundwork.

Building Official Law advised that the second part is that the Statute gives the Commission the ability as policy makers to strengthen the State ordinance but that he does not recommend that. He said that he spoke with the City Attorney about it and that it is already changing, and we should just do what the State does and go with it because we do not have twenty story condos.

Building Official Law advised that the third part is to choose a date to start mailing the letters. He said that once he mails the letters, the Condo Associations are required to begin the process within six months, and they have until the end of next year. He said that there were some changes last month that eliminated the twenty-five-year inspection, which is not a big deal because all of our condos are over that age. It gives the Building Official more leeway, and if they are in good faith and can demonstrate it, that he could give extensions and that we could do a twenty-five year if the Commission chooses to but that he is recommending sticking with the State law to simplify it.

Building Official Law advised that the main thing is to create the fee schedule so that he can create the computer program and then do the letters. Mayor Samora asked the Building Official his recommendation for when to begin sending the letters. Building Official Law advised that he would not want to go any further past the end of this year. Mayor Samora asked if he would require additional staffing for this program. Building Official Law advised that he hired extra administrative staff in April to handle the front counter and that this would mostly be done by himself and the permit manager. He said that he would utilize the City Attorney to review the letter but that the program would be on autopilot.

Building Official Law advised that if there is ever an instance where a condo association says no, then he would send out a Code Enforcement letter for being in violation of the Statute and they would have two weeks to respond and at that time they would be taken to the Code Enforcement Board where they can make their decisions about fines. He said that as the Building Official, he reserves the ultimate authority and that if he gets a report that the building is deemed unsafe that he would notify the City Manager, the City Attorney, etc. and that he would evacuate the building. He said that he would keep everyone in the loop but that it is ultimately his decision. He said that our buildings are beautiful, but they are aging.

Commissioner Sweeny asked if the condos would hire inspectors and does the fee cover the administrative side. Building Official Law advised that it would cover the administrative side such as making contact, sending certified letters, etc.

Commissioner George said that she noticed that the Statute references penalties and she asked if we should also be codifying what the penalty would be. Building Official Law advised that he was hoping to utilize the Code Enforcement Board for penalties because we reserve the right to summon the Board outside of their normal schedule if it is deemed as an emergency and any violation of the State Statute, would be deemed an emergency. Commissioner George said that it would be a question for legal whether that would be sufficient and be able to generate penalties if they are not published in advance. City Attorney Douglas said that he did not see any impediment to that, but he would like to have the opportunity to research it to confirm it. Building Official Law advised that the Code Enforcement Board can fine up to \$250 per day by State law. He said that if that is something that we decide to do to evolve this later that we could always make another resolution and amend it.

Commissioner George advised that the fees seem too low to even cover the time involved per building and she would like to make sure that the fee amount is sufficient for a legitimate review and not just a rubber stamp. Building Official Law advised that the review would be reviewing the design professional's report, which is required to be signed, sealed, and in compliance with the State. He said that that design professional actually has to make the statement, which is as real

as it gets for these designers. Commissioner George said that she handles a lot of construction related litigation and those reports could be very lengthy and that she had concerns because with the Phase 2 milestone inspection, they have already determined that destructive or non-destructive testing needs to be implemented and whether \$100 fee would be enough to justify it. Building Official Law advised that until this program is up and running that he would not know but that the fees can be whatever the Commission decides. He said that he put those numbers out there keeping in mind that we are still a little heavy in our reserve money, which is something that he always considers, but at the end of this fiscal year we should be pretty close to being a non-deficient item that you have seen for the last two years. He said that he has seen the fees at \$400-\$500 in south Florida.

Mayor Samora asked if he had done any research into what other cities are charging. Building Official Law said yes that he saw some fees at \$75 but that the majority of them were higher and we only have three- and four-story condos and the reports would probably be substantial with photos, etc. He said that the reason he went a little lower with Phase 2 was because they will have already looked at it and it would be more surgical at that point with permits. He advised that there is a building that is currently going through substantial concrete repairs and that he has not seen the report because they are not obligated to provide it to him.

Commissioner Sweeny asked if the fee was per building. Building Official Law said yes and that a forty-building condo would have forty individual reports and forty individual fees. He said that each building in a condo complex has its own parcel ID, which is how we are planning to use our current software to track these and once he assigns it a code, they would be able to filter by that code and that they could date the inspections for ten-years in advance.

Commissioner George said that she was confused about how many fees there would be for a forty-unit building. Building Official Law advised that it would be one fee per building in the complex, not per number of units in each building. Commissioner Sweeny asked if it should specify that in the language. Building Official Law advised that he could add "per building" to the milestone inspections. He said that the Commission can raise the fees but that it also reserves the right to lower them.

Vice Mayor Rumrell said that he was inclined to start a little higher because we do not know what we are getting in to. Commissioner Morgan said that she thought that Phase 2 would cost more because it would be looked at with a microscopic view but that she would follow any data that he had found. Building Official Law advised that the fees could be anything that the Commission decides.

Mayor Samora asked if there were other inspections that go along with this. Building Official Law advised that his vision is that the design firm does their initial milestone inspection and if they note massive structural issues then they would need to hire a State of Florida contractor who would then apply for a permit, and we would require an engineer to do it. He said that the City's Building Inspector would handle the buildings at that point and a lot of times with condos we would require that the engineer that designed the repair provide a report of satisfaction and at that time the Phase 2 inspection would also be taking place and they would need to certify the building.

Mayor Samora said that it sounded like we would want to increase the initial fees and get this program under way. Building Official Law advised that it would take a while for him to create the software and go through each building.

Commissioner Morgan suggested that the fees should be \$200 and \$250. Vice Mayor Rumrell agreed that \$250 would be good to split the difference between what was proposed and what south Florida is charging. Building Official Law advised that we could always change the fees.

Mayor Samora asked if the Commission was good with the letters going out before the end of this calendar year. Vice Mayor Rumrell suggested sooner than later to let people know because people may ask for exceptions since this is a new program. Building Official Law said that he believed that we would see a shortage of skilled positions whether it be the contractors or designers.

Vice Mayor Rumrell suggested to send the letter out by September so they can start booking these people. Building Official Law advised that he could send the letter out any time but that he would need a month or two to prepare.

Commissioner Morgan said that she thought that the deadline was December 2024. Building Official Law advised that it is, but once the letter is sent out, they would have six months. He pointed out the verbiage in numbers 5 and 6 of the Statute and he said that the new changes will give him leeway if they cannot get an engineering firm or contractors.

Vice Mayor Rumrell suggested to specify in the letter that as it gets closer to the deadline, things will get busier so the sooner the better.

Commissioner Sweeny said that she would prefer to do it the first of the year so that the holidays would not be wrapped into that six-month period. Building Official Law advised that once the computer program is up and running, he could send out a notice alerting them to expect the certified letter. He said that the condo associations got hit pretty hard with the reserve money and the laws are changing.

Mayor Samora suggested to do it no later than the end of this year and for him to pull it forward when he is ready. Commissioner George said that he would have discretion to send out thirty letters in September and thirty letters in another month to stagger it if he thought that it would be beneficial. Building Official Law said that he is hoping that the State comes out with a brochure that we could have printed as a stuffer. He said that the condo associations know what they are doing, and he is not concerned that we would have non-compliance but that it will adjust their reserves and the way that they vote.

Mayor Samora opened Public Comment. Being none, he closed Public Comment.

Motion: To approve Resolution 23-05 with the change of \$250 per building for phase one and \$200 per building for phase two. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XIII.8.

7. Request for E-Bicycle Ordinance and Budget Resolution 23-11 to Pay Costs for School Resource Officer at Island Prep School (Presenter: Police Chief Dan Carswell)

Chief Carswell advised that the budget resolution is to pay for a school resource officer at Island Prep School and he showed a PowerPoint presentation [Exhibit D]. He said that in May of 2023, Island Prep School requested to meet with the St. Augustine Beach Police Department (SABPD) regarding some security concerns and that in August they plan to begin serving students up to 8th grade. The preschool combined with the K-8 would be approximately 275 students. He said that Island Prep School also consulted with a private security company and afterwards advised the SABPD that they would like to contract for a full-time security officer.

Chief Carswell moved on and provided information regarding the Florida State Statute governing School Resource Officers, F.S.S. 1006.12. He said that by law the St. Johns County Sheriff must provide security to all public schools in one of four forms such as a traditional School Resource Officer, a School Safety Officer, a School Guardian, and a School Security Guard, which is a contracted security guard. He said that private schools can use any of these options but that they would cover the cost and they must comply with the same State Statute that governs the training

and requirements for all four of these options. He advised that Island Prep decided to go with a School Resource Officer, which would be a certified Police Officer assigned to their school.

Chief Carswell moved on to the next slide, which described the work schedule during the school year when the officer would provide onsite security, traffic control as needed, speak to classes, etc. vs. the summer and holidays when the officer would work a regular patrol schedule, provide extra beach patrol, and assist with short patrol shifts and major events.

Chief Carswell advised that they are proposing a 70/30 split of the cost with Island Prep covering seventy percent and the City covering thirty percent. He advised that a new officer with benefits would cost about \$96,000 and that Island Prep would be covering about \$67,678. He advised that there would be no vehicle costs because they have vehicles, but that there would be some minimal expense for uniforms and equipment for a total annual cost of \$29,334 per year for the City. He advised that they are asking for the budget resolution for \$75,000 this year so that he can hire an officer now and get them trained and ready for the next school year in August, which is in this fiscal year.

Chief Carswell said that this is a win-win for both parties and it is invaluable to have one of our officers there to form relationships with the kids. He said that he has everything covered on his end with personnel, accreditation, policy, and that everything is ready to go.

Mayor Samora asked if Island Prep School was aware of the costs. Chief Carswell said yes. Mayor Samora asked if a contract had been drawn up. Chief Carswell said no because he was waiting to see how tonight's presentation went. Mayor Samora asked if there had been discussion regarding the terms of the contract. Chief Carswell advised that they are looking to start out with a two-year contract.

Commissioner Sweeny asked if the increased cost of \$30,000 for this officer would be offset by not having to hire additional officers in the summer. Chief Carswell advised that the \$30,000 would be either additional officer help on the beach or the road but that the odds are that it might not be full, and they would end up covering a full-time shift that might not be staffed instead of hiring a full-time officer. Commissioner Sweeny said that it could potentially offset it. Chief Carswell said yes. Commissioner Sweeny advised that she had worked with the School District for a long time and that the School District pays the cost for those Sheriff's officers. Chief Carswell agreed.

Commissioner George said that it sounded like a good situation because it gives us more hands available without being burdened by paying for a full-time officer and to have help during the peak tourist months. She said that it also reduces the Department from being spread thin if they need to respond to something going on at the school and that we need to protect our children. Chief Carswell said that when we think of police officers these days that we often think about an active shooter situation but that there are other things that could happen on a daily basis such as medical emergencies, parent discrepancies, etc.

Mayor Samora opened Public Comment.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, agreed that it is a good idea to protect the schools; has trouble with the \$29,000; why isn't an Island Prep representative here speaking to us; where are they getting their money from; things are changing and that almost anyone could go to that school and get a voucher; the presentation should have included someone from Island Prep to talk about their funding and maybe they should get the whole thing covered.

Tony Lippi, 4 Hawaiian Blvd, St. Augustine, FL, is in favor of having a resource officer; his twins go to Hartley Elementary, and he would like to give praise to Officer Buck; he was there every morning, and it was peace of mind, and it would help the parents of Island Prep students.

Nicole Wilson, 8 2nd Street, St. Augustine Beach, FL, is a parent of Island Prep and this is a wonderful thing; thanked the Chief for putting it together; all the local schools have this assistance as well; you have not heard from Island Prep yet, but they have worked hard to put this together and that everyone would benefit from it; it is not coming from taxpayer dollars and that she knows that the school is paying their portion; appreciates the City taking this into consideration; it is good for the kids to be around the officers and get to know them; is very much in favor of this.

Jared Davis, 639 Deer Crossing Road, St. Augustine, FL, has two children at Island Prep and supports the request for a resource officer; as the school grows, it is necessary to increase the level of safety, the peace of mind, and to take the precautions to protect the student and the teachers; our children are our future and it is important to protect those that cannot protect themselves; the events that could happen are hard to predict, which is even more reason to have one onsite full-time; it is also important to support the growth of a small business like Island Prep to remain on par with other highly rated schools that have resource officers.

Gina Diesl, 216 North Ocean Trace Road, St. Augustine Beach, FL, is on the Administration Team and they have been working very closely with the Sheriff's office; they have listened to our concerns; the number one thing that the school promises is to keep their kids safe first and education is after; she feels very strongly about it and that is why they are here; the school is growing and there will be a whole different set of issues; the school will be paying a significant amount; this is something that we have not fully planned for but that they now get scholarships, which is a major plus for a lot of families; we hope to reach out to them for their help since those blessings went into their pocket and maybe they could give back and help the security fund; the founder of the company has been amazing and she has been looking at our kids' safety and security as number one and she wanted me to convey her appreciation for hearing this item; these are our kids and this is the only private school on the island and we want our kids to have a place to learn, grow, feel safe, and have someone else looking out for them.

Brooke Bilotta, 163 Tumbled Stone Way, St. Augustine, FL, has two children at Island Prep and is also a teacher there and will teach middle school next year; feeling safe at school shouldn't be a thought, but unfortunately today that is not the case; having a familiar face, someone that they can trust and talk to, is a great advantage; having someone that can speak openly with students that are having trouble could make a huge impact on the student's life; it is important for the students to become familiar with the police officer because they are more than what the media puts out; a resource officer would make the students feel safe, which is directly connected to them achieving their academic goals and they can focus more on their learning; as a teacher she knows how important it is to have a resource officer and she would look forward to them coming in a talking with her classes; being a teacher for over eighteen years she knows what it feels like to feel unsafe at school; from personal experiences, if she feels safe at school, then she is better focused herself as a teacher; studies have proven that teachers that feel safe have better learning gains from their students but also stay at their jobs longer; this is the most important thing for her as a parent of Island Prep students; not only from school shootings, violence, threats, but also from bullying and mental health issues; the resource officer would provide positive relationships with the students and develop strategies to resolve conflicts; quoted a university research study regarding the beneficial statistics from having a school resource officer program; our school is small and we live in this awesome place but that does not mean that we are immune from problems and if this is a way for our school to get these services, then that is what she wants.

Jennifer Smith, 5384 3rd Street, St. Augustine, FL, has been an educator for fifteen years and has two children at Island Prep and this is very important to her; as an educator she has walked into the school with a lot of "what if" moments, escape routes, hiding places, etc.; she has been through school lockdowns and some were scary for both her and her students, which leads to

other “what if” fears but her school has a resource officer, so the fear has been mitigated; we were calmed by the presence and quick reaction of the officers and they would work with the faculty and staff to teach them how to react; she could call her husband in those moments of chaos and tell him that everything was okay; it is not only personal reasons but also common sense reasons that a resource officer is vital for the security and safety of students, staff and visitors; they are trained by law enforcement professionals and are equipped to handle various emergency situations and their presence helps deter potential threats; they create relationships with students and administrators; in a world full of “what ifs”, we can do more to ensure that our children are safer.

Mayor Samora closed Public Comment.

Commissioner George asked Chief Carswell if this officer would be tied in with the Sheriff’s remote monitoring program. Chief Carswell said that that is something that he still wanted to look into. Commissioner George said that the program is brilliant and said that she would be happy to help.

Commissioner Sweeny encouraged them to meet with the Sheriff’s Office regarding a camera system that they could tap into in “real-time” to help out if there is an emergency.

Commissioner Morgan said that she attended a presentation from the head of the Sheriff’s School Resource Officer’s badge/lanyard program, which is something that could be considered to complement the onsite officer.

Vice Mayor Rumrell thanked Chief Carswell for bringing this to the Commission and for everyone attending and speaking tonight on behalf of children’s safety, which is the most important thing. He said that he has five children, and his wife has been a teacher for twenty-six years in the St. Johns County School District and threats can happen even in great schools. He is completely in support of this and is ready to make a motion.

Motion: To approve Budget Resolution 23-05. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Commissioner Morgan asked when to expect an agreement with Island Prep School. Chief Carswell advised that he would get with the City Attorney tomorrow morning to get it going.

Mayor Samora moved on to the request for an e-bike ordinance.

Chief Carswell showed a PowerPoint presentation [Exhibit E]. He said that in February he presented some concerns that he had regarding the rise of e-bikes and other alternative transportation. Since then, he met with some northeast Florida safety groups established by law enforcement and first responder organizations that are having meetings just about e-bikes, golf carts, etc. because communities all over Florida are having the same issues. He also spoke with Homeowners’ Associations (HOAs) and researched social media posts and citizen complaints to gather their concerns. He took that information and worked with the City Attorney to find the best solution to alleviate the problems that we are having. He said that e-bikes are everywhere, and micro-mobility is a good thing to help with traffic and gas prices, but we want to make sure that they are doing it safely. He advised that we are very fortunate that we do not have a lot of bicycle vs. vehicle accidents, and we are getting even less e-bike vs. vehicle accidents right now. The stats do not show the e-bike injuries because it is data that is hard to get because they are fire rescue calls, but injuries happen far more frequently than crashes.

Chief Carswell advised that statistics show that e-bike riders suffer more internal injuries and require hospitalization because people are riding fast on e-bikes, and it is a learning curve to understand what they are operating. He said that e-bike collisions are three times more likely to involve a pedestrian, which is huge for our beach because they are going twenty-miles per hour

and weaving in and out of people. He advised that e-bike riders do not need to have a license, insurance, or wear a helmet, and these are sometimes kids that could cause serious injuries.

Chief Carswell said that the citizens' concerns were for the e-bikes riding on sidewalks and the pedestrian area of the beach. He agreed with them one hundred percent and said that sidewalks are very dangerous because they come into intersections and sometimes go opposite of the traffic, which is a recipe for disaster. He advised that pedestrian areas are closed off for a reason and are not for motorized and/or electric vehicles.

Chief Carswell advised that he worked with the City Attorney to find the easiest fix and that we have an existing City Ordinance, Section 19-66, Use of sidewalks and certain other rights-of-way, which already solves the sidewalk problem and that he would add the verbiage; *"city beaches (as defined in section 5-1 of this code) not including those certain areas designated for motor vehicles referenced in section 5.7..."*. He said that e-bikes are increasing and the risk for injuries is going to increase but that he did not want to go crazy and over-regulate their use and that this a step in the right direction to address the problem.

Mayor Samora asked if they would be able to ride in traffic lanes. Chief Carswell advised that they are made to be in the bike lane or the actual road and would be better in the bike lane riding with traffic. He said that regular bicycles are allowed to ride on the sidewalks but have to yield the right-of-way to pedestrians. He said that e-bikes that are under pedal power could ride on the sidewalk but not when under electric power going twenty miles per hour, which is where we see most of the problems.

~~Mayor Samora asked if the e-bikes would be restricted to the vehicular lanes on the beach or is this to regulate their speed.~~ Chief Carswell said that it would be more of an educational thing. They could pedal the e-bike on the sand but when under electric power it should be in the vehicular lanes on the beach. Mayor Samora asked if they would have to be pedaling north of A Street. Chief Carswell said yes. He said that this is something that the officers would use discretion on, and their main focus would be for the e-bikes that are weaving in and out of people, etc. because a lot of people are concerned about it.

Vice Mayor Rumrell said that this is a needed adjustment to our ordinance and that he would like to see the one-wheel added to some degree. He has also heard that there may be something coming from Tallahassee because some e-bikes go as fast as golf carts and they are starting regulations for golf carts now that you have to be a licensed driver, etc. He said that he was driving thirty miles per hour on the Boulevard and was passed by an e-bike. Chief Carswell advised that there are different classes of e-bikes and some top out at about thirty miles per hour. He said that you can modify them but there is already a State Statute against that, which does not stop people from doing it. Vice Mayor Rumrell applauded the Chief for coming with this and said that he has received calls about it and has seen e-bikes almost hit kids, etc.

Commissioner Sweeny thanked the Chief for bringing this to the Commission. She said that she does not want to discourage people from alternative modes of transportation, and she would like to strike the right balance with education being the key. She said that she read that they would be doing educational outreach and she suggested that the City's Public Information Officer, Melinda Conlon, could post on our social media channels and the Newsletter, etc. to help educate people. She said that they could still pedal their e-bikes on the sand, so it is not an outright ban. She said that this also brings something else to mind and she asked to explore adding more bike racks at our beach access points because we struggle with parking. She said that she liked that people are using alternative forms of transportation and does not want to discourage them and if they are not going to be able to ride it in the same manner, that she would like to have a place for them to park it safely.

Commissioner Morgan said that enforcement is what it comes down to because it would be a tough call to determine if they were pedaling or not. She said that they would get a citation and then go to court and say that they were just pedaling. She said that she is not a fan of e-bikes and finds them annoying. She described a situation that she observed of a family on e-bikes and said a woman went headfirst over the handlebars and was not wearing a helmet and she feels that there needs to be an ordinance for helmets for e-bikes probably more so than this because it could be more easily enforced. She said that the education factor is more important for e-bike safety, which could be included in the bike rodeo, etc. She said that she would prefer that kids ride e-bikes on the sidewalk and not the bike lane. She suggested restricting certain times or dates for e-bikes on the beach such as not on Memorial Day, Labor Day, etc. or restricting the hours that they are allowed on the beach. She said that there were a lot of other concerns such as the sea turtles, etc. and that she also wanted to ask about having more bike racks because she saw some elsewhere that had local business advertising on them, which would be a great way to fund it. She said that this might not be covering the problem and how would we enforce it because it does not address one-wheel bikes, or helmets, etc.

Chief Carswell advised that this is just one step, and that enforcement would be done the same way it is with pulling someone over for not wearing a seatbelt. He said that they deal with that every day and go to court and present their case. This is not for whether they were pedaling or not, this is for them speeding through pedestrians on the beach that are causing concerns. He advised that you are much safer riding in the bike lane than the sidewalk because people are looking at the bike lane and you are flowing with the traffic. Most bike accidents that they see are from riding against the flow of traffic on the sidewalk or they do not have a light on their bike at night. He said that he felt that regulating helmets would be reaching too far with how they operate.

Mayor Samora asked what the bicycle helmet regulations are. Chief Carswell said that he believed that anyone under sixteen years of age has to wear a helmet and it is crazy that they are not required to wear a helmet or even have a license with e-bikes, but regulations are coming, and laws are changing. He said that there are meetings every month just talking about e-bikes. Right now, working an e-bike crash, there is no way to even put an e-bike on the system and that Florida is trying to catch up and we are actually getting ahead of the curve.

Mayor Samora asked if the enforcement would be a ticket. Chief Carswell advised that it would be a city ordinance citation but that his goal is education for a while and not to raise revenue. He said that our beach patrol officers would stop them and educate them how to operate the e-bike before anything else would take place.

Commissioner George asked how a citation would work for a minor. Chief Carswell advised that he would have to look into that. Commissioner Sweeny asked how a speeding ticket works for a sixteen-year-old. Chief Carswell said that the citation would go to the sixteen-year-old. He said that if it were a twelve-year-old, that they would call the parent, and if a citation is needed, it would go to the parent or sometimes it can just be worked out with the parent. Commissioner George said that she liked his policy approach of asking the Commission for something that would give the police the authority to start implementing an educational campaign, both on the road and on all the social media that we have at our disposal. She said that given the new territory that this raises and not knowing what might be coming from Tallahassee, this is a good balance for the different concerns. This gives you the tools to start implementing it on the street and using discretion not to overburden people who are using it for other means of transportation and operating safely. Chief Carswell said that the goal is safety and not enforcement because the last two e-bike crashes ended up leaving in a helicopter.

Mayor Samora asked the City Attorney how to proceed. City Attorney Douglas advised that the Chief is looking for guidance and consensus whether or not the Commission wishes to bring this back in ordinance form for a first reading. Vice Mayor Rumrell advised that the agenda has been published and no one is here to speak against the ordinance.

Mayor Samora opened Public Comment.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, is for the ordinance and anything that can be done about e-bikes; his son's e-bike is currently broken, and he does not wear a helmet and he would like to see a helmet law; there are golf carts all over the Anastasia Boulevard.

Mayor Samora closed Public Comment.

Commissioner George asked the Chief to look at the language for the definition of the single wheel. Chief Carswell said that he believed that it said something about motorized or electric and that he could switch the verbiage to cover the single wheels. Mayor Samora suggested to try to work something in about helmets. Commissioner George said that there is already a State law regarding helmets. Mayor Samora and Commissioner Sweeny said that that law is for regular bikes. Commissioner George asked if it would also apply to e-bikes. Chief Carswell said no, not right now but it is something that they are working on to get it covered. Commissioner George suggested that the draft ordinance could include a reference that that regulation is integrated in to apply to e-bikes. Chief Carswell agreed.

It was the consensus of the Commission to move forward with the e-bike ordinance.

~~Mayor Samora thanked everyone for allowing him to go out of order to accommodate the kids in the audience.~~

Mayor Samora moved back to Item XI.3

8. Contracts: Consideration of City Attorney Reviewing Them (Presenter: Max Royle, City Manager)

City Manager Royle advised that this item is to get clarification and guidance from the Commission as to the extent you want contracts reviewed, or if you want them all reviewed, or maybe only those with expenditures over a certain amount, or if they concern land use or property rights.

Vice Mayor Rumrell said that he mentioned this when we had the crane incident with the Ocean Hammock Park restrooms. He said that the City Attorney just got a nice extension and that he would like them to review as many contracts as they are willing to. He said that it is more important for the language and not the dollar amount because we have set threshold parameters. Engineering Director Sparks said that he had some thoughts on that himself and that he had been working with the City Attorney on some boiler-plate type contracts, which is where he would like the City to go for the engineering, construction, and easement projects so that we can pull them off the shelf because they have already had a legal stamp on them.

Commissioner George said that it is okay if the City Attorney says that he does not need to review a certain contract, but we have an attorney and that is the whole point. City Manager Royle said that all contracts would go through the City Attorney for him to determine whether there should be an in-depth review. Vice Mayor Rumrell said that he agreed that we should have some boiler-plate contracts that would be the standard and we could just fill in the blanks. Commissioner George said that some vendors will want to use their own contracts, but some will agree to use our contracts.

City Attorney Douglas echoed what Commissioner George said and that when a contract comes to the City Attorney for review there would likely be changes, which could delay the process and he suggested to get the contracts sooner than later so that we are not running against a deadline. He said that in the past, the City Manager has been the person who would triage what needed to

be reviewed, but that we would be happy to review all contracts. Mayor Samora said that the triage could still take place as long as the City Manager is informed of what the concerns may be and whether a review is needed that may delay the contract. City Attorney Douglas said that there was a question earlier about the arbitration venue and if we are going to be sued that we would always ask for it to take place in our County, that we could provide the model language for it, and the vendor would be put on notice that those are the kind of things that we will be looking for. Vice Mayor Rumrell asked if that could be incorporated into the Request for Proposals (RFP) so that any respondent would know that it is the standard contract that the City uses. He said that if they comply with it, it could possibly eliminate change orders, etc., and it would give the City Attorney enough time, which would be helpful. Commissioner George agreed and said that the recent crane situation was very unique to the fact that we bought a manufactured structure and worked with their vendors and there was not enough time or negotiating power.

Mayor Samora asked if the City Manager had the guidance that he needed. City Manager Royle said yes.

Mayor Samora opened Public Comment. Being none, he closed Public Comment and moved on to Item XIII.9.

9. Succession Planning: Consideration of Process for City Manager's Position (Presenter: Max Royle, City Manager)

City Manager Royle advised that there are three parts to the report that he provided. He said that the first part is the designation of a person to fulfill the Charter provision to appoint an acting City Manager so that the City would have someone automatically designated to step in. He said that the second part is the process of hiring a permanent City Manager, which he outlined how the Commission could go about it. He said that the third part is to establish a contract date for himself or whomever is holding the position along with an evaluation, which just so happens to be on the August agenda for both the City Manager and the Police Chief.

Mayor Samora said that we want to come up with an action of designating an acting City Manager in the event that we need one. City Manager Royle said that it should be someone that is acceptable to the majority of the Commissioners.

Commissioner Sweeny advised that it looked like it was already specified in the City Charter that the City Manager is supposed to do that. Mayor Samora said that he believed that the City Manager was trying to preempt anything because the Commission cannot override that and that he wanted to make sure that we were all on the same page. Commissioner Sweeny asked if that had been done yet. City Manager Royle said no.

Commissioner George asked what would happen if someone were named and six months later, they were not here anymore. City Manager Royle advised that he would come back to the Commission requesting a new designation or he could come back the first of each year to review it. Mayor Samora said that it probably should be reviewed annually anyway.

Commissioner George said that it is good to have a "Plan B" in place, but the designation would depend on the circumstances at that time, which should drive that decision. Mayor Samora said that whatever the Commission decides tonight, if it needs to change with the circumstances at that time, we still have the authority to override it. Commissioner George suggested that the City Manager should have a letter that gets updated and then let the Commission know about it instead of us deciding who that person should be.

Commissioner Morgan advised that she is comfortable with the City Manager telling the Commission who he wants to designate but that it is important to designate someone to fill in. Commissioner Sweeny said that it is good emergency management planning/succession planning

and a good practice for any organization to have a line of command. Commissioner George agreed but asked why the Commission needed to rubber stamp it. City Manager Royle said that he would not want to designate someone to act in his place that some Commissioners may not be comfortable with.

Mayor Samora said that the need is there and that we have two courses of action. Number one is to have the City Manager put his letter on file and we can either trust his judgement and/or change it or we can decide it now.

Commissioner Sweeny said that the City Manager raised an issue and that she would not want the designee to be the Police Chief for the reasons outlined in the memo regarding dual position. Commissioner George asked why any employee would be precluded. City Manager Royle advised that he and the Chief are considered Charter Officers. Commissioner Sweeny said that the Chief is the only other employee that reports directly to the Commission.

City Manager Royle advised that Sheriff Shoar had to bow out when Chief Hedges left. Commissioner George said that Sheriff Shoar was never going to act as the Chief. City Manager Royle advised that he appointed one of his people to be the interim Chief then they said that they would have to stop doing that because they may run afoul of the new office holding provision because that designee was a St. Johns County Sheriff Deputy. Commissioner George said that the person he was appointing was to fulfill the kill committee where officers would be hired vs. fired. City Manager Royle advised that Chief Hedges was already gone and that he could not fire anyone. Commissioner George advised that this is a question for the City Attorney.

City Attorney Douglas advised that staff may know about the City Manager's temporary absence before the Commission, and he asked the City Manager to include instructions in his letter to that acting City Manager to immediately notify the Commission, which would give the Commission the opportunity to call an emergency meeting to potentially override that person. Mayor Samora asked whether that person could or could not be the Police Chief. City Attorney Douglas advised that he would err on the side of caution and that he initially agreed with the City Manager's analysis but that he would prefer that we do more research first. He said that he understands the legal and practical reasons for keeping those two positions separate. Vice Mayor Rumrell said that they should be separate. Mayor Samora said that he is fine with that guidance as well and he asked if the Commission would prefer that the City Manager just file a letter.

It was the consensus of the Commission to have the City Manager file a letter.

Mayor Samora advised that the City Manager has the full faith of the Commission to appoint an interim City Manager. City Manager Royle asked if the Commission was at a point now to determine a process for hiring a permanent City Manager. Mayor Samora said that he believed that it should be for the sitting Commission at that time. The Commission agreed. Mayor Samora said that the City Manager has laid out the possibilities and that a lot would depend on the circumstances, the staff, etc. The Commission agreed.

City Manager Royle asked to discuss the contract portion of this agenda item. Vice Mayor Rumrell said that historically cities/counties have contracts with their city manager/administrator and as we move forward that this, it would be smart to implement something now because he believed that the next city manager is going to want a contract. He said that there could be five new commissioners next year, all five could want the current City Manager to leave, and all they need is a 4-1 vote. He said that there should be a contract for the protection of a city manager and also to attract city managers that would probably be looking for a contract.

Commissioner Sweeny asked if other employees have contracts. City Manager Royle said no and neither does the Police Chief. Mayor Samora asked if a Charter change would be needed to do this. City Manager Royle said no. City Clerk Fitzgerald advised that the City Manager had a contract

a while back. City Manager Royle advised that it started as a one-year contract, then a two-year, etc. then it stopped. Vice Mayor Rumrell said that he is not married to just a one-year contract but that he wanted to get it on the record that we should have a contract in place. Commissioner George agreed. Commissioner Morgan suggested a two-year contract because it may be hard to attract a new city manager to move here for just a one-year contract and it would give the Commission time to prepare if needed. The Commission agreed. Commissioner George said that the point is to just have something and that the term would need to be reasonable for what the normal standards would be. Commissioner Sweeny said that whatever we determine at this time does not have to be what the contract term is for a new person. Commissioner Morgan said that a one-year contract is a hard sell for someone that is coming from far away. Commissioner George said that the term could be negotiated so that when the time comes, we would not be starting from scratch.

Mayor Samora asked if it should be a fiscal year contract. City Manager Royle advised that terminating the city manager during the time of the City budget is not desirable and that a calendar year contract would be better, and he asked if the City Attorney should draft the terminology. Mayor Samora said that he did not realize that there were previous contracts that we could review, and he asked the City Attorney if there was anything that the Commission should address in the contract. Vice Mayor Rumrell said that he would like to see the previous contracts to see whether annual evaluations were part of those contracts. City Clerk Fitzgerald said that it had been a while since she reviewed the contract records, and she asked how far back the Commission wanted to see. Vice Mayor Rumrell said that he is okay with seeing the last three contracts. Commissioner George said that she knows what should not be included in our contract after reviewing the County's.

Mayor Samora asked the City Manager if there was anything that he would like to see in the contract. City Manager Royle advised that even though the contract would have a term, he would not give up any vested rights that he has under the City Charter. Commissioner George asked if he meant the super majority. City Manager Royle said yes. Commissioner George said that that would be up to the Commission and upon adoption of the contract that we could terminate that and start fresh. City Manager Royle said that there is also a provision in the Charter that his pay cannot be reduced as part of a general pay reduction for all employees.

Commissioner Sweeny asked how the 4-1 vote got added to the Charter. City Manager Royle said that the Mayor at that time, Frank Charles, added the super majority vote. Commissioner Sweeny said that it is odd to have a provision written like that for one position. City Manager Royle said that initially in 2004 it was approved by the voters and in 2014 they added it because I had a vested right. Commissioner George advised that it was not in 2014, it was before she was on the Commission. She said that according to her husband, who was on the Commission with then Mayor Frank Charles, the draft Charter language had gone through multiple iterations and at the very last meeting the Mayor said; "let's just add in the super majority vote." She said that no one really objected, the public view periods had already lapsed, and that City Manager Royle has done a good job for us. City Manager Royle said that the voters did approve it and they approved the changes. Commissioner George said that there was a whole other set of Charter reviews in 2014, which did not touch any of that.

City Manager Royle advised that a Charter Review is coming up starting this year and the Commission would need to consider who they want to be on the Charter Review Committee, whether there should be an outside consultant again, etc.

Commissioner Sweeny asked if the League of Cities does searches for city managers. City Manager Royle advised that there is a group called "Range Riders", not affiliated with the League, and they are a group of retired managers, which he believed helped find the Flagler Beach manager several

years ago that has since been fired. He said that the City of St. Augustine for years has appointed from within without a nationwide search.

Mayor Samora opened Public Comment. Being none, he closed Public Comment.

Mayor Samora said that the City Clerk would provide the prior contracts and that we would also need to get with the City Attorney to produce something. He asked if it could be brought back and put on the agenda for next month. City Manager Royle said yes, and he asked if the term would be one or two years. The Commission said two years.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

Engineering Director Sparks thanked everyone for helping the Engineering Department get up to speed. He said that since budget time is upon us that he would like the City to consider an Enterprise Asset Management System for our vertical and horizontal assets. We do not have a GIS system that is fully populated with a complete inventory of our assets, which could help us to better program the funding for deteriorating assets. He said that he is also looking to revise the stormwater code, which he has been working with the Building Official's Department on. He said that there are a lot of downstream drainage assets that need to be maintained because if we do not maintain them, the new systems are not going to function very well. He said that we have a little money coming next year to do a Citywide inventory of the roadways and a pavement management plan so that we would be able to better present which roads we would be doing each year and their costs. He advised that the City Manager hooked him up with the Smart North Florida group and that they will be coming in a few weeks to meet with each division and help us determine which technological products will best meet the City's needs. He said that he really appreciated the City Attorney's help with the contracts and that it is good to have several contracts to pull from.

Commissioner Sweeny said that the Commission had approved funding for a position to help with some of the contracts, grants, etc. Finance Director Douylliez asked if she was referencing grant management. Commissioner Sweeny said yes. Finance Director Douylliez advised that we put out an RFP for services, we selected a vendor, and we are trying to coordinate a meeting to see what level of services they can provide. Engineering Director Sparks advised that they met with the vendor virtually while the Finance Director was on vacation and that their intent was to get back with us to talk about what the City needs such as administration of current projects that are on the books.

Commissioner Sweeny said that the next legislative session would be here soon, and she asked to put a list together of things that we want to ask for. Engineering Director Sparks advised that he already gave a list to the Vice Mayor on Friday. Commissioner Sweeny asked if he would share that list with her as well. Engineering Director Sparks agreed. Vice Mayor Rumrell advised that he already forwarded it to people to review as well. Commissioner Sweeny asked to build in the grant administration fees into the amount that we are asking for.

Assistant Public Works Director Adams advised that we had a beach clean-up event on June 24th in partnership with the Matanzas Riverkeeper, which had thirty-one volunteers that collected one-hundred and fifty-one pounds of trash between Pope Road and A Street. He said that we might want to schedule another clean up event soon while it is fresh in everyone's minds and that he would keep the Commission informed about it.

Building Official Law advised that they issued the permit for Embassy Suites seawall reconstruction project and that he believed they had the east side of Pope Road shut down today. He said that they have to be out of the area by October 15th so that the Army Corps of Engineers

can move in to begin their process. He said that over the last few years, we have been making changes, especially with a new Code Enforcement Officer, and they were currently doing address checks looking for houses where the address fell off, etc. and educating the residents about that. At the end of this year, we are going to shift to accessible parking spots at businesses that sometime have a way of getting paved over. He advised that we would bring in the Florida Statute, which is supported by our Land Development Code, and we are hoping that everything will be informational such as are they stripped, is the sign still there, etc., which we are going to try to do in conjunction with the Business Tax Receipt (BTR) renewals in August and that this will be a big win for the accessible community.

Vice Mayor Rumrell said that we were getting updates for a while from a citizen regarding a home that was being used for a transient rental that was not licensed. Building Official Law said that the Code Enforcement Board decided at their last meeting to send a letter and if the homeowner does it again, that we would convene the Board for an emergency meeting with a fine to be established. He said that they were told that the property was being sold but that they have been monitoring the address. He said that it showed up as a thirty-plus day rental and then around Memorial Day it went to individual rental days, and we were told that it was a computer glitch. He said that no fines had been issued and that no one even showed up.

Commissioner Morgan said that now that the sign ordinance has been passed, would the Commission be seeing enforcement of it. Building Official Law said yes and that he has been working with the Code Enforcement Officer and once it is signed, that they will be mailing a summary to all the businesses that received the original letters. He said that there are three businesses that stick out to him: the Wendy's sign had that face removed, which is not an acceptable means to protect it and they may need to pay for an insert; the Zaharias Restaurant, which has been closed for several years and they may be able to paint it; and the former Power Depot at the end of Pope Road, which is a canvas/upholstery shop now and we have been waiting for this ordinance to pass before we did anything. He said that they also had a few of the twelve-foot signs come into compliance.

Police Chief Carswell advised that they renegotiated their funding contract with County Beach Services and that they increased the City's funding from \$113,000 per year to \$200,000 per year and that they will also give us \$25,000 this year to finish out the fiscal year. He advised that he would use that funding to hire another full-time Beach Patrol Officer, which will give us much more coverage on the beach. He thanked Vice Mayor Rumrell as well as several others from the County for helping to get this pushed through.

Commissioner George asked why A Street was closed today. Chief Carswell advised that it was part of the renourishment being done to the dunes for the next ten to fourteen days. Mayor Samora said that it is bad signage because the street is open, and the sign says to "local traffic only". Someone from the audience said that they should be letting local traffic, business owners, and restaurant patrons through. Commissioner Morgan advised that she drove down there today. Commissioner George asked if the purpose of having the sign at the Boulevard was to deter beach traffic. City Manager Royle said yes. Commissioner George said we should have a digital sign that specifies that only the beach access is closed. Mayor Samora advised that he saw that digital sign at La Fiesta, so it was put at the wrong location. Chief Carswell said that there was some miscommunication today with the signage and that it would be cleared up by tomorrow. Mayor Samora asked if it was going better at the Ocean Trace Road ramp. Chief Carswell said that there are plenty of places to turn around at Ocean Trace Road, so it is easier than at A Street. Mayor Samora asked if it would be closed for two weeks. Chief Carswell said ten days to two weeks depending on the weather.

Mayor Samora asked for clarification whether the beach would be closed while they are doing the work. Chief Carswell said that pedestrian access to the beach would not be affected, only vehicular access.

Finance Director Douylliez advised that she has been working hard to balance the budget and that she would have something to the Commissioners very soon. Mayor Samora asked when she anticipated setting up the individual Commissioner meetings. Finance Director Douylliez said the week of July 24th and that the Budget Meeting is scheduled for July 31st at 5:30 p.m. and that she and the City Manager have already discussed some cuts that would need to be made out of the budget. She said that the plan is to have a working copy for the Commission by July 18th, which would give the Commission one week ahead of scheduling the individual meetings.

City Attorney Douglas advised that City Attorney Blocker attended the League of Cities annual meeting in south Florida last week and that he looks forward to providing updates next month.

City Manager Royle said that Commission Sweeny had suggested that the City have a Department Head take "Leadership St. Johns" and that our first participant will be Building Official Law. He said that it will not only be beneficial for our Building Official but for those participating in the class to be able to work with him. Commissioner Sweeny said that it will be great networking for the City.

Mayor Samora advised that SEPAC meets on Thursday, July 13th; the Planning and Zoning Board meets on Tuesday, July 18th and they will probably have high attendance because of the Publix project; and then the Budget Meeting on July 31st at 5:30 p.m.

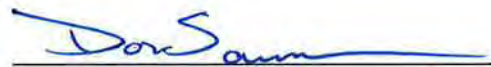
Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

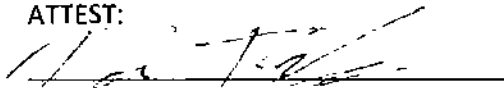
Motion: to adjourn. **Moved by** Commissioner Rummell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora adjourned the meeting at 9:26



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk



St. Johns County Board of County Commissioners
Office of the Board of County Commissioners

July 7, 2023

The Honorable Michael Connor
Assistant Secretary of the Army for Civil Works (ASA-CW)
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Subject: Request for Expedited Release of FCCE Funding to Advertise the Emergency Re-nourishment of St. Johns County, FL Shore Protection Project (St. Augustine Beach)

Dear Secretary Connor:

The St. Johns County, Florida Board of County Commissioners appreciates our continued strong partnership with the U.S. Army Corps of Engineers (USACE). Through our continued partnership we have successfully restored miles of north Florida coastline from damaging storms and the impacts of climate change. We are however growing concerned regarding the continued delays to advertise the Flood Control and Coastal Emergencies (FCCE) Re-nourishment of the St. Johns County, FL Shore Protection Project in St. Augustine Beach. We understand the Jacksonville District successfully completed the plans and specifications and obtained BCOES Certification in February 2023, and received the necessary approvals through the USACE's legal and contracting offices to advertise the construction contract in early March 2023, subject to final review and approval of the Project Information Report (PIR) and release of FCCE funding following Hurricanes Ian and Nicole, which identified additional damages since the extraordinary storm event PIR approved March 2022 (15 months ago). Our most recent communications with Jacksonville District indicated the PIR has been approved by USACE HQ and the release of funds is now subject to approval of a spend plan by the ASA-CW.

We are writing to officially request an **expedited release of the necessary FCCE funding** to advertise this contract and restore over 3-miles of damaged coastline in the city of St. Augustine Beach. At this time the St. Augustine Beach community, along with its approximately 7,000 residents including homes, businesses and critical infrastructure, sits vulnerable to future storm events until this emergency re-nourishment is completed. We are grateful for your attention to expediting the release of these desperately needed funds. As always, we appreciate our long-standing partnership with the USACE and extend an invite to you and your staff to visit our county anytime to tour our ongoing projects.

Sincerely,

Henry Dean
District 5 Commissioner
St. Johns County Board of County Commissioners

Exhibit A
Date 7-10-2023

FREE at www.SABNJ.com

St. Augustine Beaches NEWS JOURNAL

NEWS INFORMATION FOR & ABOUT ST. AUGUSTINE BEACH & AN

St. Augustine Beach

By Lorraine Thompson (staugl



Commission's June 5th meeting, representatives from the local Gay Pride community received from Mayor Don Samora a proclamation to acknowledge Pride History and the 53rd Anniversary of the Stonewall Inn resistance that began the Gay Pride movement. Standing to Mayor Samora's left is City Commissioner Undine George.



What you need about the 4th of Ju

The City of St. Augustine will host its annual Matanzas celebration from 6 to 10 p.m., starting with the Matanzas Orchestra at 6 p.m. at the Plaza de la Constitución and will light up the sky with 5,000 individual fireworks and as low as 200 feet. Visitors are encouraged to bring blankets and lawn chairs.

The downtown parking garage at the Visitor Center will be open for day parking for \$15 per vehicle. Expect many visitors, including Avenida Menéndez and South Castillo will be closed to both boat and vehicle traffic.

If you're coming from Anastasia Island, the shuttles will be available on July 4th, from 6 a.m. to 10 p.m. at locations along Anastasia Boulevard. The shuttle will take you to the park on the east side of the Bridge of Lions. Shuttle service is available at:

Anastasia Baptist Church (1650 A1A South
St. Augustine, FL 32080) (904) 329-1111

PRSR SDT
US POSTAGE PAID
ST. AUGUSTINE, FL
PERMIT #132

Exhibit B
Date 7-10-2023





Transient Rental SW Non-Ad Valorem
32 Gallons of Waste = \$190/year

Exhibit C-1

Date 7-10-2023



96 Gallon Cart=
3 x 32 Gallons of waste
\$570/year

**Transient Rental
Solid Waste
Non-Ad Valorem
Based on Cart Size**



64 Gallon Cart =
2 x 32 Gallons of waste
\$380/year

Exhibit C-2
Date 7-10-2023



Transient
Rental SW
Non-Ad
Valorem

64 Gal Cart

Current Cost

\$371.80

**Non-Ad
Valorem**

\$380.00

96 Gal Cart

\$557.96

\$570.00

Exhibit C-3

Date 7-10-2023

A photograph showing two large black trash bins and a smaller blue recycling bin on a paved sidewalk. The bin in the center has the number 'T1727498' printed on it. The background shows a grassy area and a path.

BENEFITS TO MOVING TO NON- AD VALOREM

- Annual billing vs. monthly
- No overage charges for excess outside of City carts. Only periodic review of needs by a supervisor.
- Less time spent on can counting, billing, collections by City staff

Exhibit C-4
Date 7-10-2023



**St. Augustine Beach
Police Department**

Daniel Carswell, Chief of Police

School Resource Officer

Commission Meeting
July 10th, 2023

Presented by: Chief Daniel Carswell

1

Background

- May 18th, 2023- Island Prep requested to meet with SABPD to inquire about security measures and the possibility of a School Resource Officer.
- Beginning in August of 2023, Island Prep plans to include students up to eighth grade.
- Combining the preschool and K-8 school would total approximately 275 children.
- After this meeting, and consulting with private security companies, Island Prep informed SABPD they would like to move forward with contracting services.



2

Exhibit D-1
Date 7-10-2023

FSS 1006.12- School Safety

- By law, the county sheriff's office provides security to all public schools in the form of;
 - **School Resource Officer** (Certified law enforcement officer)
 - School Safety Officers (School Board Police)
 - School Guardian (Civilian Employee Security)
 - School Security Guard (Contracted Security Agent)
- Private schools have the ability to:
 - Contract services through the same means but are responsible for payment of services (F.S.S. 1002.42- Private Schools).
 - Must comply with F.S.S 1006.12 (School Safety Guidelines)
- Island Prep has elected to contract a School Resource Officer through SABPD.



3

School Resource Officer Duties

School Year (August-June)

- Monday-Friday 7:30am-4:30pm
- Provide security at K-8 and Preschool
- Conduct traffic control and direction as needed
- Speak to classes at the request of school staff
- Conduct criminal investigations
- Make referrals to social agencies
- Implement and evaluate security and emergency programs

Summertime (June-August, Holidays)

- Regular patrol schedule
- Additional Beach Patrol and peak road coverage
- Assist short patrol shifts
- Assist with major events
 - Spring Break week
 - 4th of July
 - Light up the Night



4

R.E.

Exhibit D-2Date 7-10-2023

Cost to City of St. Augustine Beach

SRO Costs to City of St. Augustine Beach	
Officer's Wages (Including benefits)	\$ 96,812.00
Costs Covered by Island Prep School	\$67,678.00 (70% of salary)
Vehicle Costs	\$0
Equipment/Uniforms	\$200.00
Total Annual Costs	\$29,334.00
FY '23 Costs	\$7,500



5

Conclusion/ Questions?

6

Exhibit D-3
Date 7-10-2023



**St. Augustine Beach
Police Department**

Daniel Carswell, Chief Of Police

City Ordinance Update Electric Bicycles

Commission Meeting
July 10th, 2023

Presented by: Chief Daniel Carswell

1

Background

- Presented my concerns with the rise of e-bikes at the city at the February commission meeting.
- Since then, I have met with NE Florida safety groups, spoke with neighborhood HOAs, researched citizen complaints, and social media posts.
- Researched CAD calls for service and crash reports.
- Worked with our city attorney on finding the best solution to alleviate identified problems or concerns.



2

Exhibit E-1

Date 7-10-2023

E-Bikes are everywhere!



3

What is the need for the ordinance?

Year	Bicycle vs. Vehicle	E-Bike vs. Vehicle
2021	4	0
2022	5	1
2023	5	1

- Persons riding e-bikes are more likely to suffer serious internal injuries and require hospitalization (*NYU School of Medicine Study*).
- E-bike collisions were three times more likely to involve a collision with a pedestrian (*US Consumer Data Analysis*).

*NYU School of Medicine study comparing risks associated with e-bikes vs pedal powered bicycles

**Injuries associated with electric-powered bikes and scooters: analysis of US consumer product data



4

Exhibit E-2

Date 7-10-2023

What are the concerns from the citizens?

1. Riding along the sidewalks
2. Riding in the pedestrian area of the beach



5

Amended SAB City Ordinance

Sec 19-66: Use of sidewalks and other rights of ways

- (a) "All public sidewalks, pathways, courtyards, arcades, promenades, seawalls, city beaches (as defined in section 5-1 of this code) not including those certain areas designated for motor vehicles referenced in section 5-7... shall be only available for use by pedestrians or non-motorized or non-electric bicycles..."



6

Exhibit E-3Date 7-10-2023

Conclusion/ Questions?



7

Exhibit E-4

Date 7-10-2023



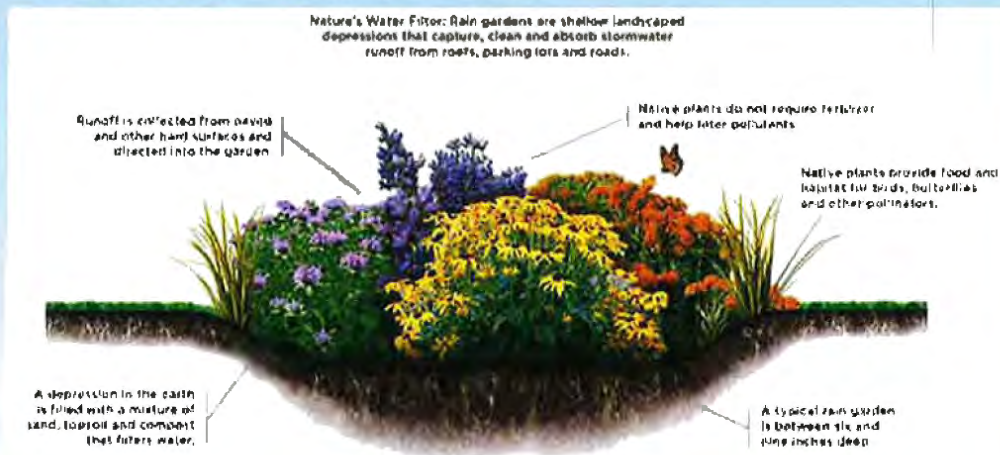
1



2

Exhibit F-1
Date 7-10-2023

What is a Rain Garden?



3

Rain Garden



Rain Gardens: Planted areas designed to collect and manage stormwater that runs off streets, sidewalks, commercial and residential rooftops, and other sources when it rains. Also called a "bioswale."



Why? As the city grows, the increase of impervious surfaces becomes more problematic. The solid surfaces create a rush of water ("stormwater runoff") during rain storms. The massive volume of runoff from roofs, parking lots and roads increases flooding and carries pollutants into local waterways. This leads to costly municipal improvements in stormwater treatment structures.

4

Exhibit F-2Date 7-10-2023

Rain Garden



In Roadside Easements

Near Parking Areas



5

St. Augustine Beach Rain Garden Ideas

- CoSAB Vision Plan calls for creating rain gardens and other demonstration gardens in parkettes to educate public, help reduce flooding, and beautify City
- SEPAC has been planning/discussing for 1+year
 - **Ready to select final location and implement design**



Example plan for 40' X 15'
area (Exact design customized based on
location's needs)

6

Exhibit F-3

Date 7-10-2023

Potential SAB Rain Garden Locations

Southwest Corner of A Street

- ❖ Water now flows to/stands in neighborhood west of the area, so it's an appropriate spot
- ❖ On A1A Beach, so a visible demonstration garden area
- ❖ Will beautify unappealing corner
- ❖ Would need to dig swale



7

Potential SAB Rain Garden Locations



South of Café Eleven

- ❖ On A1A Beach, so a visible demonstration garden area
- ❖ Will beautify unappealing area
- ❖ Would need to dig swale
- ❖ Narrow space

8

Exhibit F-4Date 7-10-2023

Potential SAB Rain Garden Locations

Northwest Corner of Third Street & Second Avenue

- ❖ Unsure of resident buy-in
- ❖ Already an attractive space
- ❖ Holds some water now after heavy storms
 - ❖ Already planted 3 Cypress trees and 2 Oaks
- ❖ Off main road, so less visible

