



**MINUTES
CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
January 4, 2016 7:00 PM.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor O'Brien called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor O'Brien asked Commissioner England to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor O'Brien, Vice Mayor George, Commissioner Samuels, Commissioner England, Commissioner Snodgrass

Also Present: City Manager Royle, City Attorney Burnett, Chief Financial Officer Burns, City Clerk Raddatz, Police Chief Hardwick, Building Official Larson and Public Works Director Howell.

IV. APPROVAL OF MINUTES OF THE CITY COMMISSION MEETINGS OF DECEMBER 7, 2015

Mayor O'Brien asked for a motion to approve the minutes.

Motion: to approve City Commission minutes of December 7, 2015. **Moved by** Commissioner Samuels, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor O'Brien asked the Commission for any additions or deletions of the agenda.

City Manager Royle requested to table Item 5 until the February Commission meeting in order to receive all the evaluations.

Motion: to approve the deletion of the agenda. **Moved by** Commissioner Samuels, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

VI. CHANGES TO ORDER OF TOPICS ON THE AGENDA

Mayor O'Brien asked the Commission if they would like any changes to the order of the agenda. Being none, Mayor O'Brien moved on to the Presentations section.

VII. PRESENTATIONS

Swearing in of Mayor and Vice Mayor for 2016:

A. Commissioner Rich O'Brien as Mayor

City Attorney Burnett swore in Vice Mayor O'Brien as Mayor.

B. Commissioner Undine George as Vice Mayor

City Attorney Burnett swore in Commissioner George as Vice Mayor.

Mayor O'Brien thanked Commissioner Samuels for her dedication, enthusiasm, and focus on accomplishing on the goals of St. Augustine Beach as Mayor for the past two years.

Commissioner Samuels thanked Mayor O'Brien.

Mayor O'Brien announced that on Saturday, January 16th at 9:00 a.m. the Commission would be interviewing planners for the consulting job to review the Land Use Regulations. He invited the residents to the meeting and advised there would be a Public Comment section for the residents to give their input.

VIII. PUBLIC COMMENTS

Mayor O'Brien opened the Public Comments section. The following addressed the Commission:

Gail Devries, 200 4th Street, explained that she planted a tree on her property and wanted to remove it, but found that it was against the tree ordinance. She felt the tree ordinance was against her property rights as an owner. She explained that the company she hired could not get a permit to remove the tree per Building Official Larson.

Mayor O'Brien advised that he would address the issues after the Public Comment section ends.

Tom Reynolds, 880 A1A Beach Blvd., stated that he would like to make an official request to have this item on the agenda in February or March at the latest. He requested to discuss and have a vote by the Commission to have random drug testing, mental health evaluations, physical evaluations, and all medications disclosed of the City Commission, City Attorney, and City Manager.

Ed Slavin, P.O. Box 3084, advised that the State of Florida added “and government” to the oath of office. He thanked the City for being one of the most open forms of government in St. Johns County area. He advised that he sent the Commission an email requesting to have a joint meeting with the City of St. Augustine, City of St. Augustine Beach, and St. Johns County to discuss pertinent issues for this area. He also commended the City for protecting sexual orientation as a protected class.

Reggie Thompson, 117 15th St., advised that he was not at the meeting when the “No Parking” signs were discussed on 15th Street. He advised that over 50% of the residents did not want to remove the signs. He explained that the residents on 15th Street have spent money on landscaping to beautify the neighborhood and he would be afraid that if the signs were removed, the landscaping would be damaged.

Bruce Wright, 118 15th St., gave City Manager Royle a signed petition from ten residents of the neighborhood to keep the signs (Exhibit I). He explained that he has spoken with the neighbors and they don’t want the signs removed.

Ann Palmquist, 215 10th St., thanked the Commission for their service. She advised that she looked forward to working with the Commission as Chair of the Beautification / Tree Board. She asked if anyone has followed up on the agricultural grants to help with repairs to the pier. She remarked that this was the second time she had requested staff to look into grant funding.

Jennifer Desmond, 14 Avenida Menendez Blvd., advised that she was at the City beach when she was arrested by Officer Gillespie for sleeping on the beach at dusk. She advised that Officer Gillespie picked her up and threw her on the ground and made her leave without her shoes, cell phone, and glasses to an unfamiliar location. She advised that she was disabled and doesn’t know how officers could treat people in a tourist location that way without listening to them.

Mayor O’Brien closed the Public Comment section. He then asked about the permitting policy for the tree removal.

Building Official Larson advised that the resident claimed the tree was cracking the driveway, but he did not believe that removal of the tree, was warranted. He remarked that he didn’t know that the resident planted the tree but explained what he looks for regarding the tree removal permits. He advised that he would have to call an arborist to check the tree, but would be willing to speak with the resident regarding his thoughts on the issue and why he made his decision.

Commissioner England asked Building Official Larson if the tree protection ordinance applies to all trees no matter who planted them.

Building Official Larson advised yes.

Mayor O’Brien asked City Manager Royle about the drug testing policy.

City Manager Royle advised that there was no policy regarding random drug testing except for Commercial Driver's License (CDL) employees. He advised that new hires or employees who are in an accident or have been injured at work are drug tested.

Police Chief Hardwick commented that his staff have random drug testing quarterly. He advised that testing was done six to eight times last year.

Mayor O'Brien asked City Manager Royle if he was following City policy.

City Manager Royle stated yes.

Mayor O'Brien asked about scheduling the meeting with the City of St. Augustine and St. Johns County.

City Manager Royle advised that this topic is on the agenda for tonight's meeting; however, he explained that the Commission did not request to meet with the City of St. Augustine and St. Johns County together.

Commissioner Snodgrass advised that he would not meet with everyone at once. He suggested meeting with St. Johns County first and see how that meeting evolves and then decide whether to hold a meeting with the City of St. Augustine and St. Johns County together.

Mayor O'Brien asked if a date was scheduled for the 15th Street residents regarding the "No Parking" signs.

City Manager Royle advised that Police Chief Hardwick and Public Works Director Howell will be holding a meeting on January 20, 2016 at 7:00 p.m. at city hall for all the residents on 15th Street to discuss their concerns.

Police Chief Hardwick advised that after the meeting he would bring the issue back to the Commission as an agenda item in February.

Commissioner England advised that there is a policy on what neighbors can do if they want changes in their neighborhoods.

Commissioner Samuels advised that the policy has a form to complete regarding these types of issues and she didn't know if it has been done.

Public Works Director Howell advised that parking signs were not in that policy.

Mayor O'Brien requested information on the agriculture grants to fund the pier.

City Manager Royle advised that he received the USDA Rule Development Guide to Programs and they advised they have grants for very low income and rural counties, which would not apply to our City.

Mayor O'Brien asked who applied for the grant and if it was received.

City Manager Royle advised that Fred Ashdji applied for it, but he didn't know if he received it.

Commissioner Samuels explained that she spoke with Mr. Smith at the Tourist Development Council and they advised that there was no funding available for the pier. She advised that they are having workshops now and she will check with them again and give a report to the Commission on her findings.

Mayor O'Brien asked Police Chief Hardwick about Ms. Desmond sleeping on the beach and her arrest.

Police Chief Hardwick explained that the Police Department has a very strict internal affairs policy in place and would have Police Commander Parker interview Ms. Desmond tonight.

IX. PUBLIC HEARINGS

There were no Public Hearings.

X. CONSENT

1. Budget Resolution 16-01: to Amend the FY 16 General Fund Budget to Appropriate \$6,950 to the Other Governmental Services Department's Budget

Mayor O'Brien introduced Item 1 and advised that this would pay for Phase I of an environmental study to check for contamination at Ocean Hammock Park.

Motion: to approve Budget Resolution 16-01. **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner Samuels. Motion passed unanimously.

XI. OLD BUSINESS

2. Determination of Beginning Point for Measuring Building Height: Continuation of Discussion

Mayor O'Brien introduced Item 2 and asked for a report from City Manager Royle.

City Manager Royle advised that this was a continuation from the December meeting. He explained that Building Official Larson prepared a memo which advised the Commission of his suggestions.

Mayor O'Brien explained that the two items the Commission wants to review was filling lots and where to start to measure the 35 feet from. He commented that at the last meeting Building Official Larson advised that a resident could fill one foot to the crown of the road.

Building Official Larson advised that was correct for some lots; however it would depend on the surrounding neighbors how much fill could be used.

Mayor O'Brien asked Building Official Larson about his memo regarding not filling more than three feet above the adjacent lots.

Building Official Larson stated that someone suggested that that was how the County does it, but he said the Commission could have a separate ordinance between 16th Street and F Street to regulate like the County; however, other properties such as Sea Colony, Anastasia Dunes and Island Hammock cannot have a set fill requirement due to the dunes in the area.

Mayor O'Brien asked Building Official Larson what his recommendation was for where the height measurement should begin.

Building Official Larson explained that he was in contact with the International Organization of Standards (ISO) Evaluator who advised him that in order to get the ISO rating to seven, the City would have to have an ordinance that states the City would start it's measurement from the base flood elevation.

Commissioner England asked whether the policy for the City should be measured from the established grade or from the finished habitable floor. She advised that the minutes from the workshop showed a recommendation from Mike Stauffer to use the established grade. She remarked that if the City uses the finished habitable floor space, the City would not be controlling the height. She suggested to use the established grade and to define established grade as established by the Public Works and Building Departments as the minimum grade that would allow the City to control the height.

Commissioner Snodgrass asked what the difference was between the minimum established grade and the adjacent grade.

City Attorney Burnett advised that established grade was very similar to adjacent grade. He advised that measuring from the established grade and adjacent grade also eliminates the issue of allowing the 35 feet above the minimum requirement that FEMA sets.

Commissioner Snodgrass asked what the negative side would be if the Commission took this approach.

City Attorney Burnett advised it would depend on how the Commission defines established adjacent grade. He remarked that the Commission wouldn't want to have someone re-establish the grade at a higher level.

Commissioner Snodgrass asked how it could be controlled or limited.

City Attorney Burnett advised that in the previous package the Commission received, he had drafted language on how to limit or control the adjacent grade.

Commissioner Snodgrass asked Building Official Larson and Public Works Director Howell if this approach was adopted, what would be the negatives.

Building Official Larson advised that the Commission would have to have two ordinances, one for 15th Street to F Street and the other for the rest of the City. He explained that every lot was different and it needed to be determined lot by lot.

Commissioner England remarked that if we used Mr. Stauffer's recommendation to use established grade, then the minimum grade required by St. Augustine Beach's Land Use Regulations and the Building Codes would give the Building Official and the Public Works Director the flexibility to establish a minimum grade that would be necessary for each lot individually and to allow certain amount of fill and drainage.

Building Official Larson advised the Commission when they receive the email from City Manager Royle regarding the ISO evaluation to contact him on the rating. He advised that he has been trying to receive a better rating in order to decrease the flood insurance premium and suggested the Commission use the base flood elevation.

Commissioner Snodgrass asked what the implications would be if the Commission decides on the base flood elevation.

Vice Mayor George advised that in order for the Building Department to comply with the ISO standards as Commissioner England has suggested is to establish the minimum establish grade on a case by case basis.

Building Official Larson advised that he would know more about the ISO rating after his discussion with the ISO Evaluator tomorrow.

Commissioner England explained that a property could be in a certain flood plain but could receive a map amendment which would bring them out of a flood zone. She advised that FEMA regulations could change all the time.

Commissioner Samuels advised if the City is going to regulate fill, then it could impact the property owners to not be able to raise their house out of a flood zone which could lead into personal property rights. She advised that an ordinance should be drafted to use adjacent grade, measure from established grade, and limit the

property owner to have no more than three feet from the adjacent home for floor elevation.

Commissioner Snodgrass advised he would still like to know the implications of that language in the ordinance. He requested staff to think it through and give them time to think of the scenarios that might happen with this language.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd, advised that he was amazed. He commented that the questions being asked are late in the process. He remarked that the two cities quoted by the Commission were incorporated after the City of St. Augustine Beach. He commented that Building Official Larson's degree was in teaching and wondered why the City Attorney was asking him questions.

Craig Thomson, 6 D Street, commented that the Commission has been discussing the height issue for five months and he could appreciate where the community is in the process. He clarified his remarks that state and federal laws regarding habitable space do not dictate building height for the community. He advised that Embassy Suites received a gift of 9 ½ feet but his concern was to not set a precedent. He suggested going back to grade and not allowing any other buildings to be measured at 18.5 feet.

Commissioner England advised Mr. Thomson that she was corrected at the last meeting. She explained that the fill was brought into the front of Embassy Suites in order to comply with the Americans with Disability Act requirements and the height was determined from the finished grade.

Building Official Larson advised that the fill was brought into the front, along the perimeter and the rear of the property.

Mr. Thomson advised that he was an architect and did know the ADA regulations; however elevators could be used which the building has instead of the ramp which is at a 1 in10 slope and going up nine feet would make it a 90 foot ramp. He commented that it could be argued that any building could go up in order to be ADA compliant, which should not affect the height from grade.

Ed Slavin, P.O. 3084, agreed with Mr. Thompson. He requested not to hire another attorney who works with developers. He advised that the Commission has an opportunity to hire an independent attorney. He remarked that the problem with Embassy Suites was that money talked and bad decisions were made. He advised that no one from the Department of Environmental Protection (DEP) or Federal Emergency Management Agency (FEMA) was at the workshop. He commented that the residents voted for 35 foot height which means 35 foot, not higher. He suggested to get advice not only from the new City Attorney but also law professors. He advised that the Commission needs to invite actual people who work for DEP and FEMA. He

suggested to have Embassy Suites sell their property for air rights and rebuild the pier like Orange County, California has. He remarked if anyone knows of any corruption to report it to the FBI Corruption Taskforce in Daytona Beach.

Dr. Pat Gill, 218 B Street, remarked that she was happy to hear that the Commission would not start the measurement at the first floor because the property owners could build an 18 foot garage and then their first floor. She suggested to go back to what was suggested and to measure where the City and County measures. She advised that she was looking forward to seeing at the workshop the Occupational Safety and Health Administration (OSHA), DEP and other state professionals, who were not at the workshop. She remarked that she was disappointed to see only agency representatives instead of state officials. She suggested official state representatives should come to workshops in the future and not representatives working for developers. She advised that the residents didn't say you can have 35 feet after the measurements were decided. She advised that the Commission should say no to any more rooms to Embassy Suites. She commented that the City has been badly influenced by the approval of Embassy Suites. She advised that the residents voted for 35 feet and the staff did not follow the will of the people.

Mayor O'Brien closed the Public Comment section and asked the Commission for further discussion.

Commissioner Snodgrass asked if there were any other resources that the Commission should consult with, such as state officials, experts, etc.

Commissioner Samuels advised that if the Commission asked for state officials, they would give the same information who the representatives gave at the last workshop. She advised that the people that came to the workshop were not developers. She remarked that the representatives were experts in their fields.

Commissioner Snodgrass agreed with Commissioner Samuels, but remarked that if there was any other resources to look at that he would like to do so before the Commission moves forward.

Mayor O'Brien asked whether City Attorney Burnett had enough information to draft an ordinance to bring back to the Commission.

City Attorney Burnett advised yes.

Vice Mayor George advised it is dangerous to generalize and classify all the representatives that came to the four hour workshop. She advised that she would be happy to speak to some law professors regarding this issue. She commented that City Manager Royle has flushed out a lot of good contacts that the Commission has been pulling from to get through the process.

Mayor O'Brien advised that when the drafted ordinance comes back to the Commission at the February City Commission meeting, Building Official Larson will have more information from the ISO Evaluator, which will help in the process.

Mayor O'Brien advised moved on to Item 3.

3. Land Planning Consultant: Discussion of Scope of Work

Mayor O'Brien introduced Item 3 and advised that at the Special Commission meeting on January 16, 2016, the Commission would be discussing the planner's scope of work and then asked for a report from City Manager Royle.

City Manager Royle reported that the Commission asked for a Request for Qualifications (RFQ) at the present time. He explained that the planners need to know the scope of work; such as how many meetings they need to attend, does the Commission need them to meet with neighborhood groups and do they have a time period to complete the tasks.

Commissioner Samuels advised that the planners should have a time limit to go through and complete the Land Development Regulations and the Comprehensive Plan after discussing with people after six to nine months.

Commissioner Snodgrass advised that he would like it completed in three to six months.

City Manager Royle suggested to have the planners give what they believe the scope of work should be; however he would write a Request for Proposal (RFP) to give them guidelines on what the Commission wants.

Commissioner Snodgrass asked if City Manager Royle could give them background information such as the workshop DVD to show what the Commission wants.

Mayor O'Brien agreed with Commissioner Snodgrass to provide the workshop on DVD to the planners. He remarked that City Manager's memo with the breakdown in phases was very good and could be given to the planners.

Commissioner England agreed with Mayor O'Brien that the RFP was good but she also had a list of items that she gave to the Planning and Zoning Board on items that should be covered. She advised the list was what City Manager Royle had, except he didn't include the Architectural Design Code, which she would like to be included. She read eleven Architectural Design Codes, which create urban space to the Commission that she and Building Official Larson had been working on since 2006. She asked the Commission to consider adding Architectural Design Codes in with the planner's tasks.

The Commission agreed to add Architectural Design Codes to the tasks.

Commissioner George remarked that she was concerned about the timeline because of the number of tasks.

Commissioner Snodgrass advised that they are professional planners and they can put a product together in a timely manner.

Commissioner Samuels commented that the planners should use the agenda item as a template so the Commission needs to discuss it.

Mayor O'Brien advised that the planners should be able to tell the Commission how long the tasks will take.

Commissioner Snodgrass asked if the planners would advise the Commission what they have completed in other municipalities and how happy they were with their work.

Commissioner Samuels advised that the Commission received that in the last agenda book.

City Manager Royle advised that the Commission would receive the previous booklet back and he would be putting an up-to-date memo in the booklets.

Vice Mayor George asked if the previous agenda item could be emailed to the Commission so if any Commissioner would like to call the municipality on their work, they could do so.

City Manager Royle advised he would.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd, stated that on the agenda item the rules were not obeyed. He advised that the Mayor controls the meeting not the previous Mayor or the City Attorney.

Craig Thomson, 6 D Street, commented that it has been over five months since the Commission discussed the building height issue and one year since they discussed the setbacks. He explained that the Planning and Zoning Board has had workshops with the public, which 40 people attended, regarding rolling back the setbacks. He explained that there are mansions being forced into very small lots. He remarked that it doesn't make good planning sense to make new setbacks to 7.5 feet from the street and rear of the property. He explained that he has been asking for help on this issue and that the Land Development Regulations and the Comprehensive Plan advised that the property owners should not be allowed to fill the whole lot. He explained that fill should only be used to raise the building pad, not bring the lot up three feet to cause a retaining wall to the neighbors. He suggested asking the planners to associate a cost

with each task in order to prioritize the tasks to what the citizens have been asking the Commission to get accomplished.

Commissioner Snodgrass advised that he liked Mr. Thomson's suggestion because the costs might be more prohibitive to accomplish in 2016, but he agree that associating the costs with the task would give the Commission the an idea of what to prioritize.

The Commission agreed.

Mayor O'Brien moved on to Item 4.

4. Scheduling of Meetings:

A. Special Meeting to Interview Candidates for City Attorney

Mayor O'Brien introduced Item 4 A. and asked for a report from City Manager Royle.

City Manager Royle handed out the RFP opening information to the Commission and asked them what date they would like to schedule to interview the applicants.

City Attorney Burnett advised that he did forward the legal services advertisement to the local bar associations which in turn advertised it to their members.

Mayor O'Brien asked the Commission if they felt they could interview the architects and the City Attorney applicants on the same day.

City Manager Royle advised that the minimum time for the City Attorney applicants should be 45 minutes and the architects could be 30 minutes.

Mayor O'Brien asked whether the City Attorney and architects would be willing to meet on a Saturday.

City Manager Royle advised that he would assume so since they want to work for the City.

Mayor O'Brien opened the discussion up to the Commission.

Vice Mayor George asked if the interviewing would be done before the City Commission meeting.

City Manager Royle advised not necessarily. He advised that City Attorney Burnett has said that he would be with the City for a reasonable amount of time.

Vice Mayor George advised that she would be unavailable the 19th through the 29th.

Commissioner Samuels asked if the Commission could meet with the City Attorney candidates and the architects on Monday, February 8th at 5:01 p.m.

Commission agreed to the date and time suggested by Commissioner Samuels.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd., asked if the city attorney would be involved in the interviewing. He suggested that the Commission allow the residents to submit questions to the Commission and they could sponsor the question for the resident.

City Manager Royle advised that there would be a Public Comment section at the end of the meeting.

Mayor O'Brien closed the Public Comment section and asked Commission for further discussion. Being none, Mayor O'Brien moved on to Item 4C.

B. Special Meeting to Interview Architect Consultants for Improvements to City Offices

Meeting was scheduled by the Commission for Monday, February 8th at 5:01 p.m. Please see Item 4 A for discussion.

C. Special Meeting with County Commission to Discuss Various Matters

Mayor O'Brien introduced Item 4 C. and advised that St. Johns County needs several dates to schedule the meeting. He asked for a report from City Manager Royle.

City Manager Royle reported that St. Johns County Commission meetings are on the 1st and 3rd Tuesday of the month at 9:00 a.m.

Discussion ensued regarding availability of dates from the Mayor and Commissioner's calendars.

Commission requested City Manager Royle to propose the dates of March 28th – 31st to St. Johns County Commission.

D. Workshop with Florida Power and Light (FPL) to Discuss:

1) Undergrounding of Utilities

Mayor O'Brien introduced Item 4, D, 1 and suggested that the Commission meet with FPL before a City Commission meeting at 6:00 p.m. because it shouldn't take very long to discuss.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Ed Slavin, PO Box 3064, suggested the Commission not move quickly on the FPL franchise agreement. He asked why the City needs to have a franchise with FPL for 30 years. He suggested looking for alternatives or cooperatives to purchase power, such as Jacksonville, Orlando, Tallahassee, Gainesville, or Green Cove. He requested the Commission not rush the process, wait on the new City Attorney and discuss it with the experts in the field.

Commissioner Snodgrass asked Mayor O'Brien when the renewal date was on the contract.

City Manager Royle advised that the renewal date was in 2018.

Mayor O'Brien suggested having a meeting with FPL only to discuss underground utilities at 6:00 p.m. before a regular City Commission meeting. He advised it shouldn't be more than one hour to discuss underground utilities.

Commissioner Snodgrass commented that if he was FPL, he would include all sources of energy in a franchise agreement.

Commissioner Samuels advised that she was more interested in how much the alternative energy would cost the residents.

Mayor O'Brien closed the Public Comment section and asked Commission for further discussion.

City Attorney Burnett stated that he assumed FPL would give bullet points to the Commission on what they would like in the franchise agreement. He advised the Commission could look at the standard agreement and then add items such as the underground utilities.

Commissioner Snodgrass advised that they already gave the Commission a draft agreement.

City Manager Royle advised that FPL did give the Commission the draft franchise agreement, but not in the format that City Attorney Burnett suggested.

Vice Mayor George commented that FPL would always suggest what they want and it is better the Commission knows what they want two years in advance in order to research the proposal.

Commissioner England asked if this should go through the bid process.

Commissioner Snodgrass advised that it could go out to bid to see if there were any other alternatives.

City Manager Royle advised that if it went to bid, staff would need an expert to structure a bid.

Vice Mayor George suggested the Commission make a list of what they want.

Commissioner Samuels asked if the Florida League of Cities could help with the bid process for alternative energy. She explained that in order to use alternative energy, the City would need to provide land to build the energy farms.

Commissioner Snodgrass advised that the residents could hookup through a grid system. He commented that there are options that could be brought to the Commission.

Per the Commission's request, City Manager Royle will gather alternative information for the Commission and bring it back to the Commission.

Ann Palmquist, 213 10th St., remarked that this item should not be on the agenda to discuss since there is a two year renewal date for this agreement. She suggested that if it was difficult to structure the bid that the City Manager could go to Green Cove Springs or Jacksonville who are not using FPL but have alternative power. She also suggested to use the landfill for the alternative energy farm. She advised that FPL installed 80 foot poles on the beachfront, which is dangerous for driving, but FPL never asked if the poles were what the City wanted.

Pat Gill, 218 B St., requested that the Commission look at this issue after the election because there will be an amendment on the November ballot for solar energy. She advised that the amendment could allow solar energy in small subdivisions which could then sell the power to their neighbors.

Commissioner Samuels advised for the record that she has solar energy in her house and she is an advocate for solar energy.

Dr. Michel Pawlowski, 216 10th St., welcomed FPL's proposal as a stepping stone to review. He suggested setting up a citizens' advisory committee with members who have engineering expertise to review the proposal after the

election. He advised that the National Park Service will be setting up solar power for most of their individual facilities.

Tom Reynolds, 880 A1A Beach Blvd, advised that he would be speaking on Items 4 C and 4 D. He explained that he would have liked the special meeting with St. Johns County to already be scheduled. He remarked that it looks like there would be another year of free parking which the residents pay for. He suggested not to go to JEA for power because they have problem paying for their employee pensions and to stay away from Duke. He commented that he was glad that the FPL proposal was early because it gives the Commission an opportunity to see what other options there are.

Mayor O'Brien asked City Manager Royle to gather information and bring it back to the Commission. He also advised Mr. Reynolds that he was the one who brought up the parking issue to the County.

Chief Financial Officer Burns advised that part of the franchise agreement is a vehicle to receive franchise fees, which are a healthy part of the City's revenues.

Mayor O'Brien requested that when the next meeting when the franchise agreement is discussed to include the amount of the fees that the City is receiving.

Chief Financial Officer Burns advised she would.

Discussion ensued regarding whether a meeting should be scheduled and it was determined that City Manager Royle would gather information first and then bring it back at a later date.

Commission agreed not to schedule a meeting date at this time.

2) Renewal of Franchise Agreement

Please see Item 4, D, 1 for discussion of this item.

E. Workshop with City Boards / Committees to Review Sunshine and Open Records Law

Mayor O'Brien introduced Item 4 E and asked for a report from City Attorney Burnett.

City Attorney Burnett advised the Commission that he would be happy to give the Commission an updated Sunshine and Open Records Law that was previously given; however, he thought it might be better to give the new attorney the opportunity to meet the other boards, especially the Planning and Zoning Board.

Mayor Samuels advised that Ethics training is mandatory in 2016. She recommended that the Commission make sure that they receive their certificate when they finish the class or ask for it. She asked City Manager Royle to inform the Commission when FLC will be having their Ethics training so they can attend.

City Manager Royle advised that he would look into it and advised the Commission on the dates.

Discussion ensued regarding the Commission answering questions regarding a public records request.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd., remarked that the staff does a great job on public record requests. He advised that the City Attorney was a problem regarding this issue. He asked for a public record about the City Attorney's emails and was required to pay a \$540 deposit for the request. He requested that the Commission make sure that all the City Attorney's mails from 2009 to the current be received from the City Attorney's office.

Mayor O'Brien closed the Public Comment section. He then asked Commission for any further discussion. Being none he moved on to Item 5.

5. Performance Evaluations: Police Chief and City Manager

City Manager Royle advised that this item was continued until the February's meeting.

He asked the Commission if they would approve changing the City Commission meeting in March to Tuesday, March 1st at 7:00 p.m. due to the voting equipment being in the Commission chambers on their regular meeting day.

Commission agreed to change the date to March 1st at 7:00 p.m.

XII. NEW BUSINESS

6. Consideration of Architectural Style Ordinance for Buildings Fronting A1A Beach Boulevard: Review of Proposed Ordinance from City Attorney

Mayor O'Brien introduced Item 6 and asked for a report from City Attorney Burnett.

City Attorney Burnett read the title of the ordinance. He then advised the Commission that in his observation as City Attorney he would like to keep the same look and feel on A1A Beach Boulevard as the City has currently. He commented the way to have control the style of architecture was to present an ordinance. He provided pictures of

different types of styles of homes and businesses and explained to the Commission what types of architectural system were on A1A Beach Blvd. He remarked this ordinance would allow the residents to keep the style of the architecture on the A1A Beach Boulevard that are there currently which would keep the uniqueness of St. Augustine Beach.

Vice Mayor George asked Commissioner England if this ordinance would help in what she wants to accomplish with the architectural design code.

Commissioner England explained that the Land Development Regulations have a recommended style, but not a way to prohibit styles. She suggested moving forward with this as a start. She asked City Attorney Burnett if he would like to keep involved with the architecture policies even when he is no longer the City Attorney.

City Attorney Burnett advised that he would and suggested that this topic should be added to the planner's tasks.

Mayor O'Brien advised that it should be added to the tasks for the planner's as well as the Vision Plan that the City paid for.

Mayor Samuels praised and thanked City Attorney Burnett for the drafted ordinance and said the ordinance would be a standard to go by.

Vice Mayor George commented that this ordinance is good because when the Commission has to do a major development use, there would be standards to follow and could object to the design if need be.

Mayor O'Brien asked in the future if the pictures that the Commission was talking about could be put on the screen so residents can see them. He then opened the Public Comment section. The following addressed the Commission:

Bruce Wright, 118 15th St., commented that the City has a problem with parking and advised that recently on 11th St. South a 10-wheeler truck was parking on the sidewalk for a number of days. He remarked that the sidewalks are for the handicapped and bicycle people.

Mayor O'Brien closed the Public Comment section and then asked for Commission discussion. Being none, he moved on to Item 7.

7. Implementing Strategic Plan Goals:

A. Review of Public Works Director's Suggestions Concerning Street Regulations

Mayor O'Brien introduced Item 7 and then asked for a report from Public Works Director Howell.

Public Works Director Howell advised this item was brought to the Commission as a reflection of the February 3, 2015 workshop regarding Chapter 18, Streets and Sidewalks. He advised that he is requesting to change the code to reflect what is actually taking place by changing the responsibilities for streets and sidewalks to the Public Works Department instead of the Building Official. He suggested that all public rights-of-ways be under the Public Works Department and all private buildings or properties be the responsibility of the Building Department. He advised that the other changes involved roadway design to mirror the County's verbiage instead of different language on signs.

Commissioner Samuels asked on Page 3, Section 18-2, if that language means the Public Works Director would be approving the building.

Public Works Director Howell advised that language is speaking of the roadway adjacent to the property.

Mayor O'Brien asked if Public Works Director Howell and Building Official Larson agree with the changes.

Public Works Director Howell advised that they have spoken to each other and both agreed with the changes.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Bruce Wright, 118 15th St., asked who would be in charge of the swales in the driveways.

Public Works Director Howell advised that he would be in charge of that aspect.

Mayor O'Brien closed the Public Comment section and asked for Commission discussion.

Motion: to approve the changes recommended by Public Works Director Howell. **Moved by** Commissioner Samuels, **Seconded by** Commissioner England. Motion passed unanimously.

B. Plan for Evaluating Various Events and Impact on City's Quality of Life

Mayor O'Brien introduced Item 7B and then asked for a report from City Manager Royle.

City Manager Royle advised that the way the City defines significant or minor events are by the number of people attending the event. He explained that most of the events are minor except for a few. He commented that the biggest significant events are the Beach Blast-off and the Diva Run. He further advised that Police

Chief Hardwick manages the impact on the residents for these events very well. He explained that because most of the large events are concentrated at Pier Park, he didn't believe there was a quality of life issue.

Commissioner Samuels advised that she was concerned whether there should be a limit for the amount of people at an event in order to have coverage with the Fire and Police Departments. She commented that she wanted to make sure the residents were not going to suffer because the Fire and Police were at the event.

Police Chief Hardwick advised that the City has been busier than it used to be and no matter what the event there is a lot of traffic. He explained that he spends a lot of time on every event and takes it very seriously. He commented that there were some concerns about the presence of police at Beach Blast-off, but he would take that compliant as a good sign. He mentioned that he doesn't mind if the Commission approves the Diva Run or not.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission:

Bruce Wright, 118 15th St., remarked that the Beach Blast-off was a blast. He advised that that event has come a long ways. He mentioned that there is a problem with parking on the weekends and he would like to have officers do more about the parking situation and property protection from the visitors.

Commissioner Samuels advised there is a parking issue. She explained that she received a phone call from Senator Hutson's office regarding funding for public transportation. She commented that she sent the form to St. Augustine City Manager John Regan and County Administrator Michael Wanchick because there was a need for public transportation, but wants to see how much it costs. She explained that it should come from Tourist Development Council's (TDC) bed taxes; however, the TDC is resistant to that suggestion. She advised that things are in the works, such as Flagler College looking into building a parking garage. She believed that public transportation would be a help for events and the parking problems. She asked the Commission to think about controlling the events by the amount of permits the City gives out every year and to gauge it by whether the Police and Fire Departments can cover the event properly.

Mary Landry, 203 5th St., advised that she could not get to church when the Diva Run was going on.

Commissioner Samuels advised that there were notices in newspaper and Police Chief Hardwick reached out to residents to make sure that they could get to the churches. She suggested to call Police Chief Hardwick in the future if there was a Diva Run again.

Ann Palmquist, 213 10th St., advised that the Commission shouldn't issue permits that don't contribute back to the community. She advised for-profit businesses such as the Diva Run should pay a fee to the City in order to improve or enhance quality of life issues.

Mayor O'Brien advised that limiting the Diva Run was a good decision because it would have gotten out of control. He agreed that for-profit businesses should be charged a fee, such as each Diva Run runner would have to pay the City a fee.

Commissioner Samuels suggested to check into the legalities for charging a fee with City Attorney Burnett and Chief Financial Officer Burns.

Vice Mayor George advised that it could be brought back as an agenda item.

Commission agreed.

Mayor O'Brien closed the Public Comment section and moved to Commission Comments.

XIII. COMMISSIONER COMMENTS

Mayor O'Brien asked for staff and Commission reports.

City Manager Royle advised that Hala Laquidara, her volunteer assistant Andrea Rainer, the Public Works Department, and the Police Department all did a great job with the Beach Blast-off event. He advised that he didn't see any wrong behavior at the event.

Building Official Larson advised that there will be an open-house in the Commission chambers for the residents to discuss with FEMA officials their property's flood zones. He advised that the date has not been scheduled yet; however, he will notify the residents when it is scheduled.

Police Chief Hardwick advised that the Beach Blast-off had a lot of support from the City Commission, City of St. Augustine and the St. Johns County with the mutual aid agreements. He remarked that all the municipalities work well together.

Commissioner Samuels advised that she attended the Tourist Development Council meeting on December 21st and they discussed developing a Strategic Plan. She explained they want a facilitator and didn't want to spend more than \$25,000 processing the Request for Proposal.

Vice Mayor George wished everyone a Happy New Year. She advised that she volunteered at the Beach Blast-off. She thanked everyone again for their support for being Vice Mayor. She advised that she would be out of the country the week that the Visitor and Convention Bureau would be meeting and wanted to know if any other Commissioner could go to the

meeting in her place. She asked City Manager Royle to send a message in case any other Commissioner is available on 1/26/16.

Commissioner Snodgrass thanked Andrea Samuels for her service as Mayor and her dedication. He also thanked City Attorney Burnett and his colleagues for their superb work they have given to the City since 2009. He advised that they are top flight professionals with solid professional ethics.

Commissioner England advised that she attended the North Florida Transportation Planning Organization in December. She commented that she was amazed at the staff's professionalism and their capabilities. She told City Manager Royle that the Commission needs to get with St. Johns County before the end of the summer each year in order to get on the priority list. She advised that St. Johns County presents their priority list to the North Florida Transportation Planning Organization. She would like to have formal bicycle lanes on A1A Beach Boulevard and advised that she spoke to the County representative about that. She also advised that the pedestrian walkways will be a greater need when all three hotels are opened, so the City needs to put pressure on the County in order to get these projects started. She gave examples of the technologies being looked at for parking spaces for the City of St. Augustine. She also thanked the former Mayor for her service and commented that she hopes for her continued service and energy as Commissioner. She thanked City Attorney Burnett and Planning and Zoning Board's attorney Mr. Whitehouse.

Mayor O'Brien extended an invitation to County Commissioner Bennett to join us at the City's meeting. He congratulated everyone on the Beach Blast-off and advised that he has heard nothing but good comments about it. He said it is a monumental effort to undertake that task. He thanked Hala Laquidara, Police Department, Public Works Department, and all the volunteers for their help during the event. He thanked the City for the opportunity to be the Mayor this year.

XIV. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.


Motion: to adjourn. **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner Samuels. Motion passed unanimously.

Mayor O'Brien adjourned the meeting at 9:35 p.m.



Rich O'Brien, Mayor

ATTEST:



City Clerk