



**MINUTES
CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
May 9, 2016 6:00 PM.**

City Hall
2200 A1A South
St. Augustine Beach FL 32080

I. CALL TO ORDER

Mayor O'Brien called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor O'Brien led 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 Wilson, Police Chief Hardwick, Chief Financial Officer Burns, City Clerk Raddatz, and Public Works Director Howell.

IV. APPROVAL OF MINUTES OF THE CITY COMMISSION MEETINGS OF MARCH 23, 2016 AND APRIL 4, 2016

Mayor O'Brien introduced Item IV and then made a motion.

Motion: to approve City Commission minutes for March 23, 2016 and April 4, 2016. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Samuels. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor O'Brien introduced Item V. and requested to add to the agenda a brief update on the status of Ocean Ridge.

Commission agreed.

Commissioner Snodgrass requested to defer Items VII.F, 9, 10, 11, 12, and 16 to another meeting because of the length of the agenda. He advised that he would like a Special City Commission meeting to discuss all the policy changes at one time.

Discussion ensued regarding whether all the items would be deferred or if the Commission would be brought up at the end of the meeting, if there was time.

Commissioner Snodgrass explained that he would requested Items VII.F, 9, 10, 11, 12, and 16 be deferred since they were all policy issues and not bring them up at this meeting.

Commissioner Samuels suggested that Item 14 be deferred as well because it was also a policy matter.

Commissioner George asked City Manager Royle if any landscape plans would be delayed due to deferring Item 14.

City Manager Royle advised no.

Commissioner Snodgrass advised that there was a policy in effect already if they need to move forward.

Commission agreed to defer Item VII.F to the Regular Commission meeting on June 1, 2016 and defer Items 9, 10, 11, 12, 14 and 16 to a Special Commission meeting at a later date.

VI. CHANGES TO ORDER OF TOPICS ON THE AGENDA

Mayor O'Brien suggested to move Item 15 before Item 13 on the agenda because it relates to the crosswalk issue, which he advised was an urgent matter.

VII. PRESENTATIONS

- A. Plaque Presented by Chief Hardwick to Oasis Restaurant, for Their Contributions for the National Night Out Special Event Last October.

Mayor O'Brien introduced Item VII.A and asked Chief Hardwick to present his plaque to the Oasis Restaurant

Chief Hardwick presented a plaque to Katie Robshaw who was the representing the Oasis Restaurant at the meeting, for donating their time, food, and service on National Night Out Special Event last October. He thanked everyone from the Oasis Restaurant for their continuing service to the community and the Police Department.

- B. Presentation of St. Augustine Beach Citizenship Award by Chief Hardwick to Ms. Melissa Nicodemus

Mayor O'Brien requested Chief Hardwick to present Ms. Melissa Nicodemus the St. Augustine Beach Citizenship Award

Chief Hardwick presented Ms. Nicodemus with the St. Augustine Beach Citizenship Award for helping to apprehend five burglary suspects on Bermuda Runway by calling the Police Department and letting them know that the suspects were back on in the area. He explained that these suspects were known burglars

in Jacksonville. He thanked Ms. Nicodemus for calling and advised that the stolen items were found.

C. Transportation Improvement Program for Fiscal Years 2017-2021 by Ms. Wanda Forrest of the North Florida Transportation Planning Organization

Mayor O'Brien introduced Ms. Wanda Forrest of the North Florida Transportation Planning Organization and asked her to give her presentation.

Ms. Forrest gave a presentation regarding transportation work projects which would help with the City of St. Augustine Beach. She advised that North Florida Transportation Planning Organization (NFTPO) represented four counties, which were Clay, Duval, Nassau, and St. Johns counties. She explained the Transportation Improvement Program (TIP) as a short range transportation plan. She commented on several projects that were in St. Johns County or around the City of St. Augustine Beach, but advised that none of the projects were in the City of St. Augustine Beach. She advised that the TIP creates a list of priority projects in August and she commented that NFTPO was aware that SR 312 to CR 207 right-of-ways were a high priority, but explained it was an \$83 million unfunded project.

Commissioner Snodgrass asked if it was in the plan for the next five years.

Ms. Forrest advised that it was not in the plan.

Commissioner Snodgrass asked who was advocating for this to be done.

Ms. Forrest advised that the NFTPO sends high priorities to the Legislature that then adopts projects every year in August. She explained that SR 312 was on the high priority list.

Commissioner Snodgrass explained that this project has been a priority for the last five years and advised that it was stunning to know that this would be delayed for 20 to 30 years. He commented that the City should involve Cindi Stevenson in order to get this pushed forward.

Commissioner England advised that she attends NFTPO meetings and would push the project for the City.

Commissioner Snodgrass asked if NFTPO was interfacing with the City of St. Augustine regarding a mobility study and transportation related issues.

Ms. Forrest advised that staff and Board members such as Marco Graham in the Public Works Department sit on the committee.

Commissioner England advised that there was a transit study done and asked if it was available to the public.

Ms. Forrest commented that the Transportation Development Program for the Sunshine Bus Service and was not sure if it was public yet.

Commissioner England advised that she spoke with Commissioner Bennett and Commissioner Sikes-Kline and has requested official bike lanes on A1A Beach Boulevard. She asked if the request should go through NFTPO or St. Johns County to receive funding.

Ms. Forrest advised that she would check on that for Commissioner England.

Mayor O'Brien asked for any further questions. Being none, Mayor O'Brien moved on to Item VII.D.

- D. Request by Mr. Chad Patrick, Chief Executive Officer, Orange Park Medical Center, to Approve Resolution 16-03, to Support a Trauma Center at the Medical Center

Mayor O'Brien introduced Mr. Chad Patrick, Chief Executive Officer for Orange Park Medical Center.

Mr. Patrick thanked the Commission for their support for the trauma center in years past and requested support again for a trauma center. He advised that the Orange Park Medical Center has invested in this project in October and currently has 120 patients per month at their facility

Mayor O'Brien advised that a letter of support was given in 2009 and Commissioner Samuels advised there was a letter of support also in 2014.

Mayor O'Brien asked if there would be any drawbacks in signing the resolution of support.

Mr. Patrick advised no, that they receive a lot of trauma patients from this part of the County because Flagler Hospital does not provide trauma service

Commissioner Snodgrass asked if Orange Park Medical Center and the trauma center was accredited.

Mr. Patrick advised yes, by the Joint Commission and the State of Florida.

Mayor O'Brien opened the Public Comment section. Being none, Mayor O'Brien asked for a motion.

Motion: to approve Resolution 16-03. **Moved by** Commissioner Samuels. **Seconded by** Commissioner George. Motion passed unanimously.

- E. Consideration of Eligible Projects with County Staff for the Community Development Block Grant Entitlement Program

Mayor O'Brien introduced Item VII.E and asked for any Commission discussion.

Benjamin Coney, Community Development Manager for St. Johns County Housing and Community Development, advised that from the US Census Bureau, the unincorporated St. Johns County and the City of St. Augustine Beach are eligible for an Urban County status. He explained that each unit of local government is required to be notified of their right to participate or to be excluded from St. Johns County's Urban County designation. He commented that participants should complete an application and exhibits in order to receive Community Development Block Grant (CDBG) funding. He explained that the City of St. Augustine Beach signed a Cooperation Agreement with St. Johns County in order to be included in the CDBG funding to provide housing programs and neighborhood activities, such as, parks, drainage, recreation centers, etc. He explained that St. Johns County adopted Resolution No. 2015-261 authorizing St. Johns County to submit an Intent to Apply for Urban County status and to be a recipient for CDBG funds for the current cycle. He announced where to receive the applications to request funding at www.sjcfll.us/housing and advised that hard copies were available upon request. He advised that public notices are posted 30 days in advance and the next meeting would be held June 7, 2016 at the St. Johns County Commission meeting.

Commissioner Snodgrass asked if there were any successes from the program.

Mr. Coney advised that the City of St. Augustine Beach has never qualified the small city and small counties CDBG grants. He explained that the County has had drainage projects which helped the West Augustine area. He commented that now that the Urban County designation has been received it could help citizens in the St. Augustine Beach area if the formula applies. He advised that funding has been used for the Silver Creek development for the elderly on SR 207. He also advised that the residents could apply, but they would have to use a formula to qualify. He explained different types of funding, such as, housing, assistance to low and moderate income persons, etc. He explained that the deadline was August 16, 2016, for applications.

Commissioner Samuels asked if the funding could be used for transportation, like it was granted in Hollywood Florida.

Mr. Coney advised that CDBG grants could be used for transportation; however, there has to be citizen input at the meeting for the project.

Commissioner Samuels suggested that a representative be a part of the Citizens Participation Plan, which was on the website in order to get a project approved.

Mayor O'Brien asked if Commissioner Samuels would be interested in the being a representative for the City.

Mr. Coney advised that once the Citizens Participation Plan has a list of priority projects, the St. Johns County Board of Commissioners would rank the projects and approve funding.

Commissioner George advised that the City should complete a Citizen Participation Plan first and then give residents 30 days to give comments about what they like or don't like about the plan and then it would be brought in front of the County Commission for approval.

Commissioner Snodgrass asked City Manager Royle what projects could be done within the City.

City Manager Royle advised that the City does not meet the criteria of low to moderate income residents, so it does not apply.

Mr. Conley advised that the CDBG requires that 70 percent of the benefit must go to low to moderate income residents. He explained that if there was a drainage or transportation project, the City would have to survey every resident's income to find out whether 70 percent would benefit low to moderate income residents. He commented that there are residents in the City of St. Augustine Beach who would fit the profile, especially with the housing component. He gave examples of fixing window or doors, handicap ramps, retrofitting energy components in a home, etc.

Commissioner Snodgrass asked how the Commission could to make sure to get on the priority list for the City's residents.

Mr. Conley explained that he would make sure that the City of St. Augustine Beach would receive equitable participation in the program according to the population needs or priority of the residents.

Commissioner England commented that projects for the low to moderate income for individuals could be funded, but Commissioner Samuels was looking for a larger scale project.

Commissioner Snodgrass asked what the next step would be in order to identify the people who need this funding

Mr. Conley advised that the next step would be to make this benefit public and then to survey the resident's income eligibility.

Vice Mayor George asked when the survey should be completed.

Mr. Conley advised the application needs to be submitted online by June 17th and notification of the funding should be done tomorrow.

Mayor O'Brien asked City Manager Royle to publish the information about the CDBG grant funding on the website, in the Record newspaper, and add the item to the Regular City Commission agenda in June on the status of the application. Commissioner Snodgrass advised that he would like to proactively help the residents on the waiting list for funding by helping them with their survey.

Mr. Conley advised that St. Johns County Partnership has created a waiting list and a representative from the City of St. Augustine Beach could contact them to see if they could give a list to help the residents within the City.

Vice Mayor George asked Mr. Conley how the formula worked.

Mr. Conley explained several ways the formula could be calculated.

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

Tom Reynolds, 880 A1A Beach Blvd., advised that he supports the funding; however, he advised that the City of St. Augustine Beach would not benefit from it. He explained that the City's neighbors to the west of St. Augustine Beach would benefit from this funding. He explained that west St. Augustine needs sewers. He commented that Governor Rick Scott veto and cheated west St. Augustine residents by not funding \$200,000 for their sewers. He requested the Commission to support the CDBG funding, but not to support St. Johns County Commission giveaway of 40 acres that Mr. Conley supports.

Mayor O'Brien closed the Public Comment section.

F. Finance and Budget Matters by Ms. Melissa Burns, Chief Financial Officer:

Mayor O'Brien introduced Chief Financial Officer Burns and asked for her report.

1) Review of Long Range Financial Plan

Chief Financial Officer Burns advised

2) Review of City's Long Term Debt

Chief Financial Officer Burns advised

This item was deferred until the June 1, 2016 Regular City Commission meeting.

VIII. PUBLIC COMMENTS

Before opening the Public Comment section, Mayor O'Brien asked for a status report regarding Ocean Ridge.

City Manager Royle advised that he has put on the webpage information regarding Ocean Ridge and explained that the silt fence has been moved. He commented that Public Works Director Howell researched whether the streets were public or private and found that the residents do not own the streets.

City Attorney Wilson advised that as of today, no amendments to the application have been filed.

Commissioner Samuels asked if City Attorney Wilson researched whether the current tree ordinance could be used.

City Attorney Wilson advised that the developer does not have to comply with the current tree ordinance in regards to the roads, but would have to comply with the current tree ordinance when the houses are being built.

Vice Mayor George commented that the trees that will be affected would only be in the right-of-ways.

City Attorney Wilson advised that if something changes, he would let the Commission know. He advised that it could be developed as shown in the drawings only.

After the discussion regarding Ocean Ridge, Mayor O'Brien opened the Public Comments section. The following addressed the Commission:

Robert Kahler, 29 Sunfish Dr., advised that two Commissioners would probably run for the Commission in November, who in his opinion should not be re-elected because the residents cannot afford them. He stated several items that he felt were failures of the Commission in the past years. He advised that items like Item 9 on the agenda regarding policies should have a Citizens' Review Board, since the citizens pay taxes. He advised that from the beginning of the City the rules have given the power to the Commission and little to the citizens. He commented that the citizens need representation.

Sandra Krempasky, 7 C St. Apt. A, thanked the Commission for updating the public regarding the Ocean Ridge development. She then read an email (Exhibit 1).

Mary Landry, 205 5th St., thanked the Commission for approving the two crosswalks and flags.

Craig Thomson, 6 D Street, thanked the Commission for allowing for public comments and dealing with policy issues. He advised that the committees and boards want to work with the Commission to preserve the beauty of the City. He explained that everyone wants the same thing such as saving trees and the canopies. He commented that Ocean Ridge would still be discussed by the Commission regarding preserving the coastal hammocks in the development. He explained that if the road materials are used for fill on the lots, then the lot trees would be killed as well. He requested the Commission to give a report on where the developer would be using the fill. He commented that there were enforcement issues throughout the City regarding trees, buffers, excessive paving, which staff should be proactively enforcing. He requested the Commission to require staff

reports on questionable zoning and enforcement issues and also to consider an independent consultant to review questionable enforcement issues.

Anthony De Lorenzo, 400 A1A Beach Blvd., commented that he was the voice for a non-profit organization called the Eastern Surfing Association and is the District Director for St. Augustine from the eastern seaboard, which includes 4,000 members. He explained that he was at the meeting to discuss Item 12 regarding the 4th of July holiday weekend. He commented that this would be the 49th year for the Eastern Surfing Association, but more importantly it will be the 50th anniversary for the Sun N Surf Contest for the youth of St. Johns County on the 4th of July. He advised that because of the proposed ordinance, he has been worried whether to advertise for the event on that day and asked the Commission for some clarity on how to proceed with the application.

Mayor O'Brien asked City Manager Royle to get with Mr. De Lorenzo tomorrow to discuss this issue.

Linda Ringwood, 8 F St., thanked the Commission for their service. She advised that being elected to the office means that the community feels that they would have good representation and thanked the Commission for listening to the community's concerns and for the residents being so vigilant.

Tom Reynolds, 880 A1A Beach Blvd., read the proposed language regarding the Commissioner Comments section of the agenda format and then objected to having the Commission approve any money for any reason that was not on the agenda. He commented that Commissioner Samuels' conference, which he called a vacation, to Tampa should have not been done. He advised that the Tourist Development Council representation process since 1989 was wrong. He commented that elected officials should be open, honest and committed to transparency or they are bad officials. He advised that the Commission has been abusing the Commissioner Comments section of the agenda by slipping in items and having them approved hurriedly. He requested any financial expenditure should be put on the agenda.

Richard Backlund, 17 Lee Drive, showed a photo taken at 3:45 p.m. on Pope Road and A1A Beach Boulevard on the south side (Exhibit 2) where cars were parked. He advised that there was a major problem with parking. He advised that it would be chaos on Memorial Day. He commented that visitors were coming to the City and not paying a penny to park. He requested an ordinance banning parking with major fines on the south side of Pope Road. He also commented that the Tourist Development Council awarded the Diva Corporation \$25,000 each year, which shouldn't be allowed with taxpayer funds.

Mayor O'Brien closed the Public Comment section.

Mayor O'Brien asked City Manager Royle to explain the procedure on surplus equipment.

City Manager Royle advised that the Commission grants the equipment as surplus at a public meeting and then staff advertises it on a government surplus website requesting

bids, which was more effective than a local newspaper. He explained that staff then selects the highest bidder and receives payment. He explained that if no one bids, then staff brings it back to the Commission to dispose of the equipment.

Mayor O'Brien advised that since 2006, the Tourist Development Council (TDC) appointment for the City of St. Augustine Beach has traditionally been the Mayor or the Mayor's representative. He explained that he was on the TDC for seven years and it was a lot of work. He said that the City has been well represented by himself and Commissioner Samuels and the City received their money's worth. He commented that if the representative didn't have time to go to the meetings and did not represent the City well, the Commission would request a replacement of a City Commissioner.

Mayor O'Brien advised that the parking issues on Pope Road will be discussed in the future. He commented that Public Works Director Howell has made some suggestions.

Commissioner Snodgrass advised that the Commission wants to save as many trees as possible in Ocean Ridge. He explained that he would like more information from staff regarding the grading plan and where the fill would be used. He commented that he would like to know if the fill would kill the trees or not and if so, what provisions the City has to stop that from occurring. He requested that Building Official Larson, Public Works Director Howell and City Attorney Wilson look into the pond issue and where the fill would be going.

Commissioner England advised that there are updated information on the webpage.

Commissioner Snodgrass asked if the City has a Code Enforcement Plan which would give a formal code enforcement strategy and course of implementation over the next fiscal year. He requested a formal written and verbal report on the status of code enforcement by Building Official Larson.

The Commission agreed.

Commissioner Snodgrass commented that he was stunned that the Diva Run was a for-profit organization and advised that he didn't know that the Tourist Development Council was giving grants for-profit organizations. He advised that if the City was going to have a for-profit organization, the organization should have to give something back to the residents in some way. He gave an example of a drainage improvement for the beach would be giving back to the residents and the City.

Commissioner Samuels advised that the TDC gives these grants under sport events to bring visitors to cities. She mentioned that the TDC sponsors sport events like Bicycle Motocross (BMX), fishing tournaments, etc.

Commissioner Snodgrass advised that he was against it unless funds come back to the City.

Commissioner England advised that continued education and networking was very important and there is a budget for staff and the Commission to use for that purpose. She

advised that they are not vacations and are a lot of work. She explained that everyone needs to be updated on new laws.

Vice Mayor George advised that there is a policy and the conferences are documented.

Commissioner Samuels advised that it is the duty of the citizen to file a complaint if they feel anything has been done illegal with the Ethics Commission in Tallahassee.

IX. PUBLIC HEARINGS

1. Conditional Use Permit: Request for Permit for Outside Seating and Food and /or Beverage Consumption at the Sunset Grille Restaurant, 421 A1A Beach Boulevard (Lots 103-105, Atlantic Beach Subdivision, Parrot Heads, Inc., Mr. Peter Darios and Mr. Michael Rosa, Applicants)

Mayor O'Brien introduced Item IX. He asked if there was a representative present for Sunset Grille Restaurant.

Mr. Peter Darios, owner of Parrot Heads, Inc., requested to extend the Conditional Use Permit for outside seating and food and/or beverage consumptions at the Sunset Grille Restaurant for an additional ten years.

Commissioner Samuels commented that the Planning and Zoning Board made the right decision in approving the extension and explained that she would like to approve it.

Mayor O'Brien opened the Public Hearing. Being none, Mayor O'Brien asked for a motion.

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

2. Replat in the Lake Sienna Subdivision, North of 16th Street and East of Old Beach Road: Request for Replat of Lots 1 and 2, 613 and 617 Old Beach Road, to Create Three Lots, Mr. Jerry Smith, Applicant

Mayor O'Brien introduced Item IX. He asked if there was a representative for this replat.

Mr. Jerry Smith, 27 Bermuda Runway, advised that he has been trying to replat these lots in order to get his money out of these properties for 15 years.

Mayor O'Brien opened the Public Hearing. Being none, Mayor O'Brien asked for Commission discussion.

Commissioner England asked since Building Official Larson was not at this meeting, if the Planning and Zoning Board and whether staff has recommended approval.

City Manager Royle advised that there were memos on pages 1 and 2 advising that this has been recommended for approval.

Vice Mayor George asked if the neighborhoods were notified.

City Manager Royle advised yes.

Mr. Smith advised that the neighbors have no objections.

Motion: to approve the replat in Lake Sienna Subdivision. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Samuels. Motion passed unanimously.

3. Ordinance 16-01, Public Hearing and Final Reading: to Vacate Alley in Block 46, Coquina Gables Subdivision, between 2nd and 3rd Avenue, and between C and D Streets

Mayor O'Brien introduced Item 3 and asked for a staff report from City Manager Royle.

City Manager Royle advised that the Commission discussed this item on March 1, 2016 Commission meeting and advised that the applicant has submitted a 70 percent owners petition that they are in agreement with vacating the alleyway.

City Attorney Wilson read the title of the ordinance for second reading.

Mayor O'Brien opened the Public Hearing. Being none, he asked for a motion.

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

4. Ordinance 16-02, Public Hearing and Final Reading: to Change Provisions in Chapter 18 of the General City Code Concerning Street and Right-of-Way Regulations

Mayor O'Brien introduced Item 4 and asked Public Works Director Howell to give a staff report.

Public Works Director Howell advised that this ordinance was part of the Strategic Plan. He advised that this ordinance mainly was to give the Public Works Director the responsibilities and authority for streets and right-of-way regulations throughout the City instead of the Building Official

Mayor O'Brien opened the Public Hearing section. Being none, Mayor O'Brien asked City Attorney Wilson to read the title of the ordinance for second reading

City Attorney Wilson read the title of the ordinance for second reading.

Mayor O'Brien moved for a motion.

Motion: to approve Ordinance 16-02. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

X. CONSENT

5. Proclamation: to Declare May as Older Americans Month

Mayor O'Brien introduced Item 5. He asked if there was a representative here to accept the Older Americans Month Proclamation. Being none, Mayor O'Brien asked for a motion.

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

6. Budget Resolution 16-08: to Appropriate \$3,350 to Purchase Picnic Tables for City's Property at Pier Park

Mayor O'Brien introduced Item 6. He advised that these picnic tables were to replace the old wooden tables at the bocce ball courts at Pier Park with plastic weather-resistant tables.

Mayor O'Brien opened the Public Comments section. Being none, Mayor O'Brien asked for a motion.

Motion: to approve Budget Resolution 16-08 **Moved by** Commissioner Samuels, **Seconded by** Vice Mayor George. Motion passed unanimously.

7. Resolution 16-05: to Declare as Surplus a 1995 Chevrolet 3500 Flatbed Truck and to Authorize Its Sale

Mayor O'Brien introduced Item 6 and opened the Public Comments section. Being none, Mayor O'Brien made a motion.

Motion: to approve Resolution 16-05. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

XI. OLD BUSINESS

8. Banning Sale of Helium-Filled Balloons in the City: Request by Ms. Jane West to Review Proposed Ordinance

Mayor O'Brien introduced Item 8 and asked if Ms. West if she would like to speak regarding this item.

Jane West, 6277 S. A1A, showed a slide presentation (Exhibit 3). She requested the Commission ban the sale of helium-filled balloons and propose a fine so that no marine mammals would be endangered by ingesting them. She advised that the City would have no financial burdens enforcing this issue and the tourists would not see any dead mammals at the beach.

Commissioner Snodgrass asked what similar provisions have been made by St. Johns County and other beach municipalities.

Ms. West advised none, that they were waiting to see what the City of St. Augustine Beach would do.

Commissioner Snodgrass asked how many mammal deaths have occurred from helium-filled balloons in the last five years.

Ms. West commented that there were no statistics on it because of the long distances that the sea turtles travel and because of that they are not reported.

Commissioner Snodgrass asked to what extent is this a problem in the City.

Chief Hardwick advised that he did ask his staff and they couldn't tell him. He advised that the enforcement would fall under the Fish and Wildlife Conservation fine. He explained that it is very unusual. He explained that in the permit process for special events the Commission could put information that no balloons would be allowed to be released, so the applicant would be made aware of it. He advised that he did not get any answers for the Fish and Wildlife contacts that he had, but the fine is enforced by them.

Commissioner Samuels advised that Jacksonville Beach has a ban and it was totally unenforceable. She explained that there was a balloon ban in California which says the balloon has to be weighted and an educational card has to be handed out to the purchaser as well. She advised that there are two stores in our City that sell balloons. She suggested asking if educational cards for the balloons could be made and given to the stores to bring awareness and to include verbiage on the special event permits that forbids releasing balloons.

Ms. West advised that enforcement could be done; otherwise the Florida State Statutes would have not passed it. She advised that there are multiple municipalities throughout the country which have bans. She commented that she is aware that it would be awkward for a police officer to give a child a ticket for releasing a balloon, so that was why the ordinance says to go to the vendors that supply the balloons instead of the children.

Commissioner Snodgrass asked what about all the municipalities that are around the area not having this enforced. He also asked how this fine would be given, per each balloon released, per event, etc.

Chief Hardwick advised that the Fish and Wildlife Conservation Department ticket has a \$250 fine and would be per offense. He advised that if it did pass, his officers would have to be trained on the issue by the Fish and Wildlife Conservation Department.

Ms. West advised that the proposed ordinance was a \$500 fine for the sale of a balloon.

Mayor O'Brien advised that he understands why the ordinance has been proposed, but doesn't want kids at a birthday party to not being able to have balloons. He advised that he was worried about enforcement because there are many cities near St. Augustine Beach where balloons could be sold. He advised that the public has an issue with things the Commission passes and cannot enforce and it would put a burden on the police.

Ms. West advised that she agrees with Mayor O'Brien regarding not enforcing the fines on releasing balloons, but advised that this ordinance was on the sale of balloons and that the other municipalities were waiting on the City of St. Augustine Beach before moving forward.

Mayor O'Brien asked if the City could contact St. Johns County and the City of St. Augustine to agree on one ordinance.

Ms. West said that would be great, but they are waiting on the City of St. Augustine Beach. She advised that she was hoping that the Commission would exercise some initiative and take the first step.

Mayor O'Brien explained that a letter of support could be done and sent to the other local municipalities that if they would be willing to support this, that the City of St. Augustine Beach would support them.

Vice Mayor George advised that it might be a good idea to have the balloons weighted with an educational pamphlet as a first step, if the Commission does not want to go with the ordinance at this time.

Commissioner Samuels advised that she would like to state on wedding permits that no balloons are allowed to be released and felt that that would be a perfect compromise.

Ms. West advised that the weight was plastic and was a problem too.

Vice Mayor George advised that she has a problem reducing the economic impact for the vendors in the City if the surrounding municipalities are not going to be restricting the use; however, she did explain that there was an environmental impact and would be in favor of supporting it.

Commissioner Snodgrass advised that it would be another regulation.

Vice Mayor George advised that the ordinance was to only enforce at the source, which applies to two vendors. She commented that it would stop further expansion of balloon sales in the future

Commissioner Snodgrass advised that the Commission should be mindful of excessive regulations, especially when we can't document one mammal death.

Vice Mayor George advised that she had seen several incidents of this happening.

Mayor O'Brien asked for Commissioner comments.

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

Robert Kahler, 29 Sunfish Dr., advised that this ordinance appears to be without merit.

Chief Hardwick advised that he could request responses from the Sheriff and Police Departments if they are enforcing any ordinance such as this; however, he did contact the Chief of Police in Jacksonville Beach and he advised that he is not enforcing any ordinance from their city, but is enforcing the state statute. He advised that he would try to receive more data and report back to the Commission with the results

Tim Coons, 236 Treasure Beach Rd., advised that he was in support of the proposed ordinance. He explained that in his canal his son pulled up an adult turtle with a balloon ingested into its intestine and it died. He advised that it was important to adopt the ordinance and that the reason people don't see the dead mammals were because they die at sea. He also advised that weights were not effective.

Nancy Condron, 1049 Ponte Vedra Blvd., brought a number of balloons that she had pickup at the beach in a week to the Commission. She advised that she was a volunteer for the turtle hospital here in the community. She commented that balloons become litter. She explained that she understands that the Commission does not want to over regulate, but balloons are not necessary.

Mayor O'Brien closed the Public Comment section

Commissioner England explained that this ordinance sends a message and though there are limited number of vendors in St. Augustine Beach and an ordinance could be drafted and read to the public and the businesses to get their input to say whether or not they agree. She explained that staff could put in event permits that releasing of balloons is not allowed on the beach. She commented that it is more about sending the message than hurting businesses and people still could buy balloons and blow them up manually. She advised that she was in favor of the proposed ordinance

Commissioner Samuels advised that she would like to put language prohibiting the release of balloons on the event or wedding permits. She advised that the ordinance would be a burden on the Police Department, but would like to start with educating the public first. She agreed with Mayor O'Brien regarding sending a letter to St. Johns County and the City of St. Augustine to come to agreement on an ordinance to ban balloons on the beach. She agreed with having educational information attached to the balloons.

Mayor O'Brien advised that it was a three-prong approach to state on the event and wedding permits to have no balloons on the beach, have balloons weighted when they are sold, and to give an informational card to the purchasers. He advised in addition, he would like to write a letter to St. Johns County and the City of St. Augustine that the City soliciting their support if there was a ban on the sale of Helium-filled balloons.

Commissioner England asked if a motion was needed on this issue.

Vice Mayor George advised that this ordinance could be tabled until the City hears back from St. Johns County and the City of St. Augustine Beach.

City Attorney Wilson suggested to do a motion.

Motion: to contact the City of St. Augustine and St. Johns County to join the City of St. Augustine beach on the ban of selling helium-filled balloons. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Samuels

Commissioner Snodgrass asked for clarification regarding whether the balloon had to be weighted.

Mayor O'Brien advised no.

Commissioner Snodgrass then agreed to the motion.

Vice Mayor George asked that the letter would be to ban sale of helium-filled balloons.

Mayor O'Brien advised yes.

Vice Mayor George advised that she would support that.

Motion passed unanimously by the Commission.

Vice Mayor George wanted to state that the record show that some of the Commission do feel strongly about this issue and hopefully would get support from St. Johns County and the City of St. Augustine Beach.

Commissioner Samuels advised that all the Commissioners felt strongly about protecting the environment, not just some of the Commission.

Discussion ensued regarding whether the ordinance should be tabled

Mayor O'Brien advised that the ordinance would be tabled until we have more information.

Commissioner Samuels asked that in the interim to include in the wedding permit applications that no balloons would be allowed on the beach.

City Attorney Wilson advised that an ordinance would have to be passed in order to enforce it; however, it could be on the event applications without enforcement.

Commission agreed.

Commissioner England suggested bringing the ordinance back at the Regular City Commission meeting in July.

9. Commission and Board Meetings:

A. Review of Proposed Resolution Regarding Public Comments at Commission and City Board Meetings

This item was deferred until the June 14, 2016 Special Commission Meeting.

B. Suggested Update to Agenda Format for Commission Meetings

This item was deferred until the June 14, 2016 Special Commission Meeting.

C. Suggested Revisions to Resolution 89-5, Setting Rules for Commission Meetings

This item was deferred until the June 14, 2016 Special Commission Meeting.

D. Review of Topics at Commission Meetings

This item was deferred until the June 14, 2016 Special Commission Meeting.

10. Implementation of Strategic Plan Goals: Review of Public Works Director's Proposed Changes to Chapter 19 of the City Code

This item was deferred until the June 14, 2016 Special Commission Meeting.

11. Locating Streetlights in City: Review of Public Works Director's Proposed Policy

This item was deferred until the June 14, 2016 Special Commission Meeting.

XII. NEW BUSINESS

12. Special Events in the City:

A. Review of Proposed Ordinance to Prohibit Issuance of Permits on Certain Holidays When They Fall on a Weekend

This item was deferred until the June 14, 2016 Special Commission Meeting.

B. Consideration of Changing Other Special Event Regulations

This item was deferred until the June 14, 2016 Special Commission Meeting.

13. Anastasia Dunes Subdivision: Request to Approve Lot Agreement with the Homeowners' Association for City Police to do Traffic Enforcement on Subdivision's Streets

Mayor O'Brien introduced Item 13 and asked for a staff report.

Chief Hardwick advised that this agreement was to enforce the traffic laws in Anastasia Dunes subdivision. He explained that it was a private neighborhood, so there was a need for an agreement to enforce the traffic.

Commissioner England asked if this would cause a need for additional staff.

Chief Hardwick advised no, there would be no need for more police officers. He explained that the Police Department patrols the area, but they didn't have a right to enforce the traffic laws.

Motion: to approve. **Moved by** Commissioner Samuels, **Seconded by** Mayor O'Brien. Motion passed unanimously.

14. Beautification Advisory Committee: Request from Committee to Have Authority to Approve or Deny Landscape Plans for New Commercial Businesses

This item was deferred until the June 14, 2016 Special Commission Meeting.

15. Crosswalk on A1A Beach Boulevard: Request to Approve Budget Resolution 16-09, to Appropriate \$6,000 for Crosswalk at 5th Street

Mayor O'Brien introduced Item 15 and asked for a staff report

Public Works Director Howell advised that the resolution was self-explanatory. He explained that the Courtyard by Marriott has agreed to contribute half of the costs towards the construction of the crosswalk on 5th Street. He advised that his memo identified another viable option, which would be on 7th Street as well.

Commissioner Snodgrass stated that the City should do both crosswalks because it's a safety issue.

Mayor O'Brien agreed with Commissioner Snodgrass and advised that he personally had two children run out in front of his car from the hotel. He stated it was an emergency issue.

Commissioner Samuels advised that 7th Street residents expressed a real concern and believed it was even more important than 5th Street.

Commissioner Snodgrass asked when both crosswalks could be completed.

Public Works Director Howell advised in the next two months

City Manager Royle advised that St. Johns County has to approve the crosswalk; however, he explained that he would urge them to put on the agenda.

Commissioner Snodgrass advised that it should be done ASAP.

Mayor O'Brien explained that he addressed this issue with the hotel two months ago and their comment was to wait until the hotel opens. He advised that they have a responsibility to help protect their guests. He explained that the crosswalks would have been in by now.

Discussion ensued regarding what City account the funding would come from.

Chief Financial Officer Burns advised that it could be taken out of the impact fees.

Commissioner Samuels asked to amend the resolution to \$20,000 for funding.

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

Jon Hazel, 125 Spanish Oaks, advised that he supports both crosswalks and handed the Commission a report from the Pedestrian Crosswalk Committee (Exhibit 4). He explained how the sewer drain was an issue because it was higher than the street and people could step down and lose their balance in front of a car. He advised that 7th Street was closer to the hotel entry and would be a better place to cross. He explained that not crossing in a crosswalk was illegal and requested a double-sided sign be put up on the entrance way along the street where the hotel was located. He commented that this has a direct impact on tourism and that the Tourist Development Council should be giving funding for this.

The Commission discussed what type of barrier should be placed by the hotel entrance way to stop people from illegally crossing the street.

Linda Ringwood, 8 F St., explained that she went to the hotel and asked what was the best way to cross the street to the beach and they directed her to cross illegally

Mayor O'Brien closed the Public Comment section.

The Commission requested City Manager Royle to call St. Johns County tomorrow to have this item on their agenda immediately.

Motion: to amend the FY 2016 Roads and Streets budget to include in the account \$20,000 for construction of pedestrian crosswalks on 5th Street and 7th Street with the understanding that \$6,000 would be received from the Marriott Hotel. **Moved by** Commissioner Samuels, **Seconded by** Vice Mayor George. Motion passed unanimously.

16. Updating Personnel Manual Regarding: Equal Employment Opportunity, Family Medical Leave Act, Bereavement Leave, Holidays, Compensation Time, and Employee Assistance Program: Consideration of Proposed Resolution

This item was deferred until the June 14, 2016 Special Commission Meeting.

XIII. COMMISSIONER COMMENTS

Mayor O'Brien asked City Manager Royle for any updates.

City Manager Royle advised that Bill Ward was hired as the new Code Enforcement Officer. He commented that the City was lucky to have him because it has been a previous police officer and paramedic for many years. He reminded the Commission that the June 1, 2016 Regular Commission meeting would start at 6:00 p.m. and distributed the Commission packet for the May 26th City Commission Joint Workshop meeting. He updated the Commission that the Christmas lighting would be allocated every year from the Tourist Development Council for the amount of \$20,000.

Chief Hardwick advised that he had a meeting with Sea Grove Homeowners Association regarding their traffic control and was addressing their concerns about the crashes at their entrance and A1A.

Mayor O'Brien asked about the light having a left turn only arrow and what was the Department of Transportation's (DOT) update on that.

Chief Hardwick advised that there has been no update from his emails, but they receive thousands of emails a day and they would reply back. He explained that Public Works Director Howell and he did discuss the traffic study that was done for that area and found that the DOT did not agree that there were enough factors involved to put a left turn arrow in at this time.

Public Works Director Howell thanked the Commission for his two additional Public Works employees and equipment. He advised that because of the two additional employees, the City already saved \$15,000 on a construction project on Lee Drive and has two additional projects to be done in the future. He explained that the Transportation Development Plan involves mostly the Sunshine Bus project and public transportation. He commented that the Board is looking for contacts with a staff member and a Commissioner to interview to ask them for suggestions to improve connectivity between St. Augustine and St. Augustine Beach.

City Clerk Raddatz advised that she went to a conference regarding record retention and scanning electronic documents. She advised that there was an issue with the Building Department records needing to be scanned. She commented that she had received four quotes to scan the backlog of records, which she would be bringing to the Commission for budget approval in the next budget year.

City Manager Royle commented that a private company would be able to scan the documents much quicker than staff could.

City Attorney advised that the sign code was being rewritten and he explained that it was very comprehensive. He commented he would give a copy of it to the Commission. He also advised that his daughter passed the Florida Bar with the highest score in the state.

Commission congratulated City Attorney Wilson for his daughter's high accomplishments.

Mayor O'Brien asked City Attorney Wilson if he had a City email account yet

City Attorney Wilson advised that he would check on that.

Mayor O'Brien asked about the noise ordinance that he drafted in St. Augustine.

City Attorney Wilson advised that he would check into the changes that St. Augustine has made to the noise ordinance and draft one for the City.

Commissioner England advised that the Commission has granted several conditional use permits with outside music and asked City Attorney Wilson to write criteria and guidelines that would be fair to the neighbors and the business owners so when the Commission allows it the Commission doesn't have a problem

Commissioner Samuels advised that Officer Martinez received the Crime Stopper Officer of the Year Award, which was well deserved. She advised that she went to the Advanced Elected Municipal Officials Conference, which was a two-day course and explained that half of a day was spent on special assessments for revenues. She explained that there are two cities that used special assessments to bury their utility lines. She advised that she has been reappointed to the Florida Municipal Insurance Trust Board of Trustees and also to the Board of Trustees for the Florida Municipal Investment Trust.

Vice Mayor George advised that she was at the staff meeting which updated the status of Ocean Ridge. She advised that she wanted to make everyone aware of the 2016 Annual Visitor and Convention Bureau State of the Industry Report, which would be held on May 18, 2016. She explained that she was invited to hear a presentation by the AARP on building a sustainable livable factor in St. Johns County. She commented she would attend the presentation and bring back information. She advised that after she looks into the process and if it would benefit the City, she would be happy to lead that effort. She asked City Manager Royle for a status report on the livestreaming and the new equipment.

City Attorney Royle advised that the equipment has not been received yet; however, he would advise Vice Mayor George via email when the equipment would be received and installed.

Vice Mayor George also asked about the cutting palm trees to the stump on Mickler Boulevard.

Public Works Director Howell advised that Florida Power and Light was doing the trimming under their power lines. He advised that a palm tree was more difficult to trim because the trimmer cannot just cut one branch. He explained that Florida Power and Light cut off the prongs, which may make the trees die

Vice Mayor George asked if Florida Power and Light should be asking us before they remove a tree from the right-of-way.

Public Works Director Howell advised no. They have a lot of rights within the right-of-ways with respect to maintaining utilities.

Vice Mayor George advised that she would like a follow up on this issue and to advise Florida Power and Light that she was not happy with what they did.

Commissioner England asked if in the new agreement with Florida Power and Light the City could write language that they would have to notify first of any trimming to be done.

City Attorney Wilson advised that they would not do so because of their rights of maintaining the rights-of-way for their power lines.

Vice Mayor George asked for an update from staff on their conversation with Florida Power and Light.

Vice Mayor George advised that her father requested to hand out information on the rising tide level and requested it to be put on the agenda (Exhibit 5)

Commissioner England advised that she interviewed with ETM consultant and pushed for A1A Beach Boulevard pedestrian safety, official bicycle lanes, and to look outside of the box with an electronic train from St. Augustine Beach to St Augustine. She asked the Commission to consider a mandatory joint meeting with the Planning and Zoning Board once or twice a year to bring connectivity between the Commission and the Board.

Mayor O'Brien advised that he would like to have a joint meeting once a year with an agenda.

Commission agreed to have the joint meeting in October.

Commissioner Snodgrass asked that Building Official Larson, Public Works Director Howell, and City Attorney Wilson follow up with the matters on Ocean Ridge retention pond regarding where the fill would be used and asked to find out if they do use the fill

around the trees would it kill the trees. He requested that the staff receive in writing where the fill would be going to and then give a formal report to the Commission on this issue.

City Attorney Wilson advised that he believed the fill would be going offsite.

Commissioner Snodgrass advised that he and his wife attended the Council of Aging meeting and met some people over 100 years of age who were lovely. He advised that he would like a code and zoning status report. He explained that the City has been littered with banners and would like the Code Enforcement Officer to look into the codes to see if they are legal or illegally. He commented that north of the Marriott Hotel there was a business there with a sign which was a safety hazard and in need of repair and painting. He would like the Code Enforcement Officer to encourage the owner to fix the sign

Mayor O'Brien advised that a boil water notice was issued last week. He advised his guests of the notice and provided water; however, he said that not all hotels do that. He suggested that we change the message board at city hall to an electronic sign, which would inform the public of boil notices and also storms that might be approaching. He explained that public safety was a concern and wants the public to be aware of any pending issues.

Discussion ensued regarding the costs of an electronic sign and where the funding could be taken out of.

Mayor O'Brien advised that he would like staff to follow up on this issue.

Vice Mayor George asked if there was any word for St. Johns County on the joint meeting with the City.

City Manager Royle advised no, that St. Johns County was having their election and it probably won't be until after the election

Commissioner Snodgrass suggested to have the Special City Commission Meeting on policies on Tuesday, June 14, 2016 at 6:00 p.m. and since July 4th would be the Regular City Commission Meeting to change that meeting to July 11, 2016 at 6:00 p.m.

After discussion, Commission agreed.

Chief Hardwick advised that he would not be able to come to the June 14th Special City Commission meeting because he would be on military leave; however, he would have Commander Parker attend

Commissioner Samuels requested information from Chief Hardwick for the ordinance for blackout dates for special events regarding his recommendations on holidays and special events which they had discussed.

Chief Hardwick advised that he would have his recommendations in a memo form to the Commission, since he would not be able to attend.

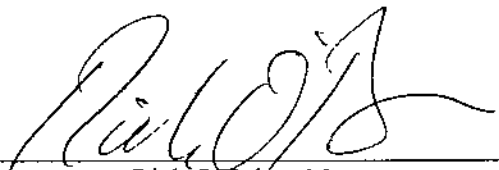
City Manager Royle explained that Mr. Teeple would schedule an informational meeting with the Commission if they have any questions about the May 26th City Commission Joint Workshop and would contact the Commission prior to the meeting.

XIV. ADJOURNMENT

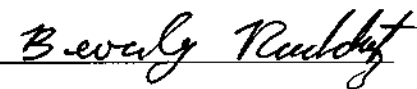
Mayor O'Brien asked for a motion to adjourn.

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

Mayor O'Brien adjourned the meeting at 9:15 p.m.


Rich O'Brien, Mayor

WITNESSES


City Clerk