



**MINUTES
SPECIAL COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
April 26, 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 asked Commissioner Samuels 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 Wilson, City Clerk Raddatz, Building Official Larson and Public Works Director Howell.

IV. CAMERA AND RECORDING EQUIPMENT FOR COMMISSION AND BOARD MEETING: Award of Bid to Adorama of New York City for \$17,700

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

City Manager Royle advised that the City was purchasing new equipment in order to update the camera equipment from analog to digital, which would help with livestreaming meetings to the public. He explained that the Commission appropriated money for the equipment, so staff went out to bid. He advised that there was a bid adjustment, which brought the purchasing amount to \$17,700. He commented that Anthony Johns, IT Specialist, was here if the Commission had any questions.

Mayor O'Brien asked if there were any Commission comments. Being none, Mayor O'Brien opened the Public Comment section. The following addressed the Commission

Tom Reynolds, 880 A1A Beach Blvd., asked if the equipment would be under warranty, why the bidder from New York City was selected, instead of a local Florida company, whether all the bidders were notified that the City adjusted the bid and whether the old equipment was leased or owned by the City.

Anthony Johns, IT Specialist, advised that the warranty was not specific to the vendor. He explained that the vendors were just supplying the items to the City, but the manufactures

would be the companies which would give the warranty. He advised that the old equipment was owned by the City and not leased. He explained that the bid adjustment was done because some items were on backorder and could not be received in time, so they purchased those items from another company; however, the winning bidder was still the cheapest bidder. He advised that staff informed every bidder that they could select parts of the bids that were higher in price from another bidder.

Mayor O'Brien asked if this procedure conformed to the purchasing guidelines.

City Manager Royle advised that it did.

Commissioner England asked if there was any warranty left on the old equipment that was malfunctioning.

IT Specialist Johns advised that there was no warranty on the old equipment.

Commissioner England requested staff to explain the bidding process.

IT Specialist Johns explained that staff used "Demand Star" which is a company which sends the information to pertinent companies and they bid on the request. He explained that Demand Star sent the request to 91 vendors and four responded. He explained that out of the four that responded, one did not complete the bid.

Commissioner Snodgrass asked if this equipment would meet the needs of the City for several years.

IT Specialist Johns said yes. He explained that currently the IT Department has mixed analog and digital equipment and now it would be updated to full digital equipment.

Vice Mayor George advised it took four months to get out of the Granicus contract. She asked if this would have the same option to cancel if it does not work.

IT Specialist Johns advised no. He explained that it only took four months because the contract had an automatic renewal and staff needed to send a Notice of Intent letter three months before the automatic renewal. He advised that this equipment would not be involved with a software contract.

Vice Mayor George asked if this equipment would allow staff to make sure livestreaming would work while the meetings were happening.

IT Specialist Johns advised yes

Ed Slavin, PO Box 3084, disagreed with Tom Reynolds about only allowing local companies to bid because that would be discrimination and illegal. He advised that the residents should not have to attend the meetings, so the livestreaming was necessary. He explained that there should be a liquidated damages clause if livestreaming does not work when it should.

Motion: to approve the purchase of the audio / video equipment for \$17,700 from the bidder as suggested by City management. **Moved by** Commissioner Snodgrass, **Seconded by** Vice Mayor George. Motion passed unanimously.

- V. RESOLUTION 16-04: A resolution of the City Commission of the City of St. Augustine Beach, Florida, stating its intention to comply with the Supreme Court's opinion in the case of *Reed v. Town of Gilbert, Ariz.* - U.S. -, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015) and suspending enforcement of all regulations governing temporary non-commercial speech as those regulations relate to the City's sign code.

Mayor O'Brien introduced Item V and requested a staff report.

City Attorney Wilson advised that he was aware of this issue when he was first hired. He explained that he would like to request the Commission adopt the resolution, which suspends the application for the temporary and non-commercial signs. He advised that he would work on the sign code and submit it to the Commission as quickly as possible.

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

Tom Reynolds, 880 A1A Beach Blvd., advised that he had done research on this issue and was glad that City Attorney Wilson was being corrected. He advised that for a long time things in the City were wrong. He gave an example of the Tourist Development Council appointment.

Ed Slavin, POB 3084, thanked City Attorney Wilson for his work on this matter and advised that he first raised this issue in 2006, but it was never checked. He advised that he was glad that City Attorney Wilson was with the City and would respond to citizens' issues. He explained that First Amendment rights are being attacked, but the First Amendment needs to live in our hearts and values. He thanked the City Commission for doing the right thing by adopting the resolution. He mentioned that the political sign code should be changed to allow political signs to go up any time before the election.

Mayor O'Brien closed the Public Comment section

Motion: to approve Resolution 16-04. **Moved by** Mayor O'Brien, **Seconded by** Vice Mayor George. Motion passed unanimously.

- VI. DISCUSSION OF MATTERS CONCERNING THE OCEAN RIDGE SUBDIVISION LOCATED EAST OF MICKLER BOULEVARD, BETWEEN 11TH STREET AND THE SEA OAKS SUBDIVISION

Mayor O'Brien introduced Item VI and advised that the main purpose for this meeting was to give a historical review by staff for Ocean Ridge. He then explained that the second part would be Mr. McGarvey's presentation regarding Ocean Ridge development. He explained that public comment would follow at the end of the presentations.

City Attorney Wilson explained that the Ocean Ridge development order was submitted and approved many years ago by the Commission and was still in effect. He then advised that the Commission extended it, which was still in effect under the codes from 2006. He explained that if the developer wants to change the development order, then it would revert to the present codes. He advised that at this meeting the Commission would be discussing the development order as it was approved and for the public and the developer to give their concerns. He explained that there was no application from the developer to be voted on at this meeting, so no vote would be necessary.

Vice Mayor George advised that the citizens published a notice that a vote would be taken on this issue at this meeting. She asked City Attorney Wilson if that could happen.

City Attorney Wilson advised that there is no new application from the developer, so no vote would be taken. He advised that if the developer gave a new application, it would have to be taken to the Planning and Zoning Board first and then to the Commission for final approval.

Vice Mayor George advised that she received speaker cards for a number of subsections under Item VI. She asked if public comments would be on each subsection.

Mayor O'Brien advised that the Public Comment section would be after the presentations.

City Attorney Wilson responded to a call out from the audience that the Commission could arrange the order of the agenda as they wished.

A. History of the Sea Oaks Subdivision and the 23 46 Acres Now Named the Ocean Ridge Subdivision (Presenter: Mr. Joe Howell, Public Works Director)

Public Works Director Howell showed a PowerPoint presentation to the Commission (Exhibit 1). He explained that in 1991 was the start of the plat for Ocean Ridge development order, which did not come to the Commission, but was used as part of the permitting for St. Johns Water Management District (SJWMD). He advised that when the first plat was started in 1978, SJWMD did not require stormwater treatment permitting. He explained that in 1987, Sea Oaks Unit 1 Phase required stormwater treatment and as a result placed a pond in that portion of the development. Sea Oaks Unit 2, Phase 1A was developed in 1996, which was Permit # 474080-3. In 2006, the development was called Island Estates and was permitted for 37 unit single-family residences. He explained that in 2007 SJWMD approved a permit for 72 unit single-family residences under Permit #474080-9, which was the master permit. He advised that in 2016, the permit was extended to 2019 under Permit #474080-9, which granted the same conditions. He commented that the same permit conditions were moved forward for each permit up to the recent permitting on 4/11/16.

B. Review of Background of Final Development Plan for the Subdivision (Presenter: Mr. Gary Larson, Director of Building and Zoning)

Building Official Larson read the chronology of Ocean Ridge subdivision provided in the backup materials (Exhibit 2).

C. Review of Road, Drainage Plan and Required Permits (Gary Larson and Joe Howell)

Public Works Director Howell presented (Exhibit 3). He explained that prior to 1982 there was no requirement for residential subdivisions or commercial properties in the state of Florida to provide for stormwater treatment. He commented that the purpose for stormwater treatment was to address flooding concerns or water runoff and water quality. He commented that the developer would have to apply for a permit to several agencies for stormwater. He then explained the engineering calculations to approve Ocean Ridge's stormwater system. He commented on the pond design and how much water was needed to be kept in the pond at all times. He advised that on February 15, 2007, a Standard General Environmental Resource Permit Technical Staff Report, Application # 40-109-47408-4 was granted.

He then presented the stormwater drainage system for Sea Oaks/ Ocean Ridge (Exhibit 4). He showed pictures of Sea Oaks west and east ponds and showed that the west pond was treated, but the east pond was not. He explained the calculations of the drainage. He explained that the SJWMD's Report included that offsite impacts were looked at and there was no planned access road through the developments. He advised that the developer made the Sea Oaks developments separate from Ocean Ridge, but the drainage would be connected to the ditch.

D. Review of Number of Lots, Lot Sizes, Minimum Building Size and Tree Protection (Mr. Larson)

Building Official Larson explained the lot sizes and house square footage allowed on each property.

Vice Mayor George asked if the lot sizes were consistent with the Land Development Regulations in 2006.

Building Official Larson advised that the lot sizes were approved with the development plan.

Commissioner Samuels asked if this was the Land Development Regulations in 2006.

Building Official Larson advised yes.

Mayor O'Brien asked about the tree protection ordinance that applied in 2006.

Building Official Larson advised that the tree ordinance in 2006 was applied to the development. He commented that the current tree codes did not apply to this site.

City Attorney Wilson explained that the development was tied to the codes of 2006 Land Development Regulations when the development was approved. He commented that once it was approved and extended, that gives the developer a vested right to develop in accordance with the old code. He commented that when the Commission changes the code they do not make the current residents change their homes to non-

conforming, but grants the homeowners to stay within the codes that the home was built. He explained that if the development order expired, then it would change to the current codes.

Mayor O'Brien asked Building Official Larson if he was done with his presentation.

Building Official Larson explained that the developer could have 92 single-family units, but only is requesting 72 single-family units.

E. Presentation by Mr. Jay McGarvey, McGarvey Residential Communities, of Possible Changes to the Final Development Plan to Save Trees

Mayor O'Brien introduced Mr. McGarvey and advised that he was at the meeting voluntarily and that the public would have the opportunity to speak after he concludes his presentation. He requested that the audience not interrupt the speaker.

Mr. McGarvey advised that he lives in St. Augustine Beach and that he developed a number of communities within the City. He commented that the staff did a good job in their presentations and thanked them. He commented that he and the residents want to preserve the character of the City of St. Augustine Beach. He advised that he built three developments in the City, which were Sea Colony, Anastasia Dunes and Sea Grove. He explained that he would like to preserve the tree cover, which is unique to the community. He remarked that he was good at preserving unique sites. He explained that the site plan in 2006 included a three-acre park and decreased the density from 92 to 72 single-family units. He explained that his goals were to maintain street covers, while working within the restrictions that were given to him. He explained that the land development entities, which were the Fire Department, Water and Sewer, and the City, have restrictions, which he has to follow. He advised that the Fire Department's National Fire Code, which does not give him the power to save the trees. He explained that the water and sewer utility requirements are strict with underground utilities and then he has to follow the City requirements. He explained that the standard zoning forces developments into minimum size lots and setback requirements that are not great in saving trees. He proposed to the Commission to have flexible setbacks in order to save trees. He remarked that he bought extra land in the west pond area, which would allow lots to be wider in order to save trees. He remarked that he wants to keep and maintain the rights and conditions under the 2006 development order; otherwise, he would build as shown on the development order and would cut a number of nice trees by simply building the streets and roads. He commented that he would like to come back and asked the Commission to be give him flexible setbacks to allow him to save trees, while maintaining the rights of 2006. He asked for the reaction of the Commission.

Commissioner Samuels asked Mr. McGarvey if he would be willing to stop the work until the Commission comes to an agreement and sees what the community wants.

Mr. McGarvey advised no, he would not because he would not change the road geometry at all. He advised that he was asking to make the setbacks flexible on the

lots, but he would not change the road geometry. He commented that he would be using the same development plan.

Commissioner Samuels asked Mr. McGarvey if the Commission allows flexible setbacks to save trees and deal with the topography, how would he save the trees.

Mr. McGarvey advised that he would not move the trees

Commissioner Samuels advised him that he could save the trees because he could transplant the trees, which she did when she built her home. She remarked that Mr. McGarvey wants to have the Commission give flexible setbacks in order to move the houses, but she wanted to know why he needed to move forward with the roads.

Mr. McGarvey clarified that the lot sizes and locations would only increase in certain places; however, the roads would not be affected by the lots or the setbacks within the lots.

Vice Mayor George advised that Mr. McGarvey's goal was to retain all the rights of the existing development plan, and asked if he would speak to the community's objection regarding the pedestrian walkway. She asked if Mr. McGarvey would reconsider the pedestrian walkway access between Ocean Ridge and Sea Oaks developments.

Mr. McGarvey advised that he did not know that that was an issue and he would considerate it, however, he would not make a promise at this meeting, but that it could be part of the discussion.

Vice Mayor George asked Mr. McGarvey if he did not hear that that was a concern.

Mr. McGarvey advised no

Vice Mayor George asked if he would reflect on that issue.

Mr. McGarvey advised if the Commission would be willing to reflect on his request he would be willing to reflect on that issue

Vice Mayor George commented that she did not believe that it would affect the value of the lots that are proposed and advised him that it was an issue for the community. She explained that Ocean Ridge residents could walk through to Sea Oaks, but Sea Oaks residents could not walk through Ocean Ridge, which was an issue.

Mr. McGarvey advised that he had intended that the walkway would be both ways. He advised that it would be a dedicated public access from one dedicated street to another, which would be maintained by the City of St. Augustine Beach.

Mayor O'Brien advised that he was impressed with Anastasia Dunes on how the topography was maintained, especially towards the back on the dunes and how many trees were saved. He advised that he would be willing to do the flexible setbacks in

exchange for saving the trees and the topography. He advised that the residents of Sea Oaks do not want the walkway at all.

Mr. McGarvey advised that he did not know that.

Commissioner England asked City Attorney Wilson if the Commission made changes to the land development how would that be done. She advised that the only way to do that would be to come back with a changed development and if changes were made, what codes would apply. She advised that it would have to be spelled out carefully. She explained that the Commission would have to go systematically in order to achieve the goals everyone wants. She commented that she does not want to have a dispute after the Commission does the changes.

Mr. McGarvey advised that he does not want rezoning, but he would agree with a settlement agreement or a variance. He commented that he would not agree to a rezoning.

City Attorney Wilson advised that a Planned Unit Development (PUD) would not be a requirement and would look at what Mr. McGarvey proposes in order to fit it within the development code. He commented that it might change some things, but not a lot. He remarked that he would like to see the development plan and the proposal. He explained that it might make additional requirements to the lot owners, which he would review with Building Official Larson. He commented that it would be an unknown plan now.

Commissioner Snodgrass thanked Mr. McGarvey for his voluntary participation, which was appreciated. He advised that Mr. McGarvey could have proceeded with his plan, which was already approved by the City of St. Augustine Beach. He commented that Mr. McGarvey had the proper approvals and could have moved forward already. He explained that he would be willing to see changes without changing the development rights. He advised that he wants to work with Mr. McGarvey and to meet the needs of the citizens.

Commissioner Samuels asked if Ocean Ridge would be a gated community.

Mr. McGarvey advised no.

Mayor O'Brien asked if Mr. McGarvey hired an outside company for to see if there were any tortoises on the property.

Mr. McGarvey advised that yes, he did hire an outside company and they found no active tortoises living on the property.

Vice Mayor George advised that she was glad that Mr. McGarvey was the developer because other developers clear-cut the trees.

Commissioner Snodgrass advised that he did tour the site with Mr. McGarvey and he did commit to meet the citizens in order to save trees.

Mr. McGarvey advised that he was on the same side as the citizens and wants to save the trees.

F. Public Comment

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

Shelly Whiteman, 32 Ocean Woods Drive, explained that she was concerned over the entrance to the development, which was directly behind her house on the secondary road. She explained that the lights shine directly into her house and asked what kind of buffer would be installed and if there would be streetlights directly behind her home.

Robert Kahler, 29 Sunfish Dr., advised that he dealt with Mr. McGarvey in 2003 and explained that he worked with the citizens. He commented that he only trusted Commissioner England and Vice Mayor George out of the Commission as a whole. He urged the citizens to form a private citizens committee to discuss these issues. He remarked that Mr. McGarvey was an honorable man.

Dave Duncan, 11 Sea Oaks Dr., advised that he knows that construction would take place on Ocean Ridge's property; however, he believed that 37 houses would have been fine in order to keep the trees. He explained that there was a crowd in 2005 who disapproved of the development, but the Commission approved a plan to build 72 single-family units a few months later. He asked the Commission to do the right thing because God was not creating any more trees in St. Augustine Beach. He advised that most of the residents were concerned over the lack of public notice.

Brian Batzel, 13 Sea Oaks Dr., advised that St. Augustine Beach was overcrowded now and how would the businesses handle all the new hotels and homes. He asked whether the infrastructure would support 72 homes.

Dr. Lisa Chase, 11 Sea Oaks, advised that she does not understand the purpose of this meeting if there was not going to be any changes. She advised that in 2005, the community opposed this development. She asked whether the residents were notified properly because the residents were told that things were hung on resident's doors. She explained that in 2005, the connectivity between neighborhoods was discussed and the residents did not want gate access. She advised that she was aware that construction would occur, but the Sea Oaks residents would like to protect their community and culture. She commented that laws that do not serve the citizens are useless.

Tom Reynolds, 880 A1A Beach Blvd., advised that he does not believe in telling people what to do with their property; however, he explained that he was concerned for the safety of residents. He commented that Mr. McGarvey seemed very reasonable and the residents and Mr. McGarvey could all work together for everyone's mutual benefit. He explained that the trees are recyclable, so if some trees come down others trees could go up. He then requested Mr. McGarvey to purchase the Mosquito Control District property for a park.

Ed Slavin, PO Box 3084, requested the Commission to disclose all ex parte communications for the record. He advised that hurricanes happen and the agencies should look at 100 Year event instead of just the 25 Year event. He commented that on May 26, 2014, City Manager Royle stated for a public records request that the City of St. Augustine Beach and St. Johns County had no plan for Global Ocean Level Rise. He advised that if that were true, it would support a moratorium. He requested Mr. McGarvey to comply with the current trees code. He advised that the City should not rely on the developer to hire wildlife experts. He explained that the current law was unjust and poorly written and the City was trying to correct it, but asked for a moratorium for this development and others because of the Global Ocean Level Rise. He disagreed with Mr. Reynolds, and advised that the residents have a right to tell property owners what they can do with their properties.

Margaret Van Ormer, 2 Sea Oaks Dr., was concerned over safety with the pedestrian walkway /bike path and explained that the Sea Oaks units have no streetlights, no bike paths, no pedestrian walkways, or sidewalks. She explained that a pedestrian walkway would double or triple pedestrian traffic merging into a hazardous intersection on A Street. She explained that A Street was one of the major connecting roads to the beach and would be a hazard for pedestrians. She explained that currently there was only one entrance in Sea Oaks, which deters crime. She commented that the residents do not want a connecting walkway with Ocean Ridge.

Margie Lasi, 46 Ocean Pines Dr., advised that the SJWMD has received a request from Ocean Ridge's developer to pipe to the ditch on the eastern Sea Oaks pond and to add a 73rd lot on what is currently land where a pond used to be six years ago. She advised that Mr. Runk filled in the northern portion of the western pond. She asked if at that time there was consideration for the Sea Oaks residents and whether it was done with a permit. She advised that Mr. McGarvey asked SJWMD if he could add a lot and the runoff to the development, which needs treatment by the pond. She explained that SJWMD's response was that with the piping of the ditch, it would be a major modification to the stormwater permit. She explained that the additional runoff from the 73rd lot would require a modification, but the developer is excavating the pond now and following the design for the additional lot. She advised that it would have a major impact to Sea Oaks subdivision if not done properly. She advised that Mr. McGarvey's 73rd lot would be the piece of property that Mr. Runk filled from the northern portion of the western pond. She cited the Land Development Code, Section 12.02.14.A, which says the Commission must approve a development plan in conjunction with a plat. She asked where the plat was. She explained that a conservation buffer was part of the drainage permit in the final development plan to protect the southern boundaries, especially on the eastern side where a swale used to be in a previous design, which was cutting through a dune on the southern boundary. She advised because of that it would not make sense and would level all the trees at the boundary of Sea Oaks, so a few residents worked with the developer and changed the plan to leave it only on the western side of the boundary. She advised that it was odd that Mr. McGarvey said that he likes to protect trees when he would have destroyed the trees in that area. She commented that there were provisions for percolations for the runoff in the design. She

explained that the positions of the houses, especially on the eastern two lots, be as far north as possible to allow undisturbed vegetation. She remarked that the Sea Oaks community does not want to have any impact from the Ocean Ridge development. She asked what impact would there be from the filling in of the pond, since it was not evaluated when it was done. She stated that the current tree ordinance should apply and had she known that it would not, she would have not granted the extension. She advised that the tree survey was 10 years old and trees grow, so the old survey would not be correct. She explained that the residents do not want the walkway to go into the Sea Oaks community.

Ann Palmquist, 213 10th St., asked if the utilities would be underground, if the builders would be encouraged to use the LEED program, and if the Commission would address the mobility and safety issues regarding the proposed walkway.

Craig Thomson, 6 D St., advised that he believes having flexible setbacks in order to save trees was a good idea. He suggested looking at the Land Development Regulations regarding the overlay ordinance. He advised that the sidewalks could be flexible in order to save trees. He suggested changing the clubhouse and pool development also. He said that it was unfortunate that half of the ridge and the trees on the north side of the property will be gone. He explained that to protect trees, fill should only be two inches below the surface.

Alex Farr, 3 7th Ln., advised that she was a resident of the City of St. Augustine Beach and explained that this development spreads further than the Sea Oaks because the City is an island with a ridge and a mature hammock. She advised that the hammock and ridge are necessary to preserve and maintain the island. She explained the without the trees it would affect all parts of the island when a major storm hits, which would affect the quality of life for everyone. She advised that she believes there are endangered species on the development. She requested the Commission to look at this further and preserve the trees

Candice Griffin, 6 D St., explained that if they did not find turtles, it shows that something was wrong. She advised that she believes in global warming and believed that trees have a purpose. She gave an example of beach erosion because of the lack of trees. She commented that it was easy to build around trees and that the hammocks should be protected from over population in coastal areas.

Ellen Kirowac, 17 Sea Oaks Dr., explained that she would like to have the Commission listen to the residents who vote for the Commission and then read her statement into the record (Exhibit 5)

Martha Buck, 117 Sea Grove Main St., advised that she loves living in Sea Gove, but also loves walking through Sea Oaks. She explained that she was distressed at the density of Ocean Ridge and all developments on the beach because the lot sizes are so small. She asked Vice Mayor George because of her statement about developers clear-cutting trees where there was a tree ordinance or not.

Vice Mayor George advised that the development she was referring to did happen a number of years back.

Steve Mitherz, 17 Sea Oaks Dr., commented that he could not believe that the developer did not have to follow the recent tree ordinance and if the developer wants to adjust the positions of the homes, maybe he would be willing to help the residents by not putting the walkway. He advised that the Runks filled in the west pond after the Planned Urban Development was there, so he asked why that would be considered. He advised that he was not sure if a permit was issued.

Carolyn Karger, 21 Sea Oaks Dr., commented that she disagreed with City Attorney Wilson regarding the developer not using the current tree ordinance because of the minutes from the Planning and Zoning Board on 11/20/07. She read a portion of the minutes where then City Attorney Dobson answered Dr. Gill's question by saying, "vesting primarily pertains to changes in density and zoning, as opposed to things like tree ordinances. Vesting doesn't grandfather in the entire City code..." She advised that according to then City Attorney Dobson, he gave an opinion regarding this development that the current tree ordinance should be in effect. She advised that she had some email correspondence with Commissioner Snodgrass in which he said that he presented the Sea Oaks concerns to Mr. McGarvey on a walk-through, so she was surprised that Mr. McGarvey was not aware of the resident's concerns. She advised that at the Sea Oaks meeting with City Attorney Wilson and other City officials, that there would be a number of major changes at this meeting, including a request for a 73rd house, cover over the east ditch, and a total flexibility to save trees. She advised that this design was not clear with saving trees in mind. She explained that she was surprised at the beginning of the meeting that there would be no changes or votes on this development because the agenda says that it may have changes by the developer to save the trees. She advised that Mr. McGarvey wants flexible setbacks, but those setbacks were grandfathered in. She requested a buffer between Sea Oaks and Ocean Ridge communities.

Joe Hatin, 28 Sea Oaks Dr., advised that he was the President of the Sea Oaks Unit 1 Homeowners Association and gave the other board members' names. He commented that there seems to be a different interpretation on the ownership of the roads in Sea Oaks, Unit 1. He explained according to the legal description on the St. Johns County Property Appraiser's website, the homeowners own the roads. He advised that since last month there was a discrepancy between the property line between Sea Oaks and Ocean Ridge. He commented that the Sea Oaks Unit 1 Homeowners Association had their own survey done and found that the silt fence was on Sea Oaks property by 15 to 18 feet. He explained that the boundary line was not marked and the construction trucks that installed the silt fence in had no idea where the boundary line was. He remarked that those trees are the only buffer Sea Oaks community has from Ocean Ridge and Sea Oaks residents want to keep the buffer in its natural state. He explained that there should be fences around the trees to protect them from construction and the developer has not put them up. He advised that the silt fence was still on Sea Oaks property and asked when it would be removed. He remarked that the developer had a caterpillar to dig up a tree that belonged to Sea Oaks and could have damaged the gopher tortoise nest. He gave his documents to the City Commission for review (Exhibits 6-9).

Susan Wentz, 321 Ocean Forest Dr., advised that the Anastasia Dunes has done a tremendous job in saving trees by changing the setbacks and asked the Commission to do their best.

Larry Griggs, 509 Hoot Owl Ct., remarked that he wants to save the trees. He explained that he walks from 11th Street to the beach and back every day. He commented that St. Johns County was reaching a critical mass for hurricanes and advised that evacuation takes 13 hours currently, without this development or the other hotels being built. He explained that pipes do not drain, but the ground does and asked the citizens to have the Commission do fact-finding on this situation.

Jodi Kotrady, 27 Sea Oaks Dr., thanked everyone for coming out. She advised that she echoes Mr. Duncan remarked that back in 2006, the residents did not get a notice. She advised that when the neighborhood gets notices they show up. She then read into the record a Laurell Spence's letter (Exhibit 10).

Jose Nunez, 46 Ocean Pines Dr., asked if Ocean Ridge was going to be a gated or not, whether the developer has any architectural plans, and whether they would have a homeowners association or not. He asked what the buffer would look like on the southern corner of the property. He advised that the Ocean Ridge development was the last hammock area on the island and commented that the City of St. Augustine Beach has met the maximum carrier capacity. He asked the Commission that when they are considering a development, to consider what the consequences of their actions would be. He advised that the schools would be overcrowded.

Mr. McGarvey advised at 8:31 p.m. that he would be leaving the meeting and thanked everyone for being at the meeting.

Beata Kosakowska, 42 Ocean Pines Dr., explained that she has on her property signs from the Live Oaks Tree Society, which was founded in 1924. She asked the Commission to preserve the live oaks for future generations. She advised that the residents asked that the Commission listen to them as they listened to the residents on F Street.

James Karger, 21 Sea Oaks, advised that fewer houses save trees, not adding houses, that fewer lots save trees, not increasing the number of lots, that smaller houses save trees, and decreasing the pervious surfaces save trees. He advised that the National Accepted Tree Protection Standards was included in Ocean Ridge's final development plan and should be followed. He gave several examples of developments with less density and explained that that saves trees which enhances the natural drainage and there are no need for retention ponds. He advised that there would be an impact on the walkway in terms of overflow parking between the two subdivisions. He advised that there is no provisions for overflow parking in Ocean Ridge. He explained that Ocean Ridge has 50-foot right-of-ways, which should be 60-foot right-of-ways. He explained that this objection was raised to the Planning and Zoning Board and was disregarded.

Bonnie Fraser, 28 Ocean Woods Dr., commented that she has had the pleasure of the last 10 years to have a house that faces the woods and can hear the great hoot owl mornings and evenings. She advised that she would be selling her house. She commented that she knows that things change and land develops, but there are major issues that should at least halt this action until the Commission finds out if there is an improved plat. She asked if the developer was trespassing on Sea Oaks, that it would be rectified. She also advised that the tree ordinance should be enforced and asked to protect the residents quality of life and uphold the public's trust. She requested the Commission to halt this development until these issues are cleared up.

Public comments closed.

G. Discussion by the City Commission

Mayor O'Brien asked for Commission discussion.

Commissioner Samuels asked the audience to raise their hands if she spoke with her about this issue for ex parte communications. Several hands raised. She advised that she spoke with the community about the impacts of the walkway and recommended to the community to come to see City Manager Royle and Building Official Larson to discuss their issues, which they did. She advised that she looked at the silt fence and even measured it. She commented that she was actively engaged with the residents of Sea Oaks to hear their concerns.

City Attorney Wilson advised the Commission that they did not have to reveal their ex parte communications, but could do so if they wanted to.

Vice Mayor George advised that she walked with staff and met with Mr. McGarvey at the site. She explained that she spoke with many Sea Oaks residents and used to live on property adjacent to Anastasia Dunes. She explained that her father is looking forward to moving in to Ocean Ridge, so she was neutral on the issue and have heard both sides. She advised that the owners do have development rights.

Mayor O'Brien asked if an arborist was hired.

City Manager Royle advised that an arborist was hired and he provided a report. He advised that he found no problems with the tree roots and that the tree that was taken down was a dead cedar.

Commissioner Snodgrass asked people in the audience to raise their hands if they spoke or had an email exchange with him. Many people raised their hands. He advised that he went to the property with staff and spoke with Mr. McGarvey at the property. He commented that he thought this was a wonderful meeting and it helped to raise several issues, which needs further examination. He advised that in times of change it is essential to over-communicate in order to dispel any myths or rumors. He advised that the City staff and Commission has done a poor job of communications, which he regrets. He requested the City staff engage in a wildlife expert tomorrow, have staff to check for potential modifications to the development plan on piping and drainage or

any other modifications to the development plan. He requested to check if the plat has been established and recorded by tomorrow. He asked to send a DVD of the meeting to Mr. McGarvey tomorrow as well as draft minutes ASAP. He advised that he would like to know Mr. McGarvey's reactions especially about the conversation buffers and the pedestrian access walkway. He asked City Attorney Wilson to reflect on the tree policy issue and to advise the Commission on the case law that shows what was in effect then should be in effect now. He also requested to know what the differences were between the 2006 and current tree ordinances were. He further asked what the implications were. He asked to have the survey issues be resolved tomorrow.

Commissioner Samuels advised that she talked with a wildlife specialist, Mr. Ryan, and he was ready to look at the property at the Commission meeting. She advised that she would be prepared to pay for the specialist herself, if the Commission did not approve it. She commented that as of today the silt fence has not be removed.

Commissioner England advised that she was in agreement with Commissioner Snodgrass that the City has not had enough communications. She advised that information and questions were on the website regarding Ocean Ridge development so the residents could verify the information. She advised that if there were any allegations that needed to be investigated that the staff and Commission would do so. She advised that when staff has the answers to the allegations, they would be posted on the website. She advised that the City should know when modifications to a plan are being made in order to know what it triggers to impose new requirements such as an ordinance. She advised that the development plan should move forward as it has been approved.

Mayor O'Brien walked the property on Sunday and started to think about the homeowner directly across from the driveway who spoke at this meeting. He explained that he would like to encourage or require a buffer for that driveway. He advised that he was surprised that Mr. McGarvey not informed about the walkway between the two developments. He advised that believe that Mr. McGarvey would not install the walkway because it is a potential safety issue.

Commissioner Samuels asked City Attorney Wilson if there was enough doubt or questions to put a stop work order to clarify the issues.

City Attorney Wilson advised that he would get with City Manager Royle and Building Official Larson tomorrow to look to see if there were any illegal actions done. If so, staff has ability to put a stop work order.

Commissioner Samuels advised that the tree ordinance, under Item 10, mandates that a tree should not be taken down without authority. She asked if the tree ordinance was relevant and a tree was removed without a permit, would not it be a violation.

City Attorney Wilson advised that he would look into that.

Mayor O'Brien thanked everyone for coming and having a vigorous discussion on this topic.

Joe Hatin, 27 Sea Oaks Dr., asked when the silt fence would be removed from Sea Oaks property.

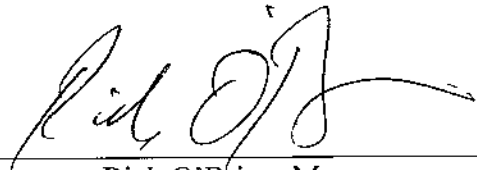
Building Official Larson advised that he would talk to the arborist tomorrow.

VII. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.

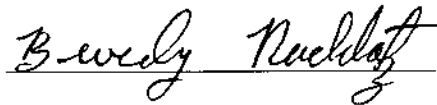
Motion: to adjourn. **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner Samuels. Motion passed unanimously.

Mayor O'Brien adjourned the meeting at 8:58 p.m.

A handwritten signature in cursive script, appearing to read "Rich O'Brien", written over a horizontal line.

Rich O'Brien, Mayor

ATTEST

A handwritten signature in cursive script, appearing to read "Beverly Nucklitz", written over a horizontal line.

City Clerk