



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

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor O'Brien asked City Attorney Wilson 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, Police Chief Hardwick, Chief Financial Officer Burns, City Clerk Raddatz, Building Official Larson and Public Works Director Howell.

IV. CITY ATTORNEY: Approval of Contract for City Attorney Services with Hassell-Legal and Introduction of Mr. James P. Wilson as City Attorney

Mayor O'Brien introduced Item IV and advised that Attorney James Wilson from Hassell- Legal firm was selected at the Special Commission meeting on March 2, 2016. He advised that the Commission needs to approve his contract at this time.

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

Tom Reynolds, 880 A1A Beach Blvd., advised that he thought City Attorney Wilson was a good choice, but he believed that citizens should be able to contact City Attorney Wilson if they want to discuss an item.

Robert Kahler, 29 Sunfish Dr., announced his phone number in case anyone was interested in running for office this November. He wished the best to City Attorney Wilson and hoped that he would do better than the previous attorney, which he felt would not be too difficult. He agreed with Mr. Reynolds that the citizens have rights too and that they have been trampled upon. He requested to rewrite the rules of the Commission meetings to give more rights to the people.

Mayor O'Brien asked for any Commission discussion.

Vice Mayor George asked Attorney Wilson if the citizens could contact him with questions.

City Attorney Wilson advised that he has always been accessible to anyone who wants to talk to him about City business, whether it is the Commission, employees, or the citizens.

Vice Mayor George asked if Attorney Wilson had any problem with amending that language to his scope of work.

Attorney Wilson advised that that would be fine.

Mayor O'Brien advised that Attorney Wilson's phone number would be on the City's website.

Mayor O'Brien asked for any further Commission discussion. Being none, Mayor O'Brien requested a vote.

Motion: to approve the Attorney Wilson's contract with the previous stated amendment to include in the scope of work questions from the citizenry. **Moved by** Vice Mayor George, **Seconded by** Commissioner Samuels. Motion passed unanimously.

Discussion ensued regarding the livestreaming not working.

Vice Mayor George advised that she has done a lot of research on the livestreaming issue. She explained that the City had contracted a software company to provide the livestreaming service and because of several problems, the City has already sent a termination letter to that provider to stop the contract as of April 22, 2016. She commented that livestreaming shouldn't be a future problem. She remarked that any residents would like to watch tonight's meeting, there would be a recording online for them to watch.

V. APPROVAL OF MINUTES OF THE CITY COMMISSION MEETINGS OF MARCH 1, 2016 AND MARCH 2, 2016

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

Motion: to approve City Commission minutes of March 1, 2016 and March 2, 2016. **Moved by** Commissioner Samuels, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

VI. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor O'Brien asked if there were any additions or deletions to the agenda.

Vice Mayor George requested to remove agenda Item #10 because she had received the answers to her questions from Building Official Larson. She explained that this topic was not relevant for another two months. She advised that Building Official Larson will notify the Commission when it should be placed on the agenda.

VII. CHANGES TO ORDER OF TOPICS ON THE AGENDA

Mayor O'Brien asked if the Commission had any changes to the order of topics to the agenda.

Mayor O'Brien requested that Item #9 be placed after Item # 13, because of other pressing items being discussed.

The Commission agreed.

VIII. PRESENTATIONS

- A. Plaque to Mr. Michael Orlando, Public Works Drainage Technician, for 25 Years of Employment with the City.

Mayor O'Brien introduced Item VIII; A and asked Public Works Director Howell to present the plaque to Mr. Orlando.

Public Works Director Howell advised that the Public Works Department has been truly blessed with three employees who have given 25 years of service to the City. He explained that Mr. Orlando came to the City in 1991 and took the position of Drainage Technician, which is his current position. He maintains the stormwater drainage system throughout the City, is the person responsible to fix any drainage problems at night, has rescued baby ducks in the City parking lot, and deals with the public continually. He thanked Mr. Orlando for his service and presented him with the plaque.

- B. Update on Community Leadership Council Ms. Susan Ponder-Stansel

Mayor O'Brien asked Ms. Susan Ponder-Stansel to the podium. He explained that she would give a presentation regarding the Community Leadership Council.

Ms. Ponder-Stansel presented to the Commission a Power Point presentation entitled Creating Communities for a Lifetime. She advised that the Community Leadership Council was made up of organizations that deal with how the communities are changing. She remarked that the highest growth in St. Johns County were senior citizens, which has 22% over the age of 55 and 20% over the age of 65. She explained the livable index which was health, employment, and economics. She commented that Flagler Hospital was funding Executive Director Ms. Saviak's position until the organization got started and the St. Augustine Record was creating the organization's website and allowing office space in their building. She explained that 85% of their clients are over the age of 65. She explained that their name was St. Johns Volunteers, which is a nonprofit

organization. She advised that St. Johns Volunteers are looking for community involvement and formal support within the City.

Commissioner Snodgrass asked to cite some examples that the volunteers would do.

Ms. Ponder-Stansel advised that they do nonprofit recruiting, background training, working at the amphitheater, public safety, service projects, transportation, and marketing plans.

Commissioner England advised that there was a senior volunteer organization in St. Augustine already and asked if this organization has reached out to them.

Ms. Ponder-Stansel advised that she was aware of them and works with them.

IX. PUBLIC COMMENTS

Mayor O'Brien explained that public comments were for items that are not on the agenda. He advised that if anyone wants to address the Ocean Ridge Development, they may do so; however, the Commission would not be able to respond because it may be an agenda item at a later date. Mayor O'Brien then opened the Public Comment section. The following addressed the Commission:

Craig Thomson, 6 D Street, advised that he came to speak on the predevelopment and post development drainage plan for Ocean Ridge. He explained that he spoke briefly with the Building Department and City Manager Royle on Friday regarding this issue and picked up drawings. He showed the predevelopment and post development drainage plans of Ocean Ridge and explained that the pond was below sea level by three feet. He advised that the developer would need 20 feet of dirt and the pond was being excavated, and the lots were being filled with 3 ½ feet of dirt. He advised that the Comprehensive Plan does not allow for excessive amount of dirt in the Coastal Hammocks and restricts fill to only the building lot footprints. He asked if the Comprehensive Plan would be enforced and if enforced, where would the excavated dirt be placed? He explained that Building Official Larson advised that if this plan were developed, they might lose 90% of the trees. Mr. Thomson advised that he sent a letter to Public Works Director Howell and he has yet to review the plans or review the drainage. He requested that the Commission speak with Mr. McGarvey, the developer, to save the trees.

Ann Palmquist, 213 10 St., advised it was appropriate that citizens are concerned with the Ocean Ridge Development and was concerned whether the developer was going to open the road into the wooded area. She advised that her area has flooding without the drainage ponds.

Ed Slavin, PO Box 3084, welcomed City Attorney Wilson. He requested a presentation from the National Park and Seashore, an ethics ordinance that includes full disclosure of the every limited liability company, whistle blower protection, to change the amount of time for presentations from three minutes to five minutes, the police stop violating the

First Amendment, Mayor O'Brien to remove himself from the dais when he recuses himself, and not to allow developers to change the beauty of the City.

Tom Reynolds, 880 A1A Beach Blvd., advised that he would like to discuss the cancellation of two joint meetings with the County. He explained that the County Administrator is not our friend. He commented that the County Commission gave a raise to the County Administrator but cut the library hours and gives the City no funding for recreation. He gave an example of a lawsuit for using staff members as conduits for the Commission and said that the County and City staff cannot meet and be in the Sunshine. He asked the Commission to stand up to the County Commission and come to the County meeting on April 5th.

Alex Far, 7th Lane, explained that the Ocean Ridge Development appears to have been approved without the Commission having knowledge of what would happen to the environment. She asked the Commission to back up and do their due diligence or research on the environmental aspects of the development. She commented there are environmental and biological diversity on that property, which are needed in communities. She asked what money the Commission was bringing in to the community benefits the residents, not the businesses, and to reconsider this development order.

Dr. Patricia Gill, 218 B St., advised that she wanted to speak under the Additions and Deletions section of the agenda. She requested Item 13 be moved up in the agenda because it was an important item for the residents.

Carolyn Karger, 21 Sea Oaks Dr., asked the audience who was concerned about the Ocean Ridge Development. She explained to the Commission that the developer placed a temporary fence against the tree and dug into the tree roots. She commented that the fence was partly on the Sea Oaks property. She explained that there was a tree protection standard in place which states that the fence must be ten feet from the center of the tree. She requested a hearing about this development and asked that the Commission hold the developer to the laws.

Shelly Johnson, 3500 CR 214, advised that she was here to accept the proclamation for Motorcyclist Safety Awareness Month and wanted to thank the Commission for their continued support to educate drivers on safety. She encouraged everyone not to text and drive, to look both ways before making a left turn, and to obey red lights. She commented that they have lost many motorcyclists because of these errors.

Beata Kosakowska, 42 Ocean Pines Dr., advised that she saw trucks dumping sand in the pond at Ocean Ridge. She advised there were no posted signs for construction. She explained that this is happening in secrecy, asked if any environmental research was done and whether state standards were maintained. She requested that all the laws to preserve the environment be complied with because it would be frightening to see 90 percent of the trees removed.

Joe Hatton, 27 Sea Oaks Dr., advised that he was concerned over three issues. He explained that the first issue was the boundary lines between the Sea Oaks plat and Ocean Ridge. He commented that the silk fence was 15 to 20 feet on the Sea Oaks property line.

He stated that the developer pulled out a cedar tree on the Sea Oaks property. He advised that Sea Oaks property owners are getting estimates from surveyors to find the exact east and west boundary lines, they are reactivating the Sea Oaks Homeowners Association, and hiring an attorney to protect their subdivision. Secondly, he advised that there is a drainage concern. He advised that when the Runks gave the right-of-ways to the City they took over the responsibility to maintain the drainage retention areas. He advised that over the last ten years the residents have not seen maintenance of the retention areas and were concerned that once the trees were removed there would be extra water in the retention pond and there was no plan to show how that would affect the Sea Oaks subdivision. He asked if the drainage plan should be reviewed, since it was done by the South Florida Water Management District ten years ago and asked if it should be changed. Lastly, he advised that the developer wants to provide a one-way public access road for Ocean Ridge homeowners, which was not beneficial for the area and especially not for the Sea Oaks homeowners. He advised that there was a sidewalk on Mickler Boulevard, which would be a safer alternative.

Robert Kahler, 29 Sunfish Dr., advised that his comments were not directed at Vice Mayor George or Commissioner England. He explained that voting for the Maratea property brought the City into an 11 million dollar debt and the Commission would regret purchasing the property in the future. He also advised that applause was a form of free speech. He gave his phone number to anyone interested in running for Commission in the November election. He commented that he signed a petition for a lady who was soliciting signatures to run for the Commission. He remarked that Craig Thomson and Karen Zander would be good candidates to run, but are reluctant, so he would keep encouraging them to do so.

Bruce Wright, 118 15th St., advised that he wants to stop the Ocean Ridge Development project and the City should check on whether the retention pond was filled with dirt. He also asked to have parking on Pope Road where it was sensible and thanked the City for putting up the three signs north of the pier. He advised that drainage pipes are being put in from the property north of the Maratea property and he was concerned about that.

Ellen Marks, 415 South Villa San Marko Dr., explained that she did not live near in Sea Oaks subdivision, but was a visitor to the Ocean Ridge wooded area. She advised that she agrees with the speaker regarding her comments on biodiversity and said that the youth enjoy the outdoors there. She asked the Commission to please do formal research of this property.

Richard Backlund, 17 Lee Dr., commented that he has lived in St. Augustine Beach for 26 years and has known about the development for 15 years. He commented about an article written called "Residents feel growing pains," which showed a picture of Pope Road. He advised that the gazebo was a problem because it cost too much, the location where it was placed was too far back and it eliminated eight to fifteen parking spaces. He explained that there was a problem with the traffic light on Pope Road and A1A Beach Boulevard. He commented that Rich O'Brien wanted a flashing street light and St. Johns County voted it to be a non-flashing light, but when it was installed the light was a blinking light. He remarked that in many respects, the City and St. Johns County are systematically broken.

Nancy Lebowitz, 34 Ocean Pines Dr., advised that she went through this before. She remarked that the canopy was important and that the City has a strong tree ordinance to protect the trees. She explained that there was a development ten years ago in Sea Oaks where they requested a meeting with all the neighboring residents to inform them of what would happen. She explained that no residents were notified by the developer for ten years. She advised that she was worried that the developer would ask forgiveness instead of permission. She remarked that there are some trees that are 200 - 400 years old. She explained that the developer installed the fence where the roots were on some trees and crushed the roots, which would bring them into a decline status.

Jodie Hatton, 27 Sea Oaks Dr., advised that she supports her neighbors and explained that today a large caterpillar vehicle came down Sea Oaks Drive and she would like an explanation on why construction trucks were going through Sea Oaks subdivision.

Margaret Van Ormer, 2 Sea Oaks Dr., advised that the developer wanted to make Sea Oaks Drive the construction entrance ten years ago. She advised it was a concern because of so many small children in the Sea Oaks subdivision. She commented that she knew of a letter went out to the residents ten years ago, but there have been new residents who were not aware of this development. She explained that residents walk through the area because of the canopies and the Sea Oaks residents welcomes them, but she advised that the residents of Sea Oaks did not want a walkway between Ocean Ridge and Sea Oaks. She asked the Commission to check on the walkway and the trucks coming through the Sea Oaks development.

Dave Duncan, 11 Sea Oaks Dr., asked the Commission if they have seen the property. He advised that he could not imagine a developer coming into Ocean Ridge property and cutting down all the trees. He commented it was irresponsible to think the developer would be building so many houses on that property. He advised that the developer damaged tree roots and broke water lines when putting in the silt fence. He requested the Commission to slow down the development until the environmental impact could be looked at.

Mayor O'Brien closed the Public Comments section and then asked that no Commissioner respond on the Ocean Ridge Development questions because it may come back to the Commission at another time. He explained that all of the Commission did visit the site this week and commented that it is beautiful. He asked City Manager Royle to give a date on when the residents would be receiving updated information and when they may have a chance to discuss the item.

City Manager Royle advised that he was not certain that the developer would have a neighborhood meeting, but the developer did speak with him and Building Official Larson and he would encourage Mr. McGarvey to do so. He advised he would have Building Official Larson and Public Works Director Howell address the points that were raised.

Mayor O'Brien asked City Manager Royle if the Commission could hold a meeting on their behalf.

City Manager Royle advised he could schedule a meeting and invite the developer, but it would be his choice whether he would attend.

Commissioner Snodgrass commented that he toured property last week and met with Mr. McGarvey, and indicated that there were some myths and rumors developing that need to be stopped by giving more information. He advised that Mr. McGarvey seemed very willing to meet with the residents and Commission. He recommended having a special Commission meeting and provide all the residents with the background information on what has transpired since 2006. He advised that Mr. McGarvey should be at the meeting. He explained that in the interim, the City should hire an arborist to be an advisor in this process. He commented that Mr. McGarvey were at the location marking trees in order to save them. He explained that when driveways are being built, the City tree ordinance would not be applicable because the developer would be putting in utilities. He asked what did the Sea Oaks development looked like 25 years ago.

Commissioner Samuels asked Police Chief Hardwick to stop construction equipment from going through the neighborhood. She advised the construction equipment should be going in and out on 11th Street. She asked that the Police Department to monitor it. She also asked City Attorney Wilson if it would be legal to notify Mr. McGarvey that the City would be monitoring what roads the construction equipment would be using.

City Attorney Wilson advised that it would be legal to notify Mr. McGarvey, but the City should also look into the neighborhood complaints that they are trespassing on Sea Oaks properties.

Commissioner Samuels asked Building Official Larson to look into the complaints tomorrow and make sure that the construction people are notified that their machinery would not be tolerated through the neighborhood.

Building Official Larson advised that they have been told not to go through Sea Oaks neighborhood. He commented that he would find out who was using the bulldozer and why they went through Sea Oaks subdivision. He advised that there were some trees on the boundary line of Sea Oaks subdivision and they had to put the silk fencing off of the Ocean Ridge properties so they didn't hurt the trees.

Vice Mayor George asked if the trees were on the boundary line, they should have put the fence on the Ocean Ridge side. She advised that no one minded preserving the trees, but they should have gone on the right-of-way and not on the Sea Oaks side.

Mayor O'Brien asked Police Chief Hardwick if he could monitor the construction equipment going through Sea Oaks subdivision.

Police Chief Hardwick suggested having a meeting with the developer and staff to discuss the resolution that was adopted ten years ago.

Vice Mayor George asked if anyone trespasses on the Sea Oaks property, they could be charged.

Police Chief Hardwick advised that he believed Sea Oaks did not have a homeowners association, so that could not be enforced.

Vice Mayor George advised that Sea Oaks residents do own a fraction of the strip of land north of the Sea Oaks road that separates them from Ocean Ridge.

Police Chief Hardwick advised that the homeowners who boarder the Ocean Ridge development should post "No Trespassing" signs so that the violator would be warned. He advised if the residents come by the Police Department, they would assist the residents with the signs.

City Attorney Wilson advised that the residents do have the right to put "No Trespassing" signs on Sea Oaks property.

Commissioner Samuels commented that the taxpayers of the City should not pay for an arborist for Ocean Ridge Development. She advised that the landowner should be required to pay for an arborist.

Commissioner Snodgrass said at this point to just hire an arborist and the Commission can figure out who would pay for it later.

Mayor O'Brien agreed with Commissioner Snodgrass because it was an urgent matter.

Discussion ensued regarding when a meeting could be scheduled.

Commissioner Samuels asked if the Commission could request a stop work order.

City Attorney Wilson advised that before a stop work order is done, the City needs to prove that something illegal has happened on the property.

Vice Mayor George advised that when she toured the property last Thursday, vandals had pulled up all the boundary sticks and the Ocean Ridge development workers were still doing construction work.

Building Official Larson said yes.

Vice Mayor George asked if they have been replaced.

Building Official Larson advised that they are posting them now.

Vice Mayor George asked if they were there today.

Building Official Larson advised they did not have the boundary sticks placed today.

Vice Mayor George asked how construction could be done without the boundary sticks and asked if that would constitute any illegal activities.

City Attorney Wilson advised that it would not be a violation because he doubted if the developer was the one pulling out the survey sticks.

Commissioner Samuels advised that she went out on Monday to look at the property with Building Official Larson and the boundary sticks were not in place.

Building Official Larson advised that the concrete monuments outline the boundaries, but survey sticks were for the centerline for the right-of-ways, so they knew where to put the roadways. He advised that they are coming back and resetting the survey stakes as they move along.

Commissioner Samuels asked if a stop work order could be place in order to see if the environmental standards are being upheld.

City Attorney Wilson advised that if staff goes out and sees violations taking place, then a stop order could be done. He explained that staff needs to go to the property and see if there were any issues.

Commissioner Samuels asked if the City could do a stop work order to review the complaints.

City Attorney Wilson advised that staff should go to the property to review the complaints and see if there are any violations first.

Commissioner Samuels advised that she would like to schedule a walk of the property with Building Official Larson tomorrow.

Discussion ensued regarding scheduling a Special City Commission meeting to discuss the Ocean Ridge Development.

It was the consensus of the Commission to hold a meeting on Thursday, April 14, 2016 to 5:01 p.m. and to have Mr. McGarvey attend and to review the history of the project.

Mayor O'Brien asked what the Commission would do regarding hiring an arborist.

Commissioner Snodgrass explained that he would like to hire an arborist right away in order for him to get acquainted with the development. He commented again that Mr. McGarvey does want to work with the community.

Discussion ensued regarding what arborist should be hired.

It was the consensus of the Commission to hire either arborists Mr. Lippi or Mr. Conlon immediately to walk the property with staff.

Mayor O'Brien addressed Mr. Reynolds concern over St. Johns County cancelling the meeting and asked City Manager Royle if another meeting date has been scheduled.

City Manager Royle advised that County Administrator Mike Wanchick wants to have a meeting with staff to discuss topics on April 13, 2016. He advised that Mr. Wanchick feels that the topics presented to the County Commission could be discussed by staff first and condense those to shorter topics for the City and County Commission Joint Workshop.

Commissioner Snodgrass asked City Attorney Wilson if there were any Sunshine violations when City staff talks to County staff.

City Attorney Wilson advised that he did not feel this would be a Sunshine violation because staff would be discussing topics to condense them for the City and County Joint Workshop.

Commissioner Snodgrass advised that the Commission needs a better working relationship with the County and shouldn't have to wait until the two groups can meet.

Mayor O'Brien advised that he would like to move Item #13 A as the first item under New Business.

Commission agreed.

Mayor O'Brien addressed Mr. Backlund's concerns over the Pope Road traffic overload and asked City Manager Royle what the total cost was for what items Mr. Backlund discussed.

City Manager Royle advised that the Federal Highway Administration Grant and the Scenic Highway fund gave \$125,000 towards the traffic light and the City paid the remainder of the costs.

Mayor O'Brien advised that at the time he was suggesting an alternative blinking light on A1A Beach Boulevard instead of a traffic light, but the traffic light was put in and seems to be working. He explained that the County wanted to have a blinking traffic light because they thought there wasn't enough traffic flow, but changed it to a fully functional traffic light.

Commissioner Snodgrass advised that there was a public comment regarding devoting money to green space. He explained that the City has devoted money to green space by purchasing the Maratea property.

X. PUBLIC HEARINGS

1. Conditional use Permit: Request for Permit to Construct Two Houses in Commercial Zone at 14 F Street (Lots 15 and 17, Block 38, Coquina Gables Subdivision, Mr. Rich O'Brien, Applicant)

Mayor O'Brien introduced Item X. 1, and advised 810 Beach Incorporated is owned by him and his wife. He explained that he would be recusing himself from the discussion and the vote. He explained the process for the public hearing. He advised

that he would leave the dais after the attorney for 810 Beach Incorporated has been introduced as well as Cora Johnston from Generation Homes. He asked the Commission if there were any objections to the order of the format.

Commission had no objections to the process.

Commissioner Samuels asked Mayor O'Brien why he was leaving the dais.

Mayor O'Brien advised that he was not leaving because of any comments tonight, but explained that he felt more comfortable leaving the dais.

Mayor O'Brien asked City Manager Royle and Building Official Larson to give their overview presentations.

City Manager Royle advised that the two lots were on the north side of F Street adjacent to A1A Beach Boulevard. He explained that on the property now was a beauty salon on the ground floor and on the second floor has an apartment. He advised that the beauty salon moved out and 810 Beach Incorporated acquired the property. He explained that City regulations requires if residential homes are being built on a commercial zone that a Conditional use permit be obtained through the Commission. He commented that the commercial strip along the Boulevard extends 150 feet east of the centerline and 300 feet west of the Boulevard. He advised that over the years, there have been Conditional use permits for buildings along the Boulevard and out of 25 requests, there were only two denials. He commented that the Commission could make a decision whether the information provided for this Conditional use permit was sufficient enough for approval. He explained that the Planning and Zoning Board recommended denial due to insufficient information. He advised that the Public Hearings for the Planning and Zoning Board and the Commission meeting were advertised and the residents within a 300 foot radius of the property were notified for both Public Hearings. He remarked that there were a few people at the Planning and Zoning Board meeting and the Board talked more than the public did. He advised that this was not an appeal but a recommendation. He explained that the Commission either has to uphold the Planning and Zoning Board's denial or to proceed beyond their recommendation and allow the houses to be built in the commercial zone.

Building Official Larson advised that he gave a memorandum to the Planning and Zoning Board which stated the location of the property on the northeast corner of F Street and A1A Beach Boulevard. He pointed out to the Planning and Zoning Board that there were numerous instances where homes have been granted in a commercial zone area along A1A Beach Boulevard. He explained that the overall size of the two lots does not warrant a good use for a business as a good use at that property. He pointed out that if the Conditional use permit was approved, the homes would be constructed under the current Land Development Code regulations.

Attorney Charles William Curtis III, representing 810 Beach Incorporated, advised that he was aware that the Commission approves or denies the application for the Conditional use permit. He commented that it was enriching to see residents so

concerned about their community. He advised that it was brought to his attention about the parking problem and the public safety concerns in the area and because of that, he felt that a Conditional use permit to change the property from commercial to residential zoning would be better for the community. He advised that commercial use brings in more traffic and parking problems to the area. He advised the Commission probably would agree that if all the properties were commercially developed, there would not be enough support for traffic, infrastructure or sufficient parking. He remarked that some of the commercial lots should be identified as appropriate for residential development, which the two lots were. He explained that F Street was a residential enclave, which consists of homes, primary residences, vacation rentals, and a bed and breakfast also owned by 810 Beach Incorporated. He advised that all these uses are consistent with the character of F Street. He advised that the prior Conditional use permits that came before the Commission were approved except for two, which were multi-family developments. He explained that the current building on the property was a multi-family because there are three units on it and as a result there was an argument that this was a non-conforming use that requires a Conditional use permit, but was more conforming than the current use. He remarked that his statement was relevant under the current Land Development Code, Section 10, where it says that if a request is made to change to a use that is not as non-conforming as the prior one, that change should be granted. He remarked that this request fits the balance of the community on F Street and does not affect the balance in a negative way. He explained that the property was surrounded by residential properties, including the properties behind them on E Street, which were granted Conditional use permits. He showed Exhibit 1, which was an aerial of the neighborhood and restated why it would be better for the two lots to be rezoned residential than commercial. He remarked that petitions have been signed by the neighbors who want the zoning to be changed to residential which the Commission has in their backup, as well as additional signatures that have not been presented. He advised that most of the residents were in favor of the zoning change. He explained that the site plan elevations were brought up by the Planning and Zoning Board as reasons for their denial, but the site plan and elevations were not part of the Conditional use permit regulations. He commented that Ms. Cora Johnston from Generation Homes does have the site plans of the homes to present to the Commission, if they would like to see them; however, they are for informational purposes and should not be part of the analysis. He advised that the homes that would be built would have to be constructed under the current Building Codes, which his client would do. He advised that no trees would be removed, more trees would be planted as part of the landscaping plan and all the setback requirements would be met. He advised that leaving an old building may contribute to blight in the area and his client would be building new homes to better serve the community. He also advised that the new homes would contribute to higher taxes for the City than what is presently there. He advised that the new homes would be self-contained with a driveway and garage, unlike a commercial dwelling.

Vice Mayor George remarked that Attorney Curtis advised that it was not a requirement under the application process to provide elevations and site plan. She asked if his client was willing to provide the site plans and elevations and once they are completed, to then continue the application at that time.

Attorney Curtis advised that he didn't think that completing the application is appropriate, but his client was willing to show the site plans that have been prepared.

Vice Mayor George advised that at the Planning and Zoning Board meeting on March 22, 2016, that there was a comment that the site plans and elevations were not yet ready. She asked if they were prepared now.

Attorney Curtis advised that they are ready and he was prepared to show them and answer questions. He showed the site plans, which were Exhibits 2 and 3. He explained how the homes would face, the dimensions of the properties, and the setbacks of both properties.

Vice Mayor George asked if the client would be willing to provide this to the Planning and Zoning Board.

Attorney Curtis advised no, because it was not a requested item in the Conditional use permit application. He advised that it was requested by the Planning and Zoning Board, so we tried to provide it as a courtesy to the Commission.

Vice Mayor George advised that it was an issue with the Planning and Zoning Board, so she wanted to give his client the opportunity.

Commissioner Snodgrass asked City Attorney Wilson if it was required.

City Attorney Wilson advised that the site plan and elevations were not required.

Commissioner Snodgrass asked why the Commission was even asking for it since it was not required.

Commissioner Samuels advised that she asked City Manager Royle to do some research on how many Conditional use permits were required to have site plans and elevations and asked him for the information.

City Manager Royle advised no other conditional use permit applicants were requested for their site plans and elevations.

Cory Johnston, from Generation Homes and representative of 810 Beach Incorporated, advised that the setbacks on Lot 17 had 27 feet from the rear of the property with 15 feet on the sides and explained that Lot 15 has 30 feet setback in the rear of the property with nine feet on the sides. She also advised that the homes could be built bigger and still stay within the Land Development Code.

Vice Mayor George asked if Ms. Johnston had any renderings of the view from A1A Beach Boulevard.

Ms. Johnston advised that they did give the conceptual designs to the Planning and Zoning Board. She then showed the drawings for Lot 15 and 17 front elevations as

Exhibit 4. She proceeded to showed Exhibit 5 picture of the home when completed and then showed Exhibit 6 and Exhibit 7, which was the streetscape of the home facing A1A Beach Boulevard. She advised that the client was very adamant on the streetscape to show architectural style to the property.

Commissioner England asked if the landscaping plans were complete.

Ms. Johnston advised no.

Vice Mayor George opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd., urged the Commission to approve the Conditional use permit. He advised that a property owner who obeys all the rules and regulations should be allowed to do with their property what they want. He advised that these two beautiful homes would make the east side of F Street safer and having homes would mean less trips in and out of the property no matter what type of rentals. He advised that the applicant brought a petition that showed the majority of the residents in the neighborhood wants homes. He advised that the applicant keeps his other properties well maintained and landscaped. He explained that he likes big houses and told his children that they need an education in order to have a big house. He advised that the National Association of City Code of Ethics for City Officials says to promote decisions which only benefit the public interest. He remarked that this is in the public's interest. He commented that this was not the same situation as the Kookaburra Restaurant because of the traffic situations.

Sandra Krempasky, 7 C St., played three minutes of the Planning and Zoning Board tape of March 22, 2016 from 7:52 p.m. to 7:54 p.m.

Fred Haltof, 26 Surfcrest St., advised that these lots were not the place for residential home because it was on A1A Beach Boulevard. He advised that the City would lose tax money if it doesn't stay a commercial property. He asked the Commission not to approve the permit.

Harriet Henson, 111 F St., explained that for the last ten years houses have been built on 10th Street on the same side that these lots are. She explained that the applicant was not building mega houses, but houses that are consistent with the houses in the area. She remarked that it would upgrade the street. She advised that if a commercial business were on the property there would be traffic, which causes a strain like the other commercial property. She explained that 20 years ago it was zoned commercial, but since then the street has grown to be residential. She commented that if a commercial business was there, dumpsters would be right next to the neighbors and asked the Commission to change the zoning to a permanent mixed zoning in case of a natural disaster.

Mike Hinson, 111 F Street, asked the Commission to approve the homes. He commented that Building Official Larson said it perfectly that a commercial building would work there. He advised that there are already problems with parking at the

Kookaburra Restaurant and with a commercial business, there would be a lot of congestion and traffic concerns. He explained that the design would be better than a commercial building and they are not mini mansions because they are within the footprint allowed. He requested that the zoning go back to Mix Use. He commented that A1A Beach Boulevard doesn't need to be all commercial buildings like Ft. Lauderdale. He stated that this City is the Jewel of the United States and has national recognition, so more people would be looking to visit and live here. He asked the Commission to change the zoning to Mixed Use.

Paula English, 115 F St., remarked that she was in favor of the homes being built because they are beautiful. She advised that the applicant's buildings would be consistent with the neighborhood and would not have a traffic problem like the neighbors at the Kookaburra Restaurant. She advised that it used to be zoned residential and at least 15 people go by the neighborhood houses every day. She commented that the houses would be very beneficial.

Michael English, 115 F St., advised that he was in support of the Conditional use permit and felt there would be no better use. He commented that he walks to the beach every day and he believes that it beautifies the properties in the neighborhood. He explained that he can't think of any commercial business that would be acceptable on those lots.

Bruce Wright, 118 15th St., explained that he wants beautification on A1A Beach Boulevard. He commented that he lives two blocks away and thinks it would be great. He asked if it would be short-term rentals or not, but was in favor of the zoning change.

Robert Kahler, 29 Sunfish Dr., advised that six members of the Planning and Zoning Board took a vote and they didn't get enough information. He advised that the real problem was what would be the ramification of commercial property versus residential property on the lots. He asked what would happen if the applicant makes an addendum to his hotel and he starts renting it out commercially. He commented that the Commission couldn't tell him what would happen. He advised that if the Commission votes no tonight and asks for more information, then the Commission would do a favor for the citizens of the City.

John Carvellas, 4 F Street, advised that he was in favor of the zoning change. He commented that he was a recent purchaser. He explained that he thinks the landscaping is beautiful at the other locations that the applicant owns. He advised that the commercial building is an impending slum. He asked the Commission to replace the old building with the two good houses, which would be a win for everyone.

Ed Slavin, PO Box 3084, asked the Commission to affirm to the Planning and Zoning Board's recommendations. He advised that the video and the minutes of the Planning and Zoning Board meeting on March 22, 2016 were not in the record. He advised that this was a quasi-judicial hearing and the record was incomplete. He advised that it was an incomplete application and the Planning and Zoning Board

turned it down and the appeal was incomplete. He stated that the memo from City Manager Royle did not provide accurate and complete information on why the Planning and Zoning Board recommended denial of the application. He also advised that the application was not in compliance with the Comprehensive Plan or the Vision Plan. He explained that Attorney Curtis sandbagged it. He requested that the Commission to have this application go back to the Planning and Zoning Board with the new evidence. He asked the Commission to consider the fact that this was the Mayor of St. Augustine Beach and his attorney advised the Commission that if the client didn't get what he wanted then he would do much worse. He asked the Commission how many properties Mayor O'Brien owns. He remarked that Mayor O'Brien drafted the language for the diminished setbacks and now he is trying to profit from it. He advised that he asked City Manager Royle to take this item off the agenda and he wouldn't. He asked to remand it and uphold ethics.

John O'Brien, 11 2nd St., explained that he built a house two years ago and complied with the all the zoning laws. He advised that there was a house across the street from him that was approved by the Commission that he was furious about and asked why the Commission took away the character of the City. He advised that he spent a lot of money on his house in order to follow what the Commission mandated and then the Commission just changed the rules. He remarked that the Commission made bad decisions and messed up the City. He advised that this case was a conflict of interest because the Planning and Zoning Board said no. He explained that he teaches ethics at Flagler College. He advised that the Commission should be sure if they override a subordinate Board.

Frank O'Rourke, 101 F St., commented that the Commission should follow the Planning and Zoning Board's recommendation. He commented that the Commission should review the minutes and examine them before making a decision. He explained that having a residential home in a commercial area was a problem because they would complain about the noise and parking. He commented that it would put a burden on the Commercial District to deal with the neighbors in the area. He remarked that the complaints might not happen right away, but would in the future and there are plenty of properties that are in residential areas.

Tom Ringwood, 8 F St., advised that he wants to change the zoning in order to keep F Street residential. He explained that F Street was a special place and unique. He advised that he was worried about short-term rentals in the neighborhood, but he knows that tenants would be screened by the clients. He commented that the proposed homes are average and are within the setbacks, which shows good faith. He explained that these homes would be the smallest three story houses in the area. He advised that commercial businesses bring noise and traffic, which was a concern for the neighborhood, but the proposed homes conforms to the neighborhood.

Len Trinca, 7 F St., advised that he was not in favor of short-term rentals but was in favor of these houses because F Street is unique and has a homey appearance. He advised that no commercial business could do well on that property. He asked the Commission not to look at who owns the property, but what he wants to do with the property. He remarked that the Planning and Zoning Board gave us Embassy Suites.

Giles Cook, 502 F St., asked the Commission to approve the change. He reminded the Commission that City Manager Royle advised there were over 40 approved and only two that weren't. He advised that it was definitely in line with what has been done by the City before. He commented that it would be great for kids and families walking down the street to beautify the area and the houses would fit in with what's there already.

Craig Thomson, 6 D St., advised that he attended the Planning and Zoning Board meeting and they had a lot of good information, which the Commission could benefit from. He commented that the Commission may get a lot of these cases in the future and the Planning and Zoning Board was trying to balance the pros and cons on whether this property should be commercial or residential. He explained that the Chair of the Planning and Zoning Board was concerned over the mass and scale that was brought into the Vision Plan and wanted to see the landscape buffering on A1A Beach Boulevard. He advised that one of the issues with Kookaburra Restaurant was that there was no buffering between the commercial and residential areas. He commented that if the Commission changes the zoning on A1A Beach Boulevard, it was not just for the client, but also for the citizens who go up and down the neighborhood. He commented that the Commission should create good will and have the highest standards by not being divisive with the advisory boards. He explained that he would like A to F Streets to become more of the commercial neighborhood area versus straight commercial. He asked the Commission to have the planner to research that as a zoning issue. He commented that none of the neighbors want big hotels or bars in the neighborhood, but in the same respect, the Commission needs to be fair. He advised that if the setbacks were changed back to the original standard, then the buffers would be better.

Ann Palmquist, 213 10th St., advised that the Planning and Zoning Board was attempting to get all the information needed to make a decision; however, she stated that she didn't attend their meeting. She advised that she didn't know what the effects would be on a short-term rental or rental property versus a commercial property in regards to the water runoff and the noise from a party house. She advised that Mr. and Mrs. O'Brien are very responsible, but there was no guarantee in the future.

Linda Ringwood, 8 F St., advised that she objects to large homes, but the setbacks on the proposed houses were within the limits. She requested the Commission to approve the homes instead of allowing a commercial business on the property. She commented that Mayor O'Brien didn't approve the Conditional use permit for the Kookaburra Restaurant because of the traffic and safety issues. She advised that the citizens want to enhance the neighborhood.

Margaret Coffey, 403 F St., thanked the neighbors for speaking tonight. She advised that she was in favor of the homes being built. She commented that she listened to the Sea Oaks residents and thanked the Commission for what they did for them, but also asked the Commission to listen to the neighbors and approve the permit.

Vice Mayor George closed the Public Comment section. She then asked for any ex parte communications and advised that ex parte communications could be in written form or announced on the record.

Commissioner Snodgrass advised that he has had citizens call him as well as friends of the City.

Commissioner Samuels advised that she has received emails and phone calls from the residents.

Commissioner England advised that she has received phone calls from citizens, spoken to staff, and City Attorney Wilson.

Commissioner Snodgrass advised that he has spoken to City Attorney Wilson, staff as well as family.

Vice Mayor George submitted her ex parte in writing (Exhibit 8).

City Attorney Wilson asked if the Commission has heard both sides of the issues or just one side.

Vice Mayor George and Commissioners Snodgrass, England, and Samuels advised they have heard both sides of the issue.

Vice Mayor George requested Attorney Curtis if he would like to give a rebuttal.

Attorney Curtis advised that his client was trying to prevent a commercial property like the Kookaburra Restaurant from affecting the neighboring properties and that this was a different situation because his client was trying to avoid the lights and the noise coming from a tourist establishment. He personally apologized if he said anything threatening. He advised that he didn't remember saying anything threatening, but apologized if someone took something he said in the wrong way.

Commissioner Snodgrass advised that he did not feel threatened by Attorney Curtis.

Attorney Curtis advised that the loss of taxes from commercial would be hard to prove from what was currently there and what would be allowed in the future. He advised that his client would be enhancing the tax base with two new residential properties. He explained that the presentation by Ms. Zander of the Planning and Zoning Board characterized the application as a rezoning, which it was not. He advised that a rezoning would require evidence that it was consistent with the Comprehensive Plan. He commented that the Comprehensive Plan says that residential use was permitted in this zoning area. He advised that the Kookaburra Restaurant is a successful business and because of that, there are parking problems. He advised that if his client had a commercial business at the property, it would have a parking problem too. He explained that Ms. Zander cited Section 10.01.01, but did not cite Section 10.00.00, which is to provide mechanisms to provide relief where hardships would otherwise occur. He further advised that his client was trying to not

require a forced commercial use which would not be a good fit for the property based on the Code's designed standards and infrastructure. He advised that there were comments about the consideration of rezoning, but he felt that that should not be considered. He explained that he would like to make a distinction between this conditional use permit and others that may come to the Commission in the future because this conditional use permit does have the issue of residential parcels surrounding it. He remarked that others that may come in front of the Commission may have more commercial room to develop a business than these parcels have. He advised that the application was complete for the Planning and Zoning Board. He wrapped up saying that Mr. O'Brien was the owner of 810 Beach Incorporated and advised that he is a private individual and a citizen and to suggest because he is the Mayor that he can't bring something in front of the Commission because it was his property was to suggest that no business owner could be on the Commission.

Commissioner England advised that the property would be a private property if the conditional use was approved with the side of the home facing A1A Beach Boulevard. She advised that the Vision Plan, even though it was not adopted, looks at F Street as a gateway to the community. She explained that there have been other homes on A1A Beach Boulevard that give dismal examples. She asked Attorney Curtis what the Commission could do to preserve the appearance of A1A Beach Boulevard if the property was sold.

Attorney Curtis advised that there could be landscaping buffers in the right-of-way area. He advised that Mr. O'Brien would put in the trees that are required for the Avenue of Palms project.

Commissioner England asked if the applicant would consider giving more information on the site plan regarding the buffer and to place a wall to preserve the appearance on A1A Beach Boulevard with more permanence.

Attorney Curtis advised no, because no other applicant has been required to show or put in these items along A1A Beach Boulevard.

Commissioner England advised that this was a conditional use permit and the Commission could put conditions that could run with the land.

Attorney Curtis advised that the offer to do the Avenue of Palms would be honored, but a wall would be beyond the scope of what was being determined and decided upon.

City Attorney Wilson advised that the Commission has the ability to impose certain conditions and if the Commission has a concern on the appearance of the property they could put conditions on the property that are reasonable. He advised that if it has been done in similar situations, then the Commission could implement conditions.

Vice Mayor George asked Building Official Larson what the side setbacks were for Lot 17.

Building Official Larson advised that the side setback for Lot 17 street side would be 12 feet.

City Attorney Wilson advised that the Commission could put as one of the conditions that the setbacks need to be maintained as approved.

Commissioner Samuels advised that the Commission could impose a landscaping buffer for the A1A Beach Blvd.

Vice Mayor George advised that it would be more enforceable if the conditions were clear and specific, which she felt was the issue with the Planning and Zoning Board because they were not provided with any further documentation, even though it was not required in the application.

Attorney Curtis advised that Mr. and Mrs. O'Brien were willing to do extensive landscaping. He commented that trees do die and he needs to know if the Commission would give him time to replace them to be in compliance. He suggested that if the Commission wants to landscape the 15 foot setback, it would be a lot of room for landscaping.

Vice Mayor George asked if there were any further questions for the applicant.

The Commission advised no.

Commissioner Samuels asked Building Official Larson if short-term rentals have to be license in the City.

Building Official Larson advised yes.

Vice Mayor George asked Attorney Curtis if the intent for these homes would be for short-term rentals or rentals.

Attorney Curtis advised that he believed that they would be vacation rentals.

Vice Mayor George requested City Attorney Wilson to clarify what standards that the Commission should use to proceed with the application.

City Attorney Wilson advised that the Commission has a procedure to follow, but there was not a lot of guidance on it. He explained that the staff has said that the application was complete and the Commission now has to consider what was heard before them and their decision has to be based on confidence on substantial evidence as it relates to the ordinance and how it is applied. He explained that the Commission should find whether the use was compatible with other uses that exist in the neighborhood or if the proposed use would conflict with the public interest. He advised that the Commission should only base their decision on what they have heard at the hearing today. He commented that the Commission does have a right to impose restrictions for the public interest.

Vice Mayor George thanked the Planning and Zoning Board members for their hard work. She then thanked Mayor O'Brien and Ms. O'Brien for doing a great job on their properties and stated they were beautification recipients and appreciated their service to the community. She commented that regarding having a conflict of interest, Mr. O'Brien should have the same rights as any other citizen. She remarked that she has serious concerns that the public has not had the access to the Planning and Zoning Board meeting. She explained that she reached out that the City staff on March 24, 2016, to make sure that that meeting did have a working DVD since it didn't livestream the day of the meeting. She advised that the video was not on the website due to a technical issue and that staff was working on it. She explained that she was guaranteed that it would be up for the public no later than tomorrow, but it doesn't help those residents who expressed that concern. She advised that for her it was a serious procedural problem, but not necessarily the applicant's fault. She remarked that from this application she found that there was a procedural problem in the application process under conditional use. She advised that the planner could require site plans and elevations applications in the Code for conditional use permits.

Commissioner Snodgrass remarked that there has been a robust discussion with approximately 20 residents who spoke. He explained that the applicant has submitted the required paperwork and advised that the conditional use permit does not require site plans and elevations. He remarked that he believes the applicant has conformed to the requirements as they exist today and if the Commission grants a Conditional use permit, the neighborhood would be enhanced and would reduce blight in the area. He commented that what has been suggested by the applicant has conformed to the Land Development Regulations, which were developed and approved unanimously by the Commission and that Vice Mayor George lead the review of them. He explained that if this application was approved, it would increase the tax base. He commented that the permit was consistent with past practice since 1992. He remarked that the Commission has had 42 similar applications and has only not approved two of them. He explained that the two requests that were not approved were multi-family dwellings. He advised that according to his talks with City Manager Royle, the Commission has never not approved a similar request in the City's history, which is very compelling. He advised that the architectural style of these buildings are beautiful and is consistent with what he would like to see throughout the City. He summarized that the applicant submitted all the documentation required by the current procedures in the process, he was not required to see site plans and elevations, but the Commission have seen some tonight, and according to staff, the use was consistent with what the Commission has approved for the last 30 years. He advised that those were his observations and commented that he may have something else to add later.

Commissioner Samuels remarked that she asked for a DVD and watched the Planning and Zoning Board meeting. She advised that she agreed with Commissioner Snodgrass on some levels. She explained that Ms. Zander made some points and then Ms. Sloan kept trying to bring Ms. Zander back saying that the application was not a rezoning issue, but a conditional use permit. She advised that the neighbors who would be impacted said there was no conflict of interest and they

wanted the homes to be built. She remarked that she likes to be on the side of the neighborhoods. She explained that the application was complete, the Commission has had a past practice of approving similar conditional use permits and advised that that was how she stands right now, but may have more later in the meeting.

Commissioner England explained that while the nature of F Street was primarily residential, except for a low intensity of commercial use with the Kookaburra Restaurant, she advised that she was concerned what would happen if the property was sold in the future how to preserve the residential nature because it was a conditional use permit and not a rezoning. She advised that even though conditional uses were approved in the past, there have been good and bad examples. She advised that she was concerned over the streetscape of A1A Beach Boulevard. She explained that she wants to preserve the appearance of residential for as long as the property was there. She advised that F Street was a gateway and she would like lush landscaping. She explained that if the property remains commercial, the next owner could try to revert the houses into a mixed use where they could remove the landscaping and vegetation to try to install more parking. She asked how to preserve the appearance and that the residential nature runs with the land and advised there were no guarantees. She advised that she wanted to address having a residential zone within a commercial zoning with the new planner, but the Commission hasn't gotten there yet. She remarked that because the applicant was the Mayor that she wanted to do this right and wants to be able to find a way to address the principles on how to make commercial into residential. She advised that F Street may be very appropriate to do that.

Vice Mayor George advised that across the street was a large vacant commercial lot.

City Attorney Wilson advised that City Manager Royle asked what could be done to ensure this property would remain a residential property. He advised the Commission to make it a condition of the Conditional use permit until it comes back as a rezoning or comes back to the Commission. He also advised that the Commission could make a condition to enhance landscaping that needs to be maintained and identify what landscaping would be required. He advised that a commercial property wants landscaping to enhance their look, but not to obscure the building. He advised that he would want a residential property to be obscured from the road.

Vice Mayor George asked if the use has to be only for this particular structure. She advised that that was one of the problems of not having the full plans on the building. She asked what would happen if there was a demolition of the structure or the Commission approves the conditional use and the applicant decides to sell the land before developing it. She advised that there was no obligation on the nature of the aesthetics of the property. She explained that she understands why the Planning and Zoning Board could not approve because there was no proof of aesthetic improvement because there were no renderings other than what the applicant said was an example of what he wanted to build.

City Attorney Wilson advised that the Commission could require the conditional use permit to run with the land and require that the change in ownership would not affect the conditional use permit. He advised that any document that was done by the Commission today could be undone by another Commission. He repeated that the conditional use permit could run with the property and if the owner wants to change it, they would have to go back to the Commission and have the neighbors speak on whether they would want the change.

Vice Mayor George asked in the case of a partial destruction and or reconstruction on A1A Beach Boulevard, it would be beneficial for the public as a whole if the conditional use permit could be reviewed and to make sure what was going to be rebuilt would continue to enhance A1A Beach Boulevard.

City Attorney Wilson advised that it was difficult without having architectural guidelines, which the City does not have; however, the Commission does have the ability to set the landscaping guidelines which would enhance the front of the home on A1A Beach Boulevard and to ensure that those would be kept up-to-date. He remarked that as long as the applicant maintains the residential use of the building, then the Commission has satisfied that requirement. He explained that if the owner wanted to change it back to another use, this conditional use permit would bound the owner to that unless it was changed by the Commission. He remarked that if the owner wanted to change the use, they would have to be consistent with the neighborhood, which is residential now. He advised that as long as the applicant doesn't appeal it within 30 days, the applicant can't change it.

Vice Mayor George asked how that would address the possibility of a substantial reconstruction of the building.

City Attorney Wilson advised that it would not change the restructuring of the building as long as they stay within the setbacks that were approved. He advised that the Commission tonight would only be restricting the use of the building.

Vice Mayor George advised that City Attorney Wilson might have addressed her concerns. She advised that the concern she has was whether she could use that rendering on the west side of the property facing A1A Beach Boulevard as part of the application or conditional use permit. She asked if that could be bound to the aesthetics to the conditional use permit.

City Attorney Wilson advised that the Commission could. He asked the applicant if he would be willing to have the aesthetics of the property facing A1A Beach Boulevard as part of the conditional use permit.

Commissioner Samuels made a motion to extend the meeting to 11:00 p.m., seconded by Commissioner Snodgrass. The motion was unanimous.

Commissioner Snodgrass asked City Attorney Wilson to give language for the restriction.

City Attorney Wilson advised that the property must remain residential permanently unless the Commission approves changing the use at some other time, that the applicant must install and maintain the landscaping for the duration of the use of the building for as long as it remains, and to keep the renderings received by the Commission at the meeting tonight on A1A Beach Boulevard.

City Attorney Curtis advised that the applicant agreed with everything that City Attorney Wilson stated.

Discussion ensued regarding what restrictions the Commission would like to apply to the conditional use permit.

Motion: to approve the application for a conditional use permit on 810 F Street, Lots 15 and 17 with the conditions that it maintains a residential single-family use, has lush landscaping with a four foot buffer at the 15 foot line, the permit runs with the land, the rendering be attached to the permit, and demolition would terminate the use of the conditional use permit. **Moved by** Commissioner Samuels. **Seconded by** Commissioner Snodgrass.

Vice Mayor George went on the record that philosophically that she has a problem with the Commission reversing the direction of the Vision Plan. She advised that she appreciated the record on the history of the granting of conditional use permits; however, there were none granted since the Vision Plan was acquired by the City. She explained that the relevance there was a bit misstated. She advised that she could live with these conditions, but has a problem with the lack of information and would have liked to have seen more than what was required and believe that the Planning and Zoning Board did not have enough information to make a decision based upon their stated comments. She advised that she was disappointed that the applicant did not have the willingness to come back with the information. She remarked that she did have a serious concern about spreading the preference for residential on A1A Beach Boulevard. She requested that if anyone was voting for this tonight, to make it very clear that this was an exception if that was their intent and not to be used as a precedent for other locations on A1A Beach Boulevard, because the people on the whole did approve the zoning preference and the Vision Plan for A1A Beach Boulevard.

Commissioner England advised that she looked at the Vision Plan and advised that F Street was the gateway corridor. She explained the appearance of F Street should be a high priority for the commercial zoning and wants to address how the Commission approves conditional use permits. She advised that based on her comment to work from the Vision Plan, we can move forward.

Commissioner Samuels advised that the Vision Plan was a template and that she heard from the neighborhood that this was what they wanted. She advised that what happened in 2006 was not what was happening now. She explained that this was what the neighborhood wants.

Commissioner Snodgrass advised that the Vision Plan was never formally adopted. He asked for the vote.

Vice Mayor George requested a roll call vote.

City Clerk Raddatz called the roll.

Commission Snodgrass	Yes
Commissioner England	Yes
Mayor O'Brien	Abstain
Vice Mayor George	No
Commissioner Samuels	Yes

Vice Mayor George recessed the meeting at 10:44 p.m. and reconvened at 10:49 p.m.

XI. CONSENT

2. Proclamations:

- A. to Declare April 15, 2016, as Arbor Day in the City
- B. to Declare April, 2016, as Water Conservation Month
- C. to Declare May, 2016, as Motorcycle Safety Awareness Month

3. Code Enforcement Board: Appointment of Mr. Thomas Masciarelli to a Second

4. Budget Resolution 16-07: to Amend the Police Department's Budget to Transfer \$1,742 from the Attorney's Fees Account to the Small Tools / Equipment Account, and to Appropriate \$3,260 from the Forfeiture / Seizure Assigned Fund to the Uniform Account

Mayor O'Brien introduced the Items XI.2.3 and 4, and then opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd., asked the Commission to start Commission meetings at 5:00 p.m. because of the long hours of the meetings. He asked that the program for "Women Against Crime" be also done for men and children too.

Mayor O'Brien asked for any Commission discussions. Being none, Mayor O'Brien asked for a motion.

Motion: to approve Items 2, 3 and 4. **Moved by** Commissioner Samuels, **Seconded by** Vice Mayor George. Motion passed unanimously.

5. Repair of Public Works Vehicle: Approval of Sole Source Purchase for Vehicle Repair Services at Bozard Ford

Mayor O'Brien introduced the Item X.5, and then opened the Public Comment section. The following addressed the Commission:

Patricia Gill, 218 B St., asked why the City was using an out of town sole source for repairs of automobiles instead of using the local businesses.

Public Works Director Howell advised that he went to the Bozard Ford Dealership get ford parts for this particular truck. He advised that this truck needed to be disassembled in order to get to the engine, so that was why he chose a Ford dealership.

Vice Mayor George asked if this was only one truck being sole sourced.

Public Works Director advised yes. He commented that this was to fix one truck in the fleet.

Commissioner Snodgrass asked if this has to go to the Commission or can staff make the decision.

City Manager Royle advised that it should go to the Commission if it is a sole source.

Mayor O'Brien asked for any Commission discussions. Being none, Mayor O'Brien asked for a motion.

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

XII. OLD BUSINESS

6. Architectural Services for Office Security Enhancements: Approval of Proposal for Option Two from KBJ Architects of Jacksonville, Florida, for Lump Sum of \$14,000
Mayor O'Brien introduced Item 6 and asked for a staff report.

Mayor O'Brien introduced Item #6.

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

7. Ordinance 16-01, First Reading: to Vacate Alley in Block 46, Coquina Gables Subdivision, between 2nd and 3rd Avenues, and between C and D Street

Mayor O'Brien introduced Item 7 and then opened the Public Comment section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd., asked if this property would be given to the residents and then go on the tax base.

Mayor O'Brien advised yes to Mr. Reynolds question.

Mayor O'Brien asked for Commission discussion. Being none, Mayor O'Brien asked for a motion.

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

City Attorney Wilson read the title of Ordinance 16-01.

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

Mayor O'Brien introduced Item 8.

City Attorney read the title of Ordinance 16-02.

Mayor O'Brien asked for Commission discussion and public comments. Being none, Mayor O'Brien asked for a motion.

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

XIII. NEW BUSINESS

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

This item was postponed.

10. ISO (Insurance Services Office) Ratings: Request by Vice Mayor George to Discuss

This item was postponed.

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

This item was postponed.

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

This item was postponed.

13. Commission Meetings:

A. Discussion of Topics for Commission Meetings

This item was postponed.

XIV. COMMISSIONER COMMENTS

Commissioner Snodgrass advised that he would be out of town for the Regular City Commission meeting in June and asked if it could be rescheduled.

Discussion ensued regarding schedules and it was agreed that the Regular City Commission meeting in June would be changed to Wednesday, June 1, 2016.

Commissioner England advised that she would like to reschedule the Regular City Commission meeting from May 2nd meeting to May 9, 2016 at 6:00 p.m.

Commission agreed.

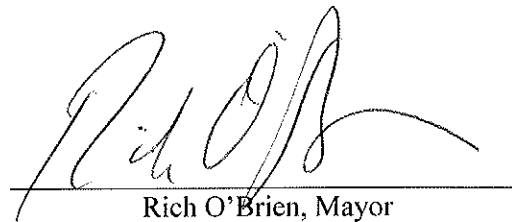
Commissioner Samuels asked Police Chief Hardwick to develop an ordinance to reserve blackout dates for special events, such as, Labor Day, Memorial Day, etc., because it is taxing the City's services. She also requested that the Commission approve her expenses for the Advanced Institute for Elected Official Conference, which would be at the end of May in Tampa.

XV. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.

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

Mayor O'Brien adjourned the meeting at 11:07 p.m.



Rich O'Brien, Mayor

ATTEST:



City Clerk