



**MINUTES  
CITY COMMISSION MEETING  
CITY OF ST. AUGUSTINE BEACH  
March 1, 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 Manager Royle to lead the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF THE CITY COMMISSION MEETING OF FEBRUARY 1, 2016

Mayor O'Brien asked for a motion to approve the February 1, 2016 minutes.

**Motion:** to approve City Commission minutes of February 1, 2016. **Moved by** Commissioner Samuels, **Seconded by** Vice Mayor George. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

City Manager Royle advised that there was a correction to the agenda regarding Item VII D. 1 regarding the date. He advised that the run would be held on April 24, 2016, not April 16, 2016.

VI. CHANGES TO ORDER OF TOPICS ON THE AGENDA

No changes were made to the order of topics on the agenda.

VII. PRESENTATIONS

Mayor O'Brien requested City Manager Royle to advise the public of some positive happenings in the City.

City Manager Royle advised that Wayne Tichy, Public Works Equipment Operator, has joined the National Guard and is in basic training. He explained that the City would keep his position open for him until he returns in April or May and he would have to report for training when he returns as required by the National Guard. He commented that Mr. Tichy is a young man with ambitions and trying to advance himself.

Mayor O'Brien advised that he had a complement on the outstanding job that Commander James Parker has done and he wanted to thank him for his excellent work for the City.

- A. Plaques by Chief Hardwick to Mr. Peter Darios, Sunset Grille, and to Mr. Peter Messler, Oasis Restaurant, for Their Contributions for the National Night Out Special Event Last October.

Police Chief Hardwick advised that the owner of the Oasis Restaurant has died today and so Mr. Peter Messler would not be receiving the plaque; however, he would present the plaque at a future date.

Police Chief Hardwick presented Mr. Peter Darios from Sunset Grill his plaque for their generous donations to the Police Department's event of National Night Out which is done every year for the young men and women in the community. He advised that the Sunset Grill feeds and cooks for the community at National Night Out at no charge. Police Chief Hardwick thanked Mr. Darios for all they do for the community.

- B. Information to City Commission by Mrs. Lindsay Haga, Northeast Florida Regional Council, for Study of Comprehensive Plan and Land Development Regulations, and Setting Date for Joint Meeting with Ms. Haga and the Planning Board.

Mayor O'Brien introduced Item B and asked Mrs. Haga from the Northeast Florida Regional Council to the podium.

Mrs. Haga advised that she was here to do a quick meet and greet with the public and to explain the Walkabout Toolkit. She explained that this Walkabout Toolkit would be used by the Commission, Planning and Zoning Board, Tree Board / Beautification Advisory Committee and the residents. She asked everyone to please use the toolkit in order to get the thought processes going for the City and then she would schedule a workshop to discuss the matrix of the information; such as, the Land Development Regulations, Charter, Development Plan, and the Vision Plan. She advised that the toolkits would be available for the residents in the City Manager's office at the front counter.

Discussion ensued regarding what would be the best time in March to schedule a meeting to discuss the matrix.

Commission agreed to schedule a meeting on March 23, 2016, at 5:00 p.m.

City Manager Royle advised that the Tree Board / Beautification Advisory Committee would be meeting on March 23, 2016, but he would ask them to meet on March 24, 2016 instead.

Ms. Haga advised the Commission that they would be receiving other materials for the March 23, 2016 meeting.

Mr. Teeple, representing the Northeast Florida Regional Council, advised that Ms. Haga was leaving the public sector for the private sector, but she would continue working with the City until the project was completed. He advised that the project will be totally transparent to the City.

C. Update Report of City's New Year's Eve Beach Blast Off Special Event by Ms. Hala Laquidara, Events Coordinator

Mayor O'Brien requested Ms. Laquidara, City Events Coordinator, to the podium.

Ms. Laquidara explained that there were 30,000 people in attendance at the 2015 Beach Blast Off event. She advised that there was no dead space in the layout of the event, which help to recover the cost. She reported that the Police Department had no incidents, no arrests, and no transports during the event and thanked Police Chief Hardwick for his team working on the event from the planning stage to the end of the event. She thanked Commander James Parker for training all the volunteers. She further thanked the Public Works Department for being the backbone of every event. She explained that the Public Works Department was involved from the planning stage until the event finished. She thanked Tom Large for taking care of the buses and transports. She also thanked the St. Johns County Fire Department. She advised that over 100 volunteers served over 30,000 people successfully and thanked them for their service to the City. She commented that there were volunteers from middle school age to senior citizens. She recognized Miss Sarah Hanzl for helping her with all the trainings, packing the backpacks, and for being at the event from the beginning to the end. She also recognized Linda Hanzl, her mother, who scheduled all the volunteers times for the event. Lastly, she thanked Andrea Rainer, who volunteered from the beginning to the end on the event and who was volunteering currently with the Arbor Day event. She commented that she received \$8,275 from the vendors, monetary sponsorships were \$13,250, in-kind sponsorships were \$21,670 which were necessary expenditures that the City did not have to pay for and tickets sales were \$42,404. She stated that the expenses were \$63,929, leaving a credit of \$21,325, which was an improvement from last year's Beach Blast Off of a loss of \$4,000. She then showed a video of some highlights of the Beach Blast Off.

The Commission thanked her for all her hard work.

D. Special Events:

1) Request for Approval of Permit for Northeast Florida Bicycle Club's Run Through City on Sunday, April 24, 2016

Mayor O'Brien introduced Item VII. D.1 and then asked for the representative to come to the podium.

No representative was present at the meeting.

City Manager Royle explained the route information and advised that all the Department Heads reviewed the application and approved it.

Discussion ensued regarding how many bicyclists would be at the event, the route, why the representative did not attend the meeting, whether there were any entrance fees, and the laws regarding bicyclists being able to use public streets.

Police Chief Hardwick advised this was a countywide event and that there would not be any lane closures and explained the law allows bicyclist on public streets. He advised that there would three agencies working on this event.

Commissioner Snodgrass asked how long this event would take.

Police Chief Hardwick explained that it should be approximately 20 minutes for the packs of bicyclists to move through.

Commission agreed to table this item until the end of the meeting or to the next Commission meeting when a representative could be present.

2) Review of Preliminary Plan for the Diva Run, December, 2016

Mayor O'Brien introduced Item VII.D.2 and asked for the representative to come to the podium.

Robert Pozo, representing for the Diva Run, gave a recap of the 2015 Diva Run. He commented that there were 3,451 participants in the race and a total of 7,000-8,000 people that came to the City and who were going to attractions and participating in the event. He said that most of the runners' household income was \$75,000. He commented that people in the race stayed at a local hotel for at least one night, but the average stay was 2.31 days and the hotels were either sold out or almost full for the event. He advised that all 50 states were represented, as well as foreign countries. He explained that it is a direct economic impact of 2.152 million dollars and an indirect benefit of 3.227 million dollars.

Gabby Pozo, also representing the Diva Run, advised that they did a few changes from last year and proposed a new route, which she explained to the Commission. She commented that the race would be finished by 9 a.m., but Pope Road and 16<sup>th</sup> Street would be closed until 12 noon, where the staging

area was being held. She advised that she hopes the Commission will approve this for this year and does know that there is a cap of 4,000 participants.

Mayor O'Brien advised that the race last year went well, but there were residents who felt trapped off of Pope Road and asked if there were any provisions to change that from happening this year.

Gabby Pozo advised that they will allow residents to come in and out during the gaps between the runners.

Vice Mayor George advised that last year the event had a total of 7,000 attendees, but the Commission capped the event now at 4,000.

Robert Pozo explained that the runners would be under the 4,000 cap, but the others were family and friends who come with the runners.

Vice Mayor George asked if that number would include the vendors.

Robert Pozo advised yes.

Vice Mayor George also asked about the charities they would be supporting.

Robert Pozo advised that they signed a partnership with the Breast Cancer Charities of America. He explained that they would market with them and reach out for donations by soliciting their runners to get donations from others to have their entrance fee paid or discounted.

Commissioner Snodgrass asked as a for-profit organization, how much revenues were received at the last year's event.

Gabby Pozo advised that they made a net profit of \$7,000.

Commissioner Snodgrass asked what the residents get out of this event.

Robert Pozo advised that they are showing people how to be healthy, how to live longer, and to empower women.

Commissioner Snodgrass advised that he would like to suggest a fee associated with the race to help the City with roadways, drainage, washrooms at the parks, etc.

Robert Bozo advised that his organization could not charge an associated fee because it would not allow him enough profit to have the event.

Commissioner Snodgrass advised that he was concerned over the residents' quality of life. He commented that he was glad people are coming to the City, but it has to be worthwhile to the residents to have these events. He commented that he was concerned that the City was being overburdened with events.

Commissioner Samuels advised that the City of St. Augustine charges a flat permit fee of \$25 and the organization pays for services they use. She advised that she spoke with City Attorney Burnett regarding developing a policy which would not charge an organization that give to charities.

City Attorney Burnett advised that she was correct on the overview of the policy.

Commissioner Snodgrass advised that this was a for-profit organization and their expenses are not the City's concern.

Vice Mayor George advised that the Diva Run does give a positive economic benefit to the community. She commented that she ran the Diva Run last year with her family. She advised that she would be in agreement to a fee next year after a policy has been approved. She commented that the negative impact for the residents was the traffic congestion; however, the change in the route would help to alleviate that issue during the peak traffic hours. She advised that she was in support of this application.

Commissioner England ask Mr. Pozo if any bulk hotel rooms were reserved.

Mr. Pozo advised that it wasn't an issue because the hotels are full during the race and the hotel works on a revenue system and didn't want it.

Gabby Pozo explained that they suggested to the runners to stay close to the race line so they were within walking distance to the race and their hotel rooms.

Mayor O'Brien commented that when he was on the Tourist Development Council many organizations came to St. Johns County to request events to come to their City for the economic impact; however, he explained there was a quality of life issue for the residents.

Mr. Richard Blacklund requested the Commission to allow him to speak before they make a decision on this item.

Discussion ensued regarding whether to include both Items V.D.1 and 2 together.

Mayor O'Brien asked the applicant if they would need a decision tonight.

Ms. Pozo advised that they would need a decision tonight in order to do the marketing for the event.

Mayor O'Brien changed the order of Item V D 1 to be the Public Comment section, delay the vote, then address Item V D 2 and then have the vote for this event.

Commission agreed.

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

Tom Reynolds, 880 A1A Beach Blvd., advised that he would have let Mr. Blacklund speak before public comments if he was against this event. He commented that he was in support the Diva Run. He explained that the City has new hotels that need to be filled. He advised that he likes to be around people and if someone doesn't like people, they shouldn't live at the beach. He explained that the City would be getting a lot of free advertising, if the event was here. He requested the Commission to open the Public Comments again if Mr. Blacklund has negative comments.

Ann Palmquist, 213 10 St., spoke on events for-profit versus non-profit. She explained that she would like the policy to be written where a percentage would come back to the City for charities.

Robert Kahler, 29 Sunfish Dr., agreed with Commissioner Snodgrass regarding bringing in money for the City. He advised that the City has doubled their debt by purchasing the Maratea Property and the Commission would regret it. He commented that the applicants could wait until the next meeting for an answer.

Michael Cunningham, 415 Tower Bay Dr., explained that people love the Diva Run. He commented that it brings in 3300 room nights, or the equivalent to \$300,000, which comes back to the community. He explained that the restaurants make a quarter of a million dollars and it was a good trade off.

Mr. Blacklund, 17 Lee Dr., advised that he was upset to hear City Manager Royle say that the impact of these events only impacted the pier area and not the citizens. He explained at the Beach Blast Off event people were parking on his property and his neighbors and that traffic increases. He advised that the City approved a 24-hour medical clinic, but because of traffic, no one can get out of their entrance. He commented that the Diva Run was making money off the residents and no one asked the residents if they would have agreed to a for-profit event. He advised that 7,000 people were brought into the City which doubles the residents' population. He pointed out during his presentation that St. Augustine Beach was the smallest City that the event organizers use. He advised that last year's race wasn't for cancer research but for Mr. and Mrs. Pozo. He commented that these events have a negative effect on the City and put an unfair workload on the Police and Fire Departments. He also advised that the residents are told to change their routines for these events. He commented that it was morally wrong to do this for-profit on the backs of the residents. He advised that he had problems with the schedules being temporally suspended because of a late runner. He commented that he has a problem with City Manager Royle's communication because he doesn't communicate well.

Vice Mayor George asked if the changed route would help alleviate Mr. Blacklund's access.

Mr. Blacklund advised that his major concern was that a for-profit business was doing this in his neighborhood without asking him and advised that he and others could not even go to church when this was happening. He explained that they took longer than expected for the last girl to go by. He commented that they didn't have a charity before, but now they do. He commented the Mayor O'Brien is benefiting from the Diva Run because he has a hotel which is a conflict of interest. He advised that the City Manager and the organizers did not answer any of his questions.

Vice Mayor George advised that that was inappropriate and would try to get answers to her questions.

Commissioner Samuels explained that this event was brought in front of her at the Tourist Development Council and she asked the Commissioners if they would be interested in this event. She brought it in front of the Commission and it was voted to approve the event. She advised that once some issues were brought up, such as people going to church, Police Chief Hardwick working with people on that issue to alleviate the problem. She advised that the Commission set a cap of 4,000 people to make sure that the resources were not affected, which was a concern of hers. She asked Police Chief Hardwick if there were any EMT issues. .

Police Chief Hardwick advised that according to the report they had five calls for services, which were questions regarding how to get from point A to Point B, three emergency management calls with no transports, and no police arrests.

Commissioner Snodgrass advised for the record that he failed to ask the right question when this was brought up. He advised that he assumed it was for a charity and not for a for-profit organization. He explained that if he had known what he knew now, he would not have voted for it.

Mr. Blacklund advised that had he thought it was for cancer research, he would not been so upset.

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

Kim Stone, 2 14 Ln., explained that she was born in 1961 and until 2000 the pier was very dangerous and was not a great place to be. She advised that Andrea and Robert Samuels made improvements at the pier. She commented that she would hate to have that taken away and that she lives there because of the events that are being done in the area. She advised that if you live where people go for vacation, you have to expect to be inconvenienced once in a while. She commented that those who do not recognize how much better the City is now, should have lived in the City in 1961.



William Jones, 207 Woodland Ave, advised that he felt for-profit events attracts people to the City, which was good. He suggested doing these events during a slow time in the year. He read comments from others who attended the Diva Run (Exhibit 1). He advised that the organizers do look for local vendors during the event. He applauded the Commission and the Police Department for trying to listen to the community's concerns and for helping with the traffic. He commented that the community used to be a hidden gem, but the secret is out and it is good for the community.

Phil King, 880 A1A Beach Blvd, explained that he likes the events and wants to approach additional events with care in order not to have too many. He commented that you don't stop playing because you are old, you get old because you stop playing. He advised that the events are peaceful and do not have a lot of incidents and that people are enjoying the events. He requested that the Commission continue having the events, but to collect some money for the City or a charity.

Tom Reynolds, 880 A1A Beach Blvd., advised that he was so impressed by the amount of money the event made that the Commission should have an event every 90 days. He commented that he wanted all the hotels filled because he has met the hotel workers and they are beautiful people. He advised that this brings a lot of employment and taxes for the City. He advised that residents should plan around these events and was impressed with the Diva Run. He brought up that speakers should not be speaking towards the audience because the Commission should be the ones they are addressing.

Marla Taylor, 20 Marilyn Ave., advised that she has been a volunteer for different events at Pier Park and it was a joy to participate and see the joy of the people who came into the community to attend or volunteer at these events. She explained that so much has been done for the traffic and parking situations on all the events. She advised that the Police Department does a fantastic job on reducing traffic on A1A and Pope Road. She commented that she feels that any lane closures are for pedestrians, people driving and to reduce traffic or to prevent accidents. She commented that the reason why St. Augustine and St. Augustine Beach were in the top 10 places to visit in the country is because of the welcoming spirit and the community that lives here and who supports each other.

Mayor O'Brien closed Item V.D.3 and reopened Item V.D.2. He then advised that the quality of life issue has risen to the top of the list by the Commission. He advised that the City is fun and wants a balance of events. He explained that he and his wife own a 45 room hotel where within its boundaries the City has over 800 rooms. He explained that the Diva Run is not a big profit maker for his business. He advised that the rooms are filled and he does go out of the way to serve breakfast for the runners at 6 a.m., but he is only a small place and is entitled to be in business. He commented that he was elected because he has

that background and training. He explained that it is a benefit to restaurants, people buy gasoline, and real estate agencies, as well as others.

Commissioner Snodgrass advised for the record that he supports free market capitalism and he wants hotels and restaurants to thrive. He explained that he is thankful to the Civic Associations for their events as a non-profit because it enhances the quality of life for the community. He explained that he is concerned over profit organizations making money without having any benefit coming back to the community. He commented once again that he wrongly assumed that this event was a non-profit organization, which he takes the blame for because he didn't ask the right question. He explained that he thought it was a non-profit organization trying to help breast cancer research.

Commissioner Samuels explained that she never thought to ask whether they were profit or non-profit organization because she was so excited to have the organization to come to the City during an economic downturn. She advised that she has always tried to keep businesses successful in the City in order to keep our residential taxes down, which is a quality of life issue on how much the residents could afford. She explained that she would like to work on a policy with a definition of profit versus non-profit, but in the interim keep the Diva Run event going. She commented that she would work on a policy that would outline benefit versus non benefit to the City.

Commissioner England agreed with Commissioner Samuels and advised that the Commission talked previously about a checklist for special events because of how many requests the City would be receiving. She explained that there is an impact to the citizens, but the Police Department was doing a great job minimizing the impact. She advised that the City would have to do a better job in presenting what the City would get out of the special event. She explained that she was still not sure of the charitable connection of the applicant and asked if they could further explain.

Mr. Pozo advised that he would use the same blueprint that Teams in Training uses to market for Breast Cancer Charities of America, so that more people could run in the event and fundraise. He commented that a flat donation, people sponsoring a runner or getting donations. He explained that his organization would give free and discounted registrations to the charity. He further explained that they have worked with local charities in each city; however, the Breast Cancer Charities of America went well with his organization. He envisioned that next year he would have an affidavit with the charity that would explained how his organization worked with them.

Vice Mayor George asked if she wanted her donation to go to Breast Cancer Charities of America, she would either make a flat donation or fundraise \$500 for an entry to the Diva Run.

Mr. Pozo explained yes.

Vice Mayor George asked if they could come back and tell the Commission the amount they raised for Breast Cancer Charities of America next year.

Mr. Pozo said yes.

**Motion:** to approve the event based on a cap of 4,000 participants. **Moved by** Vice Mayor George, **Seconded by** Mayor O'Brien.

Mayor O'Brien called for a roll call vote.

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

Motion passed 4 to 1.

City Attorney Burnett advised that he did not see the Hold Harmless agreement and requested City Manager Royle to follow up on that.

City Manager Royle advised that he would.

Commissioner England asked to make changes to the ordinance regarding special events.

Commissioner Samuels asked to also discuss the policy for profit versus non-profit and how it benefits the City at the May Commission Meeting.

Commission agreed.

- 3) Request by Mr. Richard Blacklund, 17 Lee Drive, to Discuss Effect of Special Events on Residents' Quality of Life

This item was combined with Item V.D.2.

- E. Report by Mayor O'Brien About Zika Virus Awareness in St. Johns County

Mayor O'Brien introduced Item VII.E and reported that he and City Manager Royle were invited to a conference on the Zika virus which they attended. He explained that the mosquito that gives someone the Zika virus bites during the day and there have been two confirmed cases of the Zika virus in St. Johns County which both were from traveling outside of the United States. He explained that staff would put information on the City's webpage and at the front counter in the City Manager's office.

## VIII. PUBLIC COMMENTS

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

Tom Reynolds, 880 A1A Beach Blvd., handed out Resolution. 89-5 regarding civility and decorum for Commission meetings. He commented that when Commissioner Samuels ran the meeting, there wasn't a problem; however, at the last meeting City Attorney Burnett turned to the crowd and asked them to quiet down and have respect for the Commissioners, which was not appropriate, especially since he came in late to the meeting. Mr. Reynolds explained that the Mayor runs the meeting. He advised that there were gender issues with Resolution 89-5 which is 26 years old and it should be updated because it was discriminatory regarding genders. He explained that City Attorney Burnett failed to amend the 2012 contract when the Commission gave him a raise and then he resigned. He advised that he obeys the rules and wants others to do so as well. He advised that he doesn't mind telling the public speaker that their three minutes is up, if it is in the rules. He remarked that he is looking forward to a new City Attorney.

Ed Slavin, PO Box 3084, thanked Tom Reynolds for the City Attorney comments. He advised that the Commission should not hire any attorney who worked for developers. He explained that he advised a City Commissioner not to hire a developer attorney because it was a big mistake. He commented that this is a small town, but there are big issues, such as, the National Park and Seashore. He explained that the developers don't want the National Park and Seashore because they want to cut down every tree in St. Johns County and develop wetlands, which they did in Broward County. He said that the National Park and Seashore will preserve and protect what we love forever. He advised that the City needs an ethics ordinance covering all county and city agencies in the State of Florida and post-employment restrictions on City staff, including city attorneys and city managers. He commended Henry Dean for running for St. Johns County Commission.

Ann Palmquist, 213 10 St., advised that the Tree Board / Beautification Advisory Committee has a vacancy for a member and an alternate. She advised that it would be on the City website. She asked for clarification on the next Tree Board meeting being the 23<sup>rd</sup> or 24<sup>th</sup>. She also advised that the Board has stated what improvement they have done for the City and explained the backgrounds of the Board members.

Robert Kahler, 29 Sunfish Dr., agreed with Commissioner Snodgrass. He advised that Mr. Tis wrote an article about Mayor O'Brien. He commented that Mayor O'Brien should have recused himself on the Diva Run vote because he profited from the race which he stated earlier. He advised that it was the worse Commission he had seen in 27 years and if the Commission doesn't start making money for the City, they would break the City.

John Reardon, 3560 County Road 214, commended the Commission for running the City very well, making national listing of top cities across the county and looking out for the residents. He advised that the microphone should be longer and set closer to the person speaking on the podium so people could hear.

Craig Thomson, 6A D St., advised that he was pleased the Commission hired a planning consulting and requested that the tree ordinance be one of the priorities to be looked at. He requested that a progress report be done by the planner monthly to the Planning and Zoning

Board. He also advised that when new construction is being done they are clear cutting the trees, which he requested to stop. He advised he would like a monthly report that advises the Tree Board what trees are being cut down for new construction and to have the owners pay for the trees that are being removed by the Building Official. He explained that it has been difficult to track the enforcement of tree removal and the fees for removal.

Ann Palmquist, 213 10 St., requested the Commission to give more time for Committee members than the three minutes.

Mayor O'Brien closed the Public Comments section. He asked that the rules for Commission meetings be updated.

Commissioner Samuels advised that they are being reviewed and updated by the City Clerk.

City Clerk Raddatz advised that she was updating the Employee Personnel Manual and the Policies and Procedures Manual for the City.

Police Chief Hardwick advised that City Clerk Raddatz was working hard with all the Department Heads on this process, which is a very fluent and flexible process and was doing a great job.

Mayor O'Brien requested City Attorney Burnett to address when a Commissioner was to abstain from voting. He commented to the public that all the Commissioners came to the Sunshine Law and Florida Ethics training in order to review the laws.

City Attorney Burnett advised that there has to be a special pecuniary gain that is for the Commissioner's benefit for a Commissioner to abstain from a vote. He advised that to abstain has to be unique to the voter or a very small group that the voter would be a part of in order to have a voting conflict. He advised that each case is done on a case by case basis and that it may look like an appearance of impropriety when it was not. He advised that the law was put in place to encourage the members to vote and the intent was to allow the Commissioners to vote the hard vote.

Mayor O'Brien advised that he would recuse himself if it thought that he had to abstain.

Commissioner Samuels advised that she recessed herself and found that she didn't need to and explained that she wouldn't do that in the future. She advised on another matter that the St. Augustine Beach Civic Association had the Superintendent of Anastasia State Parks come to speak and he advised that they were not interested in joining the National Parks and Seashore because they had won a Gold Award for State Parks and they feel that it would impact the job they are doing.

Mayor O'Brien advised that the extended times for Board members was a good suggestion as long as they were giving a Board report. He advised that he would give five minutes instead of three minutes.

Vice Mayor George advised that she would like a separate category for Board Reports like Commissioner Comments has.

Commissioner Samuels advised that it would be better if the Board picks a spokesperson to come to the meeting, to give a report. She advised that it would be best to inform City Manager Royle to place them on the agenda before the meeting under Presentations. She also recommended to have the Chair be responsible for the updates to the Commission.

Mayor O'Brien explained that the tree ordinance would be given to the Planner.

Commission agreed for continuance updates from the planner at the Commission meetings or other meetings being held with the planner.

Commissioner England commented that she would like to collect tree fees for new construction.

Building Official Larson advised that the Commission should discuss it and if the Commission wants to impose a fee then he would enforce it. He advised that it would increase the building fees to build a home or business.

Commission agreed to research and bring back.

Commissioner Samuels requested City Attorney Burnett to research imposing fees for new construction because of the legal implications.

Vice Mayor George advised that it would depend on ratios of the lot whether to oppose fees.

Commissioner Snodgrass commented that the City had a citywide workshop regarding the tree ordinance. He advised that he would like staff to compare and contrast what changes were made from the citywide workshop with the new Tree Board changes and what was the rationale behind the changes. He explained that that analysis would be helpful in assessing the Land Development Regulations.

On a different note, Commissioner Snodgrass felt compelled to say that City Attorney Burnett has served the City well and has provided timely and professional legal advice to the Commission. He commented that he particularly effective when serving as a counselor to him when he was the Mayor of the City for two years. He noted on a personal basis that City Attorney Burnett is a man of honor, integrity, and faith. He commented that he would miss him when he leaves.

Commissioner Samuels explained that she realizes how hard it is to listen to personal attacks and not to respond to them which shows that City Attorney Burnett is a man of honor and integrity. She advised that the Commission will sorely miss him and knows that from her own personal experience with him. She stated that she feels that the attacks should stop.

Mayor O'Brien advised that the public may not agree with his decisions, but he has served the City well.

## IX. PUBLIC HEARINGS

1. Request for Renewal of Conditional Use Permit: for Outside Seating and Consumption of Food / Beverages at the Coquina Beach Surf Club, 451 A1A Beach Boulevard, Mr. Chris Way, Applicant

Mayor O'Brien opened the Public Hearing and asked Christopher Way, the applicant to the podium.

Mr. Way of the Coquina Beach Surf Club advised that he has had a conditional use permit for three years.

Mayor O'Brien advised that the Planning and Zoning Board has recommended approval with exemptions of numbers 4 and 7.

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

Tom Reynolds, 880 A1A Beach Blvd., advised that he didn't care how the Commission voted on this issue, but he advised that there were no public comments after Commissioner Comments. He advised that City Attorney Burnett put deaf and blind children in harm's way.

Allen Richman, 103 13<sup>th</sup> St., advised that this conditional use permit was contingent on no music, but as soon as it was passed the owner played music and then he started having live music on the patio which is only 40 feet from my home. He advised that people have come out to check the decibels of the music and the owner would take the speakers down, but put them right up again.

Police Chief Hardwick advised they have a decibel reader and officers are certified, but he advised they are waiting on a lawsuit to be decided before using the equipment.

Mayor O'Brien advised that if there is an issue with the music's level to contact the Police Department and they will investigate.

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

Ed Slavin, PO Box 3084, advised that the City has a problem with favoritism to business owners. He advised that he didn't think there would be a legal basis for the Police Department not to enforce an existing ordinance. He advised that the lawsuit was in another city and the noise ordinance was passed and should be enforced without favor. He also advised that it was unfair for the Commission to take shots at speakers and not allow them public comments.

Commissioner Samuels advised that phones have an app that can check for the noise decimals.

Vice Mayor George advised that the Planning and Zoning Board's recommendation was to remove the restriction on the music. She asked Mr. Way if he was checking and monitoring the music levels.

Mr. Way stated that if he breaks the law, come get me.

Mayor O'Brien asked Mr. Way if his neighbor has a problem with the level, could he call him to turn the music down.

Mr. Way said he can call him. He advised that the business closes at 9 p.m.

Mayor O'Brien asked for a motion.

**Motion:** to approve the conditional use permit with the stipulations that the Planning and Zoning Board has made. **Moved by** Commissioner Samuels, **Seconded by** Vice Mayor George. Motion passed unanimously.

2. Request to Vacate Alley: in Block 46, Coquina Gables Subdivision, between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues, and between C and D Street, Ms. Barbara Feldman, Applicant.

Mayor O'Brien opened the Public Hearing and asked Ms. Barbara Feldman to the podium.

Barbara Feldman, 5516 Sunset Landing Circle, advised that she would like the alley vacated and has spoken to her neighbors. She explained that she has received all but one signature for the alley to be vacated. She advised that the property was at the back of the property and serves no issue but for drainage and there were no drainage issues.

Mayor O'Brien advised that the Commission received emails and they are concerned that the trees may be cut down and that the property owner may want to build to the property line in the alleyway.

Commissioners Samuels advised that there are rules regarding these issues.

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

Sandra Krempasky, 7 C St., read a letter from Mr. Edward Shuler into the record (Exhibit 2). She advised that there is a tree ordinance, but it is not being enforced. She explained that 6 Street was clear-cut and she advised that it is Building Official Larson's interpretation that she has a concern with.

Commissioner England asked if the title of the alleyway would be deeded to the homeowners.



City Attorney Burnett explained to the Commission that each homeowner would receive title from the centerline of the alleyway behind their property.

Commissioner England asked if the City or the homeowners would do the legal paperwork.

City Attorney Burnett advised that the homeowners' title would show that they own their lot and a portion of the vacated alleyway.

City Manager Royle advised that the City usually reserves an alleyway for utilities or drainage purposes.

Commissioner England asked if they would do that in this case.

City Manager Royle advised yes, and City Attorney Burnett will prepare an ordinance to allow that, which the Commission would have to approve.

City Attorney Burnett advised that the person who did not sign the petition must have access to a street and cannot be landlocked.

Mayor O'Brien explained that the 7.5 feet the homeowner gained would allow them to have access and build on or to use as they see fit as long as they are within the City rules and regulations.

Commissioner Samuels advised that she went to the property and saw two trees which have encroached into the alleyway.

Ms. Feldman advised that they have lived there since 1960 and her father built a fence and a shed which encroached in the alleyway.

Mayor O'Brien commented that he hoped they would not to cut down the trees.

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

Ann Palmquist, 213 10 St., explained that there are unintended consequences when an alleyway is closed and gave an example of Sea Colony where they use the alleyway to get traffic off the main street. She advised that the City should not give property away, but have the homeowners purchase it from the City. She also advised that fires have been near her home without fire-pit. She has called the Fire Department and they said the residents were allowed to have fires for warming or cooking.

Robert Kahler, 29 Sunfish Dr., advised that he would not give the property away. He advised that the City should not give away our property or possessions without receiving money for them.

Ed Slavin, P.O. Box 3084, advised that state law prohibits selling alleyways.

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

3. Review of Proposed Order: Review of Order on Remand Concerning Driveways to Commercial Properties from Versaggi Drive.

Mayor O'Brien opened the Public Hearing and asked City Attorney Burnett to give a report.

City Attorney Burnett recapped what the Commission agreed upon at their last meeting and advised that Vice Mayor George requested to add Paragraph 25 to the order (Exhibit 3).

Vice Mayor George explained the suggested language change and advised that if the Commission would like to make changes that could be discussed.

Mayor O'Brien asked if Attorney Ansbacher should be allowed to speak.

City Attorney Burnett advised that Mr. Ansbacher could speak on the draft order if he wants to.

Attorney Sidney Ansbacher, 780 N Ponce de Leon Blvd., advised that his client will be standing on the record with his objection regarding supplementing the record.

City Attorney Burnett advised that it would be up to the Commission now to decide if there should be any changes to the draft order.

Mayor O'Brien asked City Attorney Burnett if he was comfortable with the language Vice Mayor George proposed.

City Attorney Burnett stated yes.

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

Ed Slavin, P.O. Box 3084, told the Commission that they have decided this correctly and to keep their stand on this issue.

Mayor O'Brien asked for Commission discussion.

Commissioner Samuels asked if Number 25 was added whether Item 17 should refer back to the City Code 16.02.

Commissioner England advised that City Code 16.02 was not the strongest argument because the access would be through the commercial zoning part of the street.

Commissioner Samuels advised that she just doesn't want this to come back because we did not cite the code or law.

City Attorney Burnett advised that he didn't think it was necessary; however, he would add under Number 26 that the words "and City Code" should be added after public interest.

Commissioner Snodgrass asked City Attorney Burnett to what extent did he feel that this addressed the issues that were made.

City Attorney Burnett advised that he did the best he could and the intent was clear. He commented that he asked Attorney Whitehouse in his firm and he agreed with the language.

**Motion:** to adopt this order as presented with the adjustments presented at this meeting. **Moved by** Commissioner Snodgrass, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor O'Brien requested a roll call vote since it was a quasi-judicial hearing.

City Clerk Raddatz called the roll.

Commissioner Snodgrass	Yes
Commissioner Samuels	Yes
Vice Mayor George	Yes
Commissioner England	Yes
Mayor O'Brien	Yes

Motion passed 5 to 0.

Mayor O'Brien recessed the meeting at 9:34 p.m. and reconvened the meeting at 9:40 p.m.

## X. CONSENT

4. Resolution 16-01: to Declare 2006 Sanitation Truck Packer Body as Surplus and Authorize its Disposal

Mayor O'Brien introduced Item 4 and requested Public Works Director Howell to give his report.

Public Works Director Howell advised that he was replacing the packer body not the truck, which would be a cost saving. He explained that the old packer body would be sold for the steel value so there would be no waste.

Vice Mayor George asked if there was any other way to receive more value from it.

Public Works Director Howell advised that there are some parts that they would be using as spares.

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

Robert Kahler, 29 Sunfish Dr., advised that in the City's past history the City has been sloppy about disposal of property that belongs to the citizens. He would like to see a system to put an ad in the paper out when property is being disposed of.

Mayor O'Brien asked for Commission discussion.

**Motion:** to approve Resolution 16-01. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

5. Budget Resolution 16-06: to Transfer \$14,000 to the Police department Budget for the Purchase of a Defense Instructor Suit and a Third All-Terrain Vehicle

Mayor O'Brien introduced Item 5 and requested Police Chief Hardwick give a report.

Police Chief Hardwick advised that the started a Woman Against Crime class which has taken off in membership. He explained that the Police Department is presently borrowing the gear from other municipalities, and did apply and received a grant for the tactic suit. He advised that the other portion of money is to transfer the money from the impact fee which were designated under the police protection category to get for the beach patrol a smaller all-terrain vehicle for the beach because the crowds are so big that they need a smaller vehicle.

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

**Motion:** to approve Budget Resolution 16-06. **Moved by** Mayor O'Brien, **Seconded by** Commissioner Snodgrass. Motion passed unanimously.

6. Budget Resolution 16-02: to Have Canvassing and Certification of Absentee Ballots Cast in the March 2016, Presidential Primary Election be done by the Supervisor of Elections and the County Canvassing Board.

Mayor O'Brien introduced Item 6 and asked City Manager Royle to give his report.

City Manager Royle advised that this resolution was for the Supervisor of Election to be our Canvassing Board and to certify the 2016 Presidential Primary election.

Mayor O'Brien opened the Public Comment Section. Being none, Mayor O'Brien asked for Commission discussion. Being none, he requested a vote.

**Motion:** to approve Budget Resolution 16-02. **Moved by** Vice Mayor George, **Seconded by** Commissioner Samuels. Motion passed unanimously.

## XI. OLD BUSINESS

7. Playa Chac-Mool Restaurant, 105 D Street: Request to Continue Permit for Sign on Adjacent Plaza

Mayor O'Brien introduced Item 7 and asked the applicant to come to the podium.

Dan Lang, representing Playa Chac-Mool Restaurant, requested to allow him to continue having his sign at the City's plaza location.

Mayor O'Brien advised that it was approved by the Planning and Zoning Board.

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

Commissioner Snodgrass advised for the record that he eats there frequently.

Commissioner England asked if the City needed to have the applicant move the sign, would he be willing to do so.

City Attorney Burnett advised that it is at the will of the Commission according to Section 8.01.04 and so the sign could be moved at any time the Commission deems fit.

Commissioner England advised that she was not clear on what they were approving since there was not an order.

City Manager Royle advised that the Commission is approving whether or not to allow Playa Chac-Mool to continue to have their sign at the plaza.

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

Ann Palmquist, 213 10<sup>th</sup> St., advised that the same issue came up with the 11<sup>th</sup> Street Café sign and it was approved. She advised that the owners of the Café offered to beautify the plaza for \$10,000.

Ed Slavin, P.O. Box 3084, advised that he supports this and it was a reasonable application.

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

8. Building Height: Review of Proposed Ordinance Concerning Matters Related to Starting Point for Measuring Building Height

Mayor O'Brien introduced Item 8 and advised that Mr. Michael Stauffer has generously made drawings to present in order to show the Commission the starting grade.

Michael Stauffer, 23 Sunfish Dr., gave a presentation by showing his drawings and what he would do for his client to get the most height for the home. He advised that he would not use adjacent grade terminology, but use the language "after it has been developed."

Commissioner England asked City Attorney Burnett to include a drawing to show what the Commission means by adjacent grade in the ordinance.

Mr. Stauffer advised that the Commission needs to clarify the language regarding what the starting point is from the garage or basement.

Commissioner England advised that she would want to be consistent regardless on where the basement or garage was positioned.

Mr. Stauffer explained that because a person has a basement below the adjacent grade, the architect still would measure at the adjacent grade.

City Attorney Burnett explained that the height would be the same as the identical house next to them, but one may have a basement and one doesn't, because it is measured with the adjacent grade.

Mr. Stauffer advised that in Subsection 6.01.05 C (b) he was running into a problem where it says that the minimum floor elevation shall be specified on the development plans. He explained that the code says on the development plans it should not exceed six inches above what the plans say. He explained that the only reason why it says that is because of the design codes and how the engineers look at the site, but as an architect he wants to look at the architectural design. He advised that the engineers don't want the house grade level to go up and bring the adjacent grade with it, but that was not the intent of the design codes.

City Attorney Burnett asked Mr. Stauffer if he would recommend deleting that subsection or to draft other language.

Mr. Stauffer advised that he doesn't think the subsection is needed; however, if language was written that says the floor might be higher, but the adjacent grade cannot change would be better.

Vice Mayor George advised that that would make the homeowner lose 15 inches of interior space.

Mr. Stauffer advised that that language would make an architect build no higher than six inches in a residential development, not individual homes.

Commissioner England advised that she wants to limit height but not architectural design.

Mr. Stauffer advised that that language limits design only and doesn't give the architect any benefit on the height.

Commissioner England asked how to close the loopholes and gave an example of Embassy Suites.

City Attorney Burnett advised that Building Official Larson already interprets the City's Code that way. He explained that when they have to raise the first floor elevation up on stilts, the 35 feet is still measured on the ground which shortens the number of stories on the home.

Building Official Larson advised that that was correct.

Discussion ensued regarding retaining walls having to be placed when adjacent grades are not met and drainage issues.

Building Official Larson advised that having the language of finished grade is best. He explained the Elevation Certificate to the Commission which was what is needed in order to know the finished grade.

Discussion ensued regarding the Embassy Suites being a unique property, what the storm surge was and how it could have been interpreted differently regarding the height allowed, and personal property rights.

Mayor O'Brien asked the Commission why the planner shouldn't look into this and bring this back with her suggestions.

Mayor O'Brien asked for a motion to extend the meeting.

Vice Mayor George made a motion to extend the meeting, seconded by Commissioner Samuels. Motion carried unanimously.

Commissioner England asked that pictures would explain the Commission interpretation if provided in the ordinance. She commented that she misinterpreted City Code Section 6.01.04 C regarding Structural Elements and wanted everyone to know that that section was referring to telephone wires.

Commission Samuels agreed with Mayor O'Brien to have the planner look into it and give suggestions on what language should be used.

Commissioner Snodgrass thanked Mr. Stauffer for presenting the information tonight.

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

Tom Reynolds, 880 A1A Beach Blvd., advised that the Commission was not respectful to residents by having them wait so long to speak. He commented that this item should have come up earlier than now since the City incorporated was in 1959. He advised that it was the incompetency of the City.

Ed Slavin, P.O. Box 3084, thanked Mr. Stauffer for his excellent work. He advised the Commission that the City's height limit trumps FEMA. He commented that Building Official Larson should be under investigations by the FBI and to be prepared to go to court.

Mayor O'Brien closed the Public Comment Section.

Commission agreed to take no action at this time and have the planner review and report back to the Commission on her findings.

Vice Mayor George requested that the Commission discuss the ISO ratings next Commission meeting.

Commission agreed.

9. Joint Meeting with County Commission: Determination of Topics for Discussion

Mayor O'Brien introduced Item 9 and advised that the memo covers all the issues that need to be discussed with St. Johns County.

Commissioner Samuels asked to add a discussion regarding security cameras and appropriate lighting at the St. Johns County parks.

Commissioner Snodgrass requested to add why there was a reduction in the library hours within the City. He would like to know what other items they might have planned before it occurs.

Vice Mayor George requested that the issue in reference to parking include metered or paid parking.

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

Tom Reynolds, 880 A1A Beach Blvd., asked the Commission to discuss transportation up the main streets. He advised that the Commission does not look to the County for children baseball clinics or items for children. He commented that Ron Parker Park should belong to the City and that the children deserve better.

Ed Slavin, P.O. Box 3084, advised that National Park and Seashore Bill should be on the City's agenda with the County. He agreed with Mr. Reynolds to get a \$1 a year lease for Ron Parker Park. He commented that Henry Dean is running for County Commission, and he was glad. He also advised that he would like to have a new pier with Embassy Suites over it, which the National Park and Seashore could help to do.

Mayor O'Brien closed the Public Comment section. He then asked the Commission if they would agree to continue this meeting until March 2, 2016 at 5:00 p.m.



City Manager Royle advised that the bicycle applicant would like to discuss his request with the Commission at the March 2, 2016 meeting.

Commission agreed.

Commissioner Snodgrass requested that at the March 2, 2016 meeting the portion regarding the architects be held in a Shade Session, since it deals with security issues for the City offices.

City Attorney Burnett advised that it under the Sunshine Law there was an exemption for security matters to be brought under a Shade Session and they do not require minutes or public notice because it is a security issue.

Commissioner Samuels requested that Police Chief Hardwick be available for the meeting.

Police Chief Hardwick advised that he would be.

Commissioner Samuels commented regarding Mr. Reynolds comments that the City has put in a Splash Park for the children of St. Augustine Beach.

Discussion ensued regarding notifying the public that the architectural portion of March 2<sup>nd</sup> meeting would be in the Shade.

Commissioner Snodgrass made a motion that the second session on March 2<sup>nd</sup> in relation to the architects bidding on security measures for the City be in the Shade.

Vice Mayor George asked about the notice.

City Attorney Burnett advised that public notice does not apply under this situation.

Commissioner England asked about the budget item for the architectural bids be a matter of the record.

City Manager Royle advised that the Commission needs to hold a public meeting for the selection of the architect.

Discussion ensued regarding whether a selection would be done at the March 2<sup>nd</sup> meeting or whether both firms could give a proposal on the costs and any suggestions at a later date.

Vice Mayor George made a motion that the Commission invites both applicants to submit a quote based upon the discussions on March 2<sup>nd</sup> which would be removed from the agenda because it will be held in the Shade and those discussions would be limited to the security systems that need to be updated overall for the City.

Discussion ensued regarding whether selecting a firm needs to be in the Sunshine or not.

City Attorney Burnett advised that he would look into the case law regarding that issue and will have it ready for March 2<sup>nd</sup> meeting.

Commissioner Snodgrass reminded the Commission that he made a motion.

Commissioner Samuels seconded the motion.

The motion passed unanimously.

Vice Mayor George's motion was not seconded and died for a lack of a second.

Building Official Larson advised the Commission on a project coming for permits on 11<sup>th</sup> Street and Mickler Avenue.

Discussion ensued regarding cutting down trees, height restrictions, footprints on the property, and development order.

## XII. NEW BUSINESS

10. Location of Streetlights: Consideration of Changing Current Policies and Approving Location of New Lights on Certain Street

This item was tabled to the next Commission meeting on March 2, 2016 at 5:00 p.m.

## III. COMMISSIONER COMMENTS

This item was tabled to the next Commission meeting on March 2, 2016 at 5:00 p.m.

## XIV. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.

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

Mayor O'Brien adjourned the meeting at 11:09 p.m.

  
\_\_\_\_\_  
Rich O'Brien, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk