



## **AGENDA**

### **REGULAR CITY COMMISSION MEETING**

**MONDAY, APRIL 6, 2020 AT 6:00 P.M.**

**CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080**

---

#### **NOTICE TO THE PUBLIC**

*THE CITY COMMISSION HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE COMMISSION UNDER "PUBLIC COMMENTS."*

#### **RULES OF CIVILITY FOR PUBLIC PARTICIPATION**

1. The goal of Commission meetings is to accomplish the public's business in an environment that encourages a fair discussion and exchange of ideas without fear of personal attacks.
2. Anger, rudeness, ridicule, impatience and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
3. When persons refuse to abide by reasonable rules of civility and decorum, or ignore repeated requests by the Mayor to finish their remarks within the time limit adopted by the City Commission, and/or who make threats of physical violence shall be removed from the meeting room by law enforcement officers, either at the Mayor's request or by an affirmative vote of a majority of the sitting Commissioners.

**"Politeness costs so little." – ABRAHAM LINCOLN**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF THE SPECIAL COMMISSION MEETING AND THE REGULAR COMMISSION MEETING ON MARCH 2, 2020 AND THE EMERGENCY COMMISSION MEETING ON MARCH 20, 2020
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
  - A. Appointments to Code Enforcement Board: Mr. Ernesto Torres as Regular Member and Mr. Patrick Wilson as Alternate
  - B. Proclamations:
    1. To Declare April 2020 as Sexual Assault Awareness Month
    2. To Declare April 2020 as Water Conservation Month

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Conditional Use Permit for Outside Serving / Consumption of Food and Beverages at the Terra & Aqua Restaurant, 124 Sea Grove Main Street (Presenter: Brian Law, Building Official)
2. Request for Modification to Final Development Orders for Sea Colony Subdivision Units I, II, III and IV for Amendment to Stipulated Regulations for Building Setbacks, Total Ground Coverage and Building Height (Presenter: Brian Law, Building Official)
3. Ordinance 20-04, Second Public Hearing and Final Reading: to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection (Presenter: Brian Law, Building Official)
4. Ordinance 20-06, Public Hearing and Second Reading: to Adopt Water Management District's Irrigation Regulations (Presenter: Bill Tredik, Public Works Director)

XI. CONSENT

5. Budget Resolution 20-02, to Transfer Money from the General Fund's Parks and Recreation Account to the Road / Bridge Fund to Clear Negative Fund Balance
6. Resolution 20-10, to Declare Items of City Property as Surplus and Authorize Their Disposal

XII. OLD BUSINESS

7. Non-Ad Valorem Assessment for the Collection and Disposal of Solid Waste and Recyclables: Discussion of Setting Rate and Date for a Public Hearing (Presenter: Bill Tredik, Public Works Director)

XIII. NEW BUSINESS

8. Transferring Money in the Annual Budget: Review of Advisory Recommendations and Request to Change Sections 2 – 103 and 2-104 of the General City Code (Presenter: Max Royle, City Manager)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

**NOTICES TO THE PUBLIC**

1. **HOLIDAY.** It is Good Friday, April 10, 2020, CITY OFFICES CLOSED. There will be no pickup of household waste. Residences scheduled for pickup on Friday will have pickup on Monday, April 13<sup>th</sup>. There will be no change during the week to the pickup of yard trash/ special waste and recyclables.
2. **MEETINGS CANCELLED: Neither the Sustainability and Environmental Planning Advisory Committee nor the Comprehensive Planning and Zoning Board will meet in April.**

**NOTE:**

*The agenda material containing background information for this meeting is available on a CD in pdf format upon request at the City Manager's office for a \$5 fee. Adobe Acrobat Reader will be needed to open the file.*

**NOTICES:** In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office not later than seven days prior to the proceeding at the address provided, or telephone 904-471-2122, or email [sabadmin@cityofsab.org](mailto:sabadmin@cityofsab.org).

# MEMORANDUM

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** March 30, 2020

**SUBJECT:** Addition to the Agenda: Discussion of Communications Media Technology for Meetings

At your March 20<sup>th</sup> emergency meeting you voted "to approve conducting meetings electronically or in accordance with Executive Order 20-69 as deemed to be in the interest of public health by the City Manager or his designee" (from the minutes of the meeting).

Since that meeting, the City's IT Manager, Mr. Anthony Johns, and his assistant Mr. Russell Adams, have investigated the types of Communication Media Technology that is available. Attached is Mr. Johns report.

In his report, please note the issues he raises beginning on page 1 and continuing to page 2. He describes the first issue in the second paragraph on page 1. It concerns how to allow public comments when your meetings are held by means of teleconferencing. He describes the second issue in the first paragraph on page 2. It concerns possible staff shortages that would make the teleconferencing of meetings difficult or impossible.

In the last paragraph on page 2, he lists his recommendations:

- That the City purchase a Zoom plan for remote meetings.
- That options for public participation be discussed with the City Attorney.
- That you limit Commission meetings because of possible changes to the pandemic situation or the staff becomes unavailable due to illness or mandatory stay-in-place orders.

Mr. Johns has provided additional information (pages 3-16) for your review.

## ACTION REQUESTED

It is that you add Mr. Johns' report to the agenda, and that he present it and answer your questions. After your discussion, you can provide direction to the staff as to the next steps you want taken.



---

## MEMORANDUM

---

**TO:** MAX ROYLE, CITY MANAGER

**FROM:** ANTHONY JOHNS, IT MANAGER

**SUBJECT:** COMMUNICATIONS MEDIA TECHNOLOGY FOR MEETINGS

**DATE:** MARCH 29, 2020

---

Per your direction, IT staff has been investigating Communication Media Technology (CMT) that would enable City meetings to continue without endangering our community during the current situation. After evaluating several products, suggested by the Florida League of Cities or in use by other Cities, IT staff was able to identify a product that would functionally allow the City to continue holding Commission meetings remotely. At present, the product I would recommend is Zoom. It was both one of the more user-friendly programs and one of the more economically priced options.

Public participation was a big issue that other Cities struggled with. The answers varied wildly from allowing emailed comments until 24 hours prior to the meeting start, all the way to opening up everything - email, text, voicemail, pre-recorded video, phone-in, and video conference comments. I would suggest we continue providing public comment in-person as long as we are able to safely provide a physical access point. However, out of concern for the health and safety of our residents, we should offer, advertise for, and encourage the use of additional avenues for comments prior to the start of a meeting such as email or voicemail. I would like to bring the capability to comment through one of the conferencing products to the attention of the Commission. It's a good use of technology for the purpose. Staff also has the capability of opening a phone line, able to handle multiple calls, specifically for dial-in public comment during the live meetings. Both options would require a staff member to attempt to manage. I fall just short of recommending these options due to the issues

with manageability. Instead, I feel very neutral to the idea and think we should present the option to the City Commission and allow them to decide. Although these may prove to be unmanageable, if our Commission would like to try them IT staff is up for the challenge.

Another major issue that our search revealed, was our use of and really dependence on infrastructure in-place at City Hall. Staff would highly recommend that if/when the current situation worsens, that the City should exercise caution about holding regular meetings remotely. Specifically, if we begin to experience shortages in staff or staff is unable to travel to City Hall, it may be difficult to capture meetings. Zoom does allow the recording of meetings, but in my experience, we have often relied on a backup copy or we would have had no recording for the City Clerk to create minutes from. I would strongly suggest that if we experience issues accessing our existing infrastructure, the Commission consider limiting meetings until we are again able to access the physical infrastructure.

I have attached a document from the Florida League of Cities that provided some guidance to aid in decisions related to the executive order 20-69. I do want to bring your attention to the section that states that under the current state of emergency, providing a physical access point may not be possible. I want to point this out not to suggest that we don't allow a physical access point, but instead to highlight that even in the worst case the City Commission is still able to meet and conduct critical business. City buildings could be closed, and emergency meetings would still occur.

IT staff recommendation are: That we purchase a Zoom plan to facilitate remote meetings during the current public health emergency. That we present options for public participation to the City Commission and allow the Commission, with advice from our attorney, to decide which options work for the City and best serve our residents. That plans may need to be modified as the situation changes and if staff becomes unavailable due to illness or movement restrictions that we should limit meetings to necessary business only.



FLORIDA LEAGUE OF CITIES

---

## Memorandum

**TO:** Municipal Attorneys & Key Officials

**FROM:** Kraig Conn, General Counsel  
Rebecca O'Hara, Deputy General Counsel

**SUBJ:** COVID-19 - Local Government Public Meetings

**DATE:** March 24, 2020

On March 20, 2020, Governor DeSantis issued Executive Order 20-69 relating to Local Government Public Meetings (Attachment 1). The Order suspends current laws requiring that a quorum be present in-person and that a local government body meet in a specific public place. It authorizes local government bodies to use communications media technology (CMT) such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes. The Order does not waive any other requirement under the Florida Constitution and Florida's "Government in the Sunshine" laws, including chapter 286, Florida Statutes. The Order is effective until the expiration of Executive Order 20-52 (May 8, 2020), including any extension.

The Florida League of Cities offers this guidance for municipal attorneys whose municipalities are considering the use of CMT pursuant to Executive Order 20-69 for the conduct of public meetings. Attached are some "suggested practices" relating to available technologies for CMT compiled by the League's Information Technology Department (Attachment 2). In addition to these practical considerations, there are legal aspects that municipal attorneys should bear in mind.

Note that your municipality may have a charter provision or ordinance containing a quorum or other meeting requirements. Executive Order 20-69 does not specifically address charters or ordinances and your municipality may need to address such local requirements by further local action.

If CMT is used, the meeting must satisfy requirements of Chapter 286, including the provision of reasonable notice, being open to the public, and prompt recording of minutes. Executive Order 20-69 specifically notes that CMT meetings must be as provided in section 120.54(5)(b)2, F.S. (Attachment 3) This statute addresses procedural matters governing the use of CMT for administrative agency public meetings. Also, while the Executive Order does not require compliance with any state administrative rule provisions, section 120.54(5)(b)2. refers to "uniform rules of procedure", which are found in rule 28-109, Florida Administrative Code. (Attachment 4) Rule 28-109 may provide limited guidance but note that several of its provisions may conflict with section 120.54(5)(b)2. and the emergency circumstances under which Executive Order 20-69 was promulgated.

For example, section 120.54(5)(b)2. provides the notice of a meeting utilizing CMT is to state how persons interested in attending may do so (presumably using CMT – such as a telephone number to hear

the meeting) and is to "name locations, if any," where CMT facilities are available (inferring that no such locations may exist under the circumstances). On the other hand, rule 28-109 appears to suggest that a "physical" address of an "access point" be provided. However, under the current emergency circumstances, there may not be a physical address to attend a CMT meeting. Therefore, because the Executive Order requires compliance only with section 120.54(5)(b)2. and not specifically with rule 28-109, it is reasonable to conclude that strict compliance with rule 28-109 is not contemplated under the Executive Order.

Municipal attorneys should review section 120.54(5)(b)2. and consider the limited guidance in rule 28-109, along with the technology under consideration, in determining how to construe and apply these requirements and provide fair procedures under the circumstances. Also note the attached meeting notices, issued after Executive Order 20-69 was signed, provide for electronic or telephonic open meetings without providing for a physical location or "access point." (Please see Attachment 5)

Please note that Chapter 252, Florida Statutes, relating to Emergency Management, may offer some further guidance. Specifically, section 252.46 provides additional authority for political subdivisions to adopt rules and orders that may deviate from existing statutes and rules.

At a minimum, a municipality planning to use CMT for public meetings should:

- Adopt written uniform CMT-meeting procedures (possibly by emergency order or resolution);
- Include findings or "whereas clauses" that detail the circumstances of the emergency that requires the use of CMT, reference any authorities relied upon for use of the procedure in lieu of usual in-person quorum procedures (e.g., Executive Order, statutes, rules);
- Include procedures for the manner of providing notice of and for the conduct of the meeting, including the manner of and instructions for the meeting to be open to the public;
- Include in the meeting notice an offer of ADA accommodation upon request to the municipality in advance of the meeting; and
- File the procedures with your municipal clerk and make them available to members of the public and news media (post/publish through available channels).

# ATTACHMENT 1

## STATE OF FLORIDA

### OFFICE OF THE GOVERNOR

#### EXECUTIVE ORDER NUMBER 20-69

(Emergency Management – COVID-19 – Local Government Public Meetings)

**WHEREAS**, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

**WHEREAS**, on March 17, 2020, I wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

**WHEREAS**, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to me indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure;

NOW, THEREFORE, I, **RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby suspend any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place.

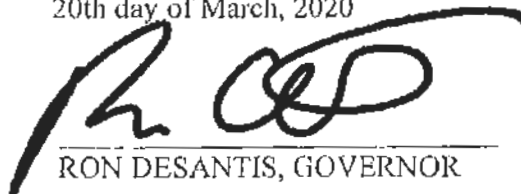
Section 2. Local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes.

Section 3. This Executive Order does not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes.

Section 4. This Executive Order shall expire at the expiration of Executive Order 20-52, including any extension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of March, 2020

  
RON DESANTIS, GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2020 MAR 20 AM 9:38

# ATTACHMENT 2

## Virtual Public Meetings

### Suggested Practices

#### Selecting the Platform

- GotoWebinar, Zoom, Google Meet and Webex are some of the remote conferencing/presentation software packages that are capable of handling meetings. Each municipality should test the capabilities of these packages for itself before making a final selection.
- Required minimum equipment for the municipality: a stable phone/internet connection for each participating official or employee, a physical phone set (or webcam) for each participating official or employee, and a method to merge this virtual conference into any existing TV Channel/Cable TV/web streaming package the municipality may be using (ie. Granicus).
- Required minimum equipment for the public: phone or internet access.

#### Holding the Meeting:

- The participating officials and employees should all be registered as panelist speakers, where each is given their own unique pin when dialing in, to ensure the software can keep track of who is speaking.
- Before the meeting, plan the mechanics of how you will manage it, such as how officials or staff who wish to speak will be recognized and how to call for a vote (these issues may vary with the type of platform used).
- Members of the public will dial in as a non-participating guest in listen-only mode.
- Provide a means for an official to communicate any technical difficulties that may arise during the meeting.

#### Public Participation:

Please note: Municipalities have varying policies for public participation. These processes may be impacted by the virtual meeting platform that is selected. Indicate in the meeting notice any ADA accommodations that will be available to those requesting assistance in advance and provide contact information for ADA accommodation requests. Here are some options for addressing public participation:

- Include in the meeting notice a means for the public to provide comments or questions in advance of the meeting. Ensure reasonable time under the circumstances to receive input from the public prior to the meeting. Consider designating a timeframe within which public comment may be received. Incorporate public comment or questions into the meeting record, along with any answers or responses.
- Provide a dial-in number for the public and assign an employee to monitor the number during the public comment portion of the agenda. Make sure the employee is logged into the meeting as a panelist speaker. When a member of the public calls in, the employee can conference the caller in a controlled manner into the virtual meeting, disconnect the caller when his or her time is up, and take the next call.
- Unmute the entire audience all at once during the public comment portion of the agenda. Please be aware this option may be unmanageable.
- In addition to provisions for public comment, consider allowing a live feed of the meeting through available television stations, Skype, or available social media platforms.

#### Sharing the meeting after adjournment:

- Each software package has the capability of exporting the meeting into a video or audio file that can be shared on your website.
- Since video files may be several hundred megabytes, even gigabytes, it would be advisable to share files like this on Youtube and sharing links to that platform from your website.

- In order to provide closed-captioning to your virtual meeting, placing the audio or video file on Youtube will also allow you to automatically incorporate closed captioning, or use existing methods and processes in place to provide captioning as you would for TV Channel/Cable Broadcast purposes. Please know that this service is unfortunately not perfect and would need to be edited should errors be present.

#### Challenges:

- This method of meeting is still relatively new. It presents various challenges and requires a lot of coordination. Please start the meeting with setting expectations for the audience, that there may be some kinks, but hope to get better at holding virtual meetings as time goes on.
- Adequate testing needs to be done to ensure audio quality is uniform for everyone participating on the call. This can be challenging if multiple speaker phones are in use, along with others participating from headsets plugged into their laptops or calling in from cellphones.
- Meeting participants should be aware of the noise in their immediate surroundings and mute themselves if there is a large amount of noise present or move to a quieter location. There is nothing more disruptive than excessive noise coming from someone on the call who has not muted themselves.
- Internet connection speed/reliability is a must for any kind of quality audio or video. If internet connectivity is spotty, consider switching over to audio only, or dialing in from a phone.
- Audience members cannot be easily identified in order to unmute them for public comments, and people calling in on the phone are typically not visible at all within the interface. Thus, special care needs to be taken for how public comments are to be made in order to ensure that public participation is reasonable under the circumstances.
- Closed captioning "on-the-fly" while the meeting is session is not currently possible with any of these platforms.



# ATTACHMENT 3

Section 120.54(5)(b)2, Florida Statutes

(b) The uniform rules of procedure adopted by the commission pursuant to this subsection shall include, but are not limited to:

2. Uniform rules for use by each state agency that provide procedures for conducting public meetings, hearings, and workshops, and for taking evidence, testimony, and argument at such public meetings, hearings, and workshops, in person and by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a public meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice for public meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations, if any, where communications media technology facilities will be available. Nothing in this paragraph shall be construed to diminish the right to inspect public records under chapter 119. Limiting points of access to public meetings, hearings, and workshops subject to the provisions of s. 286.011 to places not normally open to the public shall be presumed to violate the right of access of the public, and any official action taken under such circumstances is void and of no effect. Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, shall apply to public meetings, hearings, and workshops conducted by means of communications media technology, and shall be liberally construed in their application to such public meetings, hearings, and workshops. As used in this subparagraph, "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

# ATTACHMENT 4

## CHAPTER 28-109 CONDUCTING PROCEEDINGS BY COMMUNICATIONS MEDIA TECHNOLOGY

28-109.001	Purpose
28-109.002	Definitions as Used in this Rule Chapter
28-109.003	Application and Construction
28-109.004	Government in the Sunshine
28-109.005	Notice
28-109.006	Evidence, Testimony, and Argument

### **28-109.001 Purpose.**

This chapter provides the procedures to be followed when an agency desires to conduct a proceeding by means of communications media technology (CMT) or to provide public access to a proceeding by the use of CMT.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07.*

### **28-109.002 Definitions as Used in this Rule Chapter.**

(1) "Access point" means a designated place where a person interested in attending a communications media technology proceeding may go for the purpose of attending the proceeding.

(2) "Attend" means having access to the communications media technology network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues being considered at a proceeding.

(3) "Communications media technology" (CMT) means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97.*

### **28-109.003 Application and Construction.**

(1) The agency may conduct a proceeding by using CMT and may provide CMT access to a proceeding for purposes of taking evidence, testimony, or argument.

(2) A proceeding is not a CMT proceeding merely because it is broadcast over a communications network.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97.*

### **28-109.004 Government in the Sunshine.**

(1) Nothing in this chapter shall be construed to permit the agency to conduct any proceeding otherwise subject to the provisions of Section 286.011, F.S., exclusively by means of CMT without making provision for the attendance of any member of the public who desires to attend.

(2) No proceeding otherwise subject to Section 286.011, F.S., shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to attend. If during the course of a CMT proceeding technical problems develop with the communications network that prevent interested persons from attending, the agency shall terminate the proceeding until the problems have been corrected.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07.*

### **28-109.005 Notice.**

When the agency chooses to conduct a CMT proceeding, it shall provide notice in the same manner as required for a non-CMT proceeding, and shall plainly state that such proceeding is to be conducted utilizing CMT and identify the specific type of CMT to be used. The notice shall describe how interested persons may attend and shall include:

(1) The address or addresses of all access points, specifically designating those which are in locations normally open to the public.

(2) The address of each access point where an interested person may go for the purpose of attending the proceeding.

(3) An address, e-mail address, and telephone number where an interested person may write or call for additional information.

(4) An address, e-mail address, and designated person to whom a person may submit written or other physical evidence which

he or she intends to offer into evidence during the CMT proceedings.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, 6-26-13.*

**28-109.006 Evidence, Testimony, and Argument.**

(1) Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if it were offered in person, and shall be subject to the same objections.

(2) In situations where sworn testimony is required by the agency, persons offering such testimony shall be responsible for making appropriate arrangements for offering sworn testimony.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07.*

# ATTACHMENT 5

## Notice of meeting/Workshop Hearing

### **OTHER AGENCIES AND ORGANIZATIONS**

#### **South Florida Community Care Network**

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2020, 3:30 p.m.

PLACE: Webex Meeting Number: (415)655-0003, Access Code: 739 325 830

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTE: Change of meeting location from in-person to telephonic conference pursuant to Executive Order Number 20-69 issued on March 20, 2020. The meeting of the Members is to discuss general matters.

A copy of the agenda may be obtained by contacting: Mary Cronje at [mcronje@ccpcare.org](mailto:mcronje@ccpcare.org) or (954)622-3224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Mansolillo at [SMansolillo@ccpcare.org](mailto:SMansolillo@ccpcare.org) or (954)622-3232. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at [jmarshall@ccpcare.org](mailto:jmarshall@ccpcare.org) or (954)622-3462.

## Notice of Meeting/Workshop Hearing

### **WATER MANAGEMENT DISTRICTS**

#### **Southwest Florida Water Management District**

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Northern Region: Wednesday, April 1, 2020, 10:00 a.m.; Southern Region: Wednesday, April 2, 2020, 10:00 a.m.; Tampa Bay Region: Wednesday, April 8, 2020, 10:00 a.m.; Heartland Region: Thursday, April 9, 2020, 10:00 a.m.

**PLACE:** SWFWMD, 2379 Broad Street, Brooksville, FL 34604 (District staff only as currently District offices are closed to the public due to the COVID-19 pandemic), Members of the public may view the meeting online at [WaterMatters.org](http://WaterMatters.org) and may listen and provide comments via phone at 1(888)585-9008 conference code 551-666-434.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** SWFWMD Regional Cooperative Funding Initiative Public Meetings: Governing Board members will discuss, evaluate and prioritize fiscal year 2021 requests. SWFWMD offices are currently closed to the public due to the COVID-19 pandemic. The public can view the meeting through our livestream at [WaterMatters.org](http://WaterMatters.org). Anyone who wishes to provide public input will be able to do so by calling toll-free at 1(888)585-9008 and entering a conference room number of 551-666-434. This number will allow the public to listen to the meeting and/or provide comments. Additional instructions regarding viewing of and participation in the meeting are available on the District's website at [WaterMatters.org](http://WaterMatters.org) or by calling 1(800)423-1476 and requesting assistance.

A copy of the agenda may be obtained by contacting: [WaterMatters.org](http://WaterMatters.org) – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only) or (352)796-7211, x4703; TDD (FL only) 1-800-231-6103; or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: [Lori.manuel@watermatters.org](mailto:Lori.manuel@watermatters.org); 1(800)423-1476 (FL only) or (352)796-7211, x4606 (Ad OrderEXE073!).

## Notice of Meeting/Workshop Hearing

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

#### **RULE NOS.:      RULE TITLES:**

<u>62-330.010</u>	Purpose and Implementation
<u>62-330.050</u>	Procedures for Review and Agency Action on Exemption Requests
<u>62-330.060</u>	Content of Applications for Individual and Conceptual Approval Permits
<u>62-330.090</u>	Processing of Individual and Conceptual Approval Permit Applications
<u>62-330.201</u>	Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters
<u>62-330.340</u>	Transfer of Permit Upon Change in Ownership or Control
<u>62-330.402</u>	Submittal and Processing of General Permits

The Florida Department of Environmental Protection announces a hearing to which all persons are invited.

**DATES AND TIMES:** April 2, 2020, 9:00 a.m.; April 6, 2020, 9:00 a.m.; April 10, 2020, 9:00 a.m.

**PLACE:** THIS NOTICE SUPERCEDES THE PREVIOUS NOTICE PUBLISHED ON MARCH 11, 2020. Due to COVID-19 social distancing requirements, the Department will hold the hearing by webinar only. Three webinars will be held to allow maximum public participation. Parties can register to attend the webinar via their personal computers with audio by telephone (regular long distance telephone charges will apply) or by speakers connected to their computer (no telephone charges will apply). Parties may register for the webinar(s) at the following links:

April 2, 2020 - <https://attendee.gotowebinar.com/register/1772606663095311884>;

April 6, 2020 - <https://attendee.gotowebinar.com/register/8648322363657568268>; or

April 10, 2020 - <https://attendee.gotowebinar.com/register/6306465950587781388>.

The public comment period is extended until midnight on April 17, 2020. Public comments and any pertinent materials may be submitted until the end of the comment period as follows: by email to [Heather.Mason@FloridaDEP.gov](mailto:Heather.Mason@FloridaDEP.gov); during the webinars by voice or in writing by typing into the chat box; or by mail to FDEP, attn: Heather Mason; 2600 Blair Stone Rd, Mail Station 2500, Tallahassee, FL 32399.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department of Environmental Protection (Department) has proposed to amend Chapter 62-330, F.A.C., Environmental Resource Permitting. These amendments streamline and clarify language for regulated entities that would require a State 404 Program Permit after assumption of the State 404 Program. Amendments include incorporating updated version of water management district handbooks, revising incorporated forms to include a State 404 Program Permit section, incorporating a new form, and clarifying that applicants may waive Environmental Resource Permit timelines so that Agency actions can be issued concurrently. Amendments to Applicant's Handbook Volume I include updating form titles, clarifying the process for the landward delineation of wetlands, adding unincorporated appendices for use when delineating the landward extent of wetlands, and providing for the use of state or local authorizations for construction activities in right of ways as evidence of real property interest.

A copy of the agenda may be obtained by contacting: Heather Mason, 2600 Blair Stone Road, Tallahassee, Mail Station 2500, Florida 32399, (850)245-8480, [Heather.Mason@FloridaDEP.gov](mailto:Heather.Mason@FloridaDEP.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Heather Mason, 2600 Blair Stone Road, Tallahassee, Mail Station 2500, Florida 32399, (850)245-8480, [Heather.Mason@FloridaDEP.gov](mailto:Heather.Mason@FloridaDEP.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Heather Mason, 2600 Blair Stone Road, Tallahassee, Mail Station 2500, Florida 32399, (850)245-8480, [Heather.Mason@FloridaDEP.gov](mailto:Heather.Mason@FloridaDEP.gov).

## Notice of Meeting/Workshop Hearing

### **WATER MANAGEMENT DISTRICTS**

#### **St. Johns River Water Management District**

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2020, 1:00 p.m.

PLACE: Open Voice conference call on Friday, March 27, 2020, at 1:00 p.m. The Open Voice phone number is 1(888)585-9008, Conference Room ID No. 864005056#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Submittals for the above referenced solicitation were received on March 12, 2020. Pursuant to Executive Order 20-52 regarding COVID-19 and social distancing,

A copy of the agenda may be obtained by contacting: For questions or to receive further information concerning the above referenced solicitation, contact Wendy Cox at [wcox@sjrwmd.com](mailto:wcox@sjrwmd.com) or at (386)329-4118.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wendy Cox at [wcox@sjrwmd.com](mailto:wcox@sjrwmd.com) or at (386)329-4118.

## Notice of Meeting/Workshop Hearing

### **OTHER AGENCIES AND ORGANIZATIONS**

#### **Gulf Consortium**

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 26, 2020, 4:00 p.m. ET

PLACE: This meeting will be conducted via communications media technology (teleconference). Interested persons may participate by telephone via the following: Dial in Number (669)224-3217, Participant Passcode: 865-760-109

Interested persons who wish to participate may also contact the Consortium Manager at Gulf.Consortium@balmoralgroup.us, or (407)629-2185 at least three (3) days in advance of the meeting to arrange for access to be provided to communications media technology at the following location:

The Balmoral Group, 165 Lincoln Avenue, Winter Park, FL 32789

Please note that in light of the current situation surrounding the COVID-19 virus and to limit public gatherings in accordance with Federal and State directives, interested persons who wish to participate are encouraged to do so remotely via telephone, utilizing the contact information described above.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Gulf Consortium will meet to discuss the status of grant applications and conduct other business at the discretion of the committee. The location of the conference call is The Balmoral Group, 165 Lincoln Avenue, Winter Park, FL 32789.

A copy of the agenda may be obtained by contacting: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: General Manager at (407)629-2185 or Gulf.Consortium@balmoralgroup.us.





## MINUTES

### SPECIAL COMMISSION MEETING AND IMMEDIATELY FOLLOWING, THE REGULAR COMMISSION MEETING

MONDAY, MARCH 2, 2020 AT 5:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

---

#### I. CALL TO ORDER

Mayor England called the meeting to order at 5:00 p.m.

#### II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

#### III. ROLL CALL

Mayor England asked City Clerk Raddatz for roll call.

Present: Mayor England, Vice Mayor Kostka, Commissioner George, Commissioner Rumrell, and Commissioner Samora.

Also present were: City Manager Royle, City Attorney Wilson, Police Chief Hardwick, Finance Director Douylliez, City Clerk Raddatz, Building Official Law, and Public Works Director Tredik.

Mayor England moved on to Item IV, Selection of the City Attorney.

#### IV. SELECTION OF CITY ATTORNEY

##### A. Review and Discussion of Candidates' Responses

Mayor England introduced Item IV.A. and explained that the Commission asked City Attorney Wilson to send out contracts to all the City Attorney applicants for signatures in order to make sure they agreed with the pricing and responsibilities because the previous candidate that was picked changed the pricing after they agreed to the terms. Three candidates who signed and agreed to the contracts were Attorney Ralf Brookes, Douglas Law Firm, and Naples & Spence Law Firm. She suggested to the Commission to proceed with the interview of Naples & Spence Law Firm, who the Commission did not interview previously, and then give three minutes to the other candidates who had already been interviewed in case they had any additional comments to make.

The Commission agreed to proceed as suggested.

Attorneys David Naples and John "Jack" Spence, Naples & Spence Law Firm, 2807 North 10<sup>th</sup> Street, Suite 7, St. Augustine, Florida, advised that they practice civil litigation, estate planning, family, and business law. They have been practicing in St. Augustine since 2010. Attorney Naples

commented that he has lived in St. Augustine since 2009 and Attorney Spence lives in Duval County. He explained that the firm has been in practice for 2 ½ years and growing. He remarked that this would be an opportunity for their business to expand and to get into other areas of law, such as municipal law. Attorney Naples advised that he and Attorney Spence were looking for the opportunity to serve and build the firm on referrals by gaining the trust of the community. He commented that the firm works closely with St. Johns County legally and has been given pro bono awards for their work, the attorneys received six awards each within seven years. He explained that most of their cases are in town, including non-profits like Safe Rescue.

Attorney Spence advised that their firm has a good reputation and is professional. He also commented that their firm is easy to work with and non-confrontational.

Attorney Naples explained that most of their cases are in litigation, but their position is to try to avoid litigation and because of their background they know how to avoid litigation and it would be part of their goal for the City.

Mayor England asked how the firm heard about the position being opened since the firm applied late in the process.

Attorney Naples advised that Attorney Doug Burnett, previous City Attorney, encouraged him to apply when he was leaving, but at the time he was a new attorney and working for another firm, so he didn't apply. He explained that he missed the deadline for this opening and recently got to know City Attorney Wilson through the community and when the other firm fell through the firm decided that they did not want to miss this opportunity. He spoke with City Manager Royle and who advised him that his firm could apply if they wanted to.

Commissioner Samora asked if Naples & Spence Law Firm has had any experience in representing government in litigation.

Attorney Naples advised no, his firm has not represented a municipality, but the firm has handled issues with local government code enforcement. He explained that the firm is familiar with government and how it works and has been working with St. Johns County to try to pass an ordinance on an animal abuse registry with the County Attorney. He explained that from that experience, the firm has an idea of the interworking behind the government, but no work experience.

Attorney Spence advised that he was on the Continuum of Care (COC) Board and knows how a Board works.

Commissioner Dylan advised that he had the same question as Commissioner Samora, and background of the firm was important. He asked if his firm agreed to the form that was sent out.

Attorney Naples advised yes and commented that he signed the contract and sent it back to the Commission.

Commissioner Kostka advised in full disclosure that Attorney Naples worked with her when she first started her business in 2012 because her accountant failed to pay her taxes, which he remedied. Attorney Spence helped set up her corporation paperwork for another business related to music. She commented that both attorneys are thorough in their work but asked how the firm

proposes to breach the gap of experience in government. She explained that it is an entirely different field of law.

Attorney Naples advised that he knows City Attorney Wilson, and should there be a problem, he could contact Attorney Wilson for help on any concerns. He explained that the attorneys would educate themselves and commented that he could bring themselves up to speed quickly. His goal was to work with the Commission hand in hand.

Commissioner George in full disclosure advised that she has worked with both Attorney Naples and Attorney Spence on a couple of cases. She explained that both attorneys have an excellent reputation and are amicable. She commented that she enjoyed working with them even as opposing counsel. She explained that in this position the lack of direct experience does give her concern even though she was sure that they could get up to speed quickly. She remarked that during a Commission meeting procedural items arise and she would be concerned that they would not know the answers. She asked if they have anything to add to appease that concern, she would appreciate hearing from them.

Attorney Naples advised that the Commission has good candidates that have more experience than their firm has, but after reading the minutes there were concerns from the Commission about the last attorney that was picked and explained that his firm is more about the fit and would learn as quickly as possible. He commented that he wants to work with people who want to work with them and that is how they find their clients.

Attorney George advised that her clients take her into new areas of the law and explained that there may be various opportunities to work with communities for collaboration in the future and it is a good point.

Commissioner Samora asked who the primary City Attorney would be and who would be the backup.

Attorney Naples explained that he would be primary, but they would work together. He advised that prior to coming to this meeting he met with another attorney that may be part of their firm depending on the Commission's decision. He commented that if he was not available, Attorney Spence would answer questions or attend meetings.

Commissioner Kostka asked if the firm had any comments on the high-profile cases from the City.

Attorney Naples advised that he has seen in the papers about Embassy Suites waterpark that was resolved through the efforts of City Attorney Wilson, but he did not investigate the legalities of the case.

Mayor England thanked the firm for applying and remarked that it was very nice to meet the members of the firm. She then asked the Douglas Law Firm to come to the podium and to keep their comments to three minutes.

Attorneys Charlie Douglas, Attorney Linda Campbell, and Attorney Lex Taylor, Douglas Law Firm, 1 News Place, St. Augustine, FL, introduced themselves.

Attorney Douglas advised that his firm was here because they would like to serve the City. He explained that he has experience with the Putnam County School Board, which is the largest government body in Putnam County with a budget of \$90 million. He advised that he is the attorney for the school board, but Attorneys Taylor and Campbell participate as well with presentations. He commented that all the firm members would be involved with the City of St. Augustine Beach and would be involved with everything going on at the City via emails, in case a scheduling conflict arose another attorney would be able to fill in. He explained that the firm has experience with human resources, finance, policies and procedures, Sunshine Law, public records requests, and all issues that are involved with a municipality. He explained that Attorney Taylor has experience in growth management and Attorney Campbell has 30 years of government work in New Jersey.

Commissioner Samora asked if there were any material changes since the firm last applied.

Attorney Douglas advised no.

Mayor England thanked him for coming and staying with the City through the process.

Attorney Ralf Brookes, 1217 East Cape Coral Parkway #107, Cape Coral, FL, advised that he really wants to be the next City of St. Augustine Beach City Attorney. He remarked that if he receives the position, he would like to have an office in St. Augustine as well. He commented that he has had his own government practice since 1998 and has been certified in city, county, and local government law since 2004 and has represented four coastal communities in Florida. He explained that he was a land use and zoning counsel for Monroe County and worked for Islamorada, Village of Islands, as a Special Magistrate for land use claim and environmental law disputes. He also worked as an Assistant County Attorney for Sarasota under three county attorneys. He said that his travel is not a concern because he can make it to the meetings and would be at the City anytime the Commission needs him. He explained that the Attorney Dennis Bayer would be a substitute attorney if he could not make a meeting. Attorney Bayer has been a Special Magistrate for zoning cases including St. Augustine and St. Augustine Beach and has been a City Attorney for the Cities of Beverly Beach and Flagler Beach, with an office in Flagler Beach. He remarked that he could start tomorrow.

Commissioner Samora asked if Attorney Brookes sent Attorney Bayer's resume.

Attorney Brookes advised yes.

Commissioner Samora asked if any of Attorney Brookes' workload has changed.

Attorney Brookes advised no; he would not be the City of Madeira Beach's City Attorney. He advised that he still works for Yankeetown, but he does not attend all their meetings because it is not required.

## **B. Public Comment**

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Naples & Spence Law Firm are the best lawyers in town, and they represented him. He explained that Attorney Brookes is without a doubt

an outstanding attorney on land use planning and environmental law. He suggested that Attorney Brookes work with Naples & Spence Law Firm for St. Augustine Beach because he saved Fish Island and the Outpost from being destroyed.

Mayor England closed the Public Comments section and moved on to Item IV.C.

### C. Selection of City Attorney

Commissioner George advised that she was extremely impressed with Attorney Brookes at the last meeting and that he wants to work with the Commission and has litigation background as well, which is a good balance. She explained that it is important to have a municipal certification in order to become an expert in that type of law. She explained that having a certification is a game changer to her. She commented that Attorney Brookes was her second choice on the first round, and he has a backup now.

Mayor England advised that there still is a conflict with Attorney Brookes' other city obligations that he represents on the same night as our City and he does a lot of traveling.

Commissioner George advised that Yankeetown does not need Attorney Brookes presence at their meetings because they are such a small town and they will change their meeting schedules if he asked. She also advised that Attorney Brookes is not accepting Madeira Beach's position, so it neutralizes that concern for her.

Commissioner Samora advised that he is concerned about Attorney Brookes' schedule because the Commission struggles with their schedules to meet for Special Commission meetings, etc. and he might not be available. He commented that he has reservations about a one-person firm because of the workload, attendance at the Commission and Comprehensive Planning and Zoning Board meetings, and finishing all the documentation that needs to get done. He likes the fact that two firms are locally based, which is important because they are part of the community and immersed in the community. It gives them a well-rounded view and how it affects the City of St. Augustine Beach. He also likes in-firm backup instead of someone outside of the firm that may not be able to attend meetings and are disengaged.

Commissioner Rumrell advised that being certified as a municipal attorney is important; however, he is concerned if there is an emergency and documentation needs to be done when Attorney Brookes is on the road, that might be a problem. He commented that he wants to be able to have dialogue with an attorney and likes the fact of having a local counsel. He advised that the Commission needs to decide which means more, certification or localness. He explained that he doesn't want to hire someone and then in five months the Commission has to hire someone else. He is disappointed that there were not more applicants.

Commissioner George explained that it is important that the lead attorney is at the meetings because of specialized knowledge needed. She commented that she has a lot of reservation hiring an attorney without experience because the full impact of the advice given to the Commission won't be known until the future. She explained that emergency meetings do arise and would have to be coordinated.

Vice Mayor Kostka remarked that the Commission should be able to reach a decision tonight because there are three qualified candidates.

Mayor England commented that there is a local law firm with experience. She then asked City Clerk Raddatz for the tally sheets and to read the totals.

City Clerk Raddatz read the tally sheets as follows:

Douglas Law Firm had three votes.

Attorney Ralf Brookes had two votes.

City Clerk Raddatz congratulated the Douglas Law Firm for being hired for the new City Attorney position (Exhibit 1).

Mayor England asked for a motion.

**Motion:** to extend the contract to Douglas Law Firm. **Moved by** Commissioner George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

V. ADJOURNMENT

Mayor England asked for a motion to adjourn.

**Motion:** to adjourn. **Moved by** Commissioner George, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor England adjourned the meeting at 5:40 p.m. and then recessed the meeting.

Commissioner George left the meeting at 5:45 p.m. due to a family emergency.

Mayor England reconvened for the Regular Commission meeting at 5:50 p.m.

---

Margaret England, Mayor

ATTEST:

---

Beverly Raddatz, City Clerk



## MINUTES

### SPECIAL COMMISSION MEETING AND IMMEDIATELY FOLLOWING, THE REGULAR COMMISSION MEETING

MONDAY, MARCH 2, 2020 AT 5:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

---

### REGULAR COMMISSION MEETING IMMEDIATELY FOLLOWING THE SPECIAL COMMISSION MEETING MEETING CONTINUED AT 5:50 P.M.

I. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON FEBRUARY 3, 2020,  
SPECIAL COMMISSION MEETING ON FEBRUARY 10, 2020, AND COMMISSION AND  
COMPREHENSIVE PLANNING AND ZONING BOARD JOINT WORKSHOP

Mayor England asked if there were any comments from the Commission regarding the minutes. Being none, Mayor England asked for a motion.

**Motion:** to approve the minutes of the Regular Commission meeting on February 3, 2020, and the Special Commission on February 10, 2020, and the Commission and Comprehensive Planning and Zoning Board Joint workshop on February 10, 2020. **Moved by** Commissioner Samora, **Seconded by** Mayor England. Motion passed unanimously.

Commissioner George left at 5:45 p.m. due to a family emergency.

Mayor England moved on to Item II, Additions or Deletions of the Agenda.

II. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor England asked if there were any additions or deletions on the agenda. Being none, Mayor England moved on to Item III, Changes to the Order of Topics on the Agenda.

III. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked to change the agenda to have Item 10 after Item 3 if there was no objection from the Commission.

Commission agreed to the change in the order of the agenda.

Mayor England moved on to Item IV, Presentations.

#### IV. PRESENTATIONS

##### A. Audit Report from James Moore for the Year Ended September 30, 2019

James Halleran, CPA, James Moore Certified Public Accountants and Consultants, 121 Executive Circle, Daytona Beach, FL, showed a presentation (Exhibit 1). He explained that the impact fees needed to be included according to the Attorney General as a shared agreement. He advised that the City of St. Augustine Beach does not set what the impact fees are, and the agreement sets the percentage the City receives from St. Johns County. The City needs to spend the City's impact fees according to State Statutes. Management's response is on page 47 of the Exhibit. He explained that the General Fund's three-year comparison shows the restricted funds, such as impact fees, parks and recreation, police, and building fees that come from outside of the City and used according to State Statutes. Assigned fund balances are what the City wants to set aside for a particular purpose. He explained that in 2019 there was \$650,000, of which \$600,000 was for capital projects and \$50,000 for emergencies. Over time between 2016 – 2019 the amounts were up and down and now the fund balance is down. He commented that if the City uses the General Fund Unassigned Fund balance to make up for the Road and Bridge Fund balance, the City would have to reduce the General Fund by another \$539,000.

Mayor England asked if there is a certain percentage in the Unassigned General Fund balance and if the City transferred the money to the Road and Bridge Fund and bring the General Fund balance percentage to ten percent, it is not good.

Mr. Halleran advised yes. He explained that the City's policies say that the General Fund should be at 20 percent and currently the City is at 19.8 percent, but if the Road and Bridge Fund negative balance is brought up to be whole, the City's General Fund would be at ten percent. He explained that any government agency, which is not large, should have a minimum of 16.8 percent in the General Fund or two months. Typically, he advised that the smaller government agencies should have because of any natural disasters a higher General Fund balance. He explained that larger cities are able to borrow cash funds more readily than smaller cities in case of a disaster. Highlights for revenues were increased due to the Building Department's new permit, plat, and other fees; operating grants decrease due to the Florida Community Trust (FCT) grant not due this year; property taxes up approximately \$210,000 or 7.7 percent; public safety expenses increased because of wages and pension costs; a capital project fund was closed out that had a negative balance; and a capital lease for a new garbage truck has been allocated for. The Florida Retirement System (FRS) comprised of many governments give their contribution to the FRS which the state controls and advises the amount of municipal contributions are required. He explained that this is reported as a liability on the financial plan, which is \$4.68 million for pension costs and \$961,000 stipend to offset the health insurance costs for employees when they retire, which has increased about \$700,000 from the previous year. FRS rates may increase in the upcoming years because the state retirement fund went from 96 percent to 83 percent and is on a decline.

Mayor England asked if the current market would affect the costs for FRS.



Mr. Halleran advised it could depend on the market in June because the statement from the State would be coming out at year end in June. He explained that when an employee retires, the employee is allowed to stay on the City's health insurance plan if they desire to, but the State Statute says the employee cannot be charged an age based premium.

Mayor England asked why the deficit for the Road and Bridge Fund has not been transferred over and is there a reason why it was not transferred over on a timely basis.

Mr. Halleran advised that there was a transfer done last year of \$1.074 million, but it still was not enough to make up the deficit. He suggested looking at the projects that are scheduled for Road and Bridge and prioritize them on what can be done.

Mayor England advised that the City cut so much on the Road and Bridge Fund and the Commission has had complaints about the streets in Seagrove subdivision.

Mr. Halleran advised that there are impact fees that are restricted to use for the Road and Bridge Fund which should be used for new roads. The City does not have roads that need to be expanded within the City.

Mayor England asked if there are impact fees available where we are short on the maintenance funds.

City Manager Royle advised that impact fees cannot be used for maintenance of roads.

Mr. Halleran advised that the City receives money from state taxes that could be used for that type of maintenance.

Mayor England asked City Manager Royle if he would like to make any comments about the audit.

City Manager Royle advised that he and the Finance Director would be looking at the 2020-2021 budget to bring the Road and Bridge Fund into compliance. He explained that it is in the strategic plan that he proposed to the Commission is to increase the General Fund balance by \$100,000 a year, but that may not be enough. Unfortunately, the only way to get money to meet the Road and Bridge deficit is through taxes.

Finance Director Douylliez advised that there are other opportunities by adding additional fees for stormwater as a revenue stream, which would be included in the Road and Bridge Fund. She explained that the reserves are depleting so other revenue alternatives need to be researched. She advised that a non-ad valorem tax or an increase in the millage would help with the shortfalls in the budget without continuing to reduce the number of projects that can be done. The Commission does a great job in scrubbing the budget to what projects could be reduced in the budget, but at some point, maintenance issues will have to be done.

Commissioner Samora asked if there was a two-year window to complete this.

Mr. Halleran advised that the City's policy says that. He explained that City Manager Royle will prepare a plan for committed or assigned fund balance expenditures, reductions, or revenue increases to the City Commission and the City shall act necessary to restore the

unassigned fund balance to an acceptable balance within two years. He said it was good because it gave guidance to be done in two years.

Mayor England thanked Mr. Halleran on his enlightening presentation and opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that there has not been a forensic audit that the Commission agreed to do when Ms. Burns left in the middle of the budget process; stated that City Manager Royle didn't want the City to have one and is still causing problems; the weir was not insured, which the audit doesn't deal with and should; the City Manager allowed two deficits on funds and he still works for the City; and the Commission is incompetent.

Mayor England advised Mr. Slavin that he was not following the rules of civility and if he does it again, she will ask him to leave.

Police Chief Hardwick suggested that the Commission agree to giving tickets for misdemeanors as a revenue stream, such as disorderly intoxication, disorderly conduct, possession of drug paraphernalia, possession of drugs and narcotics. He explained that it gives a person a second chance and it pays a fine amount to the City and keeps the officers on the City's streets as opposed to going to the jail. He advised that it would be a lot of revenue for the City and would like to propose it again with the new City Attorney.

Mayor England moved on to Item VIII.B.

**B. Interview of Candidates for Two Alternates' Positions on the Comprehensive Planning and Zoning Board**

Mayor England introduced Item IV.A. and asked Mr. Victor Sarris to come to the podium.

Mr. Victor Sarris, 124 Spanish Oaks Lane, St. Augustine Beach, FL, explained that he has lived in the City since 2002 and his family is originally from here. He advised that he was a state certified licensed general contractor and has been in the construction industry for approximately 30 years. He commented that he would like to serve the community and add his knowledge and expertise of the last 30 years to the City.

Commissioner Samora asked if Mr. Sarris worked in the City and if he felt there would be a conflict of interest if he worked in the City.

Mr. Sarris advised that he does work in the City but has never had an issue of a conflict of interest working here, not to say it won't happen in the future.

Commissioner Samora asked if Mr. Sarris knew the City's codes.

Mr. Sarris advised yes, but he couldn't quote them verbatim.

Mayor England asked why Mr. Sarris was interested in the Comprehensive Planning and Zoning Board.

Mr. Sarris advised that he spoke with Building Official Law and Larry Einheuser and they told him that there were positions opened. He explained that being in the community for a long time and wanting to be a part of it, he stepped up to put his name in the hat.

Mayor England advised that the Comprehensive Planning and Zoning Board is the heart of the City. She then asked Mr. Tisdall to come to the podium.

Mr. John Tisdall, 932 Saltwater Circle, St. Augustine Beach, FL, gave a brief outline of his knowledge (Exhibit 2). He explained that he just moved to the City after retiring. He looked throughout Florida for a place to retire and loved the City of St. Augustine Beach because there were no high-rises. He advised that he lived in Wisconsin for 25 years, which is a tourist playground for Chicago, so he understands the City's challenges.

Commissioner Rumrell asked if he was a licensed real estate agent at Watson Realty at the beach and if he thought that he may have any conflict if there is a house that comes in front of the Board for a variance.

Mr. Tisdall advised that he felt he could serve both the client and the City as he has done in Lake Geneva.

Vice Mayor Kostka thanked both candidates for stepping forward with their wealth of knowledge and experience because the Comprehensive Planning and Zoning Board is instrumental in helping the Commission to do the work the Commission does. She explained that if there is a conflict of interest, the Board member just needs to recuse themselves from the case.

Mayor England advised that Mr. Patrick Wilson could not attend the meeting, but we have two candidates and two openings. She then opened the Public Comment section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, asked if these gentlemen would be willing to stand up to people with power including a Commissioner, a large campaign contributor, or an employer; whether the applicants were made aware of the resignation letter of Chair and Vice Chair and why they resigned.

**Motion:** to accept for the two alternative vacant seats for the Comprehensive Planning and Zoning Board Mr. Victor Sarris and Mr. John Tisdall. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora. Motion passed unanimously.

Commissioner Kostka advised for the record that the Comprehensive Planning and Zoning Board was given the resignation letter from Attorney Jane West and Eloise Sloan.

Mayor England then moved on to Item V., Public Comments.

## V. PUBLIC COMMENTS

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the Commission needs to supervise the City Manager and City staff and be much more candid in response to open records requests;

advised that he received on the weir requests non-responsive answers and an attitude; explained that Flagler Beach seems to be more hands on in regard to their beach plantings; liked that Flagler Beach had public comments at the beginning and end of the meetings; Broward County has showers at their entrances to the beach and saves the County from sand going into the sewage system; has enclosures for their trash cans; and the City Manager needs to retire and the Commission needs to do a national search.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, requested to hire an in-house planner asap which Mr. Law recommended funding of the position; resignation letter from the Chair and Vice Chair of the Comprehensive Planning and Zoning Board emphasized hiring a planner; the Mayor and City Manager are working on this item and he hopes it will be on the next agenda; SEPAC gave recommendation on climate change and environmental threats facing the City, with no long-range results from staff and a lack of initiatives on storm surge and flooding issues; and requested building flood maps to be displayed in the Building Department (Exhibit 3); does not feel that on Mickler Boulevard the drainage ditch should have been done because it would displace water to the residents; and explained flooding issues.

Ed Pritchett, 1121 Overdale Road, St. Augustine Beach, FL, explained that the police reports show this month to have 900 calls and advised that on these calls the officer never knows if they would be injured by the parties involved on the call. He asked the Commission to take care of the Police Department because they take care of the citizens in the community.

Mayor England closed the Public Comments section and moved on to Item VI., Commissioner Comments.

## VI. COMMISSIONER COMMENTS

Mayor England introduced Item VI and then asked for Commissioner comments.

Vice Mayor Kostka advised that she will be going to a Census meeting next week.

Commissioner Samora asked City Manager Royle regarding information that the Commission received on short-term rentals and if the City has any statistics on short-term rentals.

City Manager Royle advised that staff did an analysis and found that the City has six percent out of the total number of homes within the City limits, which were single family detached homes not condominiums.

Commissioner Samora advised that the Visitors and Convention Bureau (VCB) had a more comprehensive report. He explained that the VCB had an independent firm for a fee which would do a report for the City and asked if City Manager Royle could piggy-back on the VCB data that they already paid for. He also asked Police Chief Hardwick for a budget analysis for the revenue stream on penalties for misdemeanors. He asked if the Communications and Events Coordinator was in place yet.

City Manager Royle explained that a Communications and Events Coordinator, Melinda Conlon, has been hired and is planning for the Arbor Day event and she completed the grant for the past Beach Blast Off so the City would be eligible for a refund from Tourist Development Council. He explained that the City needs sponsors and there has been planning for that and there has been

some initial planning from Finance Director Douylliez regarding having local food trucks instead of carnival vendors. Melinda Conlon will be writing the press release regarding this meeting and will send it out tomorrow morning.

Commissioner Rumrell advised that he has been working diligently with Public Works Director Tredik on the City's portion of funding for the repairing of the weir. He commented that they met with Senator Hutson and Representative Stevenson, but unfortunately, the bill did not get much traction in Tallahassee in the Senate. In the meantime, he and Public Works Director Tredik with other gentlemen in Tallahassee will continue with grant funding and publicly thanked Mr. Tredik for completing the grant and sending it out the grant. He commented that FEMA pays 75% and the City would have to pay the rest. Commissioner Rumrell advised that he is trying to get the State to pay the 12.5% of the cost, which is \$310,000.

Public Works Director Tredik advised that when they talked to the Legislative Delegation that would be correct; however, if the City gets the funding from the state the Water Management District cost share may pay the entire City's amount. He explained that it is competitive and needs to make the cut in Tallahassee.

Commissioner Rumrell also advised that he received an email that the short-term rental bill is temporarily on hold, which may or may not come back up.

Mayor England asked Public Works Director Tredik if the costs of the weir the latest cost analysis on the weir.

Public Works Director Tredik advised yes.

Mayor England advised that City Manager Royle and her had several meetings they attended, which were with Property Appraiser Eddie Creamer on a new software program which will be presented in April, which the Commission will receive notice and they met with Hunter Conrad, St. Johns County Administrator, regarding County/City projects such as the beach renourishment, pier, pier park, moving the fire station, TDC grants, and repaving some roads like Pope Road. She commented that they were impressed with Mr. Conrad.

City Manager Royle advised that there will be a technical workshop on March 4, 2020, on the new software which the Finance Director, IT Manager, and Public Works Director will be attending to see if the new software would be useful to the City.

Mayor England explained that she has received complaints about some streets that need repairs and suggested to the Commission to think hard about whether projects should keep being delayed. She advised that she called the City of St. Augustine on the job descriptions of a City Planner and will give all the information received to the Commission in April agenda item. She and the City Manager had a meeting regarding internships for next school year and City Manager Royle will be addressing the issue with the Department Heads for the need for interns and in the process help the community. She explained that there were eight high school programs that were on point that could help the City and staff will be discussing internships with Flagler College students as well. After discussion, it was not clear whether to have one joint meeting with all the City's Boards or separate joint meetings with each Board and the Commission

City Manager Royle advised that he would mention to SEPAC the joint meeting and they could come up with some dates for the meetings for the Commission. He will bring it back to the Commission in April.

## VII. PUBLIC HEARINGS

1. Ordinance 20-02, Second Public Hearing and Final Reading: to Adopt Changes to the Land Development Regulations (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1 and asked Building Official Law for a staff report.

Building Official Law advised no changes to the ordinance and this would be the final reading.

Mayor England opened the Public Comments section. Being none, Mayor England asked Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of Ordinance 20-02.

City Attorney Wilson read the title of Ordinance 20-02.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-02. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor Kostka. Motion passed unanimously.

Mayor England moved on to Item 2.

2. Ordinance 20-04, First Public Hearing and Second Reading: to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection (Presenter: Brian Law, Building Official)

Mayor England introduced Item 2 and asked Building Official Law for a staff report.

Building Official Law advised that the Comprehensive Planning and Zoning Board was informed about this ordinance and made great suggestions. He included the dune walkovers because they were part of the long-range plans. The Comprehensive Planning and Zoning Board recommended sand fencing, which he said was a great suggestion. He advised that he added language that included other suggestions given by the Comprehensive Planning and Zoning Board because he explained he can't anticipate every scenario in the future of the City. He advised that it should be in the Comprehensive Planning and Zoning Board's court by regulating anything outside of the average.

Vice Mayor Kostka agreed.

Mayor England received a memo from SEPAC asking for a whereas to be added on the purpose, statutory authority, intent, and statement of the coastal dunes system.

Building Official Law advised that that language would be applicable to the Comprehensive Plan or adopting a resolution, but not in the Land Development Regulations because that only deals with codes.

City Attorney Wilson suggested it be added to the Comprehensive Plan.

Building Official Law advised that a statement from the City adopted by resolution would be the appropriate mechanism. He suggested reviewing the Comprehensive Plan and adding the language to that this month at the state level.

Mayor England commented that when someone challenges an ordinance or a purpose of the ordinance sometimes it makes the ordinance clearer of why it was adopted.

City Attorney Wilson advised that the code must stand on its own merit, and it would not be codified.

Mayor England advised that it will be part of the minutes and in the record.

Building Official Law advised that people can apply for a variance to the code and can appeal his decision if needed.

Mayor England opened the Public Comments section. The following addressed the Commission:

Craig Thomson, 6 D Street, St. Augustine Beach, FL, showed Exhibit 4 and explained the amount of erosion of the dunes during hurricanes; requested higher standards than the Department of Environmental Protection (DEP); and advised for the safety and welfare of the public regarding the dunes needs to have more specific reasons in Article 5 of the Land Development Regulations and maybe a planner could help in that language.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Mr. Thomson and does not believe in DEP and believes that the City could have a stronger language in the ordinance. He asked to table this item and consult with the faculty of the University of Florida Law School.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-04.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-04. **Moved by** Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

Vice Mayor Kostka advised that she would like to have the language stronger and that the Commission makes this a priority for future meetings.

It was the consensus of the Commission to have this brought back up at the May Regular Commission meeting by the new City Attorney.

Mayor England moved on to Item 3.

3. Ordinance 20-05, Public Hearing and Final Reading: to Amend Chapter 10 of the City Code re: Garbage and Trash Service (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 3 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik recapped the history of this item and advised that staff has incorporated the comments from the Commission into the ordinance as requested. He

recommended that carts should be purchased by the City and bought by the commercial customers because the labels could be subject to tearing and peeling and the carts would be consistent in appearance, theft potential, consistency for the workers to handle, purchasing the costs in bulk for a lower price, and staff time for researching to make sure the carts meet the specifications. He also recommended that the carts be picked up once a week not three times a week, which staff is doing presently.

Discussion ensued regarding 180 customers would be affected by this ordinance; cart pricing varies between \$100 to \$200; having the carts be durable; St. Johns County paid for their carts, not the customers; invoicing customers to pay for the carts; warranties on the carts would vary; having consistency for the workers; having a phased enforcement on the carts; allowing six times per year for unauthorized carts before code enforcement will be called; implementation may start in October 2020; having this communicated to the commercial accounts immediately on the future action; include graphics with the carts so citizens know how much they hold; and reaching out to commercial customers who use over ten cans to contact private dumpster services.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-05.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-05. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 4.

9. Solid Waste Collection for Business and Transient Rentals: Resolution 20-06, to Adopt Fees (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 9 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik advised that the fees are in the Commission's books. He explained that \$5.00 per cart per week for 64- or 65-gallon cart and 96-gallon cart would be \$7.50 per cart per week. Included in the base fee is up to one bin a week for recycling, 2 cubic yards of garden trash or construction debris per week and up to two items per week up to ten per year of white goods. He added in Resolution 20-06 charges for picking up unauthorized containers and uncontainerized garbage, in order to encourage commercial customers to have the right number of carts. Overall revenue from the traditional businesses in the City would decrease by \$8,000. Overall revenue from solid waste collection for transient rentals is expected to increase by about \$26,000. Condos with six or more units would decrease revenues by \$14,000. The total increase in revenues would be approximately \$4,000 annually.

Mayor England asked if this was the hard costs and not considering the efficiency we gain by personnel by picking up so many cans in one place and counting cans.

Public Works Director Tredik advised that this was the hard costs.

Mayor England advised that the efficiencies and expenses should go down.



Public Works Director Tredik advised yes; however, we are adding residential properties every week which continues to go up and offsets it slightly.

Mayor England asked if Public Works Director Tredik could track efficiencies on the commercial side. She explained that the purpose is to be paid for what the City's costs are to provide this service.

Public Works Director Tredik advise yes. He explained that he could do an analysis on commercial and residential properties and then see how its offsets manhours for both.

Mayor England asked to make sure that the fees on the commercial customers covers the City's costs.

Commissioner Rumrell advised that he believe with the continuity of the carts, it will all come together.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-06. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

#### VIII. CONSENT

4. Code Enforcement Board: Re-Appointment to Three-Year Term of Regular Members Bill Genovese, Trish Gilpin, Edward Pritchett, and Ernesto Torres

Mayor England introduced Items 4 and 5 and then opened the Public Comments section.

The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked the Commission not to re-appoint Ernesto Torres because he is a candidate for a Commission seat for the City and should resign his seat on the Code Enforcement Board, which would be a conflict of interest.

Vice Mayor Kostka asked City Attorney Wilson to respond.

City Attorney Wilson advised that Mr. Torres would have to resign his position on the Code Enforcement Board by the time he is taking his position as a City Commissioner. Mr. Torres could file soon, but it can be effective on the day he is elected to the City Commission. He does not have to stand down from the Code Enforcement Board as of now.

Vice Mayor Kostka advised if he wins the election. She advised in full disclosure that she has not submitted her name to run.

City Attorney Wilson advised that if the Commission re-appoints Mr. Torres to the Code Enforcement Board, he would have to resign soon anyway, but he would not have to leave the Board until he is elected to the Commission.

City Manager Royle advised that would be January 1, 2021. He explained that the City does not have that many applicants for the Code Enforcement Board and Mr. Torres' term ends in April.

Mayor England advised that she did not remember having to resign from an appointed Board before being elected.

City Attorney Wilson advised that a Board member should resign, but it would not go into effect until the member wins the election. He explained that a Code Enforcement Board has their own jurisdiction and authority, so they have final decisions on their cases.

Commissioner Samora asked if Mr. Torres' term ends before the next Commission meeting.

City Manager Royle advised it would be before our next Commission meeting.

Commissioner Samora suggested that the Commission could re-appoint Mr. Torres at the next meeting so it would give him time to get some clarity of the law on what he needs to do.

City Attorney Wilson advised that Mr. Torres has not spoken to him about this so he might not be aware of this rule.

Mayor England asked for a motion.

**Motion:** to re-appoint the Code Enforcement Board members: Bill Genovese, Trish Gilpin, and Edward Pritchett to a three-year term. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Commissioner Samora advised that this would give Mr. Torres time to respond by the April Commission meeting.

5. Budget Resolution 20-01, to Amend the FY 20 General Fund Budget to Recognize Revenues from the Solid Waste Franchise Fees and Fee Permit, to Increase in Budget for the Other Post-Employment Benefit Report Mandated by Accounting Rule 75, and to Provide Money from Building Department Reserves for Various Expenditures

Mayor England introduced Item 5 and asked Finance Director Douylliez to give a staff report.

Finance Director Douylliez advised that staff is having to move money for some shortfalls in our current year budget, which are minor. The other addition is some assets and additional Building Department supplies and equipment that the budget needs to be increased through the reserves from the Building Department.

Mayor England asked for a motion.

**Motion:** to approve the Consent Agenda as read with the exception to Commissioner Samora's change for Mr. Torres. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item 6.

## IX. OLD BUSINESS

6. Emotional Support Animals: Review of Recommendation to Amend the Land Development Regulations (Presenter: Brian Law, Building Official)

Mayor England introduced Item 6 and asked Building Official Law for a staff report.

Building Official Law advised that emotional support animals should be done through the conditional use permit process and if the Comprehensive Planning and Zoning Board denies the permit the appeal would come to the Commission for final approval. He commented that he did not want to say what types of animals are emotional support animals because he could not say what the specific type of animals people need. He explained that this procedure does not guarantee approval, but it gets the person in front of the Comprehensive Planning and Zoning Board and Commission for help.

Mayor England agreed with having the material included from Federal Housing Administration (FHA), but is struggling to make this a conditional use permit. She explained that this is a code reasonable accommodation, not a conditional use permit. She commented that she is struggling with allowing for fees when it is as simple as following the FHA document. She suggested having this go in front of the Code Enforcement Board which would follow the FHA guidelines and maybe delay this until the new City Attorney comes onboard.

Building Official Law advised that the case that came in front of the Commission regarding the chickens was given 120-day extension and if it takes longer to come to get this resolved, he would come in front of the Commission to extend the case. He explained that he would be in favor of having it go to the Code Enforcement Board to make a decision if the City Attorney advises it can be. He explained that he just wants the person to have a voice in front of a Board or the Commission.

Commissioner Samora agreed with the conclusion of the FHA document issued in January. He explained that this is a big issue that has gone all over the country. He explained that the policy does not need to be rewritten and the City could use the FHA documentation for guidance to handle situations that come up.

Mayor England advised that a conditional use permit that is issued to that person stays and if you do a reasonable accommodation it can be recertified from a year to get a medical opinion. Reasonable accommodation is very subjective and suggested more research be done on case law.

City Attorney Wilson advised that the FHA documentation gives guidelines to a person who is renting a public owned home. This case is totally different because it is not a public rented home. He explained that if we want to do a policy that uses some of the guidelines of FHA that is one thing, but we need to change the codes to allow this accommodation to exist or not. This is more to protect the neighbors from what the person's emotional support animal is. The housing provider is the owner of the home and the codes monitor what is allowed within the codes. He explained that the Code Enforcement Board could not grant a reasonable accommodation because they can only follow the codes in place and whether it would be a violation of the code. He advised not to get the medical information but just the necessity or opinion that the person needs the emotional support animal. He suggested a process where an emotional support animal would not affect the neighborhood.

Vice Mayor Kostka advised that the Commission did not want to change the code but provide an opportunity for people with needs to be able to approach us on a case by case basis to get approval or denial. She appreciated the work that Building Official Law did.

Mayor England cited a case where a miniature horse was allowed even though there were codes in place, but the horse was a service animal not an emotional support animal.

Vice Mayor Kostka advised that the Federal Aviation Administration (FAA) just passed a law that emotional support animals are not allowed on flights. She explained that the Commission needs to protect the citizenry as well.

Mayor England advised that this is just a proposal at this point.

Mayor England opened the Public Comments section. The following addressed the Commission:

Pamela Holcomb, 312 A Street, St. Augustine Beach, FL, was glad to see that the language proposed, which was clearly not the definition of an emotional support animal, is being set aside and she will have a chance to address this. She stated that the FHA information she provided, which the Commission has. She took issue with City Attorney's conclusion that the FHA does not apply to City variances. The mini horse case in the City of Blue Ash, Ohio, dealt with livestock ordinance and was approved because it was an ADA service animal, which can only be mini horses and dogs and no other animals. She suggested that the process should be that the person writes the City and request a reasonable accommodation, the FHA standards are applied, and a decision is made. She also suggested that this should be delegated to a department for an answer and the medical information can remain confidential.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for their compassion and for reading the Sixth Circuit Court's case. He advised that the Commission amended the City's FHA to include sexual orientation and gender preference. He stated that a lot of people showed up to support this little boy and people were moved and suggested an ordinance regarding reasonable accommodations. He suggested that the next City Attorney work with HUD in Atlanta and contact the attorney who specializes in fair housing to help draft the ordinance.

Mayor England closed the Public Comments section and advised that the Commission has a suggestion on this on which policy direction to take and there will be a new City Attorney and staff who will be researching this issue as well. She asked Building Official Law and the new City Attorney to work together and to bring this back to the Commission in the future.

Mayor England moved on to Item 7.

7. Resolution 20-04, to Amend Sections of the Personnel Manual for Policies Prohibiting Fraternization of Supervisory with Subordinate Employees and Prohibiting Animals Other Than Americans with Disabilities Act – Recognized Service Animals in City Buildings (Presenter: Beverly Raddatz, City Clerk/ HR Director)

Mayor England introduced Item 7 and asked City Clerk / HR Director Raddatz for a staff report.

City Clerk Raddatz advised that she will be bringing updates to the Personnel Manual every meeting and this was some of the items that a member of the Commission wanted to bring up right away.

Mayor England asked about the ADA form for service animals that the employees would apply for. She advised that these policies would be inserted into the Personnel Manual.

Commissioner Samora asked whether the ADA service animal form was taken from the American Disability Act or did City Clerk Raddatz come up with it.

City Clerk Raddatz advised that it was pulled from an ADA document, and she made no changes.

Commissioner Samora was concerned about some of the questions asked for the physician and wanted to make sure that they were allowed to be asked.

City Clerk Raddatz advised that ADA service animals are a little different and the physician has to say there is an ADA requirement. This documentation would be confidential and would not be open to public records law. She advised if the Commission wants to change the questions or delete the form that would be up to the Commission.

Commissioner Samora asked to delete question 2.

Vice Mayor Kostka advised that she believed that this is a request to have a specific accommodation out of the normal workplace that the City provides, we have to know what their perimeters are in order to accommodate their needs.

Commissioner Samora was concerned about asking specific questions.

Vice Mayor Kostka advised that this would not be asked on an application, only if the employee asked for an accommodation.

Commissioner Samora agreed to the form if it comes directly from an ADA service animal accommodation.

City Clerk Raddatz advised that there is definition of what a service animal has to do, and the physician request is only to prove that a service animal is needed for the employee to be able to do his job performance.

Mayor England suggested that a footer should be put on the form or the regulation so they can know that it comes from a certain regulation.

City Clerk Raddatz agreed to that suggestion.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, advised that the City needs a Whistle Blower policy; thanked Vice Mayor Kostka for raising the issue of anti-fraternization policy, but City Manager Royle didn't do an investigation or a proper interview; needs expertise at the University of Florida to write the Personnel Manual; and feels that human resources should not be under the City Clerk because there is a conflict of interest.

Vice Mayor Kostka advised that the Personnel Manual has a Whistle Blower policy on page 20 of the current personnel manual under Section 1.13.

Mayor England closed the Public Comments section and asked for a motion.

**Motion:** to approve the Resolution 20-04. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner Rumrell with adding the footnote from the ADA. Motion passed unanimously.

Vice Mayor Kostka advised that the Personnel Manual is being updated and there will be more updates to come.

Mayor England moved on to Item 8.

8. Ordinance 20-06, First Reading: to Adopt Water Management District's Irrigation Regulations (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 8 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik advised this is the first reading for Ordinance 20-06 and explained that the St. Johns River Water Management District currently has water restrictions to ensure efficient use of water for landscape irrigation and advised that these are restrictions that are already enforced. He explained the exceptions to the restrictions to the Commission. He explained that 69 other cities and counties have already adopted this type of ordinance that basically restates what their rules are. He commented that the reason why this is important is the district wide cost-sharing that the City applied to for the weir and having this ordinance in place gives the City extra points on the applications. He commented that he wants to keep applying to grants year after year and this would be a help in receiving grants. He remarked that the District funds up to 33% of the construction costs on projects up to \$1.1 million per applicant per year, which is a lot of money that the City could lose by a couple of points. He pointed out that the ordinance before the Commission is a draft ordinance on the website or used the language out of the District rules, which people are already supposed to be complying with. He said that the fines would be enforced by the Code Enforcement Board. He explained that if the Commission approves this, he would send the approved ordinance with a letter saying that we passed this on first reading and are intending to pass it on second reading on April 6, 2020 Commission meeting, which could be the difference for the weir project. He explained that the District will not be aggressive about how we enforcement it, but the District would like this ordinance enforced.

Commissioner Rumrell asked Public Works Director Tredik if new technology could be enforced, such as new sprinkler heads, smart homes, greenhouses, etc., so that there could be more days of watering but using the same consumption.

Public Works Director advised he could check with the District about it.

Mayor England suggested to add on Section 4, Number 9, any exceptions approved by the Comprehensive Planning and Zoning or Public Works Department for future technology. She also asked how homeowner associations' water scheduling is enforced.

Public Works Director Tredik may ask homeowner associations to help in following this ordinance and he could do that.

Mayor England advised that if a homeowner association is on a community well, then the City needs to address that with this ordinance.

Public Works Director Tredik advised yes, he would speak to the District between the first and second reading of the ordinance to see if they would be open to that exception. The District would have to approve the ordinance to be the 70<sup>th</sup> city on the list. He would do research on the homeowners associations. He advised that the penalties could be adopted by resolution as other fees have been.

Mayor England opened the Public Comments section. The following addressed the Commission:

Jeff Sturtevant, 506 B Street, St. Augustine Beach, FL, thanked the Commission for looking at his email. He advised that he is currently looking at an older home and is upgrading the technology and asked that the ordinance specifies that old technology can be upgraded to new technology for less water consumption.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Public Works Director Tredik does excellent staff work and if there is a need to designate a person as temporary City Manager, he should be selected.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-06.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-06. **Moved by** Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor England moved on to Item 10.

10. Public Parking: Discussion of Possible Improvements (Presenter: Vice Mayor Maggie Kostka; Max Royle, City Manager)

Mayor England introduced Item 10 and asked Vice Mayor Kostka for a report.

Vice Mayor Kostka advised that she felt there was a few loose ends when it came to the parking issue. She explained that she met with Police Chief Hardwick, Public Works Director Tredik, emailed Building Official Law, and spoke with City Manager Royle about the issues that still need to be resolved. She asked Public Works Director Tredik to give a brief explanation about some parking improvements.

Public Works Director Tredik showed a PowerPoint Presentation regarding where parking improvements and spaces near A1A Beach Boulevard (Exhibit 5).

Commissioner Rumrell advised that he was also talking with Public Works Director Tredik about parking on the Boulevard on some of the parkettes that are rundown and spoke to a former St. Johns County employee on how the Tourist Development Council could help fund these improvements because it would allow more beach access. He also advised that the Port and Waterway would be able to give funding due to more beach access.

Vice Mayor Kostka advised that the Commission would need to know what the priority would be. She asked if the Commission wants to add more parking spaces or keep more greenspace or meet in the middle. She explained that City Manager Royle suggested a five-year parking plan to implement changes that the Commission feels are needed and would benefit the City. Some of the areas would be a concern for SEPAC because they would not want to take away all the greenspaces throughout the City. She suggested 4<sup>th</sup> Street's right-of-way and the 16<sup>th</sup> Street and 8<sup>th</sup> Street parkettes because they would create parking without sacrificing greenspace or developed parkettes.

Mayor England agreed with greenspaces but any parking that is directly adjacent to the Boulevard would require a buffer that hides the cars and would have to be part of the costs.

Vice Mayor Kostka agreed and said that on the corner of 8<sup>th</sup> Street on the east side. It changed the number of spaces because of the buffer, but it could be changed by having one-way in and one-way out. She pointed out from Commissioner Rumrell that TDC is not allowing allocations of monies for projects like this so the City may not have to plan for the total costs, but part of the costs. She commented that she is very aware of the budget restraints so this may be something the City could do within five years or not. She remarked that the Commission wants to have the community safer with better access for the people who come to the City. There may be a time when the City will have to say that we are full or that the visitors will have to go the next beach area.

Commissioner Samora applauded Vice Mayor Kostka for bringing this up to the Commission. He explained that the City does need more parking for the visitors, residents, and the communities that are surrounding us are growing. He thanked Public Works Director Tredik for doing a good job on his presentation. He advised that he wouldn't want to be reliant on TDC funding, but to fund some of this yearly with City funding.

Vice Mayor Kostka advised that if the City doesn't give visitors places to park, they will park in places residents don't want them to park.

Commissioner Rumrell advised that he would like the Boulevard to be cleaned up or beautified as well when this is being done. He gave an example of the City of Jacksonville Beach where they put in a sculpture garden in that were paid by the University of Florida.

Vice Mayor Kostka advised that the enforcement of the parking would be to have clear and distinct parking rules and regulations. She commented that on a couple of streets, the way people park no emergency vehicles would be able to get through.

Police Chief Hardwick advised that the resident parking signs have helped on a couple of streets. He asked the Commission to have uniformity by ordinance and suggested west of the Boulevard it should be residential parking only except for businesses. He advised the main focus for parking enforcement is across the Boulevard, pier parking lot area, driveways within the 15-foot radius of the curves, fire hydrants, and blocking emergency vehicles on streets. He explained that it would fall on the residents to call if there is a problem. He explained that on 15<sup>th</sup> Street the entire street was littered with "No Parking" signs. He requested uniformity.

Vice Mayor Kostka advised that the "Residents Only" signs are working so she requested not requiring 60% of the street to sign a petition to put signs up. She requested to leave it up to the Police Department to identify the streets that are being abused which are the streets that directly access the Boulevard on the west side behind the businesses.

Police Chief Hardwick advised that between the Police Department and Public Works they could identify the streets that need the signs. He advised that the residents have been happy in the last year with the signs and advised that the residents are self-policing and call the Police Department if there is an issue, which worked out extremely well.

Public Works Director agreed.

Vice Mayor Kostka advised that she spoke with staff regarding hang tags or stickers for transient rentals and staff advised that this would not be a good idea. She advised that tags



or stickers were not necessary. It would be added time and expense for the City and if the staff makes it more uniform with signs, that would be good enough.

Commissioner Samora asked Police Chief Hardwick if that would be an enforcement issue if officers don't have a way to know residents' vehicles.

Police Chief Hardwick advised that the residents police it and call when there is an unknown vehicle. He said 15<sup>th</sup> Street behind Sunset Grill they call, and the officers can run the tag to see if someone lives there or not. Transient rentals west of the Boulevard could have a problem but will be addressed in the future. He advised that he is not a fan of the stickers or tags and believes it would be a waste of taxpayers' dollars.

Commissioner Rumrell asked what happens if a ticket is done, but the person lives in the City.

Police Chief Hardwick advised that the ticket would be voided and there would be no problem.

Vice Mayor Kostka advised that the parking codes regarding the number of parking spaces for businesses, buildings, and commercial entities, such as Embassy Suites that fit the code by the number of rooms but didn't account for parking spaces for the meeting rooms, banquet rooms, restaurant and bar. She advised that parking spaces should be calculated by the fire code for the maximum building occupancy. She explained that the existing businesses would not be able to comply, but future businesses or businesses that were destroyed by a storm or catastrophe would need to comply to the new code.

Mayor England advised that the City is encouraging retail use and commercial use for more revenue so the City will have a balance because that could stop some of the businesses from opening in the City.

Vice Mayor Kostka advised that the retail would not change and would be based on square footage; however, restaurants or hotels with restaurants and banquet rooms would because they have to have enough accommodation for parking.

Mayor England advised that shared parking is something that the City could consider. She explained that there are businesses that are only open during the week and then their parking lot sits empty on the weekend.

Building Official Law advised in an assembly area it is usually per person per 15 square feet, but storage rooms are one person for every 300 square feet. He explained that the City's code does track closely to what the occupancy is. He advised that if the Commission wants to track it per occupant that is acceptable way. He explained that St. Johns County calculates one parking spot for every three occupants, but the designer of the building will specify the occupant load and the Fire Marshall, and the Building Official will follow that.

Commissioner Samora asked how does the Fire Marshall and Building Official treat outdoor spaces.

Building Official Law advised that they count the tables and chairs as an alternative method. He commented that he did complete an inventory in the City to help the Utility Department and gave it to Deputy City Clerk Fitzgerald to make sure staff has all the building tax receipts every year. Plan review would have the occupant loading on it. He explained that the Building Department separates the outside from inside because it affects the way we egress. He explained that the outside and inside would be based on the total occupancy of the building

and advised that the Fire Department will count the chairs. He commented that he was in favor to changing the restaurants to a factor that corresponds to the surrounding jurisdictions, just to limit the gross floor area.

Vice Mayor Kostka wants a five-year plan and should prioritize the areas that are available to improve parking areas but would stay away from any areas that are already improved or beautified. Then to add codes to address the new restaurant parking spaces going forward and allow the Police Department to monitor the streets and establish streets that need additional or new signage on the west side of the Boulevard for residential parking only and asked for the Comprehensive Planning and Zoning Board for more input on the five-year plan.

Mayor England asked when the five-year plan should be drafted.

Vice Mayor Kostka advised that it should go to the Comprehensive Planning and Zoning Board first to gather input with the help of Public Works Director Tredik to prioritize the parking areas based on east turning into parking based on the cost factor.

Mayor England asked if Vice Mayor Kostka would like to have this on the next Comprehensive Planning and Zoning Board and SEPAC meetings. Then when the input is completed it would go to City Manager Royle to put together the five-year parking plan and then to the Commission.

Commission agreed.

Mayor England moved on to Item 11, New Business.

## X. NEW BUSINESS

### 11. Use of City's Public Meeting Rooms: Consideration of New Policy (Presenter: Max Royle, City Manager)

Mayor England introduced Item 11 and asked City Manager Royle for a staff report.

City Manager Royle explained that this issue is on how heavily the facilities are use and then to suggest a policy to make the facility available to more groups. He suggested limiting the number of times per week a group can use the facilities. He explained that some groups want to meet every night of the week except maybe Fridays and on weekends. He advised it would be a change in the Policy and Procedures Manual to set a limit on the number of times per week a group could meet starting in 2021.

Mayor England advised that it is important that the AA group meet every day and have availability every day. She knows that there are different Chapters of AA.

City Manager Royle advised that one Chapter AA group could meet two times a week, but there is one Chapter AA group that want to meet five times a week in the small meeting room and it deprives other meeting groups that may want to use the facility as well because there are not a lot of facilities available in the area. He explained that the meeting room was built for public meetings, not office space. Building C was made into a public meeting room because there was no need for a maintenance garage.

City Clerk Raddatz advised that there are a lot of groups, not AA, that use the rooms every week two or three times a week for free and suggested charging for the time these groups meet. There are some groups that could meet at their homeowner facilities. She explained

that the only time there is a charge if they are not a resident or are a commercial entity. She advised that she would not charge for AA groups or non-profits that really make a difference in the community.

Vice Mayor Kostka advised that it is common for places to charge a facility fee, with the exception of non-profits or something like AA groups.

Police Chief Hardwick advised that the Police Department is having to go off campus for self-defense classes, awards presentations, youth classes, swearing ins, because the meeting rooms are not available and going to hotels and conference rooms that would donate the money so the Police Department doesn't use the taxpayer's dollars.

Commissioner Rumrell asked if staff could have first rights to the rooms.

City Clerk Raddatz advised that the groups come in on October 1<sup>st</sup> to block their dates and times starting in January for the whole year. She explained that the library is not allowing the facilities to be used for any group.

Police Chief Hardwick advised that they are using the library.

City clerk Raddatz advised that there should be limitations, so our staff does not have to go off campus.

Police Chief Hardwick advised that the library went back to having only library functions but allows the Police Department to meet in the library as a courtesy.

Vice Mayor Kostka asked if charges have been researched.

City Clerk Raddatz advised that the City charges \$75 for four hours and if they use the kitchen it is a \$100 extra fee. She believes that other agencies charge a lot more than that. She explained that a lot of homeowner associations would like to meet here instead of their community centers.

City Manager Royle advised that some homeowner associations don't have community centers and he doesn't agree with charging the homeowner associations because they are already paying property taxes.

City Clerk Raddatz advised if the homeowner associations meet once a month or once a quarter that would be fine.

Finance Director Douylliez advised that groups come in and say that they don't have a place to meet so they know someone who lives here, or they know a group and then it doesn't cost us, but that group is really not within the City. She explained that the costs for the janitor, cleanup, fire hazards when they leave coffee pots on all night, and making sure that the doors are locked and no one is left inside the building after hours. The City makes people pay when they have races and they pay event fees, so the City should cover the costs of what we are incurring.

Mayor England advised that there is not a problem with a minimal fee, but you need to come up with a criteria on who pays the fee and who doesn't that can withstand a legal challenge. She advised that she does not want to charge AA groups because they do a great function.

City Clerk Raddatz advised that she doesn't want to charge AA groups because a lot of times they donate to the City.

Mayor England requested that this come back and tell the Commission how this would be defensible and how the Commission legally can explain that. She asked for the charges to be done and how many times per week or month groups can meet.

Commissioner Rumrell advised that most places charge a cleaning fee anyway and is not unreasonable.

City Clerk Raddatz advised that staff wanted to bring it to your attention because it is being abused and the City should be covering our costs.

Mayor England asked to bring this back and be kind to the AA groups.

City Clerk Raddatz advised that she would.

Mayor England opened the Public Comments section. Being none, Mayor England moved on to Item 12.

12. Drinking Water at City Events: Review of Options and Costs (Presenter: Max Royle, City Manager)

Mayor England introduced Item 12 and asked City Manager Royle for a staff report.

City Manager Royle advised Commissioner George suggested the City no longer provide water in plastic containers. The Deputy City Clerk Fitzgerald did research and found that there is a larger cost difference to using the boxed water containers.

Commissioner Samora asked how many water bottles the City purchases a year.

City Manager Royle advised that he was not sure as of yet; however, we do purchase water bottles for the Public Works and Police Department for emergencies every year because it is portable and sanitary, but he stated he didn't know how many water bottles are purchased for events.

Mayor England advised that she understands giving free water bottles for staff, but not sure why the City is giving free water bottles for events.

Police Chief Hardwick advised that we do not provide water bottles for staff, we stock up on water bottles for hurricanes once they come back. There is a 20-gallon water machine that everyone uses, but not water bottles. Emergency rations are provided so much per year along with food and once the storm passes staff uses it.

Mayor England asked if the City can charge for the water bottles.

Police Chief Hardwick advised that the water bottles are donated for the events.

City Manager Royle advised that he doesn't believe that the businesses donate for events any longer and if the City charges for bottles, staff would have to be involved with taking money. He suggested a water dispensing machine that people could put quarters in to get water, but that could be a plastic water bottle too.

Finance Director Douylliez advised that she is looking into for Arbor Day this year with our new Communications and Events Coordinator. She will approach some of the water vendors

in the area to see if they would like to participate in the event with the cups and dispensers to get some sales and to be environmentally friendly for the Arbor Day event. Arbor Day is an environmentally friendly and staff will be approaching vendors that would supply canned water for our events.

Mayor England advised to stop handing out bottled water on Arbor Day.

City Manager Royle asked about Veterans Day when it is very warm and elderly people ask for water.

Mayor England commented then we need to work on for the events an alternative water supply through a vendor.

Commissioner Rumrell advised that there were five vendors in the area that have boxed water and a company out of Palm Beach called Hidden Water and one in Ocala called Alpha Pure which have water in cans. He suggested working with the Amphitheater because of their Green Hands initiatives.

Police Chief Hardwick advised that they could use the Gatorade jug and put cups of water there and make it simple.

Vice Mayor England agreed with using the Gatorade jug and cups.

City Manager Royle will investigate options.

Mayor England advised that there should be no more bottle water at our events because we are environmentally sensitive City.

Mayor England opened the Public Comments section. Being none, Mayor England moved on to Item XI, Staff Comments.

#### XI. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle advised that he and Public Works Director Tredik will be going to the Tourist Development Council (TDC) to ask for funding for parking improvements. He explained that there might be matching funding involved or the TDC might not give them anything. Staff did go to the Port and Waterway for the A Street project and they said it was not in their realm of funding. He advised that he would go back to ask for funding again for parking improvements.

Finance Director Douylliez said that she was working with the new Events Public Information Officer, Melinda Conlon, and advised that she submitted the TDC grant for last year's funding for Beach Blast Off and is now working on the Arbor Day event and keeping everything environmentally friendly. She advised that the audit went well and there are some things that she is making note of and keeping a binder of things to improve to reduce or eliminate the comments on the audit.

Mayor England congratulated Finance Director Douylliez on her first audit.

Police Chief Hardwick thanked Finance Director Douylliez, City Clerk Raddatz, and Building Official Law for working so well together with the Police Department and everything is getting accomplished.

City Clerk Raddatz advised that the insurance asset survey was done last week, and they will be submitting a report this week. She explained once that is received, she will send the Request for Proposal for Property Insurance and Casualty out with the correct information. She explained that in July she will do another Request for Proposal for medical insurance.

Public Works Tredik advised that he would like to address Mr. Thomson's comments that were stated during public comments. He advised that he spent over an hour on the phone with Mr. Thomson regarding the City's application for the resilience grant, staff wanting to do an adaptation plan for sea level rise and storm surge, and the Mizell pond issue. He commented that staff does take this very seriously and with increasing storms he takes it seriously and wanted to make that clear.

Building Official Law issued a temporary occupancy to Beachside Diner and they must do a couple of Fire Department requests on plans, nothing serious. He explained that they may be opened sometime this week after they train their staff.

XII. ADJOURNMENT

Mayor England asked for a motion to adjourn.

**Motion:** to adjourn. **Moved by** Commissioner Samora, **Seconded by** Commissioner Dylan. Motion passed unanimously.

Mayor George adjourned the meeting at 9:30 p.m.

---

Margaret England, Mayor

ATTEST:

---

Beverly Raddatz, City Clerk



## MINUTES

### EMERGENCY COMMISSION MEETING

FRIDAY, MARCH 20, 2020 AT 5:30 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

---

I. CALL TO ORDER

Mayor England called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor England, Vice Mayor Kostka, Commissioner George, Commissioner Rumrell, and Commissioner Samora.

Also present were: City Manager Royle, City Attorney Charlie Douglas, Police Chief Hardwick, and City Clerk Raddatz.

IV. SECTION 1-5 OF THE CITY CHARTER: VOTE TO DETERMINE THAT MEETING IS AN EMERGENCY (Super Majority Vote Required)

Mayor England asked for a motion to determine that is meeting is an emergency.

**Motion:** to approve the Emergency Commission meeting. **Moved by** Mayor England, **Seconded by** Commissioner George.

Mayor England ask for a roll call vote.

City Raddatz took the roll call as follows:

Mayor England	Yes
Vice Mayor Kostka	Yes
Commissioner George	Yes
Commissioner Rumrell	Yes
Commissioner Samora	Yes

Motion passes 5 to 0.

Mayor England moved on to Item V.

V. DISCUSSION OF COMPLIANCE WITH GOVERNOR DESANTIS' EXECUTIVE ORDER

Mayor England explained that the Commission, staff, and Police have been acting on this pandemic. She explained that Governor DeSantis on March 17, 2020, issued Executive Order 20-68 and then the staff took immediate action to what was applicable to the City. She advised that she would have staff explain what we have done on this Executive Order. She explained that restaurant seating was restricted to 50% capacity; discouraged social gathering of groups more than ten; expect social distancing of six feet; and Commission and staff has received numerous emails. She requested that residents be patient and advised that staff have tried to do their best on what information they received at the time. She advised that she will have Police Chief Hardwick and City Manager Royle give their reports and explained that there has been suspended public quorum presence, but further research is necessary. She asked City Attorney Douglas why the public has been asked to be outside due to public distancing.

City Attorney Douglas advised that the emergency meeting was properly called in accordance with City policies and procedures and the Florida meeting requirements and Florida in the Sunshine. The City is currently broadcasting the meeting outside under the breezeway where members of the public can hear and inside the room are 10 individuals, so the City is complying with the Governor's Order and CDC regulations. This meeting was called 24 hours after the agenda was posted. He explained that individuals who want to make a public comment will be advised by staff to come in and then leave the meeting after their comments of three minutes.

Mayor England asked Police Chief Hardwick to speak on what has been accomplished this week.

Police Chief Hardwick advised that he has sent information from the Florida Department of Health (FDOH), local Emergency Management Office (EOC), Department of Health (DOH), the Center for Disease Control (CDC), and the surrounding St. Johns County and City of St. Augustine. He explained that he finished a meeting with the EOC Policy Group for St. Johns County and a decision was made that tomorrow morning the beaches will be closed to vehicle traffic and vehicle parking will remain open at this time; however, the vehicle access points on the beach will be shut down. He placed signs and message boards throughout the City. He commented that every hour it changes. He explained that Crescent and Vilano beaches are shut down but explained that St. Johns County residents can use the beaches. He commented that there will be a meeting to re-evaluate the situation with St. Johns County, the Sheriff's Office, and the City of St. Augustine Police Department tomorrow. He explained that he went to all the restaurants in the City and spoke with the businessowners that serve food or alcohol and explained the Executive Order from the Governor regarding food and alcohol sales. He commented that there was compliance with the restaurants and bars. He explained that Department of Professional Business Regulation (DPBR) oversees enforcing the Executive Order 20-71. Sealed alcohol sales are permitted and take outs. He and the Sheriff allowed the restaurants to finish out the day and then start take-out the next day. He gets CDC and Public Health Department emails and advised that the residents are worried about being exposed. He explained that two deputies from Putman County will start tomorrow to help with crowd control on the beach.

Vice Mayor Kostka asked if seating on premises means indoor and outdoor.



Police Chief Hardwick advised yes, no seating outdoors or indoors on premises or property. He is looking for clarification tomorrow and DPBR will get back to him tomorrow.

Commissioner Samora advised that he believes that those businesses without a package license can sell alcohol now if it goes with a food order.

Police Chief Hardwick advised that he would give it a benefit of the doubt because every lawyer has a different opinion of the order. He said that he is trying to help the businessowners in St. Johns County to stay open to pay the employees and the businessowners' bills. He suggested that the City interpret the order until the clarification comes out from the Governor.

Commissioner George advised that she agrees with Commissioner Samora and would agree with that interpretation of the order.

Police Chief Hardwick advised that any decision from the Commission can affect the businessowners' livelihoods. He explained that the Police Department will not give out citations unless there is clarification from DPBR and the Governor. He said that the City should move forward with what the Commission decides on tonight until better clarification can happen.

Commissioner George advised that she does not want a narrower restriction than what DPBR is allowing.

Police Chief Hardwick advised that he wouldn't. He explained that he will get more clarification.

Discussion ensued regarding controlling the spacing of crowds for the takeout orders; Police Department will ask the businessowners for accountability of the crowds; rules from DPBR requires crowd control and if the businessowners don't abide by them, they will suspend the businessowner's license; Police calls for service have increased; suicide threats have increased; road-rage is another issue because people are on edge; waiting in line in Publix is the same as waiting in line for a takeout and people are not following the six feet apart; and the Police Department will make their presence known to make our residents feel more comfortable.

Commissioner Rumrell thanked Police Chief Hardwick for all his efforts.

Vice Mayor Kostka agreed with Commissioner Rumrell and thanked Police Chief Hardwick for taking the lead in this situation and for the leadership that he has shown. She asked if the Police Department can control the crowds on the beach.

Police Chief Hardwick advised that this is going on nationally and each City is dealing with it in their own ways. He explained that he had a meeting with St. Johns County Beach Services, the Sheriff's Office, the Fire Department, and St. Augustine Police Department and decided to have signs made that follow the CDC guidelines and also to have seven message boards. He explained that he put out a public service announcement to 67 media sources and educated the Police Officers to know answers if the public asks. The youth have been the problem not following the guidelines on the beaches and so the beach vehicle entry ways are going to be closed on Saturday. He commented that the Police Officers become babysitters. Being home can cause an unhealthy environment.

Vice Mayor Kostka advised that a person must take a great deal of social responsibility and personal responsibility for doing the right thing. She explained that people should be able to help the residents with any concerns that they have. She advised that Noreen Williams was to head up this project and should see something soon.

Mayor England summarized that the Commission followed Executive Order 20-68 to reduce the density and congestion in the City before the next weekend. Our Police Department and staff did an excellent job. She explained that she didn't want to have the same experience that happened last weekend. She explained that the Commission and staff were in touch with St. Johns County and the citizens were heard. She explained that with Executive Order 20-71 there are more certain ways to restrict congestion.

Police Chief Hardwick advised that his office will be opened from 8:00 a.m. to 5:00 p.m. Saturday and Sunday this week for questions.

Mayor England asked City Manager Royle for his report.

City Manager Royle advised he has been working on internal policies. He explained that Public Works Director Tredik is concerned over losing manpower and not being able to limit household waste. The City of St. Augustine advised that the cities would work together on manpower and equipment and the City could get a contract with Advanced Disposal if needed. City Clerk Raddatz has been working on procedures with FEMA and updating the Personnel Manual so workers can continue to get paid. He explained that his staff is researching virtual meetings. There are some procedures for other cities that the IT Department will be researching for public comments. Revenues are going to decline and asked that staff and the Commission not to spend on items that aren't essential. State sales tax will decrease because of the unemployment, which means the City would have less income. He explained that vacancies will not be filled. Department Heads will meet to discuss what the departments can do to reduce the current and upcoming budgets. The Communications and Event Planner is trying to get the most current and correct information out to the public and trying to spread positive information to the public. The Building Department will be maintaining its staff and will continue to be opened. Employee morale is good, but people are afraid and there may be a time to close City Hall because key personnel could be sick and cannot provide the service. Public Works staff will disinfect City Hall and the Police Department. There will be disinfection bombs for all offices eventually. He explained that he has reduced the April 6, 2020, regular Commission agenda as much as he could.

Vice Mayor Kostka asked if the departments have online permit and Business Tax Receipt programs.

City Manager Royle advised yes. Staff has online payment processes. Permits and Business Tax Receipts can be done online.

Discussion ensued regarding recycling has been stopped in St. Johns County, but the City is still providing recycling services; whether recycling is being put in the landfill; saving Advanced Disposal contract costs if they aren't picking up; selecting school and trolley bus drivers locally if CDL personnel is needed, instead of using temporary manpower from Advanced Disposal; the

City's gasoline supplies are topped off; going to online is the best answer to limit exposure; and the City's limited supply of sanitizers, gloves, and masks.

Henry Dean, St. Johns County Commissioner, District 5, 500 San Sebastian View, St. Augustine, FL, explained that he has been working with the City Commissioners and staff and with St. Johns County Policy members. He explained that everyone is trying to deal with the issue of balance of how to protect the citizens and try to make the beaches available to everyone. He would like to keep the beach opened if it is being managed well. Public health is St. Johns County Commissioners' first priority and as a team the City and County will be able to get through.

Commissioner Rumrell thanked County Commissioner Dean for coming to the meeting tonight and for his help.

Mayor England thanked County Commissioner Dean for coming to the meeting and helping to balance the efforts of the beach.

Mayor England moved on to Item VI, Public Comments.

#### VI. PUBLIC COMMENTS

Mayor England opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, wanted to thank Police Chief Hardwick and City Manager Royle for taking care of City during this time; wanted to know if the summer concerts at the beach are cancelled; and complained about St. Johns County Administrator and Commissioners not being ethical and discriminating against applicants.

Police Chief Hardwick asked if the Betty Griffin House 5K should still go on. He asked for the Commission to pick a date on when to cancel events if needed.

Commissioner Rumrell advised that the Executive Order says to cancel all events for 60 days.

Commissioner Samora advised that it was Executive Order 20-52 and it expires on May 9, 2020.

Jo Ellen Parkey, 3 Coquina Blvd., St. Augustine Beach, FL, thanked Police Chief Hardwick for his work and leadership; closing the beach parking would bring the public into the neighborhoods; and requested the public to support the local businesses and restaurants during this time, who supports the schools.

Police Chief Hardwick advised that several agencies have met and came up with a mutual aid solution that will show a heavy law enforcement presence.

Bryan Ott, 107 15<sup>th</sup> Street, St. Augustine Beach, FL, thanked Police Chief Hardwick; advised the public was on edge; kids are adjusting to online learning; and asked not to close the beach.

Brud Helhoski, 691 A1A Beach Blvd., St. Augustine Beach, FL, thanked Police Chief Hardwick and the Commission for letting calmer minds prevail; businesses are doing everything they can to promote the requests from the Governor; businesses are on the brink, but thankful for all that the Commission does; and businesses are going to do carwashes, parking fees, takeout food.

Pat McGinnis, 613 Atlantic Oaks Circle, St. Augustine Beach, FL, thanked Police Chief Hardwick; businesses are taking tables away to help spread clients out; wanted to make sure with a takeout order, package alcohol can be with takeout; and locals are conforming, but not tourists.

Police Chief Hardwick advised that he would go to all the businesses again with a simple version of the order.

Susan Brady, 121 14<sup>th</sup> Street, St. Augustine Beach, FL, thanked the Commission for their hard work; Florida expected to be hardest hit by the virus; leaders need to lower the curve by leadership; the public who take out beer will go to the beach; Duval County closed their beaches so the public is coming to St. Johns County beaches; parking will be an issue to the neighborhood if public parking is closed; supporting local businesses; however, the businesses need to spread people out; taking the protections now will eliminate more of the spreading of the virus, when they don't the Police Department should step in for the health and safety of the citizens; colleges out for the rest of the year and they will come to St. Augustine Beach because the City is still opened; and suggested that Public Works Department call some of the CDL licensed bus drivers.

Police Chief Hardwick advised that he would be dealing with the parking issues tomorrow on a trial run basis and the distancing issue must be self-accountability. The service calls are going to be increased and if there is a call, the Police will deal with it. He commented that some of these kids are City kids who are coming home from college and public schools. He advised that he has dealt with domestic violence and said staying indoors is not the best place to be. Suicides are up. Businesses are helping with social distancing and they want to stay open. Calls being to close in line are coming in.

Mayor England advised that the public must obey the protection rules and there will be an improvement this weekend and next week. She hopes it is better regarding the congestion.

Police Chief Hardwick advised that no one knows if anyone is infected and it is hard to keep distancing, but it must be done.

Mayor England closed the Public Comments and asked if there was any further Commission discussion.

Commissioner Samora asked what the enforcement at the beaches countywide is.

Police Chief Hardwick advised that they are using the resource deputies who are no longer working the schools on the beach, so the beach patrol has tripled. Open containers are not allowed on the beach. Staff is coming in 8:00 a.m. to 5:00 p.m. in the Police lobby. The helicopter will be on all 42-miles of beach. Firefighters are assisting as lifeguards and additional resources are coming from Putman County.

County Commissioner Dean has been in with Police Chief Hardwick, St. Johns County Administrator Hunter Conrad, and other agencies and the County hopes that they don't have to take the next step, but if it is too big of a problem to manage, they will take the next step and close the beaches.

Police Chief Hardwick advised that all of St. Johns County must be consistent regarding the beach.

Commissioner George suggested an interim step between what we have currently and closing the beaches, such as closing all the public parking lots.

County Commissioner Dean advised that they are taking small steps to keep public safety.

Discussion ensued regarding St. Johns County having all the authority regarding the beaches and whether the City Attorney should research what the City jurisdictional rights are regarding the beach; having a joint decision made would be best; whether the City needs to vote on the County's actions regarding what the beach vehicle accesses and decisions are; the current Memorandum of Understanding with St. Johns County and the City gives the authority to close access points for public safety, but that the jurisdiction belongs to the County; Police Department going to give a report to the Commission on how people are following the rules; and Police Department educating the public.

County Commissioner Dean advised that the City Commission may want to have an emergency meeting to discuss what the County wants to do regarding the beaches if this changes.

Police Chief Hardwick advised that if the beach is closed by the Governor's Executive Order, the City would have to wait on the Governor to open the beaches. He advised that the Governor suggested leaving the beaches open if possible.

Commissioner George shared that all the Commissioners are going through the fear factor this week regarding public safety and the public's constitutional rights. The federal, state and local governments are aware that this is a huge legitimate threat. She trusts what the executive committee has done regarding the public's safety but would like to be involved in the decisions being made regarding closing the beach. She suggested an interim step before that happens and wants aggressive messaging to minimize outside contact. She would like to hire the local unemployed temporary workers for Public Works instead of hiring outside sources. She asked that the community work together and try to tip more for the employees in restaurants. She is glad that the surrounding government agencies have a plan for the beach and are tracking it.

Vice Mayor Kostka said it has been an eventful week and COVID-19 is a real threat and the City is taking careful steps to ensure the safety of the community. She advised that she was on phone conferences with the White House and the State of Florida and explained that there was no quick fix and it is a crisis. Glad to see the community is coming together. She suggested checking in on your loved ones or your neighbors by phone or helping them get supplies. Counseling aspect has not been good and should be improved. She advised that those small businesses who need loan information should look online under the relief act and extra wages for personnel. She suggested putting the information on our webpage. COVID-19 has affected all 50 states and territories and CDC is trying to minimize the spread. Police Department has done a lot of educating the businesses and the community and help them create ways to comply. She was glad to see Home Rule exercised in this process.

Commissioner George advised that there is a webpage for small business loans interest free for the first 12 months at [floridadisasterloan.org](http://floridadisasterloan.org).

Mayor England advised that the Communications and Events Planner will be taking a subject and publishing it on the webpage and Facebook each month.

Commissioner Rumrell thanked Police Chief Hardwick, St. Johns County Administrator Hunter Conrad, and County Commissioner Dean who he has been in constant contact with. He explained that the numbers are going to get higher, but don't panic because those numbers are people who are finally being tested. He encouraged people to call him because people need to speak with others and have contact. He said that his heart is with all the businesses and staff. He explained that decisions that the City makes may only last an hour, but we are trying to give the most current information. This will make us a stronger County and City.

Commissioner Samora thanked the staff that is keeping things going and getting the information out to the public. Information changes constantly. He thanked the residents for doing the right thing and keeping together and supporting one another. Thanked other agencies for getting the information out to the City and explained that this is a public health crisis. The sooner this finishes the rest will fall into place and be able to get back to normal.

Mayor England thanked everyone for the emails and information that were shared. Grateful that there has been guidance from the Governor and the County regarding the beaches. She explained that the consistency now is very good. She commented to be vigilant and was proud of the restaurant owners for responding to the Police Department. There will be difficult decisions that will have to be made and she is proud of everyone.

Police Chief Hardwick gave updates that the access for vehicles on the beach will be closed tonight and Anastasia State Park will be closed tomorrow morning at the order of the Governor. He will send the information out for the County and City tonight.

City Attorney Douglas asked how the Commission wants to continue the meetings in the future regarding Executive Order 20-69, which waives the in-person quorum or would the Commission want to be web based.

Mayor England advised that she needs to see Executive Order 20-69 and what the limitations are.

City Attorney Douglas advised that he will work with staff on setting up the meetings. He explained that web based could not be available to all citizens, but the internet could be, so he will work on options. He asked for a vote from the Commission to know what to do.

Commissioner Rumrell asked to research everything available.

Commissioner George explained that the Commission should vote on it now so virtual meetings can be available when the time comes.

Vice Mayor Kostka advised that she agreed and wants to prepare.

Mayor England asked for a motion.

**Motion:** to approve conducting meeting electronically or in accordance with Executive Order 20-69 as deemed to be in the interest of public health by the City Manager or his designee. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Discussion ensued regarding getting a program for electronic meetings by April 6, 2020; computer compatible for the software; prepare for April 6<sup>th</sup> in case the Governor shuts the City in; recording the meeting; and public comment being able to continue.

Commissioner Rumrell asked City Manager Royle to notify the people who have public hearings if the meeting is delayed.

Mayor England moved on to Item VII, Adjournment.

VII. ADJOURNMENT

Mayor England asked for a motion to adjourn.

**Motion:** to adjourn. **Moved by** Mayor England, **Seconded by George**. Motion passed unanimously.

The meeting adjourned at 7:34 p.m.

---

Margaret England, Mayor

ATTEST:

---

Beverly Raddatz, City Clerk

## MEMORANDUM

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** March 23, 2020

**SUBJECT:** Presentations:

- A. Appointments to Code Enforcement Board: Mr. Ernesto Torres as Regular Member and Mr. Patrick Wilson as Alternate
- B. Proclamations:
  - a. To Declare April 2020 as Sexual Assault Awareness Month
  - b. To Declare April 2020 as Water Conservation Month

### ITEM A. APPOINTMENTS

#### 1) Re-appointment of Mr. Ernesto Torres

He is currently a regular member of the Code Enforcement Board. His three-year term expires in April 2020. His request to be re-appointed was brought to you at your March 2<sup>nd</sup> meeting along with a similar request from two other members of the Board whose terms were expiring. However, at that meeting you didn't re-appoint Mr. Torres because of a question of whether he when he would have to resign from the Board because of his candidacy for a seat on the City Commission this year. Commissioner Samora suggested "that the Commission could re-appoint Mr. Torres at the next meeting so it would give him time to get some clarity of the law on what he needs to do" (from the minutes of the March 2<sup>nd</sup> meeting).

Mr. Torres received that clarity from Mr. Wilson, the City Attorney at your March meeting. Attached as page 1 is a letter from Mr. Torres, stating his intent to resign from the Board mon January 1, 2021, in accordance with Mr. Wilson's advice.

Also, attached as pages 2-3 is Section 99.012, Florida Statutes, to which Mr. Torres refers. Please note Section 99.012(7)(b), which states that the restrictions of officers, elected or appointed, serving on a board while running for office does not apply to "persons serving without salary as members of an appointive board or authority." Members of Commission-appointed boards do not receive any pay.

#### Action Requested

In light of Mr. Wilson's advice to Mr. Torres and what is allowed by Section 99.012(7)(b), Florida Statutes, it is that you re-appoint Mr. Torres to the Code Enforcement Board to serve on it until the effective date of his letter of resignation.



## 2) Appointment of Mr. Patrick Wilson

On the Code Enforcement Board there is a vacancy for an alternate, Mr. Wilson has offered to serve. Attached as pages 5-7 is his application. He'll be at your meeting for the customary interview.

### ITEM B. PROCLAMATIONS

They are attached (pages 8-9). The one for Sexual Assault Awareness Month has been requested by the Betty Griffin Center. Representatives from the Center may be at your meeting to speak about it. The one for Water Conservation Month has been requested by the St. Johns River Water Management District.



## **ERNESTO J. TORRES**

1104 Laughing Gull Lane, St Augustine, FL 32080| ernestojtorres@gmail.com

March 10, 2020

Mr. Royle  
City Manager Max Royle  
2200 A1A South  
Saint Augustine, FL 32080

Dear Mr. Royle:

In pursuant to Florida Statutes 99.012, I, as an Officer of the Code Enforcement Board for the City of Saint Augustine Beach, FL resign with an effective date of January 1, 2021. I submit my resignation as requested and under advisement of City Counsel Mr. Wilson due to my intent to qualify for public office during the qualification period of June 8, 2020 – June 12, 2020.

Sincerely,



Ernesto J. Torres

## The 2019 Florida Statutes

---

Title IX  
ELECTORS AND ELECTIONS

Chapter 99  
CANDIDATES

[View Entire Chapter](#)

**99.012 Restrictions on individuals qualifying for public office.—**

(1) As used in this section:

(a) “Officer” means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, the term “officer” means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

(b) “Subordinate officer” means a person who has been delegated the authority to exercise the sovereign power of the state by an officer. With respect to a municipality, subordinate officer means a person who has been delegated the authority to exercise municipal power by an officer.

(2) No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

(3)(a) No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.

(b) The resignation is irrevocable.

(c) The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.

(d) The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer’s successor is required to take office.

(e)1. An elected district, county, or municipal officer must submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer must submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers must submit their resignations to the Governor with a copy to the Department of State.

(f)1. With regard to an elective office, the resignation creates a vacancy in office to be filled by election. Persons may qualify as candidates for nomination and election as if the public officer’s term were otherwise scheduled to expire.

2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer’s resignation may be filled for that portion of the officer’s unexpired term in a manner

provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(g) Any officer who submits his or her resignation, effective immediately or effective on a date prior to the date of his or her qualifying for office, may then qualify for office as a nonofficeholder, and the provisions of this subsection do not apply.

(4)(a) Any officer who qualifies for federal public office must resign from the office he or she presently holds if the terms, or any part thereof, run concurrently with each other.

(b) The resignation is irrevocable.

(c) The resignation must be submitted at least 10 days before the first day of qualifying for the office he or she intends to seek.

(d) The written resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer shall submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer shall submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers shall submit their resignations to the Governor with a copy to the Department of State.

(f)1. The failure of an officer who qualifies for federal public office to submit a resignation pursuant to this subsection constitutes an automatic irrevocable resignation, effective immediately, from the office he or she presently holds.

2. The Department of State shall send a notice of the automatic resignation to the Governor, and in the case of a district, county, or municipal officer, a copy to:

- a. The officer before whom he or she qualified if the officer held an elective office; or
- b. The officer or authority who appointed him or her if the officer held an appointive office.

(g) Notwithstanding the provisions of any special act to the contrary, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, thereby authorizing persons to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(5) A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

(6) If an order of a court that has become final determines that a person did not comply with this section, the person shall not be qualified as a candidate for election and his or her name may not appear on the ballot.

(7) This section does not apply to:

- (a) Political party offices.
- (b) Persons serving without salary as members of an appointive board or authority.

(8) Subsections (3) and (4) do not apply to persons holding any federal office. Subsection (4) does not apply to an elected officer if the term of the office that he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking.

**History.**—s. 1, ch. 63-269; s. 2, ch. 65-378; s. 1, ch. 70-80; s. 10, ch. 71-373; s. 1, ch. 74-76; s. 3, ch. 75-196; s. 1, ch. 79-391; s. 47, ch. 81-259; s. 1, ch. 83-15; s. 28, ch. 84-302; s. 31, ch. 91-107; s. 534, ch. 95-147; s. 1, ch. 99-146; s. 1, ch. 2000-274; s. 14, ch. 2007-30; s. 14, ch. 2008-4; s. 9, ch. 2008-95; s. 12, ch. 2011-40; s. 1, ch. 2018-126.

Copyright © 1995-2020 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)



**ST. AUGUSTINE BEACH CITY COMMISSION  
BOARD AND COMMITTEE APPLICATION**

FOR APPOINTMENTS TO COMMITTEES INVOLVED IN LAND USE

Date received by City 1.31.20.

Thank you for your expressed interest in being considered for appointment to committees, boards, commissions, or advisory groups appointed by the City Commission. The Commission appreciates your willingness to serve your fellow citizens in a volunteer capacity. Please complete this application to the best of your ability. (You may attach a resume and/or additional data. Please reference attachments in the appropriate section(s).)

Name: Patrick Wilson

Address: 904 Sandy Beach Circle

Phone #: 352-222-8079 E-Mail Address: Dubugue31@gmail.com

How long have you been a legal resident of the City of St. Augustine Beach? 5 YRS

I am a full-time ☒ part-time \_\_\_\_\_ resident.

I am ☒ am not \_\_\_\_\_ a registered voter in St. Johns County.

List all active professional licenses and certifications: Certified General Contractor  
1521778, OSHA 30 hour Certified

Educational background: BA - University of Florida Business Administration

Past work experience: PM & Construction Superintendent for Single Family Home Builder

Please list all civic clubs, professional organizations, or public interest groups of which you are a member or in which you have been active: (attached additional sheet if necessary).

1. Police Athletic League (PAL)

2. Habitat for Humanity

3. Young life

4. Veritas Classical School - <sup>Founding</sup> ~~Family~~ <sub>member</sub>

Please list the location and size of all parcels of property in St. Augustine Beach of which you have ownership: 10909 Sandy Beach Circle 0.33 Acres

Please list any companies/industries doing business in St. Augustine Beach in which you have a financial interest (i.e., proprietary, partnership, stock holdings, etc.)

N/A

Please indicate by preference all City boards, committees, or councils in which you have an interest:

- |  |                                     |
|--|-------------------------------------|
| 1. Code Enforcement Board                | <input type="checkbox"/>            |
| 2. Comprehensive Planning & Zoning Board | <input checked="" type="checkbox"/> |
| 3. Other                                 | <input type="checkbox"/>            |

I am available for meetings

- |                        |                                     |
|------------------------|-------------------------------------|
| a. During the day only | <input type="checkbox"/>            |
| b. Evenings only       | <input checked="" type="checkbox"/> |
| c. Anytime             | <input type="checkbox"/>            |

List three (3) personal or professional references:

- Robert Miller FAIA 321-663-8862 (Architect)
- David McDaniel 407-970-8383 (Land Broker)
- Dominic Scine 410-271-3547 (CPA)

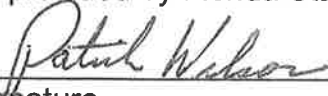
You may use this space for a brief biographical profile or to list certain skills you possess that may be relevant to the appointment you are seeking. Please indicate whether you have had experience with the reading of blueprints, technical drawings or diagrams. (Indicate below if you are attaching a resume.)

Certified General Contractor CGC1521778  
Recently work for a Multi-family CGC. My Daily Responsibilities Requires involvement  
With Government inspectors, Plan Review & technical Reading, Contract Negotiations  
and Owner meeting.  
Versed in Microsoft Project, excel, Word & Blue Beam

NOTE: All information provided will become a matter of public record and will be open to the public. If you require special accommodations because of a disability to participate in the application/selection process, you must notify the City Commission in advance. This application will be kept for one (1) year, at which time you must notify the

City Commission of your intent to remain an active applicant and update your application accordingly or it will be removed from the active file.

I hereby authorize the City of St. Augustine Beach or its representatives to verify all information provided, and I further authorize the release of any information by those in possession of such information which may be requested by the City. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that a volunteer position provides for no compensation except that as may be provided by Florida Statutes or other enabling legislation.

  
\_\_\_\_\_  
Signature

1/29/2020  
\_\_\_\_\_  
Date

Please return completed application to:

The City of St. Augustine Beach  
2200 A1A South  
St. Augustine Beach, FL 32080  
Phone (904) 471-2122  
FAX (904) 471-4108

*Thank you for your interest!*



## PROCLAMATION

**WHEREAS**, Sexual Assault Awareness Month (SAAM) calls attention to the fact that sexual violence is widespread and impacts every person in this community and the goal of SAAM is to raise public awareness about sexual violence and educate communities on how to prevent it; and

**WHEREAS**, rape, sexual assault, and sexual harassment harms our community, and that statistics show one in five women and one in 67 men will be raped at some point in their lives (Smith et al., 2017); and

**WHEREAS**, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience sexual assault before age 18 (Dube et al., 2005); and

**WHEREAS**, on campus, one in five women and one in 16 men are sexually assaulted during their time in college (Krebs, Lindquist, Warner, Fisher, & Martin, 2007); and

**WHEREAS**, Sexual Assault Awareness Month is about embracing your voice and how to inform individuals on how they can use their words to stop sexual violence before it happens by promoting safety, respect, and equality and whether you speak out against locker room talk, or help someone better understand these issues, or ask for consent, your voice is powerful and necessary in this conversation, and

**WHEREAS**, individuals can embrace their voices to show their support for survivors, stand up to victim blaming, shut down rape jokes, correct harmful misconceptions, promote everyday consent, and practice healthy communication with kids; and

**WHEREAS**, the City of St. Augustine Beach joined advocates and communities across the country in taking action to prevent sexual violence.

**NOW, THEREFORE, BE IT PROCLAIMED**, the City of St. Augustine Beach does hereby designate the month of April 2020 as **Sexual Assault Awareness Month** in the City of St. Augustine Beach and remember that each day of the year is an opportunity to create change for the future.

PASSED AND ADOPTED in regular session this 6<sup>th</sup> day of April 2020.

ATTEST:

\_\_\_\_\_  
City Manager



\_\_\_\_\_  
Margaret England, Mayor

## Proclamation

### City of St. Augustine Beach St. Augustine Beach, FL

**WHEREAS**, water is a basic and essential need of every living creature; and

**WHEREAS**, the State of Florida, Water Management Districts and the City of St. Augustine Beach are working together to increase awareness about the importance of water conservation; and

**WHEREAS**, the City of St. Augustine Beach and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

**WHEREAS**, the City of St. Augustine Beach has always encouraged and supported water conservation, through various educational programs and special events; and

**WHEREAS**, every business, industry, school and citizen can make a difference when it comes to conserving water; and

**WHEREAS**, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

**NOW, THEREFORE, BE IT PROCLAIMED** by the City Commission of the City of St. Augustine Beach, Florida that the month of April 2020 is hereby officially designated as:

### **Water Conservation Month**

St. Augustine Beach, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

**PASSED AND ADOPTED** by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida this 6<sup>th</sup> day of April 2020.

ATTEST


\_\_\_\_\_  
City Manager Max Royle



\_\_\_\_\_  
Mayor Margaret England

## MEMORANDUM

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** March 26, 2020

**SUBJECT:** Conditional Use Permit for Outside Serving/Consumption of Food and Beverages at the Terra and Acqua Restaurant, L24 Sea Grove Main Street

### INTRODUCTION

In the Land Development Regulations there is Table 3.02.02, the Table of Uses by Land Use District. It allows by conditional use permit "food and/or beverage service or consumption outside of an enclosed building on the premises of a restaurant or hotel/motel."

At its May 4, 2015, meeting, the City Commission approved a five-year conditional use permit for the Terra and Acqua Restaurant to serve food and beverages on an outdoor patio.

As that permit will expire on May 4, 2020, the owners of the restaurant are requesting a renewal of the conditional use permit.

The Comprehensive Planning and Zoning Board reviewed the request at its meeting on March 24, 2020, and recommended that you approve the renewal of the conditional use permit for 15 years.

### ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-14, the application for a renewal of the 2015 permit that the planning Board reviewed at its March 24<sup>th</sup> meeting.
- b. Page 15, a memo from Ms. Bonnie Miller, the Board's Executive Assistant, in which she states the Board's motion and vote to recommend that you approve the renewal of the permit.

### ACTION REQUESTED

It is that you approve the renewal of the conditional use permit for the Terra and Acqua restaurant to serve food and beverages outside of an enclosed building and that the permit be for 15 years, in accordance with the Planning Board's recommendation.

## City of St. Augustine Beach Building and Zoning Department

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080  
WWW.STAUGBCH.COM  
BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

To: Comprehensive Planning & Zoning Board  
From: Bonnie Miller, Executive Assistant  
CC: Brian Law, Building Official  
Date: 03-13-2020  
Re: Conditional Use File No. CU 2020-01

Conditional Use File No. CU 2020-01 is for renewal of a current conditional use permit that expires May 4, 2020, issued for food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, per Section 3.02.02 of the City's Land Development Regulations, at Terra & Acqua, in the Seagrove Town Center at 134 Seagrove Main Street. The applicants and owners of the restaurant business, Simone and Monica Parisi, are asking to renew the current conditional use permit issued for outdoor dining and food and beverage service for as long as Terra & Acqua is in operation.

To date, the Building and Zoning Department has received no complaints about the outdoor dining at Terra & Acqua since the original conditional use permit for outdoor dining, food and beverage service was granted by the City Commission on May 4, 2015. The applicants have submitted a drawing of the current outdoor seating, showing seven tables and 34 seats in front of the restaurant on the northwest side of the property site, and six stand-up tables with no seats on the southwest side of the property site.

The Building and Zoning Department has no objection to the renewal of the conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the premises of Terra & Acqua at 134 Seagrove Main Street for as long as the restaurant is in operation under its current ownership.

Sincerely,

*Bonnie Miller*

Executive Assistant  
Building and Zoning Department

THE CITY OF ST. AUGUSTINE BEACH  
CONDITIONAL USE PERMIT APPLICATION

THE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE PERMIT:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE PERMIT IS SOUGHT:

LOT(S): Parcels G, H, I BLOCK: N/A SUBDIVISION: Seagrove Unit 4 Replat #2  
STREET ADDRESS: 134 Sea Grove Main Street, St. Aug 3208

2. LOCATION: West SIDE OF A1A  
(North, South, East, or West) (Street Name)  
(East) (Seagrove main Street)  
BETWEEN State Road A1A and Seagrove main  
(Street Name) South (Street Name) Street

3. REAL ESTATE PARCEL NUMBER(S): 162963 - 0070

4. NAME AND ADDRESS OF OWNER(S) AS SHOWN IN ST. JOHNS COUNTY PUBLIC RECORDS: William Guidi - L + L Pirtton  
312 View Point Place, St. Augustine, FL 32080

5. DESCRIPTION OF CONDITIONAL USE: Outdoor dining, food and beverage service  
and consumption for as long as  
the business is in operation

6. LAND USE CLASSIFICATION: Planned Unit Development

7. SECTION OF THE LAND DEVELOPMENT REGULATIONS FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02 and 10.03.00 - 10.03.03

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:

We applied for and have been approved for use  
of the patio for the past 5 years. The outdoor seating  
is desirable to the business and to our customers



9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes ( ) or No (✓)

IF YES, WHAT WAS THE FINAL RESULT? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- (✓) LEGAL DESCRIPTION OF PARCEL
- (✓) LIST OF ALL PROPERTY OWNERS WITHIN RADIUS OF 300 FEET OF PROPERTY FOR WHICH CONDITIONAL USE PERMIT IS REQUESTED
- (✓) STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE PERMIT LOCATION
- (✓) SURVEY (Not over two years old)
- (✓) OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a Conditional Use Permit, the undersigned understands the application becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.

\_\_\_\_\_  
(Owner or his/her agent)

\_\_\_\_\_  
(Owner/agent address)

\_\_\_\_\_  
(Owner/agent phone number)

\_\_\_\_\_  
(Date)

Monica J. Pardi  
(Applicant or his/her agent)

151 Pelican Reef Drive / St. Aug  
(Applicant/agent address) FL 32086

(303) 525-2844  
(Applicant/agent phone number)

2/17/20  
(Date) Email address: info@terraacquarestaurant.com

Date: February 24, 2020

Conditional Use File #: CU 2020-01 Application # 1698

Applicant's name: Simone & Maria Parisi

Applicant's address: 151 Pelican Reef Drive, St. Augustine, Florida 32080

For conditional use permit at: Terra & Acqua Restaurant, 134 Sea Grove Man Street, St. Augustine Beach, Florida 32080

### Charges

Application Fee: \$400.00      Date Paid: 2-24-2020

Legal Notice Sign: \$7.50      Date Paid: 2-24-2020

Received by BM

Date 2-24-2020

Invoice # I-2000828

Check # 5797

## Definition—Conditional Use Permit

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the City Commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

## Instructions for Applying for a Conditional Use Permit

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, please attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02, which lists permitted and conditional uses for all land use districts, all conditional use permits must be heard by the Comprehensive Planning and Zoning Board, which will make a recommendation to the City Commission, which has final approval.

## Documentation Needed for a Conditional Use Permit

- 1) The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lots and block number. Include street address and location by indication street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot, i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
- 2) Provide the name and address of the owner of the property. The person's name on the application should agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.
- 3) Indicate the current land use classification of the parcel under consideration. Current land use map are on display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.
- 4) Notification of all property owners within a radius of 300 feet of the property for which the conditional use permit is being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the conditional use permit is requested. **This list of names and**



**addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size envelopes with the application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners).** Signatures and approvals of property owners within 300 feet are not necessary. Applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the conditional use permit, but these persons should not sign the application itself. Applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the conditional use permit application.

- 5) Provide the section of the land use code from which the conditional use permit is being sought. Personnel in the Building and Zoning Department will assist you in this matter if needed.
- 6) A fee of \$407.50 will be charged for the conditional use permit administrative procedure, which includes the legal notice sign, and legal advertising. The applicant will be required to post the legal notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.
- 7) A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which the application was considered. Each final order shall contain findings upon which the City Commission's order is based and may include such conditions and safeguards prescribed by the Commission as appropriate in the matter, including reasonable time limits which action pursuant to such order shall be begun or completed or both.
- 8) Appeal of decisions on conditional use permits granted by the City Commission shall be made to the Circuit Court of St. Johns County, Florida.
- 9) The application must be signed by the owner of the property for which the conditional use permit is requested and/or the owner's authorized agent. All authorized agents must provide notarized written authorization, which must accompany the application, approving such representation.

### Limitations on Granting a Conditional Use Permit

---

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission may adopt the following conditions to any permit:

- 1) That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
- 2) The time within which the use shall be commenced may be extended for a period of time longer than

one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

- 3) Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
- 4) The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.



# City of St. Augustine Beach

2200 A1A SOUTH  
ST. AUGUSTINE BEACH, FLORIDA 32080  
WWW.STAUGBCH.COM

CITY MGR. (904) 471-2122  
FAX (904) 471-4108

BLOG. & ZONING (904) 471-8758  
FAX (904) 471-4470

## Owner's Authorization Form

Monica Parosi (owner of Terrat Acqua) is hereby authorized TO ACT ON BEHALF OF

William Guidi (owner of L + L Pinton) the owners(s) of the property described in the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning or conditional or special use permit or other action pursuant to an application for:

Conditional Use Permit (For outdoor Dining)

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Signature of Owner(s) William Guidi

Printed Name(s) WILLIAM GUIDI

Address of Owner(s) 312 View Point Place, St. Augustine, FL 32080

Telephone Number of Owner(s) (516) 459-1072

State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of February, 2020

by William Guidi, who is personally known ☒ or who has produced identification (type of identification produced) Passport

Signature of Notary Public—State of Florida Bonnie Jean Miller

Notary Stamp/Seal/Commission Expiration Date:



Bonnie Jean Miller  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FP942381  
Expires 3/30/2020



## St. Johns County, FL

### Tax Bill

[My Tax Bill](#)

### Estimate Taxes

[Tax Estimator](#)

### 2019 TRIM Notice

[2019 TRIM Notice](#)

### 2018 TRIM Notice

[2018 TRIM Notice](#)

### Summary

Parcel ID	1629630070
Location Address	132 SEA GROVE MAIN ST 134 SEA GROVE MAIN ST 138 SEA GROVE MAIN ST SAINT AUGUSTINE 32080-0000
Neighborhood	Seagrove St. Augustine Beach (COM) (2301.03)
Tax Description*	61/56-58 SEAGROVE ST AUGUSTINE BEACH UNIT 4 REPLAT #2 PARCELS G H & I OR3924/978 *The Description above is not to be used on legal documents
Property Use Code	Community Shopping Centers (1600)
Subdivision	Seagrove St. Augustine Beach Unit 4 Replat #2
Sec/Twp/Rng	33-7-30
District	City of St. Augustine Beach (District 551)
Millage Rate	16.9195
Acreage	0.340
Homestead	N

### Owner Information

Owner Name	L & L Pison Inc 100%
Mailing Address	312 VIEW POINT PL SAINT AUGUSTINE, FL 32080-0000

### Map



## Valuation Information

	2020
Building Value	\$733,710
Extra Features Value	\$10,152
Total Land Value	\$962,715
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$1,706,577
Total Deferred	\$0
Assessed Value	\$1,706,577
Total Exemptions	\$0
Taxable Value	\$1,706,577

Values listed are from our working tax roll and are subject to change.

## Historical Assessment Information

Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
\$683,311	\$6,653	\$962,715	\$0	\$0	\$1,652,679	\$1,652,679	\$0	\$1,652,679
\$690,903	\$7,170	\$962,715	\$0	\$0	\$1,660,788	\$1,585,239	\$75,549	\$1,585,239
\$470,726	\$7,685	\$962,715	\$0	\$0	\$1,441,126	\$1,441,126	\$0	\$1,441,126
\$478,702	\$8,202	\$962,715	\$0	\$0	\$1,449,619	\$1,449,619	\$0	\$1,449,619
\$486,300	\$8,718	\$962,715	\$0	\$0	\$1,457,733	\$1,457,733	\$0	\$1,457,733
\$362,078	\$7,405	\$518,385	\$0	\$0	\$887,868	\$808,849	\$79,019	\$808,849
\$420,170	\$7,820	\$307,327	\$0	\$0	\$735,317	\$735,317	\$0	\$735,317
\$420,170	\$8,234	\$307,327	\$0	\$0	\$735,731	\$735,731	\$0	\$735,731
\$396,415	\$8,229	\$340,653	\$0	\$0	\$745,297	\$745,297	\$0	\$745,297
\$461,498	\$8,614	\$377,680	\$0	\$0	\$847,792	\$847,792	\$0	\$847,792

## Building Information

Building	1
Actual Area	12710
Conditioned Area	12192
Actual Year Built	2007
Use	Neighborhood Shopping Centers (Low)
Style	04
Class	N
Exterior Wall	Concrete Stucco

Roof Structure	Wood Truss
Roof Cover	Modular Metal
Interior Flooring	Concrete Finish
Interior Wall	Drywall
Heating Type	Air Duct
Heating Fuel	
Air Conditioning	Central
Baths	

Category	Type	Pct
Exterior Wall	Concrete Stucco	100%
Roofing Structure	Wood Truss	100%
Roofing Cover	Modular Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Concrete Finish	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Masonry	100%
Foundation	Concrete Perimeter Footing	100%
Condition	Good	100%
Electrical	Average	100%
Floor System	Concrete Slab	100%
Insulation	2" Fiberglass	100%

Description	Conditioned Area	Actual Area
BASE AREA	12192	12192
CANOPY (COMMERCIAL)	0	182
CANOPY (COMMERCIAL)	0	96
CANOPY (COMMERCIAL)	0	240
Total SqFt	12192	12710

## Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Masonry Wall	0	64	8	0	512
Concrete Paving	0	0	0	0	3384
Gate	0	0	0	0	144
Steel Door	0	8	6	0	48
Aluminum Fence (4' - 6')	0	0	0	0	60

## Land Information

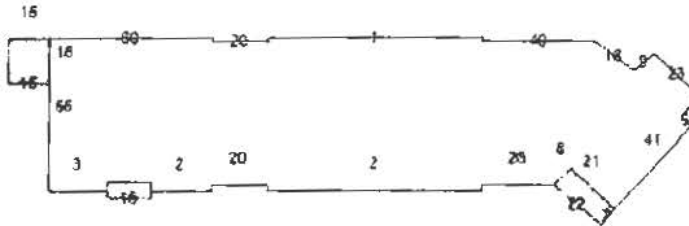
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Community Shopping Centers	0	0	4718	SF	\$306,670
Community Shopping Centers	0	0	4950	SF	\$321,750
Community Shopping Centers	0	0	5143	SF	\$334,295

# Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
9/2/2014	8/27/2014	\$1,788,800.00	WD	2224	973	Q	I	SEAGROVE PROPERTY HOLDING COMPANY LLC	L & L PIRTON INC
9/2/2014	8/14/2014	\$100.00	QC	2824	967	U	I	JNM BEACHSIDE DEVELOPMENT INC	SEAGROVE PROPERTY HOLDING COMPANY LLC
	4/4/2005	\$750,000.00	WD	2411	1497	U	V	JNM BEACHSIDE DEVELOPMENT LTO	SEAGROVE PROPERTY HOLDING COMPANY LLC

# Sketch Information

Room Type	Area
OCN	0
Base	0



No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[View Privacy Policy](#)

[GDPR Privacy Notice](#)

File Saved: 2/24/2020 11:44:32 PM

Developed by



February 2, 2020

**BEFORE THE CITY COMMISSION OF THE  
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

In re:

**APPLICATION OF SIMONE AND MONICA PARISI,  
FOR CONDITIONAL USE PERMIT APPROVAL  
FOR OUTDOOR DINING, FOOD AND BEVERAGE  
SERVICE AND CONSUMPTION AT  
134 SEAGROVE MAIN STREET,  
ST. AUGUSTINE BEACH, FLORIDA 32080**

MAY 21 2015

CITY OF ST. AUGUSTINE BEACH

Public Records of St. Johns County, FL  
Clerk number: 2015030047  
BK: 4028 PG: 101  
5/18/2015 10:40 AM  
Recording \$18.50

**ORDER APPROVING CONDITIONAL USE (CU 2015-01)**

This CAUSE came on for public hearing before the City Commission of the City of St. Augustine Beach, Florida on May 4, 2015, upon recommendation for approval with conditions by the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, after hearing on April 21, 2015, upon Application (CU 2015-01) by Simone and Monica Parisi, for a conditional use permit to allow for outdoor dining, food and beverage service and consumption, at Terra & Acqua located at 134 SeaGrove Main Street, St. Augustine Beach, Florida 32080. The City Commission having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the Application was approved subject to the following conditions:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings.
3. The use shall expire five (5) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond May 4, 2020.
4. The use shall be conducted in such a way as to not violate City Code or become a nuisance.
5. No other expansion of the existing restaurant shall be conducted other than that specifically granted herein except expressly permitted by the Land Development Regulations.
6. The use shall be non-transferable.
7. The use shall be commenced within one (1) year and shall not lapse for more than one (1) year.

8. A violation of the conditions listed above shall void the conditional use granted herein.

Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

**DONE AND ORDERED** this 4<sup>th</sup> day of May, 2015, at St. Augustine Beach, St. Johns County, Florida.

**CITY COMMISSION OF THE  
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

Attest:



By:

  
Mayor, Commissioner





# MEMO

**To:** Max Royle, City Manager  
**From:** Bonnie Miller, Executive Assistant  
**Subject:** Conditional Use File No. CU 2020-01  
**Date:** Wednesday, March 25, 2020

Please be advised that at its regular monthly meeting held Tuesday, March 24, 2020 the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve a conditional use permit application submitted for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of an existing restaurant, Terra & Acqua, in a Planned Unit Development in the Seagrove Town Center at 134 Seagrove Main Street, St. Augustine Beach, Florida, 32080.

The application was filed by Simone and Monica Parisi, 151 Pelican Reef Drive, St. Augustine, Florida, owners of Terra & Acqua Restaurant, 134 Seagrove Main Street, St. Augustine Beach, Florida, 32080, per Sections 3.02.02 and 10.03.00-10.03.03 of the City of St. Augustine Beach Land Development Regulations, PERTAINING TO PARCELS G, H, AND I, SEAGROVE ST. AUGUSTINE BEACH UNIT 4 REPLAT #2, REAL ESTATE PARCEL NUMBER 162963-0070, AKA 134 SEAGROVE MAIN STREET, SECTION 33, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 61, PAGES 56-58, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Ms. Longstreet made the motion to recommend the City Commission approve the renewal of the current conditional use permit for food and/or beverage service and consumption outside of an enclosed building at Terra & Acqua Restaurant, 134 Seagrove Main Street, for a period of 15 years, subject to the conditions that it be granted as non-transferable and valid only to the current restaurant owners and applicants, and subject to possible revocation by the City Commission upon review of complaints or issues regarding the conditional use permit. Ms. Longstreet's motion was seconded by Ms. Odom and passed unanimously 7-0 by voice-vote.

## MEMORANDUM

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** March 26, 2020

**SUBJECT:** Request for Modification to Final Development Orders for Sea Colony Subdivision Units I, II, III and IV for Amendment to Stipulated Regulations for Building Setbacks, Total Ground Coverage, and Building Height

### INTRODUCTION

The Sea Colony subdivision was developed in four phases or units as a single-family residential subdivision. The Comprehensive Planning and Zoning Board approved the final development plan for each phase or unit as follows:

- Phase I, January 19, 1999
- Phase II, May 18, 1999
- Phase III, June 19, 2001
- Phase IV, November 18, 2003

The City Commission approved the plat for each phase or unit as follows:

- Unit I, March 1, 1999
- Unit II, July 12, 1999
- Unit III, July 2, 2001
- Unit IV, February 2, 2004

Though Sea Colony is not a planned unit development, its various phases or units were built in accordance with the approved final development plan and approved plat for each subdivision. The subdivision thus has some unique features such as narrow setbacks between the houses and some houses having scenic towers or lofts

Now the Sea Colony Architectural Review Board and the Sea Colony Neighborhood Association are seeking modification to the approved final development orders to recognize what was approved in the original final development plan for each phase and thus allowed to be built.

Your approval will ensure that should the houses be destroyed or significantly damaged by a storm, they can be rebuilt as approved by the various final development plans.

Mr. Jay McGarvey and Mr. Timothy McGarvey, agents for the Review Board and Neighborhood Association, presented the modification request to the Planning Board at its March 24, 2020, meeting.

The Board by 5-2 vote recommended that you:

“Approve this final development application for modification to the above-referenced final development orders issued for Sea Colony Subdivision as stipulated in Exhibit A, “Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia-All Phases,” subject to amendment to specify under “Building Heights” that the tower structures and scenery lofts shall be regulated per the building size limitations of the current Sea Colony Architectural Review Board Design Code, which limits the size and total square footage of such structures and shall be included as part of the final development modification documents; flag lots shall be regulated as ocean front lots pertaining to setbacks and tower and scenery loft construction; all variance requests outside of the final development order modifications shall demonstrate an undue hardship.”

#### ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-41, the application submitted to the Planning Board for its discussion at its March 24<sup>th</sup> meeting.
- b. Pages 42-28, a memo from Mrs. Bonnie Miller, the Building Department's Executive Assistant, with information that was presented at the Board's March 24<sup>th</sup> meeting. In the memo (page 42), Ms. Miller states the Board's motion and vote.

#### ACTION REQUESTED

It is that you listen to the McGarveys’ request and then decide whether to approve the new final development order, which is attached as pages 9-10, “to specify regulations for building setbacks, impervious surface coverage and building height for the various lots and housing types in Sea Colony Units One, Two, Three, and Four of the Beach Club at Anastasia Residential Cluster Development in a low-density residential land use district at 100 Sea Colony Parkway, St. Augustine Beach....”

# City of St. Augustine Beach Building and Zoning Department

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080  
WWW.STAUGBCH.COM  
BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

To: Comprehensive Planning & Zoning Board  
From: Bonnie Miller  
CC: Brian Law  
Date: 03-13-2020  
Re: Final Development File No. FD 2020-01

Final Development File No. FD 2020-01 is for modification of the existing final development orders issued for all phases of development in Sea Colony Subdivision. James N. McGarvey Jr. and Timothy S. McGarvey are the agents for the applicants, Sea Colony Architectural Review Board and Sea Colony Neighborhood Association, requesting a modification of Sea Colony's final development orders to specify regulations for building setbacks, impervious coverage and building height for the various lots and housing types in all phases of Sea Colony Subdivision, which is a low-density residential cluster development that is currently limited to 40 percent maximum impervious surface ratio (ISR) coverage. The current development orders for lots and housing types in Phases I, II III, and IV are included with the Board members' packet information, and while some of these development orders do address and reference specific setbacks for lots, none of address impervious coverage or building height.

Per Sections 12.01.04 and 12.02.10. B of the City's Land Development Regulations:

**Sec. 12.01.04. Post-permit changes.**

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the department.

(Ord. No. 91-7, § 2)

**Sec. 12.02.10.B. Amendment to final development plans.** If a major development has received a final development order or other approval, the amendment, modification or extension of such a final development order or approval shall only be by the same process as the order or approval was originally obtained (except that the concept review process does not have to be repeated) and the review fee shall also be the same.

(Ord. No. 91-7, § 2; Ord. No. 15-01, § 2, 2-2-15)

The Building and Zoning Department has no objection to this final development modification to existing development orders in Sea Colony based upon existing conditions in Sea Colony and as demonstrated by the matrix provided by the applicant. Staff asks that the Comprehensive Planning and Zoning Board consider the application and make a recommendation to approve or deny the requested modification to Sea Colony's final development orders.

Sincerely,

*Bonnie Miller*

Executive Assistant  
Building and Zoning Department

**THE CITY OF ST. AUGUSTINE BEACH  
APPLICATION FOR MAJOR DEVELOPMENT**

The undersigned hereby applies for a permit for construction, repairs, and/or installation work under the Building Codes of the City of St. Augustine Beach, Florida. This permit does not apply to Electrical, Plumbing, Mechanical or Land Clearing/Excavation.

Estimated Cost: \$ -0-

To be located on Lot(s): Sea Colony Units I, II, III, IV Block(s): IV PIN# 1741910001

Subdivision: Sea Colony of the Beach Club at Real Estate Parcel Number: Anastasia

Owner(s): St. Augustine Sea Colony LTD  
c/o McGarvey Residential Communities

Address(es): 1102 AIR North, Ste 102 Phone: 904-247-9160  
Ponte Vedra Bch, FL Phone: 32082  
Phone: \_\_\_\_\_

Architect: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Contractor's City Certification: \_\_\_\_\_

Contractor's State Certification: \_\_\_\_\_

Flood Insurance Zone: \_\_\_\_\_ Land Use Density Classification: \_\_\_\_\_

Sewage (Check One): Central Sewer Hook-Up \_\_\_\_\_ Septic \_\_\_\_\_

Legal Description of Parcel according to Survey and Warranty Deed (both must be submitted): \_\_\_\_\_

See attached Development Orders.

Please check if the following information required for submittal of the application has been included:

- ( ☒ ) Owner Permission Form (if applicable)
- ( ☒ ) List of names and addresses of all property owners within 300-foot radius
- ( ☒ ) First-class postage-stamped legal-size envelopes with names and addresses of all property owners within 300-foot radius
- ( ☒ ) Other documents or relevant information to be considered

In filing this application, the undersigned acknowledges it becomes part of the official record of the Comprehensive Planning and Zoning Board and City Commission and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

The application must be signed by either the owner or the owners authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

St Augustine Sea Colony Ltd

James N McGarvey Green Pky

Print name (owner or his/her agent)

Print name (applicant or his/her agent)

James N McGarvey 12/21/2020

Signature / date

Signature / date

1102 AIA North, #102, Ponte Vedra Beach, FL

Owner/agent address

Applicant/agent address

904-247-9160

Phone number

Phone number

**\*\*All agents must have notarized written authorization from the property owner(s)\*\***

**\*\* Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board and/or City Commission does not constitute approval for variation from the covenants and restrictions.\*\***

## **Application for Amendment to Final Development Orders for Sea Colony – All Phases**

Final Development Order Nos. 97-06 (The Beach Club, Phase I), 98-04 (Sea Colony, Phase I), 99-02 (Sea Colony of the Beach Club at Anastasia, Phase II), 2001-03 (Sea Colony Unit III), 2003-02 (Sea Colony Unit IV), and June 20, 2000 Variance Order (Lots 1-27, Block F) (collectively, "Final Development Orders").

February 18, 2020

This is an application to amend the Final Development Orders for property known as Sea Colony of the Beach Club at Anastasia in a previously approved clustered development, pursuant to Section 12.02.10(B) of the City of St. Augustine Beach Land Development Regulations. The site development criteria attached hereto as **Exhibit "A"** and incorporated herein by reference, is meant to amend, clarify and supersede the residential criteria for all lots within all phases of the development.





# City of St. Augustine Beach

2200 A1A SOUTH  
ST. AUGUSTINE BEACH, FLORIDA 32080  
WWW.STAUGBCH.COM

CITY MGR. (904) 471-2122  
FAX (904) 471-4108

BLDG. & ZONING (904) 471-8758  
FAX (904) 471-4470

## Owner's Authorization Form

Timothy S. McGarvey is hereby authorized TO ACT ON BEHALF OF

St Augustine Sea Colony LTD, the owners(s) of the property described in the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning or conditional or special use permit or other action pursuant to an application for:

Amendment to the Final Development Orders for  
Sea Colony Units 1, 2, 3, 4 of the Beach Club at Anastasia  
By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Signature of Owner(s)

Printed Name(s)

Address of Owner(s)

Telephone Number of Owner(s)

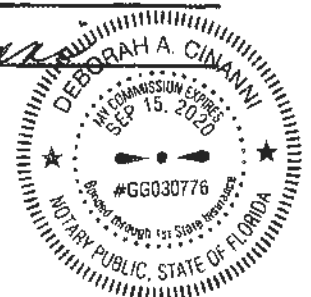
State of Florida  
County of St. Johns

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of FEBRUARY, 20 20

by JAMES MCGARVEY, who is personally known ✓ or who has produced identification (type of identification produced)

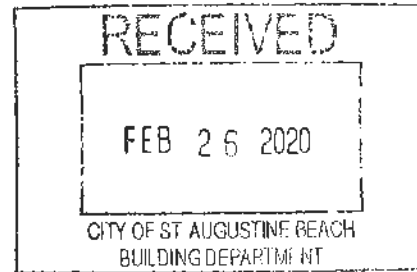
Signature of Notary Public—State of Florida

Notary Stamp/Seal/Commission Expiration Date:



Sea Colony Architectural Review Board  
Sea Colony Neighborhood Association, Inc.  
c/o May Management Services, Inc.  
5455 A1A S Ste 103  
St. Augustine Beach, FL 32080

City of St. Augustine Beach  
2200 A1A S  
St. Augustine Beach, FL 32080  
February 26, 2020



To Whom It May Concern:

Please be informed that Mr. James McGarvey or Mr. Timothy Sean McGarvey of McGarvey — Residential Communities is authorized to represent Sea Colony, St. Augustine Beach, in the application for a final development modification at the City Planning and Zoning Board and City Commission meetings.

Sincerely,

A handwritten signature in cursive script that reads "Jill List".

Jill List  
Chairman, Sea Colony Architectural Review Board  
525 Barefoot Trace Circle  
St. Augustine Beach, FL 32080



Overview



Legend

- ☐ Parcels
- ☐ Roads
- ☐ Cities

Parcel ID	1741910001	Physical		Building Value	N/A	Last 2 Sales			
Property	0900	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class		Mailing	SEA COLONY NEIGHBORHOOD	Value	n/a	0	n/a	n/a	n/a
Taxing	City of St Augustine	Address	ASSOC	Total Land Value	N/A	n/a	0	n/a	n/a
District	Beach		2453 SOUTH THIRD STREET	Just Value	N/A				
Acres	53.02		JACKSONVILLE FL 32250-0000	Total Deferred	N/A				
				Assessed Value	N/A				
				Total Exemptions	N/A				
				Taxable Value	N/A				

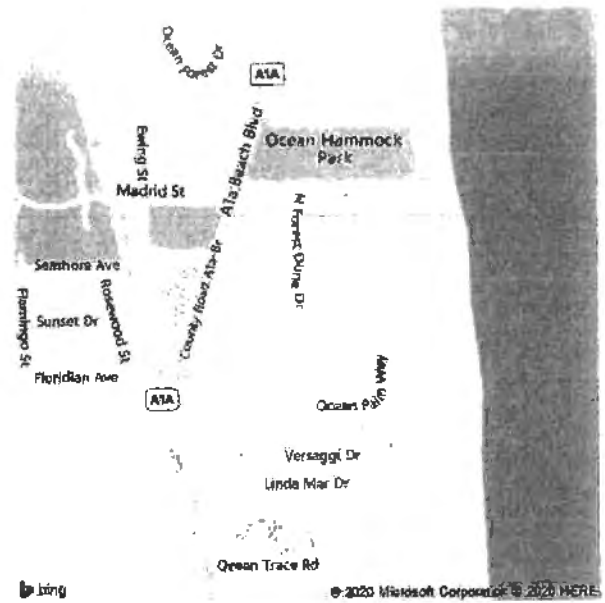
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 2/25/2020

Last Data Uploaded: 2/25/2020 12:17:41 AM

Developed by  Schneider  
GEOSPATIAL

Notes



**BEFORE THE CITY COMMISSION OF THE  
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

In re:

**APPLICATION OF JAMES N. MCGARVEY JR. AND  
TIMOTHY S. MCGARVEY, AGENTS FOR SEA  
COLONY ARCHITECTURAL REVIEW BOARD AND  
SEA COLONY NEIGHBORHOOD ASSOCIATION INC.,  
FOR MODIFICATION TO FINAL DEVELOPMENT  
FILE NOS. FD 97-06, FD 98-04, FD 99-02, FD 2001-03,  
AND FD 2003-02, PERTAINING TO SEA COLONY SUB-  
DIVISION, 100 SEA COLONY PARKWAY,  
ST. AUGUSTINE BEACH, FLORIDA 32080**

**FINAL DEVELOPMENT ORDER FILE NO. FD 2020-01, APPROVING  
MODIFICATION TO FINAL DEVELOPMENT FILE NOS. FD 97-06, FD 98-04, FD 99-02,  
FD 2001-03, AND FD 2003-02**

This CAUSE came for public hearing before the City Commission of the City of St. Augustine Beach, Florida, on the 6<sup>th</sup> day of April 2020, upon application of Final Development File No. FD 2020-01, by James N. McGarvey Jr. and Timothy S. McGarvey, agents for Sea Colony Architectural Review Board and Sea Colony Neighborhood Association Inc., 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, for modification to Final Development File Nos. FD 97-06, FD 98-04, FD 99-02, FD 2001-03, and FD 2003-02, per Section 12.02.10.B of the City of St. Augustine Beach Land Development Regulations, to specify regulations for building setbacks, impervious coverage and building height for the various lots and housing types in Sea Colony Units One, Two, Three, and Four of the Beach Club at Anastasia Residential Cluster Development, in a low density residential land use district at 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, as attached and titled "Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases." The City Commission having reviewed and considered the application, the report of the Building and Zoning Department, the recommendation of the Comprehensive Planning and Zoning Board of St. Augustine Beach, which reviewed and considered the application on the 24<sup>th</sup> day of March 2020, the testimony, statements, and evidence presented before the Comprehensive Planning and Zoning Board and the City Commission by the applicant and other persons speaking at the public hearing, including public comments, and the City Commission finding it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, upon motion duly made, seconded and passed, the application was approved based upon the following findings of fact:

**FINDINGS OF FACT**

The City Commission finds that the final development modification of the final development orders described above for Sea Colony Subdivision conforms to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and, except as may be required to be cured herein, with all applicable City of St. Augustine Beach Land Development Regulations.

The application and accompanying documents submitted demonstrate the final development plan for the above-referenced property does not degrade the prescribed Levels of Service for the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County

Service for the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. FD 2020-01, prepared by the final development modification application submitted by James N. McGarvey Jr. and Timothy S. McGarvey, agents for Sea Colony Architectural Review Board and Sea Colony Neighborhood Association Inc., unless modified by a subsequent final development order, is approved for Sea Colony Subdivision, 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, and shall not be effective except upon ratification of each and every one of the following conditions.

**ORDERED** as follows:

1. Nothing contained herein shall be deemed to waive the requirement that the proposed development comply with the State of Florida Building Codes and conform to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, City of St. Augustine Beach Land Development Regulations, except as may be required to be cured herein.
2. The modification to the final development orders granted for Sea Colony Subdivision is hereby granted by the St. Augustine Beach City Commission to allow the building setbacks, impervious coverage and building height as specified for various lots and housing types in Sea Colony Subdivision per the attached document titled "Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases."
3. Successors and assigns of the applicant/owner shall be bound by the terms and conditions of this Final Development Order. However, persons acquiring property do so with notice that although under appropriate circumstances, owners of property have vested rights, changes in the City of St. Augustine Beach Land Development Regulations affecting use would not be acquired under the transfer of ownership.
4. Any appeal of this decision may be made by filing an appropriate action with a court of competent jurisdiction within thirty (30) days of the date of this Order.

**DONE AND ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at St. Augustine Beach, St. Johns County, Florida.

**CITY COMMISSION OF THE CITY OF  
ST. AUGUSTINE BEACH, FLORIDA**

Attest: \_\_\_\_\_ By: \_\_\_\_\_  
**Max Royle, City Manager** **Margaret England, Mayor**

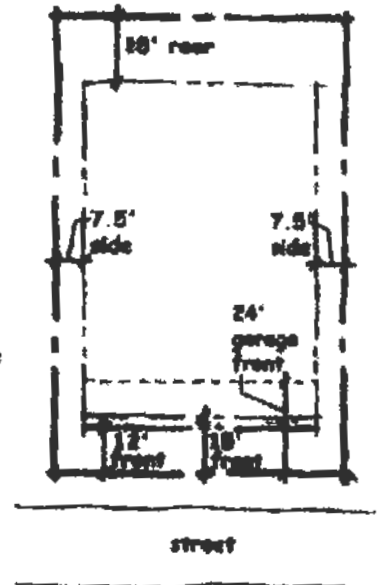
THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.04.C OF THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS: **Section 12.06.04.C.** *"Appeals from the decision of the City Commission shall be appealed to the circuit court."*

**AMENDMENT TO THE FINAL DEVELOPMENT ORDERS OF SEA COLONY OF THE  
BEACH CLUB AT ANASTASIA - ALL PHASES**

**SETBACKS/ BUILD-TO-LINES FOR THE VARIOUS HOUSING TYPES**

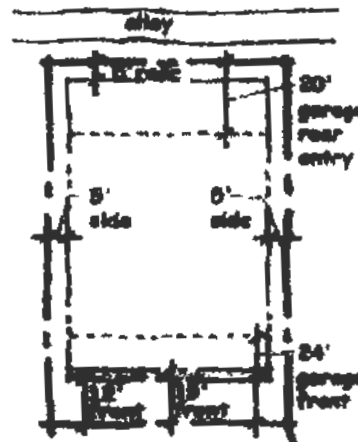
**Ocean Front Lots:**

Front Build-to-Zone	12'-15'
Side Setbacks	7.5'
Rear Setbacks	18'
Garage Front Setbacks	24' (*exceptions for flag lots below)



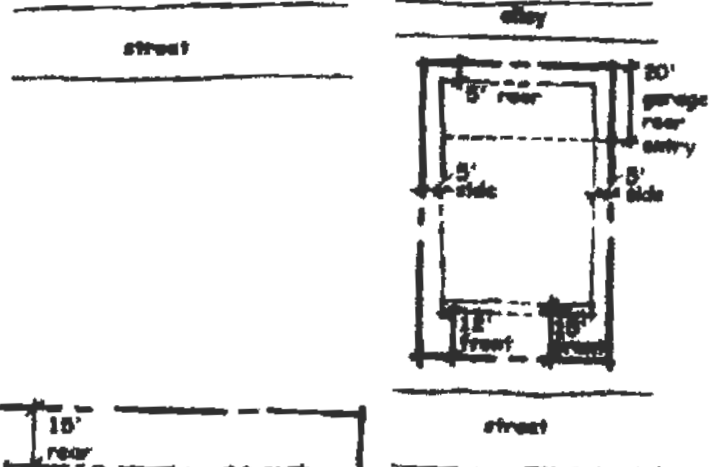
**Dune Lots:**

Front Build-to-Zone	12'-15'
Side Setbacks	5'
Rear Setbacks	5'
Garage Front Setback	24'
Alley Rear Entry Garage, Rear Setback	20'
Alley Side Entry Garage, Rear Setback	5'
Corner Lot/ Secondary Street Setback	12'-15'



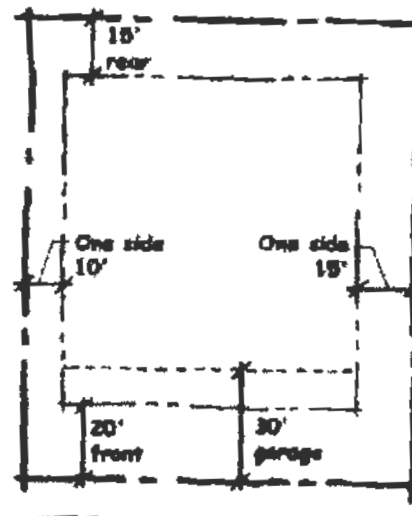
**Cottage Lots Along South Side of Sea Colony:**

Front Build-to-Zone	12'-15'
Side Setbacks	5'
Rear Setbacks	5'
Alley Rear Entry Garage, Rear Setback	20'
Alley Side Entry Garage, Rear Setback	5'



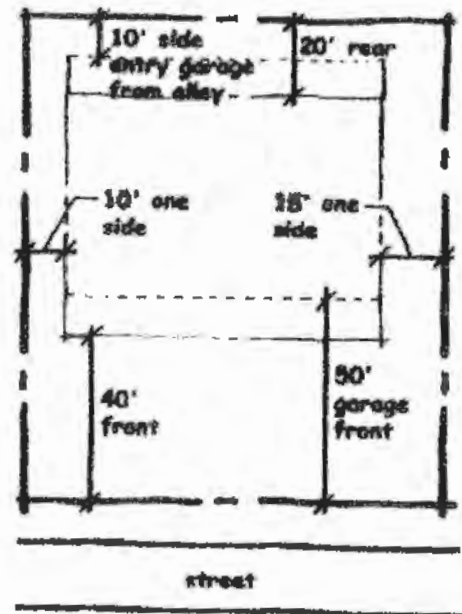
**Wooded Lots:**

Front Setback	20'
Side Setback	
One Side	10'
One Side	15'
Rear Setback	15'
Garage Front Setback	30'
Corner Lot/ Secondary Street Setback	15'



#### Estate lots:

Front Setback (Lots G5-G18)	40'
Front Setbacks (Lots G19-G24)	30'
Side Setbacks	One Side 10'
	One Side 15'
Rear Setbacks	20'
Garage Front Setback	50'
Garage Front Setback (Lots G19-G24)	40'
Rear Setback-Alley	
Side Entry Garage	10'
Front Build-To Zone (Lots G1-G4)	12'-15'
Corner Lots/ Secondary Street (Lots G1-G4)	12'-15'
Corner Lots/ Secondary Street (Lots G8-G9)	20'-



#### Sanctuary Lots:

These lots have not specified setbacks. Each House was site located to accommodate topography, tree location and street layout.

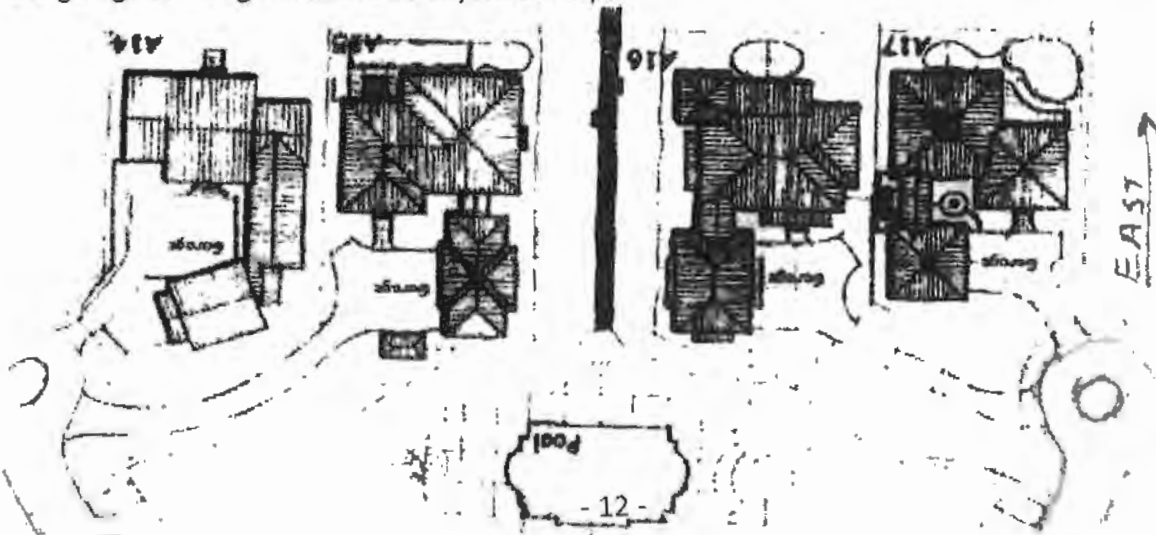
#### Villa Lots:

Front Build-to-Line	12' - 15'
Side Setbacks	One side 5'
	One side 2.5'
Rear Setback	5'



#### Flag Lots:

Some Ocean Front Lots are unique in their configuration and have different criteria for design. These Flag Lots include lots A-1, A-2, A-14, A-15, A-16, A-17, A-27, A-28. Only on Flag Lots may the garage be designed with a courtyard concept.





### **Lot Coverage**

Impervious coverage for the Sea Colony of the Beach Club at Anastasia Cluster Development was calculated as an overall number, for the entire cluster development project, and not on a lot by lot basis. The total area of the cluster development to be covered by impervious surfaces shall not exceed 65%.

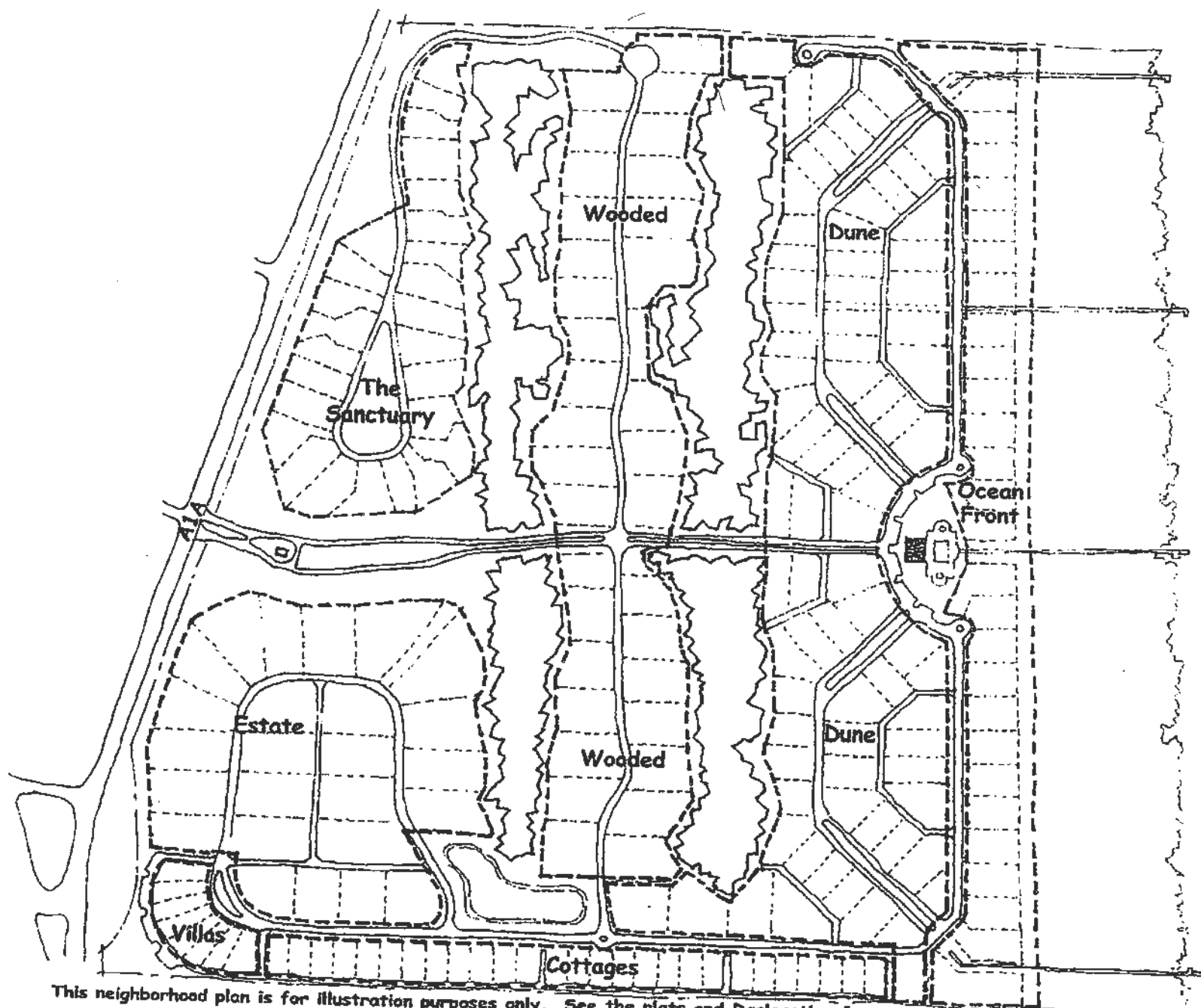
### **Building Heights**

In general, the main roof of the house may not exceed 35' in height. Overall building height is measured from the higher of the following two points: (1) the highest maintained substantive natural elevation on the lot, or (2) one foot (1') above the crown of the road in front of the property, to the peak of the roof.

Special height limits apply to Tower structures. These scenery lofts are allowed to reach a maximum height of 42' and may be enclosed or open air. The roof line of the Tower must be detached from the roof of the main house to create a separate element.

Accessory buildings/ structures are limited to a maximum building height of 12' and shall comply with all building setbacks for the primary structure. Detached Garages with rooms above are limited to 25' in height. Height is measured as prescribed above. If structures are separated from the main house, yet connected by covered walkways, those structures shall comply with the height limitations for the main house.

**Definition:** The Build-to-Zone referenced above is that zone 12' to 15' from the front property line in which the front of each house, including the porch/front stoop and steps, must be located. Unlike the side and rear setbacks, the Build-to-Zone for the lots referenced above is meant to address the front of the house to the street. The effect is to reinforce the visual edge defining the streetscape.



Atlantic Ocean

This neighborhood plan is for illustration purposes only. See the plats and Declaration for accurate lot locations and lot types.

**BEFORE THE  
COMPREHENSIVE PLANNING AND ZONING BOARD  
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA**

FILE NO. FD 97-06

RE: Application for Final  
Development Approval by  
David Fleeman  
The Beach Club/Phase I

**FINAL DEVELOPMENT ORDER**

THIS MATTER came before the St. Augustine Beach Comprehensive Planning & Zoning Board (the "Board") on the 20th day of May, 1997. A previous development Order was entered on this site on April 22, 1994, which was recorded at Official Records Book 1050 at Page 1310 of the Public records of St. Johns County, Florida. Since the entry of the Previous Final Development Order the Applicant has revised its plan of development as to the configuration and number of lots within the proposed cluster development. The Board has considered the Final Development Application, the report of the City Staff, the testimony and evidence presented before it and, pursuant thereto, it is determined as follows:

**FINDINGS OF FACT**

The Board finds that it has jurisdiction over this proceeding and that required notice was afforded to all parties.

The Board finds that the proposed development conforms with all applicable provisions of the St. Augustine Beach Comprehensive Plan and in particular, that the proposed development conforms to the Future Land Use Plan element of the Comprehensive Plan and clustering

In + Let - City St. AUG Bch  
(Env) 370 AIA Bch Blvd  
St. AUG Bch, Fl. 32084  
— Bill —

development rights per §10.04.00 of the Land Development Regulations of the City.

The Board finds that the proposed development, except as may be required to be cured herein, conforms with all applicable Land Development Regulations of the City.

The application demonstrates that the proposed development does not degrade the adopted levels of service in the St. Augustine Beach Comprehensive Plan and/or any interlocal agreement with St. Johns County concerning such services.

The applicant has complied with all applicable rules, regulations, ordinances and criteria of the City and it is appropriate that this Order be entered. It is therefore ordered:

1. Subject to the conditions hereinafter set forth, the Final Development Plan of the applicant, unless modified by a subsequent final development order, is approved for the parcel of land described in this Phase One Final Development Order.

2. This Final Development Order shall not be effective except upon the satisfaction of each and every of the following conditions:

(a) Production of evidence satisfactory to the building official of receipt by applicant of permits allowing development in accordance with the Final Development Plan from the army Corps of Engineers; the Department of Transportation; State of Florida; Florida Department of Environmental Protection; St. Johns River Water Management District and St. Johns County Utility Department.

(b) Special conditions:

(i) The permits described in subparagraph (a), above, must be issued and in effect prior to plat approval.

(ii) The applicant will undertake measures to include protecting trees which will include flagging protected trees, providing protective barriers where needed and staking the trees which are to remain (staking the minimum 10 foot diameter area from the tree trunk required to avoid damage).

---

Applicant will plant the required number of replacement trees to mitigate those which must be removed in accordance with permit approval, at the entrance and in that portion of the commercial area which is not needed

for access, infrastructure and retention. Applicant reserves the right to create tree islands within road right-of-ways so long as there is a minimum of eleven (11) feet of pavement in each lane of travel. A minimum twelve (12) feet of pavement in each lane of travel is required for cul-de-sacs with a minimum thirty-eight (38) feet turning radius at all temporary or permanent street or roadway terminations.

- (iii) As part of the infrastructure, Applicant will construct a sidewalk along ALA concurrent with the construction of the roads in the subdivision to provide access to Anastasia Plaza in conformity with §6.02.05(3) of the Land Development Regulations. The Applicant will further construct sidewalks on a least one (1) side of each roadway withing the proposed development as may be required by the Land Development Regulations.
- (iv) Restrictive covenants and the 11" x 17" Index of Drawings will be recorded prior to or concurrently with the plat.
- (v) No commercial development will occur on the commercial parcel without submission of a report by a qualified engineer that it will not adversely affect drainage in the residential portion of the subdivision.
- (vi) Essential services, such as electric, telephone and street lighting must be in place prior to the issuance of any Certificates of Occupancy. Water and sewer connections must be paid for and in place prior to issuance of a building permit. Fire hydrants will be in place before issuance of Building Permits for any structure.
- (vii) Applicant may not commence construction of a building prior to approval of the roadway in front the lot upon which it is to be situated.

3. This Final Development Order shall be valid for a period of five (5) years from its effective date, at which time the developer shall have completed the platting of the project and shall have made substantial commencement of the development activities on site by completing thirty (30) percent of the required infrastructure.

4. Construction of this project will be completed in phases, however, that no site work

or construction shall occur on other than Phase One or the commercial site except by subsequent Final Development Plan, except for the drainage improvements set forth in the Final Development Plan.

5. Nothing contained herein shall be deemed to waive the requirement that the Applicant plat the subdivision described in the Final Development Plan nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of St. Augustine Beach, Florida.

6. No building permits may be issued for construction in the project except upon the posting of an adequate bond, with good and sufficient surety, conforming to City Ordinances, insuring the completion of all infrastructure contemplated by this Final Development Plan and upon approval of the plat of the subdivision by the City Commission to be submitted for evaluation and approval in the future.

7. All persons are cautioned that the City disclaims any liability for flooding in conformity with §5.03.01(b) of the Land Development Code.

8. The Master Plan is approved. This approval of the Master Plan does not constitute a determination of conformity of the Development with concurrency requirements of the Comprehensive Plan or Land Development Regulations.

9. Successors and assigns of the developer will be bound by the terms and conditions of this Final Development Order.

ORDERED and executed at the City of St. Augustine Beach, Florida, this 30th day of May, A. D., 1997.

ST. AUGUSTINE BEACH COMPREHENSIVE  
PLANNING AND ZONING BOARD

By: William G. Feaster  
William G. Feaster, Chairman

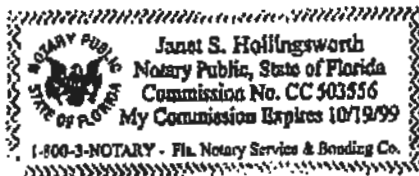
The above and foregoing Order is subject to appeal to the City Commission of the City of St. Augustine Beach in accordance with the provisions of Sec. 12.06.02 of the Land

*"A developer, an adversely affected party, or any person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached to the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision"*

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

THE FOREGOING instrument was acknowledged before me this 30th day of May, A.D., 1997, by **WILLIAM G. FEASTER**, who is personally known to me.

Janet S. Hollingsworth  
Notary Public, State of Florida



Janet S. Hollingsworth  
Printed Name

*G. Brian Wheeler  
9250 Cypress Grove  
Suite 800  
St. Augustine, FL 32056*

CL3 6 113

BEFORE THE  
COMPREHENSIVE PLANNING AND ZONING BOARD  
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

FILE NO. FD 98-04, MODIFICATION OF FILE NO. FD 97-06

RE: Application for Final  
Development Approval for  
David B. Fleeman, owner/trustee,  
and G. Brian Wheeler, agent for  
Genesis Group, Inc., for Sea  
Colony, Phase I

Public Records of  
St. Johns County, FL  
Clerk# 99003222  
O.R. 1380 PG 942  
08:29AM 01/25/1999  
REC \$13.00 SUR \$2.00

**FINAL DEVELOPMENT ORDER**

THIS MATTER came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) on the 19th day of January, 1999. The Board considered the application, the report of the Board department staff, the testimony and evidence presented before it and pursuant thereto, it is determined as follows:

**Findings of Fact**

The Board finds that it has jurisdiction over this proceeding and that the required notices have been provided and afforded all parties as required.

The Board finds that the proposed development conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and in particular, policy R.1.3.2, as it pertains to clustering and policy CC.2.8.1 as it pertains to the transfer of development rights.

The Board finds that the proposed development, except as may be required to be cured herein, conforms with all applicable Land Development Regulations of the City of St. Augustine Beach.

The application and accompanying documents submitted demonstrate the Phase I development plans do not degrade the prescribed levels of service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is appropriate that this order be entered modifying Final Development Order File No. FD 97-06 by the development plan now known as "Sea Colony," submitted by G. Brian Wheeler, agent for Genesis Group Inc., on behalf of David B. Fleeman, owner. It is therefore ordered:

1. This Final Development Order File No. FD 98-04 be valid for a period not exceeding the remainder of the five years of the effective date of Final Development Order File No. FD 97-06, which was ordered and executed on the 30th day of May, 1997.

2. This amended Final Development Order shall not be effective except upon the satisfaction of each and every one of the following conditions:

(A) Production of evidence satisfactory to the Building Official of receipt of permits allowing development in accordance with this Final Development submittal and accompanying drawings from



the Army Corps of Engineers, the Florida Department of Transportation, the Florida Department of Environmental Protection, St. Johns River Water Management District and St. Johns County Utility Department.

(B) Special Conditions:

- (i) The permits described in sub-paragraph (A) above must be issued and in effect prior to commencement of any development activity including fill-clearing, site work, tree removal and also any mitigation which involves wetlands or endangered species.
- (ii) As part of the infrastructure, applicant/developer will construct a sidewalk with a bike path along Highway A1A concurrent with the roads in the subdivision to provide access to shopping and activity centers in the vicinity. The sidewalk and bike path shall be in conformity with Section 6.02.05(3) of the Land Development Regulations.
- (iii) The applicant/developer will undertake measures to protect trees and environmental sensitive areas by providing protective barriers prior to, and during, all development activity.
- (iv) The applicant/developer must submit restrictive covenants dedicating the roads and water management system to maintenance by the Homeowner's Association, which will be recorded prior to or concurrently with the plan.
- (v) Essential services such as electricity, telephone and street lighting must be in place prior to the issuance of any building certificate of occupancy. Roadways, fire hydrants, water and sewer must be in place prior to the issuance of any building permits.
- (vi) Prior to the issuance of roadway and infrastructure permits an adequate bond or letter of credit with good and sufficient surety ensuring the completion of all infrastructure contemplated by this final development plan and accompanying documents must be submitted.
- (vii) Nothing contained herein shall be deemed to waive the requirement that the applicant plat the subdivision described in the Final Development Plan nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of St. Augustine Beach, Florida.
- (viii) Prior to acceptance of the preliminary plat which is to be placed on the agenda for review by the City of St. Augustine Beach Commission, production of a warranty deed or deeds which are consistent with the legal description on the plat are required. Also, a contract acceptable to the City which is consistent with Ordinance 98-16 requiring a second review of the plat must be submitted and signed by a professional surveyor and mapper. Proof shall also be provided prior to final plat approval by the City of St. Augustine Beach Commission, that owner has obtained release by the Board of Trustees of the Internal Improvement Trust Fund of canal and mineral reservations held by the State of Florida.
- (ix) Successors and assigns of the owner/developer will be bound by the terms and conditions of this Final Development Order and, to the extent not in conflict, with Final Development Order No. FD 97-06.

**ORDERED** and executed at the City of St. Augustine Beach, Florida, this 19th day of January, A.D., 1999.

ST. AUGUSTINE BEACH COMPREHENSIVE  
PLANNING AND ZONING BOARD

By: William G. Feaster  
William G. Feaster, Chairman

Attest: Francis T. Becza  
Francis T. Becza, Director of Building  
and Zoning

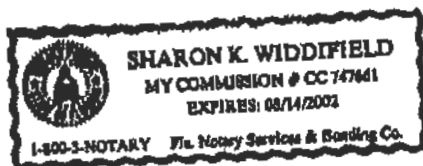
The above and foregoing Order is subject to appeal to the City Commission of the City of St. Augustine Beach in accordance with the provisions of Section 12.06.02 of the Land Development Regulations of the City providing:

*"A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."*

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Subscribed and sworn to before me this 21st day of January, 1999 by William G. Feaster, who is personally known to me.

Sharon K. Widdifield  
Notary Public, State of Florida

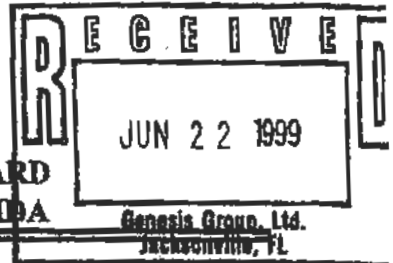


Sharon K. Widdifield  
Printed Name

8-14-2001  
My Commission Expires

YALIF GARVEY  
9250 Cypress Green Dr #200  
JUL 3 22 52

BEFORE THE  
COMPREHENSIVE PLANNING AND ZONING BOARD  
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA



FINAL DEVELOPMENT ORDER FILE NO. FD 99-02

RE: Application for Final  
Development Approval for  
James N. McGarvey, president  
of McGarvey Residential Communities,  
for Sea Colony of the Beach Club  
at Anastasia, Phase II

Public Records of  
St. Johns County, FL  
Clerk# 99029717  
O.R. 1419 PG 1668  
09:02AM 06/23/1999  
REC \$17.00 SUR \$2.50

**FINAL DEVELOPMENT ORDER**

THIS MATTER came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) on the 15th day of June, 1999. The Board considered the application, the report of the Board department staff, the testimony and evidence presented before it and pursuant thereto, it is determined as follows:

**Findings of Fact**

The Board finds that it has jurisdiction over this proceeding and that the required notices have been provided and afforded all parties as required.

The Board finds that the proposed development conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and in particular, policy R.1.3.2. as it pertains to clustering and policy CC.2.8.1 as it pertains to the transfer of development rights.

The Board finds that the proposed development, except as may be required to be cured herein, conforms with all applicable Land Development Regulations of the City of St. Augustine Beach.

The application and accompanying documents submitted demonstrate the Phase II development plans do not degrade the prescribed levels of service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations, and is therefore hereby approved.

Subject to the conditions hereinafter set forth, it is therefore ordered:

1. This Final Development Order File No. FD 99-02 be valid for a period not exceeding the remainder of the five years of the effective date of Final Development Order File No. FD 97-06, which was ordered and executed on the 20th day of May, 1997.

2. This amended Final Development Order shall not be effective except upon the satisfaction of each and every one of the following conditions:

(A) Production of evidence satisfactory to the Building Official of receipt of permits allowing development in accordance with this Final Development submittal and accompanying drawings from the Army Corps of Engineers, the Florida Department of Transportation, the Florida Department of

Environmental Protection, St. Johns River Water Management District and St. Johns County Utility Department.

(B) Special Conditions:

- (i) The permits described in sub-paragraph (A) above must be issued and in effect prior to commencement of any development activity including fill-clearing, site work, tree removal and also any mitigation which involves wetlands or endangered species.
- (ii) As part of the infrastructure, applicant/developer will construct a sidewalk with a bike path along Highway A1A concurrent with the roads in the subdivision to provide access to shopping and activity centers in the vicinity. The sidewalk and bike path shall be in conformity with Section 6.02.05(3) of the Land Development Regulations.
- (iii) The applicant/developer will undertake measures to protect trees and environmental sensitive areas by providing protective barriers prior to, and during, all development activity.
- (iv) The applicant/developer must submit restrictive covenants dedicating the roads and water management system to maintenance by the Homeowner's Association, which will be recorded prior to or concurrently with the plan.
- (v) Essential services such as electricity, telephone and street lighting must be in place prior to the issuance of any building certificate of occupancy. Roadways, fire hydrants, water and sewer must be in place prior to the issuance of any building permits.
- (vi) Prior to the issuance of roadway and infrastructure permits an adequate bond or letter of credit with good and sufficient surety ensuring the completion of all infrastructure contemplated by this final development plan and accompanying documents must be submitted.
- (vii) Nothing contained herein shall be deemed to waive the requirement that the applicant plat the subdivision described in the Final Development Plan nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of St. Augustine Beach, Florida.
- (viii) Prior to acceptance of the preliminary plat which is to be placed on the agenda for review by the City of St. Augustine Beach Commission, production of a warranty deed or deeds which are consistent with the legal description on the plat are required. Also, a contract acceptable to the City which is consistent with Ordinance 98-16 requiring a second review of the plat must be submitted and signed by a professional surveyor and mapper. Proof shall also be provided prior to final plat approval by the City of St. Augustine Beach Commission, that owner has obtained release by the Board of Trustees of the Internal Improvement Trust Fund of canal and mineral reservations held by the State of Florida.
- (ix) Successors and assigns of the owner/developer will be bound by the terms and conditions of this Final Development Order and, to the extent not in conflict, with Final Development Order No. FD 97-06 and Final Development Order No. FD 98-04.
- (x) The wetlands fill area on the north end of the property used for temporary access for construction shall be terminated following tree replacement in accordance with the submitted tree survey and prior to approval by the City of St. Augustine Beach of completed infrastructure for Phase I and Phase II.

**ORDERED** and executed at the City of St. Augustine Beach, Florida, this 15th day of June, A.D., 1999.

ST. AUGUSTINE BEACH COMPREHENSIVE  
PLANNING AND ZONING BOARD

By: John Rooney  
John Rooney, Chairman

Attest: Francis T. Becza  
Francis T. Becza, Director of Building and Zoning

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Subscribed and sworn before me this 18 day of June, 1999, by \_\_\_\_\_

John Rooney, who is personally known to me.

Sharon K. Wedel  
Notary Public, State of Florida

Sharon K. Wedel  
Printed Name

The above and foregoing Order is subject to appeal to the City Commission of the City of St. Augustine Beach in accordance with the provisions of Section 12.06.02 of the Land Development Regulations of the City providing:

*"A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."*

**BEFORE THE  
COMPREHENSIVE PLANNING AND ZONING BOARD  
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA**

**FINAL DEVELOPMENT FILE NO. FD 2001-03,  
PRELIMINARY PLAT APPROVAL FILE NO. PPA 2001-02**

RE: Application for Final Development and  
Preliminary Plat Approval for Sea Colony  
Unit III, for St. Augustine Sea Colony Ltd.,  
James N. McGarvey Jr., President

**FINAL DEVELOPMENT ORDER**

THE ABOVE APPLICATION for a Final Development Order for Sea Colony Unit III, PERTAINING TO THAT PORTION OF SEA COLONY SUBDIVISION DIRECTLY ADJACENT TO THE EAST SIDE OF COUNTY ROAD A1A BEACH BOULEVARD BETWEEN SEA COLONY PARKWAY AND OCEAN PALM WAY, TOGETHER WITH A PORTION OF GOVERNMENT LOTS 1 AND 4, REAL ESTATE PARCEL NUMBERS 174191-0001, 174520-0000, 174520-0010, CONSISTING OF APPROXIMATELY 15.13 ACRES, MORE OR LESS, SECTION 10, TOWNSHIP 8 SOUTH, RANGE 30 EAST, AS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) on the 19th day of June, 2001, for final development and preliminary plat approval, per Sections 12.02.05-12.02.15 of the Land Development Regulations of the City of St. Augustine Beach, for construction of 32 single-family residential units on 15.13 acres in low density residential and commercial land use districts, by conditional use permit, in Sea Colony Subdivision, 150 Sea Colony Parkway, St. Augustine Beach, Florida, 32080. The Board considered the application, the report of the Building and Zoning Department Staff, the testimony, statements, and evidence presented before it by the applicant and other persons speaking at the hearing and the Board finding that it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, it is determined as follows:

**Findings of Fact**

The Board finds that the Final Development Plan for the proposed single-family residential development of Sea Colony Unit III, consisting of 32 single-family residential units on 15.13 acres in low density residential and commercial land use districts, by conditional use permit, conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and, except as may be required to be cured herein, with all applicable Land Development Regulations of the City of St. Augustine Beach.

The application and accompanying documents submitted demonstrate the Final Development

Plan for the above-described property does not degrade the prescribed levels of service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. FD 2001-03, prepared for the final development and preliminary plat approval application submitted by St. Augustine Sea Colony Ltd., James N. McGarvey Jr., President, 2453 South Third Street, Jacksonville Beach, Florida, 32250, unless modified by a subsequent final development order, is approved for the above-described parcel of land, and shall not be effective except upon ratification of each and every one of the following conditions.

**ORDERED** as follows:

1. This development must conform with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and all applicable Land Development Regulations.
2. Production of evidence satisfactory to the Building Official of receipt by applicant of permits allowing development in accordance with the Final Development Plan and accompanying drawings, if required, from the Army Corps of Engineers, the Florida Department of Environmental Protection, St. Johns River Water Management District, and St. Johns County Utility Department. These permits must be issued and in effect prior to the issuance of any permits for the Sea Colony Unit III residential development.
3. Essential services such as electricity, telephone, cable and other communication lines, and street lighting, must be in place prior to the issuance of any building certificate of occupancy. Water and sewer connections must be paid for and in place prior to issuance of a building permit. All utilities must be installed underground. Screening of any utility apparatus placed above ground shall be required. Fire hydrants will be in place prior to issuance of building permits for any structures.
4. Applicant will undertake measures to protect trees and environmentally sensitive areas by providing protective barriers prior to, and during, all development activity, immediately adjacent to the right-of-way or utility easement prior to the issuance of any infrastructure or clearing permit. Clearing and/or tree removal permits will not be issued on the platted lots prior to the acceptance of a substantially complete application for a building permit.
5. Side and rear setback requirements may be varied by a maximum of (5) five feet for the preservation of trees on the Final Development Plan for Lots 1-12 and Lots 21-32.
6. A 12 (twelve)-foot building restriction line is allowed for front and rear setbacks for Lots 13-20 in addition to allowing a reduction of side setbacks to allow 7.5 feet between single family units on one side only of each of the lots, subject to the following: (a) The minimum distance between structures shall be 7.5 feet between the garage of one single-family unit and the adjacent structure; at all other places, the minimum distance shall be 10 (ten) feet. The garage area of any structure shall be set back a minimum distance of 2.5 feet from the side property line measured from the outside wall of the garage. (b) No habitable space above the garage shall be closer than 5 (five) feet from the side property line. (c) All outside air conditioning equipment shall be placed north of any garage side yard protrusions. (d) The applicant, on behalf of himself and any successors in title, waives any right to claim a zero lot line as to any property for which this Final Development



Order has been granted. (e) A copy of a restrictive covenant, to run with and be transferable with the land, against conversion of the garage areas into habitable space, shall be filed with the City. The City shall be a third party beneficiary of such restrictive covenant entitled, but not required so to do, as a condition of this grant, to enforce such restrictive covenant. (f) Prior to the issuance of any building permit for a structure closer than 5 (five) feet to the side property line, the applicant shall record, properly executed with appropriate legal descriptions attached, a Maintenance Agreement, in favor of the property as to which such building permit is sought, in substantially the form on file in the office of the Building Official of the City.

7. Applicant must submit restrictive covenants dedicating the roads and water management system to maintenance by the Sea Colony Homeowners Association, which will be recorded prior to or concurrently with the Final Development Plan for Sea Colony Unit III.

8. Prior to the issuance of roadway and infrastructure permits, an adequate bond or letter of credit, with good and sufficient surety, ensuring the completion of all infrastructure contemplated by this final development plan and accompanying documents, must be submitted.

9. No building permits may be issued for construction in the project except upon the posting of aforementioned bond, conforming to City Ordinances, ensuring the completion of all infrastructure contemplated by the Final Development Order.

10. Nothing contained herein shall be deemed to waive the requirement that the applicant plat the subdivision described in the Final Development Plan for Sea Colony Unit III, nor comply with other provisions of all applicable agencies, Building Codes, Land Development Regulations and Comprehensive Plan of the City of St. Augustine Beach, Florida, or the provisions of all other applicable agencies.

11. This Final Development Order shall be valid for a period of one (1) year from its effective date, at which time the applicant/developer shall have made substantial commencement of the development activities on site by completing at least 30 (thirty) percent of the required infrastructure.

12. Prior to acceptance of final plat approval of Sea Colony Unit III, which is to be placed on the agenda for review by the City of St. Augustine Beach City Commission, production of a warranty deed or deeds which are consistent with the legal description on the plat are required.

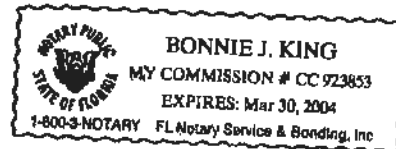
13. Successors and assigns of the applicant/owner will be bound by the terms and conditions of this Final Development Order. However, persons acquiring property do so with notice that although under appropriate circumstances owners of property have vested development rights, changes in the Land Development Regulations affecting use would not be acquired under the transfer of ownership.

**ORDERED** and executed at the City of St. Augustine Beach, Florida, this 19th day of June, A.D., 2001.

ST. AUGUSTINE BEACH COMPREHENSIVE  
PLANNING AND ZONING BOARD

Walter S. Davis  
Walter Davis, Chairman

STATE OF FLORIDA  
COUNTY OF ST. JOHNS



THE FOREGOING INSTRUMENT was acknowledged before me this 25<sup>th</sup> day of

June, A.D., 2001, by WALTER DAVIS, who is personally known to me.

Bonnie J. King Notary Public, State of Florida  
Bonnie J. King Printed Name

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02: "A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."

**BEFORE THE  
COMPREHENSIVE PLANNING AND ZONING BOARD  
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA**

**FINAL DEVELOPMENT FILE NO. FD 2003-02**

RE: Application for Final Development Approval  
for Sea Colony Subdivision Unit IV  
100 Sea Colony Parkway  
St. Augustine Beach, Florida 32080

Public Records of  
St. Johns County, FL  
~~Clerk# 03-094790~~  
O.R. 2113 PG 1411  
11:10AM 12/30/2003  
REC \$25.00 SUR \$3.50

St. Augustine Sea Colony, Ltd.,  
JNM St. Augustine Inc., General Partner  
James N. McGarvey Jr., President, Applicant  
432 Osceola Avenue  
Jacksonville Beach, Florida 32250

**FINAL DEVELOPMENT ORDER**

The above-referenced application pertaining to the property described in Attachment "A" came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the Board) for public hearing on the 18<sup>th</sup> day of November, 2003, for final development approval, per Sections 12.02.05-12.02.13 of the City of St. Augustine Beach Land Development Regulations. The property known as Sea Colony Unit IV consists of thirty (30) single-family residential units on approximately ten (10) acres in a previously approved cluster development.

The Board considered the application, the report of the Building and Zoning Department Staff, the testimony, statements, and evidence presented by the applicant and other persons speaking at the public hearing, and the Board finding it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, and determined as follows:

**Findings of Fact**

The Board finds that the Final Development Plan for Sea Colony Unit IV, consisting of thirty (30) single-family residential units on approximately ten (10) acres in a cluster development, in the northwest portion of Sea Colony Master Plan, conforms with all applicable provisions of the City of St. Augustine Beach Comprehensive Plan and Land Development Regulations and the approved Sea Colony Master Plan.

The application and accompanying documents submitted demonstrate the Final Development Plan for the above-referenced property does not degrade the prescribed Levels of Service of the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this Final Development Order File No. 2003-02, prepared for the final development application submitted by St. Augustine Sea Colony Ltd., 432 Osceola Avenue, Jacksonville Beach, Florida, 32250, unless modified by a subsequent final development order, is approved for the above-referenced parcel of land, and shall be effective upon production of evidence satisfactory to the Building Official of receipt by the applicant of permits deemed necessary allowing development in accordance with the Final Development Plan and accompanying drawings, if required, from the Army Corps of Engineers, the Florida Department of Transportation, the Florida Department of Environmental Protection, St. Johns River Water Management District, and the St. Johns County Utility Department. It is therefore further

**ORDERED** as follows:

1. Essential services such as electricity, telephone, cable and other communication lines, and street lighting must be in place prior to issuance of any Certificate of Occupancy. Water and sewer connections must be paid and in place prior to the issuance of any building permit. Screening of any utility apparatus placed above ground shall be required. Fire hydrants shall also be in place prior to issuance of any building permits.

2. Applicant shall undertake measures to protect trees and environmentally sensitive areas by providing protective barriers prior to and during all development activities immediately adjacent to the right-of-way or utility easement, prior to issuance of any infrastructure or clearing permit. Clearing and/or tree removal permits will not be issued prior to acceptance of a substantially complete application for a building permit.

3. Applicant must submit restrictive covenants dedicating the streets and water management system to maintenance by a Homeowners Association, which will be recorded prior to or concurrent with the conveyance of any lots to a third party.

4. Applicant shall provide an adequate bond or letter of credit with good and sufficient surety, ensuring the completion of all infrastructure contemplated by this Final Development Order, prior to the issuance of any permits for Sea Colony Unit IV.

5. No building permits may be issued for construction within Sea Colony Unit IV except upon posting of the aforementioned bond or letter of credit, conforming to City Ordinances and the City of St. Augustine Beach Land Development Regulations.

6. Nothing contained herein shall be deemed to waive the requirement that the applicant must fully comply with the Building Codes, Comprehensive Plan and the Land Development Regulations of the City of St. Augustine Beach, Florida, or the provisions of other applicable agencies.

7. This Final Development Order shall be effective for a period of one (1) year from its

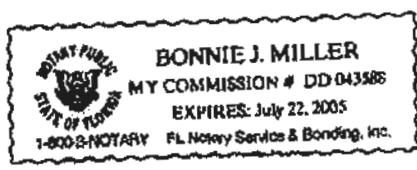
effective date, at which time the applicant/developer shall have made substantial commencement of the development activities on site by completing at least thirty (30) percent of the required improvements.

8. Successors and assigns of the applicant/owner shall be bound by the terms and conditions of this Final Development Order.

**SPECIAL CONDITIONS for Sea Colony Unit IV:**

1. Minimum rights-of-way shall be twenty-five (25) feet for one-way roads and forty (40) feet for two-way roads for preservation of the environment, trees and dunes.
2. Reductions in residential setbacks shall be allowed to accommodate preservation of existing topography and trees.
3. Where setbacks between residential units are less than seven and one half (7.5) feet, the requirements of the current Building Code will mandate required fire protection for exterior walls and the percentage of allowable opening within a wall area.
4. One driveway can serve more than one residential unit.
5. Floor elevations may be determined by existing dune elevations.

**ORDERED** and executed at the City of St. Augustine Beach, Florida, this 18<sup>th</sup> day of November, A.D., 2003.



ST. AUGUSTINE BEACH COMPREHENSIVE  
PLANNING AND ZONING BOARD

Robert Samuels  
Robert Samuels, Chairman

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT was acknowledged before me this 24<sup>th</sup> day of

November, A.D., 2003, by ROBERT SAMUELS, who is personally known to me.

Bonnie J. Miller  
Notary Public, State of Florida

Bonnie J. Miller  
Printed Name

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02: *"A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the department within thirty (30) days of the date of the decision."*

ATTACHMENT "A"

SEA COLONY UNIT FOUR

A portion of Government Lot 8, Section 3, together with a portion of Government Lot 1, Section 10, both lying within Township 8 South, Range 30 East, St. Johns County, Florida, together with all of Lots 10, 11 and 12, as shown on the plat of Sea Colony Unit One of The Beachclub At Anastasia Residential Cluster Development, as recorded in Map Book 36, Pages 1 through 11, inclusive, of the Public Records of said County, and all being more particularly described as follows: BEGINNING at the Northeast corner of said Lot 12; thence South  $00^{\circ}00'12''$  West, along the East line of said Lot 12, a distance of 31.90 feet to a point situate in the Northerly right of way line of North Forest Dune Drive, said right of way being a cul-de-sac, having a radius of 50.00 feet and being concave Southeasterly; thence Southwesterly, Southerly and Southeasterly around and along the arc of said curve and along the Westerly right of way line of said cul-de-sac, 79.14 feet, said arc being subtended by a chord bearing and distance of South  $15^{\circ}26'26''$  West, 71.13 feet to the point of reverse curvature of a curve concave Westerly and having a radius of 25.00 feet; thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line of North Forest Dune Drive, 21.03 feet, said arc being subtended by a chord bearing and distance of South  $24^{\circ}36'10''$  East, 20.41 feet to the point of tangency of said curve; thence South  $00^{\circ}30'28''$  West, continuing along said Westerly right of way line of North Forest Dune Drive, being a 50 foot right of way, 16.10 feet to the point of curvature of a curve concave Westerly and having a radius of 75.00 feet; thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line, 22.65 feet, said arc being subtended by a chord bearing and distance of South  $08^{\circ}08'34''$  West, 22.56 feet to the point of tangency of said curve; thence South  $16^{\circ}47'37''$  West, continuing along said Westerly right of way line, 71.96 feet to the point of curvature of a curve concave Easterly and having a radius of 75.00 feet; thence Southerly around and along the arc of said curve and continuing along said Westerly right of way line, 22.06 feet, said arc being subtended by a chord bearing and distance of South  $08^{\circ}22'06''$  West, 21.98 feet to the point of tangency of said curve; thence South  $00^{\circ}03'25''$  East, continuing along said Westerly right of way line, 25.24 feet to the Southeast corner of said Lot 10; thence North  $89^{\circ}59'48''$  West, along the South line of said Lot 10, a distance of 108.98 feet to the Southwest corner thereof; thence North  $18^{\circ}54'47''$  East, along the Westerly line of said Lot 10, a distance of 58.23 feet to an angle point in said lot line; thence North  $11^{\circ}59'02''$  West, continuing along the Westerly line of said Lot 10, and along the Westerly line of said Lot 11, a distance of 132.21 feet to the Northwest corner of said Lot 11; thence South  $89^{\circ}30'37''$  West, along the North line of Tract "A-1" (Conservation Tract) as shown on said aforementioned plat, 239.19 feet to the Northwest corner thereof; thence the following 11 courses and distances along the Westerly boundary of said Tract "A-1": Course No. 1: South  $11^{\circ}34'35''$  East, 89.14 feet; Course No. 2: South  $10^{\circ}16'50''$  West, 49.24 feet; Course No. 3: South  $03^{\circ}45'15''$  East, 152.07 feet; Course No. 4: South  $18^{\circ}31'17''$  East, 114.02 feet; Course No. 5: South  $34^{\circ}26'59''$  West, 52.45 feet; Course No. 6: South  $07^{\circ}42'29''$  East, 196.98 feet; Course No. 7: South  $00^{\circ}15'30''$  West, 101.07 feet; Course No. 8: South  $32^{\circ}53'33''$  West, 35.87 feet; Course No. 9: South  $24^{\circ}53'32''$  East, 123.90 feet; Course No. 10: South  $02^{\circ}37'09''$  West, 140.14 feet; Course No. 11: South  $26^{\circ}50'13''$  East, 69.64 feet to the Southwest corner of said Tract "A-1" and a point situate in the Northerly right

of way line of Sea Colony Parkway (a variable width private right of way as shown on said aforementioned plat); thence the following eight (8) courses and distances along said Northerly right of way line: Course No. 1: thence Westerly around and along the arc of a curve concave Northerly and having a radius of 74.55 feet, a distance of 45.65 feet, said arc being subtended by a chord bearing and distance of North  $86^{\circ}06'52''$  West, 44.94 feet to the point of tangency of said curve; Course No. 2: North  $68^{\circ}34'15''$  West, 21.65 feet; Course No. 3: North  $75^{\circ}08'52''$  West, 18.79 feet to the point of curvature of a curve concave Southerly and having a radius of 163.00 feet; Course No. 4: thence Westerly around and along the arc of said curve, 62.56 feet, said arc being subtended by a chord bearing and distance of North  $86^{\circ}08'34''$  West, 62.18 feet to the point of tangency of said curve; Course No. 5: South  $82^{\circ}51'44''$  West, 185.17 feet to the point of curvature of a curve concave Northerly and having a radius of 232.50 feet; Course No. 6: thence Westerly around and along the arc of said curve, 98.44 feet, said arc being subtended by a chord bearing and distance of North  $85^{\circ}00'28''$  West, 97.71 feet to the point of tangency of said curve; Course No. 7: North  $72^{\circ}52'41''$  West, 134.55 feet to the point of curvature of a curve concave Easterly and having a radius of 25.00 feet; Course No. 8: thence Northerly around and along the arc of said curve, 39.27 feet, said arc being subtended by a chord bearing and distance of North  $27^{\circ}52'23''$  West, 35.36 feet to the point of tangency of said curve and a point situate in the Easterly right of way line of County Road No. A1A (also known as Beach Boulevard, a 100 foot right of way); thence North  $17^{\circ}07'55''$  East, along said Easterly right of way line, 1,154.00 feet; thence North  $89^{\circ}31'03''$  East, along the Westerly prolongation of the North line of said Lot 12 and along the North line of said Lot 12, a distance of 506.04 feet to the POINT OF BEGINNING.

LESS AND EXCEPT lots 10, 11, and 12 of Sea Colony Unit One of the Beach Club at Anastasia Residential Cluster Development.



11610  
Jax Beach, FL 32250

**BEFORE THE COMPREHENSIVE PLANNING AND ZONING BOARD  
OF THE  
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

In Re:

Application of ST. AUGUSTINE SEA  
COLONY, LTD.

For Variance of distance between buildings  
and Waiver of side setbacks as to  
Lots 1-27, Block F, Sea Colony Subdivision

Public Records of  
St. Johns County, FL  
Clerk# 00-030739  
O.R. 1512 PG 696  
02:18PM 07/19/2000  
REC \$17.00 SUR \$2.50

**ORDER**

THE ABOVE APPLICATION having come on to be heard before the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, and it appearing to the Board after the presentation of testimony:

1. Due Notice of the Application has been given as required by law;
2. The Application for Waiver is to reduce the side setbacks on one side only of each of the above described lots in that area immediately adjacent to a garage to a distance of 2.5 feet measured from the exterior wall surface of the garage, pursuant to the provisions of Section 6.01.03. B authorizing a waiver of side and rear setbacks provided that the conditions of Section 6.01.03. B. 1. and 2. are met. The Applicant has filed with the City a proposed "Maintenance Agreement" which is found by the Board, if properly executed with appropriate legal descriptions attached, to comply with the requirements of Section 6.01.03. B. 1.
3. Under the Final Development Plan as approved, and applicable land development regulations of the City, the minimum distance between building is ten (10) feet unless a zero (0) lot line is permitted. Under the Final Development Plan the Applicant was authorized to have attached dwellings with zero lot lines. The Applicant seeks a variance to authorize a seven and one-half (7

½) foot distance between the buildings thereby waiving any right to claim a zero lot line.

4. Article X of the Land Development Regulations of the City provide for hardship relief. Section 10.01.01. C. of the Land Development regulations of the City authorize changes to be made "which do not increase, or which decrease \* \* \* nonconformities." The increase of distance between building from a zero lot line to 7 ½ feet has the effect of reducing allowable densities and decreasing nonconformity with the present Comprehensive Plan of the City and zoning requirements. Accordingly, upon consideration of each of the factors set forth in Section 10.02.03. B. of the Land Development regulations of the City, the Board finds on the basis of substantial competent evidence that each of the required findings contained therein has been met; and that the reasons set forth in the application for the granting of the Application are true;

**NOW THEREFORE**, upon consideration thereof, upon Motions duly, made, seconded and passed:

1. The Application for a Waiver of the side yard setbacks on one side only for each of the above described lots be, and the same is, hereby granted subject to the conditions set forth below.

2. The Application for a Variance from the requirement of a zero lot line between structures be, and the same is, hereby granted subject to the conditions set forth below.

3. The grant of the applications is subject to the following conditions:

a. The minimum distance between structures shall be seven and one-half feet between the garage of one structure and the adjacent structure; at all other places the minimum distance shall be ten feet. The garage area of any structure shall be set back a minimum distance of two and one-half feet from the side property line measured from the outside wall of the garage.

b. No habitable space above the garage shall be closer than five feet from the side property line.

- c. No rear yard lights shall be above eight feet above ground level.
- d. All outside air conditioning equipment shall be placed north of any garage side yard protrusions.
- e. The Applicant, on behalf of itself and any successors in title, waives any right to claim a zero lot line as to any property as to which this application was granted.
- f. A copy of a restrictive covenant, running with the land, against conversion of the garage areas into habitable space shall be filed with the City. The City shall be a third party beneficiary of such restrictive covenant entitled, but not required so to do, as a condition of this grant, to enforce such restrictive covenant.
- g. Prior to the issuance of any building permit for a structure closer than five feet to the side property line, the Applicant shall record, properly executed with appropriate legal descriptions attached, a Maintenance Agreement, in favor of the property as to which such building permit is sought, in substantially the form on file in the office of the Building Official of the City.

4. The Variance and Waiver shall run with the land.

Dated this 20<sup>th</sup> day of June, 2000.

**COMPREHENSIVE PLANNING AND  
ZONING BOARD OF THE CITY OF  
ST. AUGUSTINE BEACH, FLORIDA**

BY: \_\_\_\_\_

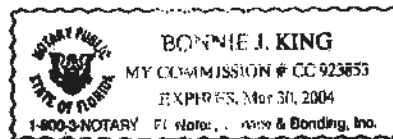
*John Roney*  
Chairman

cc: C. David Coffey

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT was acknowledged before me this 17<sup>th</sup>  
day of July, A.D., 2000, by JOHN ROONEY, who is personally known  
to me.

Bonnie J. King Bonnie J. King  
Notary Public, State of Florida Printed Name



THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

SECTION 12.06.02: "A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision."

**From:** m inge

**Sent:** Thursday, March 19, 2020 1:08 PM

**To:** Bonnie Miller

**Subject:** Re: Zoning Meeting 3/24 - for distribution to the PZB Board prior to Meeting 3/24/20, and City Commissioners prior to Meeting 4/6/2020.

I, Marie Inge, am a homeowner in the community of Sea Colony. My purpose in this communication, to the City of St Augustine Beach Board and Commissioners, is to **"express my disapproval of the passing of a 42' allowable building height specific to new home construction in the Sea Colony development."**

I believe there is a "conflict of interest" in passing said height exception since the original developer, Mr James McGarvey, still owns and has for sale, land parcel/s in the community. Specifically, it is my understanding that Mr McGarvey has an official purchase offer, or offers, through Watson Realty, for sale of property in Sea Colony, (parcel A-28), whose offer/s-to-purchase are contingent on the City of St Augustine Beach allowing exceptions or exemptions to its own official height restrictions. This **specific height request** has been conveniently "packaged with other modifications, such as those relating to impervious surface ratios", to benefit the McGarvey development firm, and the realtor/s.

I have spoken with many of my neighbors who are also residents of Sea Colony, and although they are not included here as signatories to this email, they strongly feel, as I do, that any change to official height restrictions, in order to financially benefit the developer and/or realtor(s), should not be approved.

Marie Inge

# MEMO

**To:** Max Royle, City Manager  
**From:** Bonnie Miller, Executive Assistant  
**Subject:** Final Development File No. FD 2020-01  
**Date:** Wednesday, March 25, 2020

Please be advised that at its regular monthly meeting held Tuesday, March 24, 2020, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted to recommend the City Commission approve a final development application submitted for modification to final development orders issued for Sea Colony Subdivision, to stipulate regulations and specifications for building setbacks, total ground coverage and building height in a low-density residential land use district at 100 Sea Colony Parkway, St. Augustine Beach, Florida, 32080.

The application was filed by James N. McGarvey Jr. and Timothy S. McGarvey, agents for Sea Colony Architectural Review Board/Sea Colony Neighborhood Association Inc., 432 Osceola Avenue, Jacksonville, Florida, 32250, pertaining to modification to Final Development File Nos. FD 97-06, FD 98-04, FD 99-02, FD 2001-03 and FD 2003-02, per Sections 12.01.04 and 12.02.10.B of the City of St. Augustine Beach Land Development Regulations, to specify regulations in for building setbacks, impervious coverage and building height for the various lots and housing types in all phases of Sea Colony Subdivision.

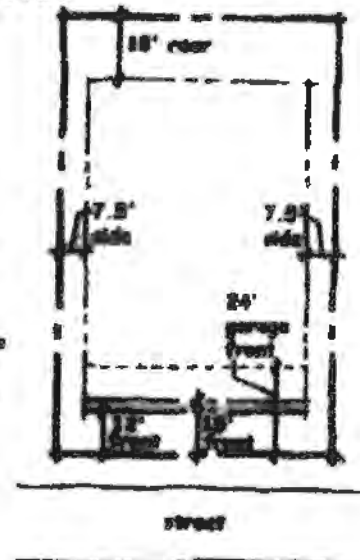
Ms. Odom made the motion to recommend the City Commission approve this final development application for modification to the above-referenced final development orders issued for Sea Colony Subdivision as stipulated in Exhibit A, "Amendment to the Final Development Orders of Sea Colony of the Beach Club at Anastasia—All Phases," subject to amendment to specify under "Building Heights" that the tower structures and scenery lofts shall be regulated per the building size limitations of the current Sea Colony Architectural Review Board Design Code, which limits the size and total square footage of such structures and shall be included as part of the final development modification documents; flag lots shall be regulated as ocean front lots pertaining to setbacks and tower and scenery loft construction; all variance requests outside of the final development order modifications shall demonstrate an undue hardship. Ms. Odom's motion was seconded by Mr. King and passed 5-2 by roll-call vote, with Mr. Pranis, Mr. Kincaid, Ms. Odom, Mr. Sarris, and Mr. King assenting, and Mr. Mitherz and Ms. Longstreet dissenting.

# **AMENDMENT TO THE FINAL DEVELOPMENT ORDERS OF SEA COLONY OF THE BEACH CLUB AT ANASTASIA - ALL PHASES**

## **SETBACKS/ BUILD-TO-LINES FOR THE VARIOUS HOUSING TYPES**

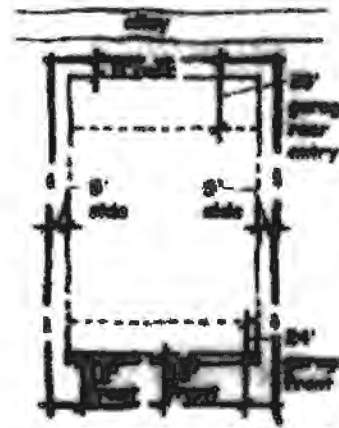
### **Ocean Front Lots:**

Front Build-to-Zone	12'-15'
Side Setbacks	7.5'
Rear Setbacks	18'
Garage Front Setbacks	24' (*exceptions for flag lots below)



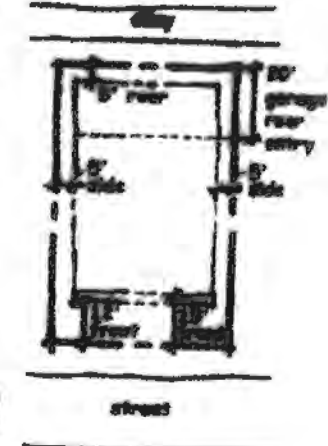
### **Dune Lots:**

Front Build-to-Zone	12'-15'
Side Setbacks	5'
Rear Setbacks	5'
Garage Front Setback	24'
Alley Rear Entry Garage, Rear Setback	20'
Alley Side Entry Garage, Rear Setback	5'
Corner Lot/ Secondary Street Setback	12'-15'



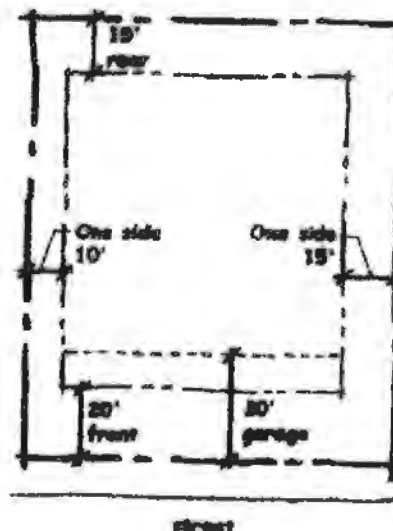
### **Cottage Lots Along South Side of Sea Colony:**

Front Build-to-Zone	12'-15'
Side Setbacks	5'
Rear Setbacks	5'
Alley Rear Entry Garage, Rear Setback	20'
Alley Side Entry Garage, Rear Setback	5'



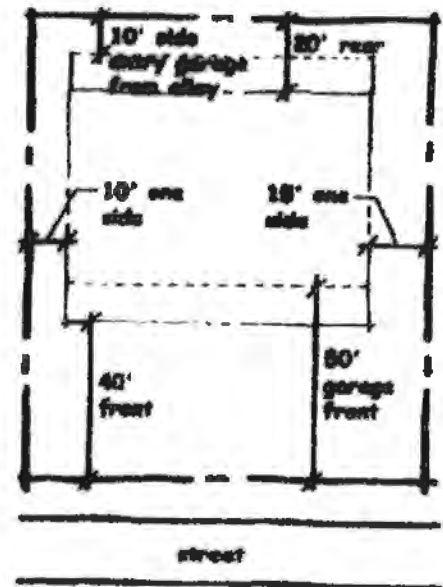
### **Wooded Lots:**

Front Setback	20'
Side Setback	
One Side	10'
One Side	15'
Rear Setback	15'
Garage Front Setback	30'
Corner Lot/ Secondary Street Setback	15'



#### Estate lots:

Front Setback (Lots G5-G18)	40'
Front Setbacks (Lots G19-G24)	30'
Side Setbacks	One Side 10'
	One Side 15'
Rear Setbacks	20'
Garage Front Setback	50'
Garage Front Setback (Lots G19-G24)	40'
Rear Setback-Alley	
Side Entry Garage	10'
Front Build-To Zone (Lots G1-G4)	12'-15'
Corner Lots/ Secondary Street (Lots G1-G4)	12'-15'
Corner Lots/ Secondary Street (Lots G8-G9)	20'-



#### Sanctuary Lots:

These lots have not specified setbacks. Each House was site located to accommodate topography, tree location and street layout.

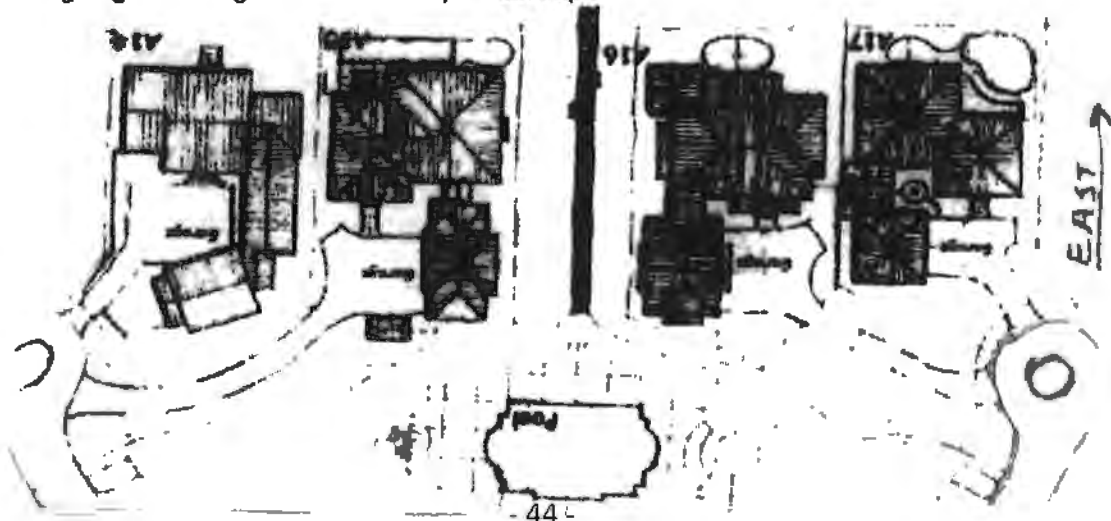
#### Villa Lots:

Front Build-to-Line	12' - 15'
Side Setbacks	One side 5'
	One side 2.5'
Rear Setback	5'



#### Flag Lots:

Some Ocean Front Lots are unique in their configuration and have different criteria for design. These Flag Lots include lots A-1, A-2, A-14, A-15, A-16, A-17, A-27, A-28. Only on Flag Lots may the garage be designed with a courtyard concept.





### **Lot Coverage**

Impervious coverage for the Sea Colony of the Beach Club at Anastasia Cluster Development was calculated as an overall number, for the entire cluster development project, and not on a lot by lot basis. The total area of the cluster development to be covered by impervious surfaces shall not exceed 65%.

### **Building Heights**

In general, the main roof of the house may not exceed 35' in height. Overall building height is measured from the higher of the following two points: (1) the highest maintained substantive natural elevation on the lot, or (2) one foot (1') above the crown of the road in front of the property, to the peak of the roof.

Special height limits apply to Tower structures. These scenery lofts are allowed to reach a maximum height of 42' and may be enclosed or open air. The roof line of the Tower must be detached from the roof of the main house to create a separate element.

Accessory buildings/ structures are limited to a maximum building height of 12' and shall comply with all building setbacks for the primary structure. Detached Garages with rooms above are limited to 25' in height. Height is measured as prescribed above. If structures are separated from the main house, yet connected by covered walkways, those structures shall comply with the height limitations for the main house.

**Definition:** The Build-to-Zone referenced above is that zone 12' to 15' from the front property line in which the front of each house, including the porch/front stoop and steps, must be located. Unlike the side and rear setbacks, the Build-to-Zone for the lots referenced above is meant to address the front of the house to the street. The effect is to reinforce the visual edge defining the streetscape.

## Site Planning

### Building Size Limitations

Limiting the amount of enclosed square footage of each floor level, begins to shape the overall mass and visual impact of each house in Sea Colony. We encourage designers to take special care in articulating the building mass of each residence. Stepped facades and tower elements lend a sense of scale and hierarchy to a house and are encouraged within Sea Colony. Note that second and third floor spaces may be located above other space including porches, as long as the total area for that floor does not exceed the enclosed area limitations. In addition, towers or scenery lots are not allowed on Villa and Sanctuary lots.

#### Ocean Front, Dune, and Cottage Lots

##### Second Floor Limitations:

(35' height limit) 100% of enclosed area of first floor including garages, but excluding porches

##### Third Floor Limitations:

(35' height limit) 20% of enclosed first floor area including stairs, plus 15% of third floor enclosed area allowed as uncovered exterior deck.

##### Oceanfront Tower / Scenery

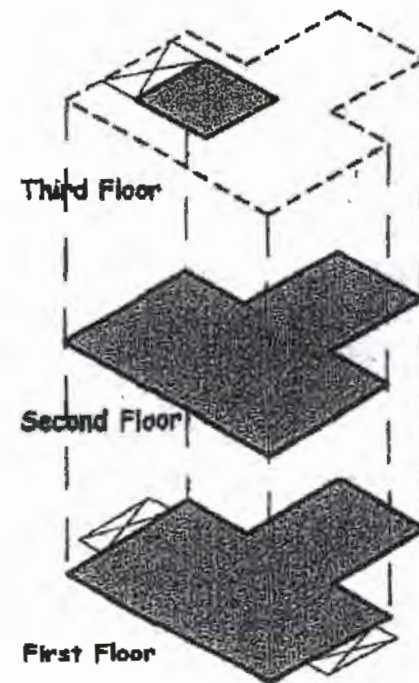
Loft: (42' height limit). 500 square feet total with a maximum of 400 square feet enclosed including stairs.

##### Dune Tower/Scenery Loft:

(42' height limit) 250 square feet total for enclosed/unenclosed space including stairs.

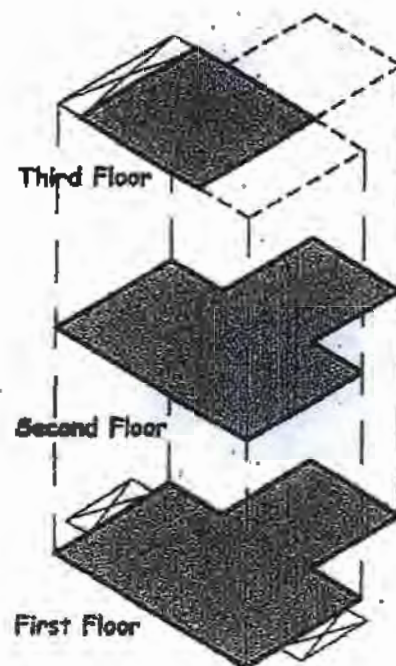
##### Cottage Tower/Scenery Loft:

(42' height limit) 150 square feet total for enclosed/unenclosed space including stairs.



### Wooded and Estate Lots

- Second Floor Limitations:  
(35' height limit) 100% of enclosed area of first floor including garages, but excluding porches
- Third Floor Limitations:  
(35' height limit) 50% of enclosed first floor area including stairs, plus 15% of third floor enclosed area allowed as uncovered exterior deck
- Tower/Scenery Lofts:  
(42' height limit) 250 square feet total for enclosed/unenclosed space including stairs.

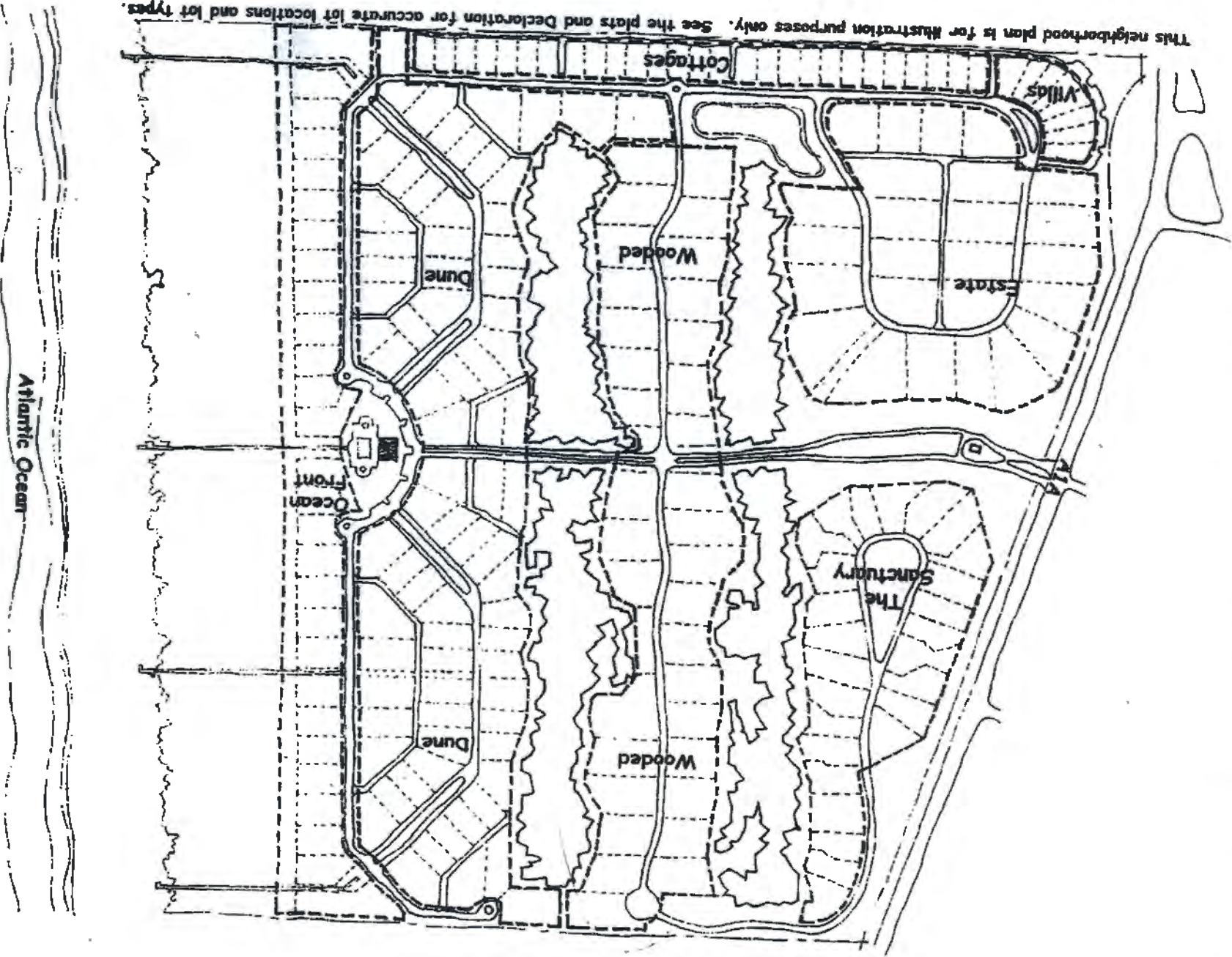


Minimum house size is another way to reinforce proportion throughout the community. The minimum square footage allowed on each type of lot is as follows:

● Ocean Front Lots	2600 sq. ft.
● Dune Lots	2200 sq. ft.
Cottage Lots	1800 sq. ft.
● Wooded Lots	2600 sq. ft.
● Estate Lots	2800 sq. ft.
Villas Lots	2000 sq. ft.
● Sanctuary Lots	2000 sq. ft.




This neighborhood plan is for illustration purposes only. See the plats and Declaration for accurate lot locations and lot types.



Atlantic Ocean

**MEMORANDUM**

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** March 12, 2020

**SUBJECT:** Ordinance 20-04, Second Public Hearing and Final Reading: to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection

**BACKGROUND**

This Ordinance came from two amendments, CC.1.2.9 and CC.1.2.10, to the Conservation Coastal Management Element of the Comprehensive Plan to provide protection for coastal dunes. You reviewed the Ordinance at your February 3<sup>rd</sup> meeting, when you passed it on first reading.

The Comprehensive Planning and Zoning Board reviewed the Ordinance at its February 18, 2020, meeting, and made the following recommendations:

- That the Commission approve the Ordinance.
- That dune walkovers, sand fencing, beach renourishment, and sea oats plantings be listed in the Ordinance as exceptions.
- That the Commission consider the suggestions from the Sustainability and Environmental Planning Advisory Committee.

At your March 2<sup>nd</sup> meeting, you held a public hearing on Ordinance 20-04 and passed it on first reading.

**ATTACHMENTS**

Attached for your review is the following information:

- a. Pages 1-2. The minutes of the part of your February 3<sup>rd</sup> meeting when you discussed Ordinance 20-04 and passed it on first reading.
- b. Page 3, a memo from the Building Department's Executive Assistant, Ms. Bonnie Miller, in which she provides the recommendations made by the Planning Board at its February 18<sup>th</sup> meeting.
- c. Page 4, the suggestions from SEPAC.
- d. Page 5, a memo from the Building Official about the link between Ordinance 20-04 and two policies in the Comprehensive Plan.
- e. Page 6, a revised draft of Ordinance 20-04 that includes the Planning Board's recommendations.
- f. Pages 7-8, the minutes of that part of your March 2<sup>nd</sup> meeting when you discussed the Ordinance.

ACTION REQUESTED

It is that you hold the second public hearing and approve Ordinance 20-04 on its third and final reading.

9. Ordinance 20-04, to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection (Presenter: Brian Law, Building Official)

Mayor England introduced Item 10 and asked Building Official Law for a staff report.

Building Official Law reported that with the adoption of the Comprehensive Plan it has given staff direction to amend the Land Development Regulations. He explained that under Section 5.06.00 of the Comprehensive Plan it requires policies to be written and included that the City will not approve nor recommend development that modifies the undisturbed areas of the coastal dune system of the City of St. Augustine Beach. He inserted nor recommend and coastal. He asked for assistance from Florida Wildlife for technical assistance so language can be updated in Section 5.06.00.

Commissioner George asked what the intent means for undisturbed areas.

Building Official Law advised that if an individual modified a dune it would be disturbed but explained that once the modification was done then it would be undisturbed at that point.

Commissioner George asked if the word undisturbed could be removed.

Building Official Law advised that he would. He took the language of what the Comprehensive Plan said and moved it over.

Mayor England advised that Sea Colony or other areas that have dunes that are developed subdivisions explained that those are disturbed, so the Commission wouldn't want this to go that far.

Commissioner George advised that an applicant could come forward with a variance if there is a reason for it.

Building Official Law explained that an applicant would submit an application with an intent to modify a coastal dune, which requires a DEP permit. He commented with the Comprehensive Plan in place and the modified building codes it would be an automatic rejection for the Building and Zoning Department and give a zoning verification letter based on the Comprehensive Plan and the Land Development Code. Then the applicant could apply for a variance and the Comprehensive Building and Zoning Board could decide based on the facts of the case and if they still were not happy, they could appeal it to the circuit court.

Commissioner Samora advised that there are other areas west of A1A Beach Boulevard that have subdivisions next to Hammock Dunes Park that have the same dunes topography. Whispering Oaks homes are cut right into the dunes and they would be affected too.

Mayor England advised that there must be a way to handle a dune if a tree needs to come down in order to build a reasonable home.

Building Official Law advised that was why he included the word coastal.

Mayor England asked to create a definition of coastal dune.

Building Official Law could create a definition and define how far into the City this goes.

City Attorney Wilson asked Building Official Law if he wanted to define the coastal construction control line.



Building Official Law explained the coastal construction control line.

Commissioner George suggested language of ocean fronting coastal dune system. She also suggested coastal dunes system immediately adjacent to the public beach in the City of St. Augustine Beach.

Building Official Law agreed and will modify the language of the ordinance.

Commissioner George asked if this would affect beach renourishment.

Building Official Law advised that he thought about that and would meet with Fish and Wildlife to discuss that aspect.

Commissioner George asked to include ordinance the language "with exception to government work."

Building Official Law agreed to put language of beach renourishment under exceptions.

Mayor England opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, suggested that the Commission contact Michael Shirley who is a scientist and would help draft the ordinance.

Mayor England closed the Public Comments section and asked for any further Commission discussion.

After request from Mayor England, City Attorney Wilson read the title of Ordinance 20-04.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-04 with the following amendments: 1) removing the word "undisturbed", 2) adding language defining the coastal dune system as being immediately adjacent to the public beach, 3) identifying exceptions including nourishment work. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.



# MEMO

**To:** Max Royle, City Manager  
**From:** Bonnie Miller, Executive Assistant  
**Subject:** Ordinance No. 20-04  
**Date:** Wednesday, February 19, 2020

Please be advised at its regular monthly meeting held Tuesday, February 18, 2020, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve passage of Ordinance No. 20-04 on final reading.

Passed on first reading by the City Commission at its regular monthly meeting held Tuesday, February 3, 2020, this proposed ordinance amends Article V of the City of St. Augustine Beach Land Development Regulations to establish Section 5.06.01, Protection of Dune Systems, to prevent the modification of undisturbed areas of the dune system with the exception of beach re-nourishments and the planting of sea oats.

The motion to recommend the City Commission approve passage of Ordinance No. 20-04 was made by Mr. Mitherz, with the addition of dune walkovers and sand fencing listed as exceptions along with beach re-nourishments and the planting of sea oats, and including for the Commission's consideration the suggestions made by the City's Sustainability & Environmental Planning Advisory Committee (SEPAC) emailed to staff by SEPAC Chairperson Sandra Krempasky on February 17, 2020. Mr. Mitherz's motion was seconded by Ms. Odom and passed 5-0 by the Board by unanimous voice-vote.

Along with the Planning and Zoning Board's addition of dune walkovers and sand fencing to the exceptions regarding modification of undisturbed areas of the dune system, Building Department staff has added to the list of exceptions "other exceptions approved by the Comprehensive Planning and Zoning Board" to the draft of Ordinance No. 20-04.

**Bonnie Miller**

---

**From:** Sandra Krempasky <sandra.krempasky@gmail.com>  
**Sent:** Monday, February 17, 2020 9:50 AM  
**To:** Beverly Raddatz; Bonnie Miller  
**Subject:** Review of Dune Protection Ordinance

Beverly and Bonnie:

Good morning! Could you please forward these suggestions to the Commissioners and members of the PZB? Thank you.

Commissioners and PZB Members:

At our February 12th meeting, SEPAC discussed the strength of the proposed ordinance to further protect the City's dunes. We feel that the ordinance should include the following:

A statement of statutory authority;

A statement of purpose and intent, including support of the Comprehensive Plan Policy for protecting our natural resources and coastal wildlife habitats;

A statement of the flood protection provided by the coastal dune system;

This statement should reference the threats of ocean/wave action flooding and how inland properties would be affected by storm surge, wave wash over and wave scouring, and the unique nature and risks to our floodplain geography

A statement of the geographical area being protected;

This statement should include the primary, secondary and tertiary dune system. Consideration should be given to the natural migration of the coastal dune system. Consider identifying this area by easterly boundary of ocean high water mark and the westerly boundary as the Coastal Construction Control Line.

Addition of definitions and critical technical terms to Article II of the LDRs, if necessary.

Thank you for this consideration.

Sandra Krempasky  
on behalf SEPAC

# City of St. Augustine Beach Building and Zoning Department

Agenda Item # 10

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBECH.COM

BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

Meeting Date 2-3-20

To: Max Royle  
From: Brian Law  
CC:  
Date: 1-15-2020  
Re: Proposed LDR changes regarding Dune protection

Mr. Royle

The Building and Zoning Department is proposing this ordinance regarding modification of coastal dunes in the City of St. Augustine Beach for review by you and the City Commission. This ordinance is a result of the newly adopted comprehensive plan sections below.

CC 1.2.9 The City shall not permit development that modifies undisturbed areas of the dune system.

CC 1.2.10 The City shall amend the Land Development Regulations to add protections to preserve the dunes within the city limits.

Sincerely

*Brian Law*

Brian Law CBO, CFM, MCP  
Director of Building and Zoning

**ORDINANCE NO. 20-04**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODES OF THE CITY AS CONTAINED WITHIN ARTICLE V. RELATING TO RESOURCE PROTECTION STANDARDS; ESTABLISHING SECTION 5.06.00 PROTECTION OF DUNE SYSTEM BY PREVENTING THE MODIFICATION OF UNDISTURBED AREAS OF THE DUNE SYSTEM.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH FLORIDA:

Section 1        Article V Section 5.06.00 Protection of Dune Systems of the Land Development Regulations for the City of St. Augustine Beach, Florida is hereby created, which shall read as follows:

**Sec. 5.06.00 Protection of Dune Systems**

**Sec 5.06.01. Generally**

- A. The City shall not permit nor recommend development that modifies areas of the coastal dune system immediately adjacent to the public beach in the City of St. Augustine Beach.
1. Exceptions:
- a. Beach re-nourishments
  - b. Planting of sea oats
  - c. Dune walkovers
  - d. Sand Fencing
  - e. Other exceptions approved by the Comprehensive Planning and Zoning Board

Section 2        SEVERABILITY. It is the intent of the City Commission of the City of St. Augustine Beach, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionally shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 3        CODIFICATION. This ordinance shall be incorporated into the Code of the City of St. Augustine Beach and a copy hereof shall be maintained in the office of the City Clerk.

Section 4        EFFECTIVE DATE. This ordinance shall take effect upon its being adopted.

**PASSED** by the City Commission of the City of St. Augustine Beach, Florida upon Third Reading this 6<sup>th</sup> day of April 2020

CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH

ATTEST: \_\_\_\_\_

BY: \_\_\_\_\_

City Manager, Max Royle

Margaret England, Mayor

First Reading: 2/3/2020 Second Reading: 3-2-2020 Third Reading: \_\_\_\_\_

City of St. Augustine Beach

Land Development Code

2. Ordinance 20-04, First Public Hearing and Second Reading: to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection (Presenter: Brian Law, Building Official)

Mayor England introduced Item 2 and asked Building Official Law for a staff report.

Building Official Law advised that the Comprehensive Planning and Zoning Board was informed about this ordinance and made great suggestions. He included the dune walkovers because they were part of the long-range plans. The Comprehensive Planning and Zoning Board recommended sand fencing, which he said was a great suggestion. He advised that he added language that included other suggestions given by the Comprehensive Planning and Zoning Board because he explained he can't anticipate every scenario in the future of the City. He advised that it should be in the Comprehensive Planning and Zoning Board's court by regulating anything outside of the average.

Vice Mayor Kostka agreed.

Mayor England received a memo from SEPAC asking for a whereas to be added on the purpose, statutory authority, intent, and statement of the coastal dunes system.

Building Official Law advised that that language would be applicable to the Comprehensive Plan or adopting a resolution, but not in the Land Development Regulations because that only deals with codes.

City Attorney Wilson suggested it be added to the Comprehensive Plan.

Building Official Law advised that a statement from the City adopted by resolution would be the appropriate mechanism. He suggested reviewing the Comprehensive Plan and adding the language to that this month at the state level.

Mayor England commented that when someone challenges an ordinance or a purpose of the ordinance sometimes it makes the ordinance clearer of why it was adopted.

City Attorney Wilson advised that the code must stand on its own merit, and it would not be codified.

Mayor England advised that it will be part of the minutes and in the record.

Building Official Law advised that people can apply for a variance to the code and can appeal his decision if needed.

Mayor England opened the Public Comments section. The following addressed the Commission:

Craig Thomson, 6 D Street, St. Augustine Beach, FL, showed Exhibit 4 and explained the amount of erosion of the dunes during hurricanes; requested higher standards than the Department of Environmental Protection (DEP); and advised for the safety and welfare of the public regarding the dunes needs to have more specific reasons in Article 5 of the Land Development Regulations and maybe a planner could help in that language.

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, agreed with Mr. Thomson and does not believe in DEP and believes that the City could have a stronger language in the ordinance. He asked to table this item and consult with the faculty of the University of Florida Law School.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-04.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-04. **Moved by** Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

Vice Mayor Kostka advised that she would like to have the language stronger and that the Commission makes this a priority for future meetings.

It was the consensus of the Commission to have this brought backup at the May Regular Commission meeting by the new City Attorney.

# MEMORANDUM

**TO:** Max Royle, City Manager

**FROM:** William Tredik, P.E. Public Works Director

**DATE:** April 6, 2020

**SUBJECT:** Ordinance 20-06, Public Hearing and Second Reading, providing for local implementation of the water conservation rule for landscape irrigation of the St. Johns River Water Management District (SJRWMD).

## INTRODUCTION

The SJRWMD has watering restrictions districtwide to ensure the efficient use of water for landscape irrigation, while allowing enough water use to maintain healthy landscapes year-round. The table below shows the current SJRWMD mandated watering schedule:

Time of Year	Homes with odd numbered or no addresses	Homes with even numbered addresses	Non-residential properties
Daylight Savings Time	Wednesday/Saturday	Thursday/Sunday	Tuesday/Friday
Eastern Standard time	Saturday	Sunday	Tuesday

Exceptions to the above watering schedule include:

- Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system
- Irrigation of new landscape is allowed for up to 60 days provided that the irrigation is limited to the minimum amount necessary for establishment.
- Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides when required by law, the manufacturer, or best management practices, is allowed anytime within 24 hours of application.
- Irrigation for maintenance and repair purposes, up to 20 minutes per hour per zone.
- Irrigation using a hand-held hose equipped with adjustable spray nozzle
- Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
- The use of water from a reclaimed water system is allowed anytime
- The use of recycled water from wet detention treatment ponds

The SJRWMD encourages local governments to assist in enforcing their irrigation schedule through the adoption of local ordinances incorporating the provisions of the District's rule. Sixty-nine (69) cities and counties, including St. Johns County and the City of St. Augustine, have currently adopted such an ordinance. Adoption and enforcement of local irrigation ordinances helps the state preserve and protect the State's water resources.

The SJRWMD provides an annual districtwide cost-share program to help local governments implement projects which advance the district's core mission areas, including:

- Alternative water supply or water resource development
- Water conservation
- Water quality
- Flood protection
- Natural systems restoration or enhancement

The District funds up to thirty-three percent (33%) of the construction costs for selected projects which meet the above mission areas, up to a maximum of \$1,500,000 per applicant. The application process is highly competitive and not all applicants receive funding. Projects are scored – and funds are allocated – from the top ranked application and on down the ranking list until allocated program funds are depleted.

The SJRWMD incentivizes the adoption of local landscape irrigation ordinances by allocating additional points in the cost-share program scoring for applicants which have adopted approved landscaping irrigation ordinances which support the District's watering restrictions. In the highly competitive cost-share program, these additional points may be the difference between a successful and an unsuccessful cost-share application.

If adopted by the City, Ordinance 20-06 would allow for local enforcement of water conservation rules for landscape irrigation consistent with St. Johns River Water Management District Chapter 40C-2, F.A.C., as well as increase the potential for successful applications to the St. Johns River Water Management District's districtwide cost-share program.

## **DISCUSSION**

At the March 2, 2020 City Commission meeting staff presented Ordinance 20-06, based upon the SJRWMD sample ordinance provided on the district's website. Ordinance 20-06 was approved on first reading with discussion on the following issues:

- Homeowner Association (HOA) irrigation schedules
- Exemption for new technologies

The Public Works Director conferred with the SJRWMD on these issues and offers the following:



HOA irrigation schedules – The SJRWMD has no objection to HOAs having a different schedule than the standard schedule, as long as no zone is irrigated more than twice per week during Daylight Savings Time or once per week during Eastern Standard Time. Section 6 of Ordinance 20-06 allowance for variances from the specific day of the week limitations. The SJRWMD's position is that this is the appropriate mechanism for HOAs or other entities to adjust their irrigation schedule.

Exemptions for new technologies – Section 4 of the Ordinance 20-06 includes specific language for exemptions associated with approved new technologies (micro-spray, micro-jet, drip or bubblers) to reduce water use. These exempted technologies exactly match what is currently approved by the SJRWMD. Should the city allow exemptions not currently allowed by the SJRWMD, Ordinance 20-06 would fail to mirror SJRWMD rules. If an entity wishes to irrigate in a manner different than that specified in SJRWMD rules, the district offers a permit pathway for approval through SJRWMD Rule 40C-2.

#### Changes since 1<sup>st</sup> Reading

Section 9. Penalties – Section 9 was modified as follows:

- Penalty for violations subsequent to issuance of \$50 fine was changed from *"Fine not to exceed \$500"* to *"Any subsequent violations of this Article following the issuance of the fifty dollar (\$50.00) fine shall result in a one hundred dollar (\$100.00) fine for each additional violation."*

#### **ACTION REQUESTED**

Hold a public meeting and pass Ordinance 20-06 on second reading.

ORDINANCE NO. 20-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the St. Johns River Water Management District has responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

**WHEREAS**, the St. Johns River Water Management District has amended Rule 40C- 2.042, F.A.C., its General Consumptive Use Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C.; and

**WHEREAS**, Rule 40C-2.042(2)(a), F.A.C., grants a general permit to each person located within the District to use, withdraw or divert water for small landscape irrigation uses, provided that irrigation occurs in accordance with Sections 3 and 5, subject to the exceptions set forth in Section 4; and

**WHEREAS**, Rule 40C-2.042(2), F.A.C., applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

**WHEREAS**, Rule 40C-2.042(2)(b), F.A.C., strongly encourages a local government to adopt an ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the provisions set forth in Rule 40C-2.042(2)(a), F.A.C.; and

**WHEREAS**, it is the desire of the City Commission of the City of St. Augustine Beach to

adopt such an ordinance in accordance with 40C-2.042(2)(a) and (b), F.A.C.; and

**WHEREAS**, the City Commission of the City of St. Augustine Beach hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the citizens of this community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA: Chapter 13, Miscellaneous Provisions and Offenses.** Article VI, Code of Ordinances, is hereby created to read:

## **WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION**

### **Section 1. INTENT AND PURPOSE**

It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation.

### **Section 2. DEFINITIONS**

For the purpose of this Article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

- (a) "Address" means the house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.
- (b) "District" means the St. Johns River Water Management District.
- (c) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (d) "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

- (e) “Residential landscape irrigation” means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.
- (f) “Non-residential landscape irrigation” means the irrigation of landscape not included within the definition of “residential landscape irrigation,” such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

### **Section 3. LANDSCAPE IRRIGATION SCHEDULES**

1. When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
  - (a) Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (b) Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (c) Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (d) No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
  - (a) Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (b) Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (c) Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (d) No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
3. All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

#### **Section 4. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES**

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- (a) Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
- (b) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
- (c) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed  $\frac{1}{4}$  inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- (d) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- (e) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- (f) Discharge of water from a water-to-air air-conditioning unit or other water- dependent cooling system is not limited.
- (g) The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- (h) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

#### **Section 5. ADDITIONAL REQUIREMENT**

Any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture.

#### **Section 6. VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS**

A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days

or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one dayper week during Eastern Standard Time.

#### **Section 7. APPLICATION OF ORDINANCE**

The provisions of this Ordinance shall apply to each person located within the City of St. Augustine Beach.

#### **Section 8. ENFORCEMENT OFFICIALS**

Law enforcement officials and having jurisdiction in the area governed by this Ordinance are hereby authorized to enforce the provisions of this Ordinance. In addition, the *City of St. Augustine Beach City Manager* may also delegate enforcement responsibility for this ordinance to agencies and department of *City of St. Augustine Beach* government.

#### **Section 9. PENALTIES**

Violation of any provision of this Ordinance shall be subject to penalties as follows:

- (a) An initial violation of this article shall result in a written warning.
- (b) The first violation of this article after a warning has been issued shall result in a fifty dollar (\$50.00) fine.
- (c) Any subsequent violations of this Article following the issuance of the fifty dollar (\$50.00) fine shall result in a one hundred dollar (\$100.00) fine for each additional violation.

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

#### **Section 10. CODIFICATION**

Codification of this Ordinance is hereby directed and authorized.

#### **Section 11. ORDINANCES REPEALED**

No existing City ordinances are deemed in conflict with this Ordinance nor repealed.

#### **Section 12. SEVERABILITY**

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way

affect the validity of the remaining portions of this Ordinance.

**Section 13. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption.

**PASSED AND DULY ADOPTED** by the *City Commission of City of St. Augustine Beach*, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**LOCAL EXECUTION PROVISIONS**

---

**M E M O R A N D U M**

---

**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** BUDGET RESOLUTION 20-02  
**DATE:** 3/10/2020

---

As noted in the FY19 Audit report, the Road and Bridge Fund ended with a negative reserve balance in the amount of \$539,894. Budget Resolution 20-02 suggests moving funds from the General Fund Parks & Recreation account to clear the negative balance currently on the books. A review of the balance in the Road and Bridge Fund will be ongoing to ensure it does not return to a negative status.

Please let me know if more information is needed.



**BUDGET RESOLUTION 20-02**

**CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2020  
GENERAL FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2019-2020 General Fund Budget as follows:

**INCREASE:** Account 001-381-500 (Transfer from Parks & Recreation) in the amount of \$539,894 which will increase the appropriation in this account to \$539,894.

**INCREASE:** Account 001-8100-581-9100 (Intrafund Transfer-Road & Bridge Fund) in the amount of \$539,894 which will increase the appropriation in this account to \$1,332,029.

**RESOLVED AND DONE,** this 6th day of April 2020 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.


\_\_\_\_\_  
Mayor – Commissioner

ATTEST:

\_\_\_\_\_  
City Manager

## General Fund (Continued)

---



Total Assigned/Unassigned Fund Balance	\$ 1,753,533
2019 Expenditures and Transfers Out	\$ 7,133,070
Assigned/Unassigned Fund Balance as a % of Expenditures and Transfers out:	24.6%
Assigned/Unassigned General Fund Balance Less Road & Bridge unassigned fund deficit	(\$539,894)
as a % of Expenditures and Transfers out:	17.0%
<b>GFOA Minimum Rec. = 2 Months</b>	<b>At least 16.7%</b>

**RESOLUTION 20-10**

**CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY**

**RE: TO DECLARE AS SURPLUS  
AND AUTHORIZE THEIR  
DISPOSAL ITEMS LISTED ON  
EXHIBIT A**

The City Commission of St. Augustine Beach, St. Johns County, Florida, in regular meeting duly assembled on Monday, April 6<sup>th</sup>, 2020, resolves as follows:

**WHEREAS**, from time to time the City's departments have items of property which have reached the end of their useful life, or are broken and for which the cost of repairs would exceed the value of the item(s), or are obsolete and/or no longer of use to the department, and

**WHEREAS**, Section 10 of the City's Capital Asset Policy requires that the City Commission approve the disposal of any property that is declared surplus.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Commission of the City of St. Augustine Beach, St. Johns County, Florida, does declare as surplus items from various departments listed on Exhibit A (attached), and authorizes their disposal.

**RESOLVED AND DONE**, this 6<sup>th</sup> day of April 2020 by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

\_\_\_\_\_  
Margaret England, Mayor

ATTEST:

\_\_\_\_\_  
City Manager

## Exhibit A

<u>Asset Tag #</u>	<u>VIN/Serial #</u>	<u>Description</u>	<u>Department</u>	<u>Location</u>
146	N/A	File Cabinet	Admin	City Manager's Office
86	N/A	File Cabinet	Building	Building Dept
N/A	N/A	Brother Intellifax 1270e	Admin	City Manager's Office
N/A	N/A	Brother Laser Printer 4570DW	Admin	City Manager's Office
N/A	N/A	Brother Laser Printer	Admin	City Manager's Office
720	N/A	Plan Review Desk	Building	Building Dept
70	N/A	File Cabinet	Building	Building Dept
N/A	N/A	5 Drawer Vertical Cabinet	Building	Building Dept
1416	2B3AA4CT9AH183587	2010 Dodge Charger #114	SABPD	Public Works
1583	4434102	Cardiac Science G3 AED	SABPD	Lost in Mail

<u>Asset Tag #</u>	<u>VIN/Serial #</u>	<u>Description</u>	<u>Department</u>	<u>Location</u>
1352	GT67D69127H	Large Format Scanner	Public Works	Public Works
561	SG24U130MT	HP1220C Printer	Public Works	Public Works
	CN5A7TA123	HP4850 Scanjet Scanner	Public Works	Public Works
1568	MY8610802P	HP130R Large Format Printer	Public Works	Public Works
1313	1FDXF46FXXEB37522	#65 - 1999 Ford Flatbed Truck	Public Works	Public Works

**MEMORANDUM**

**TO:** Max Royle, City Manager

**FROM:** William Tredik, P.E. Public Works Director

**DATE:** April 6, 2020

**SUBJECT:** Non-Ad Valorem Assessment to Pay costs top Collect Household Waste, Recyclables and Yard Trash

**BACKGROUND**

The City of St. Augustine Beach currently levies a yearly non-ad valorem assessment to pay a portion of the cost to dispose of household waste and yard trash. The existing assessment was first levied in 2012 at a rate of \$74 per household and has not changed since inception. The current non-ad valorem assessment pays a portion of disposal costs but does not pay for collection costs for household waste, yard trash or recyclables. For disposal, the city makes up the difference from General Fund Revenues. For collection and disposal of recyclables from residences, the City pays \$9,100 from the General Fund per month to a private company, Advanced Disposal.

On September 10, 2019 the City Commission discussed the option of expanding the non-ad valorem assessment to fund a portion of the collection costs for residential solid waste services, thus reducing the dependency upon the General Fund. Specific required steps were identified to proceed with implementing the non-ad valorem assessment, including:

1. Prior to January 1, 2020, the City Commission adopts a resolution at a public hearing. The resolution is to state the uniform method of collecting such an assessment.
2. Four consecutive weeks prior to the hearing, the City must publish in a newspaper of general circulation the notice of the City's intent to use the uniform method of collecting the assessment. The resolution must state the need for the assessment and must include a legal description of the boundaries of the real property that will be subject to the assessment.
3. If the Commission adopts the resolution, then a copy of it must be sent by January 10th to the Tax Collector, the Property Appraiser, and the Florida Department of Revenue.

4. Between January 1, 2020, and September 15, 2020, the City must adopt another resolution at a public hearing. This resolution will adopt a non-ad valorem assessment roll of the properties that will be charged the assessment.
5. At least 20 days before the public hearing, the City must notify every property owner who will be affected by the special assessment of the assessment's purpose, the amount of the assessment, the total revenue the City expects to collect, and other information concerning the specific assessment. A notice must be published in a newspaper of general circulation in the County about the public hearing. The notice must also contain specific information about the proposed assessment.
6. If the resolution is adopted, the City then must have an interlocal agreement with the Tax Collector for his office to collect the assessment and remit it, minus an administrative charge of 2%, to the City.

After discussion, the City Commission voted to move forward to expand the non-ad valorem assessment to include residential solid waste collection and directed staff to move forward with the process. At the October 7, 2019 City commission meeting, staff requested guidance from the City Commission regarding proceeding with expansion of the non-ad valorem assessment. It was the consensus of the City Commission to continue with the process.

For four consecutive weeks prior to the December 2, 2019 City commission meeting, the City published, in a newspaper of general circulation, a notice of the City's intent to use the uniform method of collecting the assessment. On December 2, 2019 the City Commission passed Resolution 19-13, expressing intent to levy a non-ad valorem assessment for the collection and disposal of solid waste and recyclables. The resolution stated the need for the assessment and a legal description of the boundaries of the property subject to the assessment. Copies of the adopted resolution 19-13 were mailed to the Tax collector, the Property Appraiser and the Florida Department of Revenue in December 2019.

## **DISCUSSION**

The City is now at the point where it is necessary to set ranges of the assessment for the three primary services; collection; disposal and recycling. In order to select appropriate ranges for these services a detailed analysis of the actual costs of solid waste collection and disposal is necessary. Analyses in early 2019 had placed this cost at approximately \$460 per household. The City Commission directed staff to reevaluate how this estimate was determined and verify its accuracy, as other jurisdictions have reported lower costs per household.

In order to accurately determine the cost of residential collection and disposal, commercial collection and disposal costs are deducted from the total costs. Figure 1 shows a spreadsheet used to calculate the annual cost per residence for solid waste collection. These calculations are based upon actual FY 2019 expenses.

Total Customers	3,090
Commercial Customers	178
Residential Customers	2,912
Percent of Commercial Custs.	5.76%

Collection Percent of Work	75.56%
Disposal Percent of Work	24.44%

Public Works Truck Mileage	
Calculated Collection Percent	42%
Calculated Disposal Percent	58%

Type of Indirect Cost	Total Cost	Percent Solid Waste 9.5%
Legislative Total Costs	\$72,940.55	\$6,929.35
Executive Total Costs	\$172,584.20	\$16,395.50
Finance/Admin Total Costs	\$736,065.05	\$69,926.18

Public Works Solid Waste Staff Allocation %	
Calculated Collection Percentage	86%
Calculated Disposal Percentage	14%

### FY19 Solid Waste

Cost Type	Total Cost Actual Expended	Commercial Costs	Residential Total Cost	Residential Disposal Costs	Residential Collection Costs	Residential Recycle Costs
Wages/Benefits	\$371,004.17	\$21,371.76	\$349,632.41	\$48,948.54	\$300,683.87	
Temp Labor	\$6,970.53	\$401.54	\$6,568.99	\$919.66	\$5,649.33	
Disposal (yard trash)	\$14,941.56	\$860.71	\$14,080.85	\$14,080.85		
Disposal (other)	\$149,678.20	\$8,622.24	\$141,055.96	\$141,055.96		
Equipment Loan	\$45,815.32	\$2,639.20	\$43,176.12	\$25,042.15	\$18,133.97	
Other Operating	\$85,188.06	\$4,907.27	\$80,280.79	\$46,562.86	\$33,717.93	
Department Total	\$673,597.84	\$38,802.72	\$634,795.12	\$276,610.01	\$358,185.11	\$0.00
Depreciation	\$118,515.16	\$6,827.09	\$111,688.07	\$64,779.08	\$46,908.99	
Total Including Depreciation	\$932,499.78	\$53,716.82	\$878,782.96	\$341,389.09	\$405,094.09	\$0.00
Recycling Costs	\$140,386.78	\$30,297.24	\$110,089.54			\$110,089.54
Indirect Costs-Based on # EE						
Legislative	\$6,929.35	\$399.17	\$6,530.19	\$1,595.90	\$4,934.28	
Executive	\$16,395.50	\$944.47	\$15,451.03	\$3,776.06	\$11,674.97	
Finance/Administration	\$69,926.18	\$4,028.11	\$65,898.07	\$16,104.75	\$49,793.32	
Grand Total	\$1,025,750.81	\$59,088.56	\$966,662.25	\$362,865.80	\$471,496.67	\$110,089.54
				Average Annual Cost Per Residence		
				\$124.61	\$161.92	\$43.20

**Total \$329.73**

Figure 1 – Solid Waste Cost Analysis Based Upon FY 2019 Expenditures

Looking from left to right; the Cost Type is Identified in Column 1. Costs include labor, disposal, equipment and depreciation costs, as well as indirect costs from legislative, executive and finance/administration. The allocation of indirect costs for these functions is estimated to be 9.5% of their total cost to the City (shown top right). Actual FY 2019 expenditures are shown in Column 2 (gray).

Commercial costs are estimated to be 5.76% of the overall solid waste costs and are calculated by the ratio of commercial services premises to total service premises (i.e. 178 divided by 3,090). This percentage is used to estimate the cost of commercial solid waste

collection (shown in Column 3). Total residential cost (Column 4) is then calculated by subtracting the estimated commercial costs from the total costs.

Public Works staff allocation is based upon the number of hours per year dedicated to collection versus disposal. Collection staff time is determined by the number of man-hours from the beginning of work to the completion of the pickup route. Disposal staff time is determined by the number of man-hours from the end of collection time to the return of the vehicle from the disposal site (less ½ hour for lunch). Based upon this tabulation, the percentages of solid waste staff time dedicated to collection and disposal are 86% and 14% respectively. These percentages are used to determine the total wages and temporary labor costs for collection and disposal (shown in blue).

Equipment, Other Operating and Depreciation costs for collection and disposal are determined by calculating the percentage of miles vehicles are used for collection (42%) versus disposal (58%) and multiplying these percentages by the total residential costs for each item. These items are shown in dark yellow for clarification.

Recycling costs are tabulated from invoices paid to the recycling contractor and are currently \$43.20 per residential service premises. Indirect costs for recycling are not considered in this analysis, and are likely 1% or less of the legislative, executive, and finance/admin total costs.

Based upon this analysis, the FY 2019 estimated City cost (rounded to the nearest dollar) for providing residential solid waste services is as follows:

• Residential Collection	\$125 per residence per year
• Residential Disposal	\$162 per residence per year <sup>2912</sup>
• <u>Recycling</u>	<u>\$ 43 per residence per year</u>
TOTAL	\$330 per residence per year

Assuming a 9% increase over 3 years for residential collection and disposal, and a 22.1% increase over 3 years for residential recycling services, the anticipated City costs for **FY 2022** would be:

• Residential Collection	\$136 per residence per year
• Residential Disposal	\$177 per residence per year
• <u>Recycling</u>	<u>\$ 53 per residence per year</u>
TOTAL	\$366 per residence per year

The higher recycling percentage increase is due to a projected cost adjustment after the expiration of the current contract with Advanced Disposal. Removal of legislative costs from consideration would reduce the cost by a minimal amount (e.g. \$3.70 in FY 2022).



For the purposes of calculating the ranges, it is therefore appropriate to use the estimated FY 2022 costs, as this is the first year in which revenues will be available for inclusion in the City Budget.

Proposed Ranges:

Bottoms of Range – Multiple factors should be considered when selecting the bottoms of range for the three primary services. It has been suggested that the City may opt to phase in the non-ad valorem expansion, thus mitigating the impact of the expansion. This option requires the bottoms of the ranges to be set to allow the final chosen assessment to fall within the selected range. The following are suggestions for the bottoms of range for the three solid waste services:

- **Residential Collection** – Residential collection is currently fully paid from the general fund. As a new addition to the non-ad valorem assessment, the commission may wish to explore phasing this implementation over multiple years to mitigate the financial impact to customers. With this consideration, staff recommends that the bottom of the residential collection range be set at **\$68** per residence per year (one half of the calculated residential collection cost).
- **Residential Disposal** – Residences currently pay a \$74 non-ad valorem assessment per year for disposal services. This current assessment covers less than 50% of the estimated cost for disposal. Staff recommends that the bottom of the residential disposal range be set at **\$89** per residence per year (one half of the calculated residential disposal cost).
- **Recycling** – As with residential collection, residential recycling services are currently fully paid from the general fund. Recycling is unique from garbage collection and disposal, however, as costs are heavily driven by market demand for recyclable material. Unfortunately, the current market for recyclable materials has decreased, and recycling costs are thus increasing. This trend of increasing recycling costs is anticipated to continue, and the City will need to re-evaluate recycling options moving forward. These options may include entering a new contract with a private hauler for recycling, bringing recycling operations in-house, reducing the types of materials recycled, or discontinuing the recycling program (if costs are excessive and material is not being recycled due to lack of demand). Due to this uncertainty, staff recommends setting the bottom of the range for recycling at **\$0.00** per residence per year to provide the flexibility to allow all options when the current contract with Advanced Disposal expires in 2022.

Tops of Range – When considering the selection of the tops of range for solid waste services, it is necessary to consider the option to fully implement the fee within five (5) years, while

considering the potential that costs for residential collection and disposal continue to increase at an estimated 3% annually. The following are suggestions for the tops of range for the three solid waste services:

**Residential Collection** – With the consideration of full implementation within 5 years, and accounting for potential annual cost increases, staff recommends that the top of range for residential collection services be set at **\$153** per residence per year. This top of range is approximately 12.5% above the anticipated cost of \$136 in FY 2022.

**Residential Disposal** – As with residential collection, considering the potential for full implementing within 5 years and considering potential annual cost increases, staff recommends that the top of range for residential disposal services be set at **\$199** per residence per year. This top of range is approximately 12.5% above the anticipated cost of \$177 in FY 2022.

**Recycling** – Unlike collection and disposal, recycling costs are linked to market demand, and are thus more volatile, making forecasting less reliable. Due to this uncertainty, Staff recommends that the top of range for recycling be set to 25% above the FY22 costs to account for market variability. The top of range for recycling services is thus recommended to be set at **\$66**

Table 1 summarizes the above discussion:

<b>Solid Waste Service</b>	<b>Bottom of Range (\$ per residential service premises per year)</b>	<b>Top of Range (\$ per residential service premises per year)</b>
Residential Collection	\$68	\$153
Residential Disposal	\$89	\$199
Residential Recycling	\$0	\$66
<b>TOTAL</b>	<b>\$157</b>	<b>\$418</b>

*Table 2 – Recommended Solid Waste Service Fee Ranges*

Though the ranges specified above are broad, the actual fees will be determined annually by the City Commission. The high tops of range do not represent staff's recommendation as to the actual fee set and are instead designed to give the Commission maximum flexibility in selecting appropriate fees based upon market conditions and budgetary needs. Table 2 represents a potential implementation schedule, showing a phased-in non-ad valorem assessment – to 100% of costs including inflation – over a five-year period, beginning with 50% funding of the actual costs. Note that the costs in Table 2 increase significantly year to year due to potential increased cost of providing service through 2026. The actual assessment increases during this time period would likely be less and would be limited by the actual cost increases to the City.

<b>Solid Waste Service</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>
Residential Collection	\$ 68	\$83	\$102	\$125	\$153
Residential Disposal	\$ 89	\$109	\$133	\$163	\$199
Residential Recycling	\$ 28	\$35	\$43	\$53	\$66
<b>TOTAL</b>	<b>\$185</b>	<b>\$227</b>	<b>\$278</b>	<b>\$341</b>	<b>\$418</b>

*Table 2 – Example1 - Phased Implementation Beginning with 50% of Costs and Increasing to Full Funding after 5 years*

An alternative implementation would be to instead only fund a portion of the solid waste costs through non-ad valorem assessment. For comparison, St. Johns County's FY2020 assessment is \$222 per household per year. Assuming the County opts to increase their assessment 2% annually, it would rise to \$250 by FY2026. Table 3 shows a potential phased implementation of the City non-ad valorem assessment, beginning at 50% of costs, and increasing annually to an amount similar to that anticipated to be charged by St. Johns County in FY 2026.

<b>Solid Waste Service</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>
Residential Collection	\$ 68	\$73	\$79	\$85	\$92
Residential Disposal	\$ 89	\$96	\$103	\$111	\$120
Residential Recycling	\$ 28	\$30	\$33	\$35	\$38
<b>TOTAL</b>	<b>\$185</b>	<b>\$199</b>	<b>\$215</b>	<b>\$232</b>	<b>\$250</b>

*Table 3 – Example2 - Phased Implementation Beginning with 50% of Costs and Increasing to Anticipated FY26 County Fees*


The phased approach in Example 2 would increase the proposed assessment from funding 50% of actual costs to 60% actual costs over a five-year period. General funds revenues would continue to pay the remainder of the costs. Many alternative scenarios are possible, with the total fees based upon the year 1 assessment and the annual multiplier. As discussed earlier, the Commission will decide annually on the actual assessment rate. Setting large ranges gives the City Commission maximum flexibility in determining the actual non-ad valorem rate each year.

## **ACTION REQUESTED**

Authorize staff to continue to pursue implementation of a non-ad valorem assessment for solid waste collection, disposal and recycling fees; set the range of fees for each service as specified; and set a public hearing in mid-May 2020 to formally begin the establishment of rates for the solid waste non-ad valorem assessment.

**MEMORANDUM**

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** March 9, 2020

**SUBJECT:** Transferring Money in the Annual Budget: Review of Auditor's Recommendation and Request to Change Sections 2-103 and 2-104 of the General City Code

**INTRODUCTION**

The budget that's prepared during the summer before the start of a fiscal year has the Finance Director's and the department heads' best estimates of expenditures for upcoming fiscal year. Often, as the year progresses, more money than expected is spent from an account in a department's budget. For example, there may be the unanticipated (and expensive) repair of a critical vehicle; or fuel prices may increase causing more money than estimated to be spent from a department's fuel account. To keep department accounts in the black, the City Commission in 1990 approved Ordinance 90-24, which provided regulations for the transferring of money between accounts in a single department and between departments. Those regulations have been codified in the general City Code as Sections 2-103 and 2-104.

These sections concern who has the authority to transfer money between expenditure accounts during the fiscal year. Section 2-103 allows the City Manager to approve transfers of up to \$1,500 between accounts in a department's budget. The City Manager must report transfers between \$501 and \$1,500 to the City Commission. A transfer over \$1,500 can only be done by a resolution that's been approved by the City Commission.

Section 2-104 requires that a transfer of any amount BETWEEN departments can only be done by a Commission-approved resolution. The City Manager has no authority to approve such transfers.

Sections 2-103 and 2-104 are attached.

**AUDITOR'S RECOMMENDATION**

At your March 2<sup>nd</sup> meeting, Mr. James Halleran of James Moore, the City's auditing firm, presented the audit report for Fiscal Year 2019. On pages 43-44 of the report is the Auditors' Management letter. On page 44, the auditors provided two recommendations. One is 2019-004, Budgetary Legal Level of Control. It states:

"During our audit of the City's budgetary compliance, we noted the budgetary legal level of control is \$1,500 for the City Manager to make intradepartmental transfers and transfers of appropriations between departments require approval of the City Commission. To increase efficiency of staff and Commission time, we recommend the City

consider amending the City Ordinances to increase the legal level of control to allow City Manager approval of any interdepartmental transfers of appropriation and City Commission approval for any changes in the total budget for a fund."

In summary, what the auditors' recommendation means is this:

- That the City Manager be allowed to transfer any amount of money between accounts in any single department and as well as between departments, so long as the total appropriation approved by the Commission for the fund for the entire fiscal year is not exceeded.
- Transfers that exceed the total appropriation for a fund would require City Commission approval.

For example, the total appropriation approved last September by the City Commission for the General Fund for FY 2020 is \$7,273,278. Any transfers of money by the City Manager during the fiscal year could not change that amount. If the amount needed would change that "bottom line," then the transfer could be done only by a Commission-approved resolution. Usually such a change to a fund's total appropriation means a transfer is required from a reserve or the unassigned fund balance and such transfers have always been brought to the Commission for approval.

#### REASONS FOR THIS REQUEST

There are two:

1. To lessen the time during your meetings that you spend on matters that could be handled administratively. This will help you focus your attention and time on matters that are legislative/policy making in nature, such as changes to the Land Development Regulations, approval of final development plans, ordinances and contracts, awarding bids, increasing fees, and so on.
2. Because often there is no choice regarding the budget transfers you now approve: money must be transferred to repair a sanitation truck or police car, or to get accounts in the black because unforeseen circumstances have required more spending from them than expected.

You can still be kept informed of the transfers the City Manager makes by requiring a report from him. As noted above, Section 2-103 already requires that he inform you of transfers between \$501 and \$1,500. He now does this routinely as part of the financial report that's provided to you each month. You could require him to report to you transfers in excess of \$15,000, \$20,000, \$25,000, or a higher amount.

#### ACTION REQUESTED

It is that you discuss this proposal. If you agree with it, then the City Attorney can prepare an ordinance for first reading at you May 4<sup>th</sup> meeting.

**Sec. 2-104. Transfer of funds between departments.**

(a) Funds may be moved with city commission approval from one (1) department to another department.

(b) This transfer shall be done only by resolution approved by the city commission at a regular or special meeting.

(c) The format shall be the same as for the transfer of funds between accounts in one (1) department.

(Ord. No. 90-24, § 1, 1-7-91)

**Sec. 2-103. Transfer of funds between accounts in individual departments.**

(a) The city manager may approve transfers of fifteen hundred dollars (\$1,500.00) or less between accounts in a department. A transfer over fifteen hundred dollars (\$1,500.00) between accounts in a department may be made with the approval of the city commission. All transfers in excess of five hundred dollars (\$500.00) shall be reported to the city commission.

(b) A transfer in excess of fifteen hundred dollars (\$1,500.00) shall be done only by resolution approved by the city commission at regular or special meetings.

(c) The resolution shall be prepared in accordance with the format below:

- (1) Resolution shall be labeled BR (Budget Resolution).
- (2) Format shall be as follows:

The City Commission does hereby approve the transfer of funds within the \_\_\_\_\_ Department as follows:

From Account No. \_\_\_\_\_ the amount of \$ \_\_\_\_\_ which will decrease the appropriation in this account to \$ \_\_\_\_\_. To Account No. \_\_\_\_\_, which will increase the appropriation to this account to \$ \_\_\_\_\_.

(Ord. No. 90-24, § 1, 1-7-91; Ord. No. 92-24, § 1, 1-4-93; Ord. No. 03-02, § 1, 3-3-03)

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING  
APRIL 6, 2020**

**CODE ENFORCEMENT/BUILDING/ZONING**

The report is attached as pages 1-2.

**COMPREHENSIVE PLANNING AND ZONING BOARD**

Attached as pages 3-8 are the minutes of its February 18, 2020, meeting.

**SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE**

The minutes of the Committee's February 12, 2020, meeting are attached as pages 9-15.

**POLICE DEPARTMENT**

Please see page 16.

**PUBLIC WORKS DEPARTMENT**

Please see pages 17-19.

**FINANCE/ADMINISTRATION**

Please see page 20.

**CITY MANAGER**

1. Complaints

A. Road Repairs

Residents have complained potholes in a street in the Sea Grove subdivision. The Public Works Director will request money in the FY 21 budget for the City-wide street repaving program.

B. Recycling Bins

A resident complained that carrying the small bin when loaded to the curb was difficult for her to do. She asked the City to allow her to use a wheeled cart. As the recycling company will not empty the carts, the Public Works Director suggested that she buy a caddy, a small wheeled vehicle on which she could put the bin and bring it to the curb.

C. Light for 10<sup>th</sup> Street

Residents in the 100 block of 10<sup>th</sup> Street west of the Boulevard complained about the lack of a streetlight. A petition was given to the City. The Public Works Director will ask Florida Power and Light to put up the

light.

## 2. Major Projects

### A. Road/Sidewalk Improvements

#### 1) Opening 2nd Street West of 2<sup>nd</sup> Avenue

There has been no action by the owners of the lots on 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue to open that street. The owners would have to sign an agreement and pay in advance the costs to construct the utilities and the road, just as the owners of the lots adjacent to 8<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue did. The Public Works Director has sent a letter to the owners of the lots along this section of 2<sup>nd</sup> Street, asking them if they would support the opening of 2<sup>nd</sup> Street and providing the utilities, knowing that they would be assessed the costs for the project. Thus far, the owners of 11 out of 16 lots have agreed to pay the costs, the owners of two lots have said no, and the remaining three owners haven't responded.

#### 2) Sidewalk on A Street

A resident has suggested that a sidewalk is needed on A Street between the beach and the Boulevard because of the traffic and number of pedestrians and bicyclists along that section of A Street. However, because of the pandemic, the search for funding for this project will be suspended at this time.

### B. Beach Matters

#### 1) Off-Beach Parking

As the City Commission has decided not to have paid parking in the City, the focus concerning off-beach parking has shifted to improving the City's existing rights-of-way and plazas to improve the rights-of-way and areas where people can park. At its March 2, 2020, meeting, the Commission reviewed a report prepared by the Public Works Director of City-owned streets and plazas where parking improvements could be made. The Public Works Director and the City Manager asked the Tourist Development Council at its March 16<sup>th</sup> meeting for funding to improve three parking areas. However, as one TDC member said, revenue from the bed tax will likely decline significantly because of the coronavirus pandemic and the City is not likely to receive at this time any bed tax funds for the improvements.

### C. Parks

#### 1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and for where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000 and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in private ownership. In 2015, The Trust for Public Land purchased the 4.5 acres for the appraised value of \$4.5 million. The City gave the Trust a down payment of \$1,000,000. Thanks to a grant application prepared by the City's Chief Financial Officer, Ms. Melissa Burns, and to the presentation by then-Mayor Rich O'Brien at a Florida Communities Trust board meeting in February 2017, the City was awarded \$1.5 million from the state to



help it pay for the remaining debt to The Trust for Public Land. The City received the check for \$1.5 million in October 2018. For the remaining amount owed to The Trust for Public Land, the Commission at public hearings in September 2018 raised the voter-approved property tax debt millage to half a mill. What remains to be done are improvements to the Park, such as restrooms. The Public Works Director is applying to the state for a Florida Recreation Development Assistance Program grant to pay half the costs of the restrooms. The deadline for the grant is October 31, 2019. The City will know in early summer of 2020 whether it has received the grant. In addition, the City requested money from the County's \$15.5 million surplus. However, the County Commission at its November 5<sup>th</sup> meeting decided to use the surplus money for County capital projects that have been delayed from previous fiscal years. For the improvements, the City has applied for funding from a state grant and from a Federal grant from the National Oceanic and Atmospheric Administration. The City was told in March that the latter grant application had been approved for submission.

## 2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. The County purchased the property in 2005 for \$2.5 million. By written agreement, the City reimbursed the County half the purchase price, or \$1,250,000, plus interest. At its July 26, 2016, meeting, the County Commission approved the transfer of the property's title to the City, with the condition that if the City ever decided to sell the property, it would revert back to the County. Such a sale is very unlikely, as the City Charter requires that the Commission by a vote of four members approve the sale, and then the voters in a referendum must approve it. At this time, the City does not have the money to develop any trails or other amenities in the Park.

### D. Review of Comprehensive Plan/Land Development Regulations

The next change to the Regulations is an ordinance for dune protection, which was passed on first reading at the Commission's February 3<sup>rd</sup> meeting and had its first public hearing at the March 2<sup>nd</sup> meeting, when it was passed on second reading. Its second public hearing and final reading are scheduled for the Commission's April 6<sup>th</sup> meeting.

A future change is a proposal to allow emotional support animals. It was reviewed by the Commission at its March 2<sup>nd</sup> meeting. The Building official and the new City Attorney are to work on a draft ordinance.

## 3. Construction in the City

As of Wednesday March 25, 2020, there were 43 permits active for single-family residences in the City.

SUBDIVISION	ADDRESS	DATE PERMIT ISSUED	
<b>Anastasia Dunes</b>	446 Ocean Forest Drive	07/24/2018	Active permit #14064
	409 Ocean Forest Drive	07/18/2019	Active permit #P1915009
	1012 Island Way	09/16/2019	Active permit #P1915157
	1004 Island Way	02/04/2020	Active permit #P2000359

### **Anastasia Park**

<b>SUBDIVISION</b>	<b>ADDRESS</b>	<b>DATE PERMIT ISSUED</b>	
<b>Atlantic Beach</b>	12 13 <sup>th</sup> Street	09/09/2019	Active permit #P1915242
<b>Chautauqua Beach</b>	6 6 <sup>th</sup> Street	01/30/2019	Active permit #14397
	15 6 <sup>th</sup> Street	12/24/2019	Active permit #P2000023
	17 6 <sup>th</sup> Street	04/19/2019	Active permit #P1914567
	4 12 <sup>th</sup> Street	04/25/2019	Active permit #P1914615
	206 7 <sup>th</sup> Street	07/03/2019	Active permit #P1914954
<b>Coquina Gables</b>	6 F Street	11/14/2018	Active permit #14270
	613 Mariposa Street	12/20/2019	Active permit #P2000091
<b>Kings Quarry</b>	613 Old Beach Road	01/16/2019	Active permit #14368
<b>Lake Sienna</b>	136 Kings Quarry Lane	11/14/2019	Active permit #P1915302
<b>Linda Mar</b>			
<b>Magnolia Dunes</b>			
<b>Minorca</b>			
<b>Ocean Oaks</b>	504 A Street	11/26/2019	Active permit #P2000099
<b>Ocean Walk</b>	47 Lee Drive	2/19/2020	Active permit #P2000574
<b>Overby &amp; Gargan</b>	25 Oceanside Circle	11/21/2019	Active permit #P2000095
	27 Oceanside Circle	11/21/2019	Active permit #P2000096
<b>Raintree</b>	23 Deanna Drive	10/04/2019	Active permit #P1915282
<b>Sandpiper West</b>	103 Sandpiper Boulevard	02/04/2019	Active permit #14404

<b>SUBDIVISION</b>	<b>ADDRESS</b>	<b>DATE PERMIT ISSUED</b>	
<b>Sandpiper West</b>	5 Kimberly Lane	07/25/2019	Active permit #P1915047
<b>Continued</b>			
<b>Sea Colony</b>	612 Ocean Palm Way	09/10/2018	Active permit #P1915252
	332 South Forest Dune Drive	01/17/2019	Active permit #14373
	892 Ocean Palm Way	02/07/2019	Active permit #14417
<b>Sea Grove</b>	1304 Smiling Fish Lane	02/24/2020	Active permit #P2000360
<b>Sea Oaks</b>			
<b>Sevilla Gardens</b>			
<b>The Ridge</b>	170 Ridgeway Road	03/15/2019	Active permit #14483
	65 High Dune Drive	03/28/2019	Active permit #14507
	542 Ridgeway Road	04/25/2019	Active permit #P1914613
	362 Ridgeway Road	05/10/2019	Active permit #P1914698
	513 Ridgeway Road	06/18/2019	Active permit #P1914892
	23 High Dune Drive	06/21/2019	Active permit #P1914906
	43 High Dune Drive	07/17/2019	Active permit #P1915008
	462 Ridgeway Road	07/18/2019	Active permit #P1915020
	305 Ridgeway Road	07/31/2019	Active permit #P1915043
	420 Ridgeway Road	09/13/2019	Active permit #P1915279
	357 Ridgeway Road	10/15/2019	Active permit #P1915248
	522 Ridgeway Road	10/22/2019	Active permit #P1915334
	564 Ridgeway Road	11/13/2019	Active permit #P2000113
	196 Ridgeway Road	01/03/2020	Active permit #P2000430
	113 Ridgeway Road	01/27/2020	Active permit #P2000220
	352 Ridgeway Road	02/06/2020	Active permit #P2000586
	340 Ridgeway Road	02/24/2020	Active permit #P2000684
	77 High Dune Drive	02/27/2020	Active permit #P2000615
<b>Whispering Oaks</b>			

SUBDIVISION	ADDRESS	DATE PERMIT ISSUED
-------------	---------	--------------------

**Woodland**

Underlined address is a result of inspections not being performed in a 180-day period contrary to Chapter 1 of the Florida Building Code, in this event further review and actions are to take place as per the Florida Building Code.

**COMMERCIAL CONSTRUCTION**

- a. Concerning the vacate property between 5<sup>th</sup> and 6<sup>th</sup> Streets on the east side of A1A Beach Boulevard: At its October 16, 2018, meeting, the Planning Board approved a variance to reduce the minimum lot size required for a mixed used development from 8,500 square feet to 6,195 square feet. A two-story building will be constructed on one lot. It will have commercial use on the ground floor and residential use on the second floor. The address will be 600 A1A Beach Boulevard.
- b. The Planning Board approved a similar commercial/residential building at its January 15, 2019, meeting. The building's address will be 610 A1A Beach Boulevard.
- c. At its March 20, 2018, meeting, the Planning Board held a concept review hearing on a proposal 4,960-foot commercial building on the east side of State Road A1A, between the Verizon and Savage Swimwear stores. The Planning Board reviewed the proposed final development plan at its November 20<sup>th</sup> meeting and recommended that the Commission approve the plan. The Commission approved the plan at its December 3, 2018, meeting. Preliminary plans have been submitted but permit for the project hasn't been issued yet.
- d. The Building Official reports proposals for a mixed-use commercial building on ten of the lots on the vacant parcel south of the Marriott Hotel and for a house to be constructed on each of the remaining six lots between 4<sup>th</sup> and 5<sup>th</sup> Streets. The mixed-use building would be two stories with retail shops on the ground floor and business offices on the second floor. The proposal was reviewed by the Planning and Zoning Board at its March 24, 2020, meeting. At its March 24<sup>th</sup> meeting, the Board approved the project.

**4. Finance and Budget**

**A. Audit Report of FY 19 Budget**

Staff members of the City's audit firm, James Moore and Company, did field work on the FY 19 budget in early October. They conducted the audit field work in mid-January. The audit report was presented to the Commission at its March 2<sup>nd</sup> meeting.

**B. Fiscal Year 2020 Budget**

February 29, 2020, marked the end of the fifth month of the fiscal year. As of that date, for the General Fund, the City had received \$3,980,591 and spent \$2,768,322, for a surplus of \$1,212,268. That surplus will diminish during the remaining seven months of the Fiscal Year. In terms of percentages, 55.7% of the

projected General Fund revenues had been received by the end of February while 38.8% of the projected expenditures had been spent. Property taxes continue to be the City's chief revenue source. As of the end of February, \$2,728,831 had been received. As of the end of February 2019, the amount received as \$2,583,951, or \$144,880 less.

ON A RELATED MATTER: It concerns the effect of the coronavirus pandemic on revenue, such as sales taxes, that the City receives from the State. Because money from sources will decline, the City is going to have to curtail spending and not undertake any new projects.

C. Vendor Checks

Please see pages 21-40.

5. Miscellaneous

A. Permits for Upcoming Events

No applications for permits were submitted in March.

B. Strategic Plan

The Commission decided at its January 7, 2019, meeting that it and the City staff would update the plan. The Commission agreed with the City Manager's suggestions for goals at its June 10<sup>th</sup> meeting and asked that the Planning Board and the Sustainability and Environmental Planning Advisory Committee be asked to provide their suggestions for the plan. The responses were reviewed by the Commission at its August 5<sup>th</sup> meeting. The Commission decided to have a mission statement developed. Suggestions for the statement were provided to the Commission for consideration at its September meeting. By consensus, the Commission asked the City Manager to develop a Mission Statement and provide it at a future meeting. This has been done along with a Vision Statement, a Values Statement and a list of tasks. The City Commission reviewed the proposed plan at its January 14<sup>th</sup> continuation meeting, provided comments and asked that the plan be submitted for another review at the City Commission's April 6<sup>th</sup> meeting. However, because of the need to shorten the Commission meetings because of the pandemic, review of the strategic plan will be postponed for the time being.

C. Comprehensive Plan Evaluation and Appraisal Report

Every seven years, Florida cities and counties must prepare the report. The City advertised a Request for Proposals. Only one response was received. Because its prices were so high, it had to be rejected. After the proposals had been opened, two Jacksonville planning firms said they were interested in doing the work. However, only one, Fleet and Associates, provided a written proposal. At its May 7<sup>th</sup> meeting, the Commission approved the hiring of Fleet and Associates. Mr. and Mrs. Fleet held a public hearing on June 26<sup>th</sup> and a workshop with the Planning Board and the public on July 17<sup>th</sup>. The Fleets presented the results of those two meetings to the Commission at its August 6<sup>th</sup> meeting. The next step was a workshop of the Commission with the Planning and Tree boards to review each policy and objective in the current Comprehensive Plan. This was held on October 17<sup>th</sup> with the planning consultant. The result was that the consultant prepared a revised draft of the Plan, which the Commission reviewed at a special meeting on January 8, 2019. The Comprehensive Planning and Zoning Board reviewed the plan at its February 19<sup>th</sup> meeting and decided to continue its review at the Board's March 19<sup>th</sup> meeting. The Board is concerned

that many of the proposed changes ceded too much authority to the County and other agencies. However, the Board's discussion was postponed to the Board's April 16<sup>th</sup> meeting because the Chair, Mrs. Jane West, was away on March 19<sup>th</sup>. At its April meeting, the Board discussed changes with the planning consultant, Ms. Janis Fleet, and recommended that she submitted to the City Commission the changes proposed by individual members of the Board. The Commission reviewed the changes with Ms. Fleet at its June 10<sup>th</sup> meeting, directed that the discussion be continued to a special meeting on July 2<sup>nd</sup>, and at that meeting made changes to the plan and approved its transmittal to the Florida Department of Economic Opportunity for review and comment. The Department in a report that was received in early October asked the City to include policies in the Comp Plan concerning sea level rise and coastal flooding. Ms. Fleet provided a report at the Commission's December 2<sup>nd</sup> meeting, when the ordinance to adopt the changes to the Comprehensive Plan was approved on first reading after a public hearing. The ordinance had a public hearing and was passed on final reading at the Commission's January 6<sup>th</sup> meeting. Ms. Fleet sent the ordinance and Plan to the Florida Department of Economic Opportunity. The Department notified the City in late January that it had found the Plan to be in compliance. This topic will no longer be included in this Report.

# MEMO

## City of St. Augustine Beach Building & Zoning Department

To: Max Royle, City Manager  
From: Brian Law, Building Official  
Date: 03-25-2020  
Re: Building and Zoning Department Monthly Report

### Trees:

1. 2-28-2020—2 Sunfish Drive  
Removal of dying oak tree hit by lightning and diseased and dying palm tree
2. 3-20-2020—104 Seagrove Main Street  
Removal of oak tree in non-viable condition

### Planning and Zoning: (March 26, 2020 regular monthly meeting at 6:00 p.m. at City Hall)

1. Planning and Zoning Board approved removal of 37-inch diameter-at-breast-height (DBH) oak tree adjacent to the building footprint and a 36-inch DBH in the footprint of the front paver driveway of a proposed new single-family residence on Lot 11, Spanish Oaks Subdivision, at 104 Spanish Oaks Lane, Tyler Lee, TBL Services LLC, agent for Terry Lee and Teresa Carr Dillinger, applicants
2. Planning and Zoning Board recommended the City Commission approve a conditional use permit application to renew a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of a restaurant, Terra & Acqua, in a Planned Unit Development (PUD) in Seagrove Unit 4, Replat #2, on Parcels G, H, and I, in the Seagrove Town Center at 134 Seagrove Main Street, subject to the conditions that it be granted as non-transferable and valid only to the current restaurant owners and applicants, and subject to revocation by the City Commission upon review of complaints or issues regarding the conditional use permit, Simone and Monica Parisi, applicants
3. Planning and Zoning Board approved a mixed use application for proposed new construction of a two-story, 19,072-square-foot building consisting of 9,536-square-feet of retail/mercantile units on the first floor and 9,536-square-feet on the second floor in a commercial land use district in the mixed use district on Lots 1-10, Block 18, Chautauqua Beach Subdivision, on the west side of A1A Beach Boulevard between 4<sup>th</sup> and 5<sup>th</sup> Streets at 621 A1A Beach Boulevard, Michael Stauffer, agent for Scott M. Patrou, applicant
4. Planning and Zoning Board recommended the City Commission approve a final development modification application to Sea Colony Subdivision Units I, II, III, and IV final development orders for amendment to stipulate regulations and specifications for building setbacks, total ground coverage and building height in a low density residential land use district in Sea Colony Subdivision, 100 Sea Colony Parkway, subject to amendment to specify that the tower structures and scenery lofts shall be included as part of the final development modification

documents; flag lots shall be regulated as ocean front lots pertaining to setbacks and tower and scenery loft construction; all variance requests outside of the final development order modifications shall demonstrate an undue hardship, James N. McGarvey and Timothy S. McGarvey, agents for Sea Colony Architectural Review Board/Sea Colony Neighborhood Association Inc., applicants

**Code Enforcement:**

1. Code Enforcement Board meeting held Wednesday, March 25, 2020, at 2:00 p.m. at City Hall, to follow-up on four derelict properties presented to the Board at its previous meeting on Wednesday, December 18, 2019: 201 6<sup>th</sup> Street, 205 7<sup>th</sup> Street, 206 8<sup>th</sup> Street, and 720 A1A Beach Boulevard. The property at 201 6<sup>th</sup> Street is in probate due to the death of one of its owners and this case has been continued until the Board's next meeting scheduled on Wednesday, April 29, 2020, at 2:00 p.m. at City Hall; the legal guardian for the owner of the properties at 205 7<sup>th</sup> Street and 206 8<sup>th</sup> Street was awarded \$60,000.00 for each property for repairs and renovations, permits were issued on January 21, 2020 for such and the renovation and repair work for these properties is currently underway; and the Board passed a motion to give the property owner of 720 A1A Beach Boulevard until April 15, 2020, to obtain the necessary permits for roof, deck and stairway repairs, complete the work, pass inspections, and close out the permits for these repairs. If the permits are not obtained and the roof, deck and stairway repair work is not completed by April 15, 2020, the current \$250 per day fine which was imposed by the Board at its December 18, 2020 meeting and has been accruing since January 15, 2020 on this property shall be increased to \$500 per day starting April 15, 2020, until such time that the permits are obtained and the roof and repair work is completed. If all the necessary roof and repair work is completed by April 15, 2020, the property owner may appear before the Board at its next meeting scheduled on Wednesday, April 29, 2020, to ask that the Board reduce or waive the accrued daily fine.

**Building:**

1. Renovation to the Endless Summer Realty building, formerly the Shell Shop, at 491 A1A Beach Boulevard is nearing completion and final inspections upon hookup to sewer per approval from St. Johns County Utility Department.
2. Redevelopment of the new donut shop on the site of the former Carriage Realty building at 400 A1A Beach Boulevard is currently in the sheetrock phase.
3. The new Corral Dental facility at 2100 A1A South is in the sheetrock phase.
4. Renovation to the former Coquina Beach Surf Club restaurant has been completed.

**Building Inspections Performed in FY 20 to date: 1578**

**Plan Reviews in FY 20 to date: 443**

**Permits issued in FY 20 to date: 793 Total: 314 Building, 120 Electric, 196 Mechanical, 163 Plumbing**

**CO's issued in FY 20: 22**





## **MINUTES**

### **PLANNING AND ZONING BOARD MEETING**

**TUESDAY, FEBRUARY 18, 2020 6:00 P.M.**

**CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080**

---

#### **I. CALL TO ORDER**

Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

#### **II. PLEDGE OF ALLEGIANCE**

#### **III. ROLL CALL**

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Berta Odom, Steve Mitherz, Dennis King, Larry Einheuser.

BOARD MEMBERS ABSENT: Hester Longstreet, Chris Pranis.

STAFF PRESENT: Building Official Brian Law, City Attorney James Wilson, Recording Secretary Lacey Pierotti, Executive Assistant Bonnie Miller.

#### **IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF JANUARY 21, 2020**

**Motion:** to approve the minutes of the January 21, 2020 meeting. **Moved** by Mr. Kincaid, **seconded** by Mr. Einheuser, **passed** 5-0 by unanimous voice-vote.

#### **V. PUBLIC COMMENT**

Craig Thomson, 6-A D Street, St. Augustine Beach, Florida, 32080, said he's a member of the City's Sustainability and Environmental Planning Advisory Committee (SEPAC), which has put together a binder that references climate change, sea level rise and a sustainable future. This will be available in the City Manager's Office to anyone interested in these topics. The City's new Comprehensive Plan requires development projects to take into account climate change and sea level rise, so he's written a letter to Mr. Law asking that certain things be looked at relative to two areas under development that are a concern, Embassy Suites and the City's stormwater retention pond where water goes and is then dumped into the Intracoastal Waterway. He's looked at some of the plans for the retention pond, which will have a foot-and-half added to the top of the existing six-foot-high berm. The old berm failed in a Category 2 storm, which had a storm surge of about six to seven feet, so if there's a storm greater than a Category 2, it will likely fail again. The stormwater system is efficient in piping and getting water to the retention pond, which is on the far side of the City, but if water run-off is in a location that's a wash-over area, it will come down streets and be pumped through the City in ditches and pipes, and the same would apply if the Intracoastal rises and water comes in from the west, so a Plan B as a long-term planning issue should be considered.

#### **VI. NEW BUSINESS**

- A. Request to remove a 60-inch diameter-at-breast-height (DBH) oak tree in the proposed building footprint of a new single-family residence on Lot 39, Ridge at St. Augustine Beach, at 340 Ridgeway Road, Riverside Homes of North Florida LLC, Agent for Arthur H. Runk Jr. Living Trust, Applicant

Ms. Miller said this is a tree removal request for a 60-inch DBH oak tree in the rear building footprint of a proposed new home in the Ridge at 340 Ridgeway Road. Unfortunately, this tree is 40 feet in from the rear property line and even though the Ridge has a blanket variance to allow flexible setbacks for the preservation of trees, the 60-inch DBH tree could still not be saved. There are a significant number of other trees on this lot, including a 55-inch DBH tree that will be saved, and flexible side setbacks have been applied to save a 30-inch oak tree on the west side as well as a 24-inch oak tree in the front, and a lot of other smaller trees will also be saved. There is a representative here from Riverside Homes, the building contractor for the project, to answer any questions.

**Motion:** to approve the removal of the 60-inch DBH oak tree in the building footprint of the proposed new single-family residence at 340 Ridgeway Road. **Moved** by Ms. Odom, **seconded** by Mr. Einheuser, **passed 5-0** by unanimous voice-vote.

- B. Land Use Variance File No. VAR 2020-03, to exceed the 40 percent maximum impervious surface ratio (ISR) coverage allowed in a low-density residential land use district to allow 55 percent ISR coverage for a proposed new inground swimming pool addition to an existing single-family residence on Lot 1, Block B, Sea Colony Unit 1, at 184 Sea Colony Parkway, Matthew J. and Kerri N. Robison, Applicants

Ms. Miller said this is a variance to exceed the 40 percent maximum ISR coverage allowed on a lot at 184 Sea Colony Parkway in Sea Colony Subdivision, which is zoned low-density residential. The applicants are asking to build a 464-square-foot inground pool addition with a safety walkway around the pool, which will increase the ISR coverage to 55 percent. Sea Colony Homeowners Association (HOA) has approved the pool addition, and the memo from staff points out if the proposed revisions to Section 6.01.02 of the LDRS to allow the 40 percent maximum ISR in low density residential to be exceeded for a 465-square-foot addition for pools and pool decking only are passed by the City Commission on final reading at its next meeting on March 2, 2020, this variance wouldn't be necessary. However, the applicants applied for the variance before these revisions have been formally adopted, as they weren't sure when, or if, the revisions would actually go through or when they would take effect.

Mr. Mitherz said he spoke to Ms. Miller and Mr. Law about this variance application.

Matthew Robison, 184 Sea Colony Parkway, St. Augustine Beach, Florida, 32080, applicant, said when his pool contractor applied for this permit, they were not aware of the impervious and pervious surface ratio coverages allowed in Sea Colony. They went through the normal process of applying for HOA approval, and were then informed when the pool contractor applied for the building permit that they'd have to apply for a variance to exceed the 40 percent ISR coverage allowed in Sea Colony, so they went ahead and filed for the variance.

Mr. Mitherz asked the applicant if he's considered redoing the existing concrete driveway.

Mr. Robison said yes, but even if this was done, the pool addition may still put the ISR coverage over 40 percent.

Mr. Law said if the LDRs revisions to allow a 465-square-foot addition for pools and pool decking only in low-density residential passes March 2, 2020, this will become effective immediately. One of the biggest disadvantages of low-density residential is most lots are already at 40 percent ISR with a house and concrete driveway, so to build a pool, you have to spend about \$15,000 to rip out your driveway and replace it with permeable pavers.

Ms. Odom said she doesn't see a hardship for this variance, so if the Board denies it and the revisions to allow a 465-square-foot pool addition pass, the applicants could then build their pool without needing a variance.

Mr. Law said he'd agree with that statement but as of now, they can't build the pool without the variance.

Mr. Kincaid said at the Board's joint meeting with the Commission earlier this month, it was pretty clear, and everyone agreed, that applicants need to demonstrate a hardship to be granted a variance.

Mr. Law said Sea Colony is low-density residential, contrary to the thought process of the last 20 years that it was developed as a Planned Unit Development (PUD), so this has caused problems with ISR coverage and setbacks. Sea Colony HOA is working to rectify this by submitting a final development modification application to amend the final development orders issued for Sea Colony, to bring it into line to what it was designed for, which was actually a low-density residential cluster development. This is a floodplain management tool utilizing large tracts of land to build houses and structures on the best land and use the rest of the low-lying land as recreation.

Mr. Mitherz why the existing house and concrete driveway on the lot already exceed maximum 40 percent ISR.

Mr. Law said this should have been caught during the initial plan review, but ISR hasn't always been a long-standing regulation. The home was built in 2007, so maybe at that time ISR wasn't an issue, but he can't speak as to how building permits and plan reviews were handled by the City at that time. Sea Colony and Anastasia Dunes should have both been developed as PUDs with engineered drainage. That's why Sea Colony is actively working to modify its final development orders, and why Anastasia Dunes modified its final development orders last year.

Mr. King asked if there is any history of approving variances to exceed ISR in low-density residential districts.

Mr. Law said the Board approved a similar variance last year for a pool addition on Deanna Drive that put the ISR over 60 percent. The Board granted the variance with the condition that the driveway be removed and replaced with permeable pavers, which is an option that can also be used for the variance for this lot in Sea Colony.

Mr. King asked if the Board approves this variance contingent upon the concrete driveway being removed and replaced with permeable pavers, and the proposed revisions to allow a 465-square-foot pool addition are passed, would the applicants still have to remove the driveway and replace it with pavers?

Mr. Law said if the variance is granted subject to the condition that the driveway is removed and replaced with pavers and the proposed revisions to allow a 465-square-foot pool addition are passed, the applicants could submit a revision request for a \$53.00 fee to change the pool addition plans to keep the existing driveway.

Mr. Kincaid said the Board is in a tough position to grant the variance in the way it has been presented in that the Board has to find a hardship. Even though it appears a variance might not be necessary in the very near future, the applicants have applied for a variance, so there is the possibility for the Board to grant the variance pending the removal of the concrete driveway and replacement of the driveway with permeable pavers, which would drop the ISR coverage to an acceptable percentage. This would give the applicants the ability to build the pool, and in the meantime, if the proposed revisions pass, a revision request could be submitted to not remove the driveway.

**Motion:** to approve Land Use Variance File No. VAR 2020-03 to exceed the 40 percent maximum ISR coverage allowed in a low-density residential land use district for a proposed 464-square-foot pool addition to an existing single-family residence at 184 Sea Colony Parkway, pending removal of the existing concrete driveway and replacement of said driveway with permeable pavers with 10% or greater permeability. **Moved** by Mr. Kincaid, **seconded** by Mr. King, **passed 3-2** by voice-vote, with Mr. Einheuser, Mr. King and Mr. Kincaid assenting, and Mr. Mitherz and Ms. Odom dissenting.

- C. Ordinance No. 20-04, passed on first reading by the City Commission at its regular monthly meeting on February 3, 2020, to amend Article V of the City of St. Augustine Beach Land Development Regulations (LDRs) to establish Section 5.06.00, Protection of Dune Systems, to prevent the modification of undisturbed areas of the dune system with the exception of beach re-nourishments and the planting of sea oats

Mr. Law said this ordinance is for the protection of the dune system. The City Commission reviewed the ordinance and added the planting of sea oats as an exception, as the City doesn't want its own Code to prohibit protecting

the dune system. Also included in the information provided to the Board are the recommendations from SEPAC, which include adding the construction of dune walkovers and sand fencing as exceptions.

Mr. Mitherz asked if the adoption of this ordinance will prevent property owners from going directly to the Department of Environmental Protection (DEP) to get a permit.

Mr. Law said with the adoption of this ordinance on final reading, property owners who want to remove part of a dune will have to provide engineering and everything else required by the City's flood ordinance as well as the Florida Building Code (FBC), and he would then write a letter to the DEP rejecting their application based on it being in violation of the City's Comprehensive Plan. As far as property owners going directly to DEP, this is well within their rights, and if DEP saw fit to issue a permit without City zoning approval, they could do so, as they are a higher agency, but this would not be typical, he's rarely, if ever, seen this happen. This ordinance will stall the application process for property owners, as their only option once he, as Building Official, has denied their application based on non-compliance with the City's Comprehensive Plan, would be to appeal his decision to the Planning and Zoning Board. The Board would then decide if he erred in judgement and either uphold his decision to reject the application or rule in favor of the property owners that he was wrong for rejecting the application. If the Board upholds his decision and the property owners want to appeal again, they could do so to the City Commission, and then appeal the Commission's ruling, if not favorable to them, to the local circuit court.

Ms. Odom asked for clarification regarding sand fencing as an exception, and also if staff recommends the suggestions from SEPAC be incorporated into the ordinance.

Mr. Law said sand fences traditionally go at the toe of the dune at an oblique angle at about 10 feet. He's provided the recommendations from SEPAC to the Board, and also to each City Commissioner. However, he doesn't believe statements of certain things belong in the LDRs, the place for them is definitely the Comprehensive Plan, or maybe they could be incorporated in the recent climate change resolution he believes SEPAC was involved in.

Sandra Krempasky, 7 C Street, Apartment A, St. Augustine Beach, Florida, 32080, SEPAC chairperson, said SEPAC made these suggestions to make this new section of the City's LDRs beefier, but SEPAC certainly doesn't want these recommendations to hold up the process of passing this ordinance. The recommendations made by SEPAC would have to be written up by a planner or attorney and incorporated into the ordinance to make it bulletproof in the event the City has situations in the future like the issue with the property owner and dune on 12<sup>th</sup> Lane.

Mr. King asked if the term "coastal dune system" could be challenged or misconstrued in any way.

Mr. Law said he thinks it's imperative to use the term "coastal," which is pretty descriptive, because of the natural ridges of dunes that exist in St. Augustine Beach. What he wouldn't want would be for someone to misconstrue this to include, for example, Anastasia Dunes Subdivision, or the new Corral Dental building currently under construction, as both of these sites have natural dunes, but these properties are not along the coastline.

Ms. Krempasky said this also could be protected by including a definition for "coastal dune system" in the definitions section of the LDRs, which is Article II.

Mr. Wilson said he'll look into that, as there are dune systems all over, but he's not sure where the line begins and ends in regard to the coastal dune system, so this needs to be defined for the purpose of the Code.

**Motion:** to recommend the City Commission approve passage of Ordinance No. 20-04 with the addition of construction of dune walkovers and sand fencing as exceptions, and the Commission's consideration of SEPAC's recommendations. **Moved** by Mr. Mitherz, **seconded** by Ms. Odom, **passed 5-0** by unanimous voice-vote.

- D. Review and recommendation to City Commission of proposal for the regulation of emotional support animals, by amendment to Sections 2.00.00 and 3.02.02 of the City of St. Augustine Beach Land Development Regulations, to provide a definition for emotional support animals and allow emotional support animals as defined by conditional use permit application reviewed by the Planning and Zoning Board and granted by the City Commission

Mr. Law said the Commission directed City Manager Max Royle, who in turn directed him, to assist the City in the regulation of emotional support animals. Staff's suggestion as a way to do this is to allow emotional support animals by conditional use application, which would be reviewed by this Board for a recommendation to the City Commission on the qualifications of that need, and then the Commission would have the final authority to grant the conditional use or not. He searched the internet for definitions on emotional support animals, as this is the first step in figuring out how the City can regulate them. During the process of appealing the decision to allow emotional support chickens at a residential property earlier this year, the Commission delayed any code enforcement action until 120 days from the date of that meeting, to give staff time to work out regulations for emotional support animals. As the City Attorney has weighed in that a variance is not an option, he'll have to work with the City Attorney to find what kind of documentation would be needed for emotional support animals.

Ms. Odom asked if the City refunded the variance application fee paid by the lady who applied for the variance to keep chickens as emotional support animals at her home.

Mr. Law said no, the City has done nothing yet. If the Commission decides to allow emotional support animals by conditional use, this applicant would have to pay the conditional use application fee, in which case, he'd make a recommendation to the Commission that the City just swap out the fee already paid for the variance and apply it to the conditional use application fee. At the time the applicant applied for the variance, this was the only option she had to allow her to keep the chickens, as chickens are currently a prohibited use per City Code. The Board denied the variance but allowed her to keep the chickens, so it was a very confusing motion. However, Mr. Kincaid was at the City Commission meeting at which the appeal to this was heard, and he helped clarify the motion for the record. At this point, staff feels a conditional use permit is the best way to regulate emotional support animals.

Mr. Kincaid said there has to be a mechanism to make sure conditional use applications for emotional support animals are considered on a case-by-case basis. The Board is also going to need legal expertise to know on what basis they can recommend approving or denying conditional use permits for emotional support animals.

Mr. Wilson said at a minimum, he thinks applications should include detail in the form of a letter from a doctor as to what the person's problems are and that the emotional support animals are necessary, and then applicants would need to demonstrate if the emotional support animals can be safely kept on property in a residential area.

Mr. Kincaid said by definition, chickens can't be service animals, but this doesn't address service animals, which is way outside of their purview, this addresses emotional support animals. He just wants to make sure the Board has the necessary criteria to evaluate conditional use applications for emotional support animals.

**Motion:** to recommend the City Commission approve proposed amendments to Sections 2.00.00 and 3.02.02 of the LDRs to provide a definition for emotional support animals as "animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions," and allow emotional support animals as defined by conditional use permit reviewed by the Planning and Zoning Board and granted by the City Commission on a case-by-case basis. **Moved** by Ms. Odom, **seconded** by Mr. Mitherz, **passed** 4-1 by voice-vote with Mr. Einheuser, Mr. Kincaid, Mr. Mitherz and Ms. Odom assenting, and Mr. King dissenting.

## VII. OLD BUSINESS

There was no old business.

## **VIII. BOARD COMMENT**

Ms. Odom said she'd like to thank staff for everything that was put in the Board members' packets for this meeting, as it really helps them to know what's going on in the City and also helps the Board in making decisions.

Mr. Mitherz asked if the sidewalks on Mickler Boulevard, as well as the sidewalks along A Street, are going to get painted and striped to distinguish between bicycle and pedestrian traffic.

Mr. Law said he'll relate these questions to Public Works Director Bill Tredik, but keep in mind, A Street is a County-owned road, so staff would have to reach out to the County regarding restriping the sidewalks along A Street.

Mr. Mitherz asked when the new Beachside Diner at the old Coquina Beach Surf Club site is opening.

Mr. Law said the owners are hoping to open the beginning of March.

Ms. Odom said she knows they've had a lot of heavy wind lately, but she's never seen the City's public parking lots so dirty, with palm fronds all over the 10<sup>th</sup> Street parking lot, and the grass there hasn't been cut in a while.

Mr. Law said again, staff will reach out and pass this on to Mr. Tredik and the Public Works Department.

Mr. Kincaid thanked everyone for going to the joint meeting with the Commission earlier this month and thinks the message from the Board was loud and clear, as there have been some communication issues in the past which he hopes they'll be able to work out. He'll represent the Board at the Commission's March 2, 2020 meeting to address any other questions or concerns the Commission may have about this or any other issues that come up.

Mr. Law handed out copies of a summary of what the Board has been doing this fiscal year, and said the summary gives real time data, so if at any time anybody in the community asks what's happened in the last fiscal year, Board members can give the results of what the Board has approved or denied. This Board and the Commission will receive this summary on a monthly basis from this time going forward.

## **IX. ADJOURNMENT**

The meeting was adjourned at 7:02 p.m.

---

Kevin Kincaid, Chairperson

---

Lacey Pierotti, Recording Secretary

{THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.}



## MINUTES

### SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING

WEDNESDAY, FEBRUARY 12, 2020, AT 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

---

#### I. CALL TO ORDER

Chair Krempasky called the meeting to order at 6:00 p.m.

#### II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

#### III. ROLL CALL

Present: Chair Sandra Krempasky, Vice Chair Lana Bandy, Members Craig Thomson, and Lonnie Kaczmarsky.

Member Ann Palmquist and Alternate Jeanette Smith was absent.

Also Present: Grounds Foreman Tom Large and Recording Secretary Dariana Fitzgerald.

#### IV. APPROVAL OF MINUTES OF JANUARY 8, 2020, REGULAR MEETING

Chair Krempasky introduced Item IV.

Member Thomson noted on page 3 that it was specifically the then-Beautification Advisory Committee who had complained to the County. He suggested on page 4 to clarify the location in the first paragraph and to include the detail that he walked along 2<sup>nd</sup> Avenue with Mr. Joe Howell instead of just discussed topics with him, since he believes it is important and shows that he is proactive. He asked about the Exhibits that are referenced and Secretary Fitzgerald clarified that those are added to the record copy, but not included in the drafts for approval to save paper, since Exhibits can be up to several dozen pages, and on the cost of postage. She stated that the same applies to the City Commission, Planning Board, and the Code Enforcement Board. He also stated that where it mentions "a note" on page 4 that he meant for it to be an agenda item. He stated that Sea Level Rise and Climate Change Initiatives should be under Environmental Policy & Planning Recommendations and that Urban Forestry and Planning Projects, Mickler Boulevard, and 2<sup>nd</sup> Avenue should be under Reforestation and Landscaping Projects. Chair Krempasky added Right-of-Way Ordinance under Environmental Policy & Planning Recommendation.

Chair Krempasky noted that there was a missing verb on page 2 and that "of" needed to be inserted on page 4.

**Motion:** To approve the Committee minutes for January 8, 2020, with correction of typographical errors. **Moved** by Member Thomson. **Seconded** by Member Kaczmarsky. Motion passed unanimously.

## V. PRESENTATION OF REPORTS:

### 1. Cypress Tree Plantings Along Lake Anhinga and 11<sup>th</sup> Street

Foreman Large noted that cypress trees have been planted along the edge of Lake Anhinga at 11<sup>th</sup> Street to help support the bank. He reported that some of the residents have emailed to express complaints and he wanted to get the Committee's opinion on whether to listen to the residents and remove them or not. Member Thomson noted that no one on the Committee was a civil engineer and stated that Public Works Director Tredik, who is an engineer, should respond to them first. In response to Member Bandy, Foreman Large noted that the primary complaint was that the trees blocked the residents' view of the water. He noted that, in his opinion, the trees look great and he would like to see more placed there. Member Kaczmarzky stated that someone needs to let the residents know the reasons and benefits of planting the trees there and Member Thomson asked for a report from Director Tredik or someone in the County Engineering Department. Chair Krempasky stated that her opinion is that if the trees provide a benefit to the City, they should stay. Member Thomson stated that the Committee didn't approve a plan for this area.

### 2. Reforestation and Landscaping Projects

Foreman Large also reported that eleven other trees were planted at eight locations according to the list discussed at the last meeting; oak trees at D Street and 4<sup>th</sup> Avenue, holly trees on the southeast corner of D Street and 3<sup>rd</sup> Avenue, northwest and southeast corners of D Street and 2<sup>nd</sup> Avenue, two were placed at the old Community Garden, and three at 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street. He stated that the remaining locations would be better for holly trees, but that Public Works is out of hollies. He asked if the Committee would like to purchase more holly trees. He stated that two would be placed at A1A Beach Boulevard and 3<sup>rd</sup> Street on the southeast corner. Member Thomson stated that that area was designed by a landscape architect with all sabal palms and there were water bodies in those parkettes. Foreman Large stated that Mr. Charles Marcus discussed with the Committee previously about disease potentially affecting one species, so it was important to have a variety of species in an area. Member Thomson suggested two oak trees for that area and Foreman Large noted that there is already a cypress on the northeast corner to help with water absorption. Member Thomson suggested one oak on the northeast corner.

Chair Krempasky asked about the cost of holly trees and Foreman Large replied that he believes they are about \$100 each for a 15-gallon tree, about six to eight feet. He stated that there are about five oaks remaining at Public Works. The Committee discussed planting some of the oaks on the northwest and southwest corners of 8<sup>th</sup> Street of A1A Beach Boulevard, which Foreman Large stated he would look at. The Committee agreed that planting the remaining trees at Public Works, but that those trees may not work in some locations. Member Thomson also suggested the parkettes at 1<sup>st</sup> Street and 2<sup>nd</sup> Avenue, along with 3<sup>rd</sup> Street and 2<sup>nd</sup> Avenue. Foreman Large stated that he did not think an oak would fit at 3<sup>rd</sup> Street and 2<sup>nd</sup> Avenue.

There was discussion of whether holly trees were salt tolerant and Member Kaczmarzky noted that American (*Ilex opaca*), yaupon (*Ilex vomitoria*), and dahoon (*Ilex cassine*) hollies were, but was not sure about the East Palatka holly (*Ilex x attenuata*). Foreman Large stated that



Public Works is swamped and may not have time to plant more hollies in addition to the oaks, but that could change.

**Motion:** to authorize Public Works to purchase six salt tolerant holly trees at approximately \$100 each, if necessary. **Moved by:** Chair Krempasky, **Seconded by:** Vice Chair Bandy. Motion passed unanimously.

Foreman Large presented a map and email from St. Johns County Utility Department (Exhibit A) regarding the grey water lines along 11<sup>th</sup> Street that could be run to 2<sup>nd</sup> Avenue for irrigation. According to the email, based on a similar project, it could cost \$33,978 to run lines to 2<sup>nd</sup> Avenue, but Foreman Large reported that Director Tredik estimates closer to \$50,000 just to reach the 11<sup>th</sup> Street access for 2<sup>nd</sup> Avenue. He stated that Director Tredik proposed running lines west to Mickler Boulevard for the landscaping that will be done along that street, but he has not spoken with the County about that proposal. He also noted that it would be about \$3,000-5,000 per meter at each tap. Member Thomson stated that it was a huge expense and the primary concern was initial watering after planting since they plan to use salt tolerant and drought tolerant trees. He noted that there could be Water Management grants for projects like this.

Foreman Large noted that the trees for Arbor Day had not yet been selected. He offered the invoice from last year's order (Exhibit B) along with price lists and availability from several vendors (Exhibit C). He mentioned that there were a few left from last year, but they didn't look good. The Committee discussed the options for available bareroot tree species with Foreman Large and decided on 200 southern red cedar (*juniperus virginiana v. silicicola*), 100 persimmons (*diospyros virginiana*), 100 sand live oaks (*quercus geminate*), 100 dahoon holly (*Ilex cassine*).

Foreman Large noted that the City has hired a new Communications and Events Coordinator. Secretary Fitzgerald reported that her name was Melinda Conlon and that today was her first day, so she was still getting settled. She mentioned that Coordinator Conlon has experience with large events and lives on the island and is already beginning work on Arbor Day. Foreman Large reported that Director Tredik is trying to plan a meeting with Coordinator Conlon to develop a presentation for illicit discharge, possibly at Arbor Day. He also asked if the Committee has an idea on ways to get a count of visitors at Arbor Day. Secretary Fitzgerald mentioned that there were some donated items left over from the City's 60<sup>th</sup> birthday celebration in October and proposed maybe raffling those items off. If the raffle tickets are free, then at one per person it may make it possible to use the tickets to get a count. Chair Krempasky asked about the poem and poster contest and Secretary Fitzgerald reported that it was decided not to hold those this year, since last year City staff put in far more effort trying to get kids to participate in either contest than it was worth. She stated that only half the winners even showed up to claim their prizes.

Foreman Large reported that work had been done on the landscaping at Alvin's Island; that no further action had been taken on the Mickler boulevard landscaping, since Public Works is trying to play catch up; that they intent to plant several palm trees, including the staked area at C Street, when work on State Road A1A is complete; and that the bioswale on Mickler Boulevard needs to be trimmed and asked for assistance with determining weeds from plants there. Member Kaczmarzsky volunteered to visit the site and mark the area with tape.

Chair Krempasky reported that a landscape architect asked for a survey of 2<sup>nd</sup> Avenue to give a quote for services. She asked if that is something that the Committee or Public Works would like done. Foreman Large reported that Assistant Public Works Director Gatchell believes a survey may have been done by St. Johns County in the past, but it has not been found yet. Member Thomson suggested that Member Kaczmarsky and Director Tredik could walk the area and mark where trees could be planted. Chair Krempasky and Foreman Large replied that they thought the decision was to develop a full landscape plan for the area and Chair Krempasky and Member Kaczmarsky noted that that had been Member Thomson's proposal at a previous meeting. Member Thomson replied that he primarily wanted buffering behind the Courtyard Marriott hotel.

Chair Krempasky replied that the Committee needed to decide on projects for the next five years and Member Thomson responded that a climate change action plan needed to be developed in the next five years and that was a big project. Chair Krempasky expressed that she hopes a City Planner, if hired, would help with that. Member Thomson stated that he thinks the Committee was charged by the City Commission to landscape A1A Beach Boulevard and to do a reforestation planting plan in conjunction with Public Works and that he would not take on a big landscaping plan on 2<sup>nd</sup> Avenue. Member Thomson stated that there should be trees to create a buffer for the residents. Several Committee members disagreed that trees make an effective buffer, since they leave gaps between the trunks and do not hide the roadway or parking lot, that plants like hedges, shrubs, or tall grasses should be used. Chair Krempasky used the property at 16 F Street as an example, but noted that those may not be native so she may not recommend those exact plants. Member Thomson stated that this is supposed to be a reforestation project, not a beautification project. Chair Krempasky replied that there should be plants that could block headlights from the parking lots going into neighbor's windows. Secretary Fitzgerald pulled up a Google Street View image (Exhibit D) from 2<sup>nd</sup> Avenue looking east towards the Marriott showing a line of hedges, but they were ragged and unkempt and could not provide an effective buffer. The Committee discussed having Member Kaczmarsky discuss potential planting spaces with Public Works.

Foreman Large left the meeting at 7:42 p.m.

### 3. Educational Programs

Member Bandy reported that 30-40 people were at the last film showing and that Maia McGuire, Florida Sea Grant Agent, spoke after the film. She noted that a few people seemed interested in joining the Committee. Member Thomson asked for a determination on expanding the membership requirements for the Committee to people outside the City limits.

Member Bandy provided a list of upcoming dates and potential programs (Exhibit E). She noted that the film *Reuse: Because You Can't Recycle the Planet* required a \$75 license fee and she planned to try and get in contact with the filmmaker about a possible appearance. She will also look for local representatives who could come speak on the subject. Member Kaczmarsky mentioned that the father of a student of his had a shop in West St. Augustine for recycled goods and he offered to try to get in touch.

Member Bandy pointed out the YouTube videos that she found and possibly have a dietician or something similar come to speak. Member Thomson suggested the Present Moment vegetarian restaurant.

Member Bandy stated that he would try to get in contact with the State's Chief Resilience Officer, Julia Nesheiwat, to see if she would be willing to speak. Member Thomson stated that the Mayor had encouraged him to attend conferences and educational seminars. He stated that he would develop a binder with information available to the public and he could bring it to the Library during programs.

Member Bandy spoke about a presentation on illicit discharge and having Glabra Skipp and Kevin McGinnis from the City of St. Augustine come. Secretary Fitzgerald noted that she should ask Director Tredik first, since the City gets credit towards certain programs if he does a specified number of talks on the topic each year.

Member Bandy asked what topics could be discussed with Jen Lomberg, Matanzas Riverkeeper. Member Kaczmarzsky suggested sea level rise and Member Thomson suggested waterway pollution. Member Bandy asked if they wanted to combine this topic with water conservation and Members Thomson & Kaczmarzsky suggested keeping them separate and mentioned shallow wells and irrigation issues. Member Thomson asked if the County Forester, Greg Dunn, could have any resources on deforestation and saltwater intrusion.

Member Bandy also noted the list of upcoming special event dates and suggested possibly a beach cleanup on World Oceans Day on June 8<sup>th</sup>, like Jacksonville Beach is planning. She also reported that The Amp will be doing a film series on green issues. Member Kaczmarzsky reminded the Committee that they had discussed adding educational signage to the bioswale and Chair Krempasky wondered if Ms. Alex Farr may be willing to help with that, since she chose the plants for the site.

Chair Krempasky reported that the Mayor mentioned that the Property Appraiser Eddie Creamer is looking into a program that could show what a property would look like with various heights of water. Member Kaczmarzsky mentioned that he had been in Miami Beach recently and noted that many old shops were empty. He stated that locals told him the property taxes were raised to pay for the pumps needed to clear water from the area.

#### 4. Development of a Committee Strategic Plan

Chair Krempasky noted on the Draft Strategic Plan (Exhibit F) that the Mission Statement and Strategies had been revised to include Member Kaczmarzsky's suggestions and that the 2<sup>nd</sup> Avenue corridor project would need to be removed. Member Kaczmarzsky asked if Chair Krempasky had spoken with Tara Dodson at St. Johns County to see if there are any County projects the Committee could partner with.

Member Thomson noted that the Climate Change Challenge Survey listed under "Make Recommendation for Climate Action Plan, Resiliency, and Adaptation Plan" was an educational tool and did not expect to get more out of it than that. He reported that the City Commission and Planning Board discussed hiring a City Planner at their joint meeting and suggested changing that section to "work with the Planning Department to begin work on Climate Action Plan recommendation. Advise the Commission on sea level rise and climate change components of the Comprehensive Plan. Work on environmental planning policies and LDR ordinances for sustainability".

## 5. Environmental Policy & Planning Recommendations

Member Thomson reported that the Committee was invited to the City Commission and Comprehensive Planning & Zoning Board's joint meeting and they spoke on communication between boards, hiring a City Planner, and the interface between SEPAC and the Planning Board on sustainability issues. He stated that there was discussion on how a City Planner could be paid and noted that Building Official Brian Law volunteered to not be paid \$42,000 from Planning Department funds, which would then be available for a City Planner. He asked the Committee to encourage the Commission to hire an in-house planner and that their duties should include being a liaison with SEPAC so that their recommendations are directly funneled to the Commission and Planning Board and gives them someone current on sea level rise and environmental planning policy to talk to. He said he met with the Mayor and Vice Mayor to discuss these issues and received an email from City Manager Royle suggesting that he bring up having a workshop with the Planning Board. He also read a list of recommendations for hiring and duties of a city planning official (Exhibit G). Chair Krempasky noted that a Planner will likely be entry-level and not fully in charge for another full year, but that they should provide them with the Committee's research to help them. She stated that it may not be necessary for them to attend SEPAC meetings unless they have a specific presentation to give to them. Member Thomson asked that Chair Krempasky send this list to the Commission and the Committee agreed.

Member Thomson reminded the Committee of the dune that was modified at 12<sup>th</sup> Lane recently and reported that Building Official Law is drafting an ordinance to protect the dune more seriously than what is currently written. He stated that it is only a few sentences and is very weak. He offered a statement (Exhibit H) of what the ordinance should include, such as a statement of statutory authority, of purpose and intent, of the flood protection provided by dunes, and definitions of critical technical terms or phrases. He stated that in a workshop with the Planning Board, the issue of sea level rise, storm surge, and the Comprehensive Plan could be part of said workshop. He stated that the Building Official is not actively looking at site development plans outside of the building and Director Tredik is supposed to be looking at site drainage and grading, but has no permitting authority. He stated that because of that, there is a gap between the Building Department and Public Works and that a Planner could take that charge over. Chair Krempasky stated that Building Official Law would not be responsible for reviewing site plans once a Planner is hired. Member Thomson replied that if you ask Building Official Law, then he is not responsible right now.

## 6. Sustainable Stormwater Management Research

Member Thomson reported that the retention pond flooded in a class 2 storm surge and is getting repaired, but could not withstand a class 3 storm surge with the current design. He questioned if the project was sustainable and asked for an opinion of that. He noted that the weir wasn't insured. He stated that studies have been done by the City of St. Augustine, other coastal cities, and cities in South Florida, four counties of which have agreed on a percentage of sea level rise. Member Kaczmarzky noted that those counties have said that what is being done now could only last with millions and millions of dollars and Member Thomson added that that is only if people start curbing their carbon and no one knows what will happen if they don't. He asked for Director Tredik to do a presentation of the design parameters for the retention pond repair project and whether, in his opinion, it meets the Comprehensive Plan

policy designing for climate change and sea level rise. Chair Krempasky asked if this would be for further on and Member Thomson replied that the Committee needed to advise the Commission before the project was funded. Chair Krempasky noted that the project was funded and Member Kaczmarisky added that the City received a matching federal grant for it.

Member Thomson suggested a sub-committee called Plan B, because when the intercoastal starts coming over the retention pond walls the storm water system is designed to move water quickly and the pumps will need to be stopped since they can't pump against incoming water. He stated that water will be incoming from the west and he questioned whether the water should flow all the way into the City or if there should be flood gates and if there was an outlet somewhere else for the rainwater. He stated that liability for the project should be on the City's Engineer and questioned if he was following City ordinances to design the project. He stated that the Engineer was responsible for providing a prediction on whether the project is sustainable for five years, ten years, etc. Chair Krempasky mentioned that Director Tredik was working on a grant for a project to give data on vulnerability, since it would be thousands of dollars for the Engineer to provide that kind of data. Member Thomson noted that an element in the Comprehensive Plan states that any infrastructure projects must take sea level rise and climate change into consideration with the design and expenditure. Chair Krempasky asked if Member Thomson could give a presentation on this to the Commission.

Member Thomson asked for a copy of the Comprehensive Plan.

VI. OTHER COMMITTEE MATTERS

The Committee discussed sending Member Bandy to the St. Johns County Naturalist 101 course at a cost of \$200. Secretary Fitzgerald stated that they would need to speak with the Finance Director to see if that is an acceptable use of funds.

VII. ADJOURNMENT

**Motion:** To adjourn the meeting. **Moved by:** Member Bandy. **Seconded by:** Member Kaczmarisky. Motion passed unanimously.

Chair Krempasky adjourned the meeting at 8:42 p.m.

---

Sandra Krempasky, Chair

ATTEST

---

Max Royle, City Manager

## **COMMISSION REPORT**

**March 2020**

**TO: MAYOR/COMMISSIONERS**

**FROM: ROBERT A. HARDWICK, CHIEF OF POLICE**

### **DEPARTMENT STATISTICS –February 13 to March 17, 2020**

**CALLS FOR SERVICE 1139**  
**OFFENSE REPORTS 70**  
**CITATIONS ISSUED 120**  
**LOCAL ORDINANCE CITATIONS 36**  
**DUI 3**  
**TRAFFIC WARNINGS 521**  
**TRESSPASS WARNINGS 31**  
**ANIMAL COMPLAINTS 21**  
**ARRESTS 21**

- **4 Driving with License Suspended/revoked**
- **2 Drug Equipment Possession**
- **2 Fraud-**
- **1 Hit and Run**
- **3 Battery**
- **1 Possession- Cocaine**
- **2 Aggravated Battery**
- **1 Probation Violation**
- **1 Trespassed**
- **2 DUI**
- **1 Drug Trafficking**

### **ANIMAL CONTROL:**

- **St. Johns County Animal Control handled 21 complaints in St. Augustine Beach area.**

### **MONTHLY ACTIVITIES:**

- **W.A.V.E – Women Against Violent Encounters**
- **Accreditation Conference**
- **One Blood Drive – 16 Donations**
- **Michigan State University Alternative Spring break**

## MEMORANDUM

Date: March 25, 2020  
To: Max Royle, City Manager  
From: Bill Tredik, P.E., Public Works Director  
Subject: Monthly Report

---

### **Funding Opportunities**

Public Works has received notice of anticipated award for the following grant applications:

- **City of St. Augustine Beach Vulnerability Assessment**  
Florida Resilient Coastlines Program - Resilience Planning Grant  
Grant amount - \$72,500; no match required  
Final award contingent upon official signing of state budget
- **Ocean Hammock Park Phase 2 Design**  
Coastal Partnership Initiative Grant – NOAA funded  
Grant amount \$25,000; \$25,000 match required  
Grant award contingent upon NOAA approval after 7/1/20

Public works will continue to explore additional funding opportunities in the coming months.

### **Maintenance Activities**

**Rights-of-way and Parkettes** – Public Works has completed trimming of palm trees along A1A Beach Boulevard and S.R.A1A. Public Works also continues to work with SEPAC to plan trees currently stored at the Public Works facility nursery. Public Works has also been providing enhanced sanitization of parkette facilities to reduce the spread of COVID-19.

**Splash Park** – Public Works has closed operation of Splash Park until further notice due to the COVID-19 virus. Maintenance on Splash Park will be conducted during this closure.

**Mickler Boulevard Landscaping** – Public is preparing updated landscaping plans for the eastern right of way of Mickler Boulevard for review by SEPAC. Construction of these improvements will occur in Spring 2020 upon completion of Mickler Boulevard Resurfacing, and subject to available funding.

**Buildings** – Enhanced sanitization operations are ongoing at City buildings and public restrooms to minimize the risk of spread of COVID-19. Disinfecting soap dispensers have been installed in restrooms to provide additional protection. Cleaning schedules have been increased at all facilities. Minor landscape and pedestrian safety improvements are complete in front of City Hall, including additional brick walking area.

**Fleet** – The Public Works Department continues to do minor fleet maintenance on our larger trucks, heavy equipment and regular work trucks, to reduce outside repair costs.

### **Capital Improvements**

**Mizell Pond Outfall Improvements (HMGP Project No. 4283-88-R) [DESIGN]** – The project includes repairing and improving the damaged weir, replacing stormwater pumps and improving the downstream conveyance. The City has received our St. Johns River Water Management District Permit and submitted the final design (Phase 1 of the HMGP) to the Florida Division of Emergency Management (FDEM) for approval. Staff is currently working with FDEM to seek approval of the Phase 1 submittals. Phase 2 (Construction) contract, and bidding of the project will commence upon final FDEM approval. Public Works currently operates the old pump station to maintain water levels in the pond.

**3<sup>rd</sup> Lane Drainage Improvements [CONSTRUCTION]** – The 3<sup>rd</sup> Lane Ditch Drainage Improvements will pipe approximately 450 feet of existing ditch west of the 2<sup>nd</sup> Avenue right-of-way and east of Sea Oaks Subdivision. This project will address localized stormwater flooding and reduce long term drainage maintenance requirements. Construction is anticipated to be complete in FY2020.

**Ocean Hammock Park [DESIGN]** –Public Works is beginning formal design of the site improvements in the vicinity of the proposed restroom. Construction is anticipated to commence in summer 2020.

**11<sup>th</sup> Street Pipe Repair and resurfacing [DESIGN/CONSTRUCTION]**– 11th Street is experiencing subsidence in several locations due to leaks in existing pipe joints. The project is currently in design. No permitting is anticipated for this project, and construction will follow completion of design. Due to the high cost of slip-lining the existing pipe, Public Works is evaluating alternatives to reduce project cost. Construction will be completed in FY 2020.

**Mickler Boulevard Paving [DESIGN]** – Geotechnical investigation indicates that due to the severe cracking of the soil cement base, a traditional mill /overlay is not sufficient to prevent reflective cracking in the new pavement. Public Works is investigating options which provide a longer life span, including crushing in place and rejuvenating the soil cement base prior to overlay.



### **Streets / Rights of Way**

**City Parking** – In response to the COVID-19 pandemic, City parking lots and streetside parking has been closed until further notice.

**Lighting** – Public Works is moving forward with the new streetlights along S.R. A1A and A1A Beach Boulevard. The city-wide conversion to LED streetlights and will be considered at a future City commission meeting.

**A1A Beach Boulevard Crosswalk Flags** – Crosswalk flags provide an important safety mechanism to assist pedestrians crossing A1A Beach Boulevard, but also provide an increased risk of indirect person to person COVID-19 transmission. Maintaining the crosswalk flags at a level of sanitization to prevent the possibility of virus transmission is not feasible. As Beach Boulevard traffic is currently reduced due to the closure associated with the virus, Public Works has temporarily removed the crosswalk flags from the Boulevard.

**Traffic Calming** – Public works continues to work with citizens in regard to the installation of a speed hump on the western portion of the circle.

---

## M E M O R A N D U M

---

**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** MONTHLY REPORT  
**DATE:** 3/11/2020

---

### **Finance**

February financials have been reviewed and the City is trending on budget. Currently, our expenditures Citywide are at 35.0% with 41.67% of the year elapsed. A review of the Capital purchases for the year indicates we are moving forward with our projects and purchases for FY20.

A Budget Resolution is being presented to correct the negative balance in the Road and Bridge Fund, as reported in the FY19 Audit Report. A review of this fund will be conducted monthly to ensure it does not fall into the negative.

Solid Waste Residential Non-Ad Valorem discussions are moving forward with Bill Tredik. A review of the FY19 costs are being utilized to develop the range being proposed to the Commission.

### **Communications and Events**

Melinda has submitted the paperwork to the TDC for reimbursement for Beach Blast Off. In their review of the paperwork the TDC has indicated that everything looks good. She will also be attending a TDC Grant Workshop on March 23<sup>rd</sup> to prepare for this year's request for funds.

Melinda is also working to finalize all the plans for the upcoming Arbor Day event scheduled on Friday, April 17<sup>th</sup>. We anticipate 15-18 exhibitors to participate this year, as well as an informational video/slideshow on illicit discharge, a recycling display, tree give away and several items to be raffled off to the public. She was able to secure canned water for the event thru Hidden Water, a Florida company, helping to keep the event environmentally friendly.

### **Technology**

The IT staff continues to work with staff on equipment and software needs.

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: First to Last      Range of Check Dates: 02/01/20 to 02/29/20  
Report Type: All Checks      Report Format: Detail      Check Type: Computer: Y      Manual: Y      Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
001TDOOPERATING							
42986	02/14/20	A1AAU020 A1A AUTO CENTER INC				02/29/20	1511
20-00928	1	VEHICLE #104 REPAIRS & MAINT	287.50	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		96 1
42987	02/14/20	ADVAN010 ADVANCED DISPOSAL SERVICES				02/29/20	1511
20-00902	1	RECYCLE FEES JAN-20	11,031.88	001-3400-534-3400 GARBAGE	Expenditure		72 1
42988	02/14/20	ADVAP010 ADVANCED AUTO PARTS				02/29/20	1511
20-00871	1	CAR WASH	25.00	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		50 1
20-00913	1	MAINT VEHICLE #77	2.59	001-3400-534-4630 GARBAGE	Expenditure		77 1
20-00923	1	VEHICLE BATTERY-GILLESPIE	67.18	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		93 1
			<u>94.77</u>				
42989	02/14/20	ALANJ015 ALAN JAY FLEET SALES				02/29/20	1511
20-00087	1	JEEP-PATROL VEHICLE	43,762.00	001-2100-521-6410 LAW ENFORCEMENT	Expenditure		1 1
42990	02/14/20	ATTUV010 AT&T				02/29/20	1511
20-00937	1	INTERNET	45.47	001-1300-513-4100 FINANCE	Expenditure		105 1
20-00937	2	INTERNET	45.48	001-2400-524-4100 PROT INSPECTIONS	Expenditure		106 1
			<u>90.95</u>				
42991	02/14/20	BOZAR010 BOZARD FORD COMPANY				02/29/20	1511
20-00929	1	VEHICLE #132 REPAIRS & MAINT	275.23	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		97 1
20-00930	1	VEHICLE #131 REPAIRS & MAINT	562.89	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		98 1
20-00931	1	VEHICLE #129 MAINTENANCE	28.73	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		99 1
20-00932	1	VEHICLE #133 REPAIRS & MAINT	331.41	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		100 1
			<u>1,198.26</u>				
42992	02/14/20	BROCK010 BROCK FENCE				02/29/20	1511
20-00516	1	PWD FENCE & GATE	5,800.00	001-1900-519-6200 OTHER GOVERNMENTAL	Expenditure		2 1
42993	02/14/20	CDWGO010 CDW GOVERNMENT INC.				02/29/20	1511
20-00526	1	DESKTOP FOR PD	1,870.54	001-1900-519-6490 OTHER GOVERNMENTAL	Expenditure		3 1
20-00526	2	DESKTOP FOR PD	304.19	001-1900-519-6490 OTHER GOVERNMENTAL	Expenditure		4 1

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 2

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING									
42993		CDW GOVERNMENT INC.							
		Continued							
20-00526	3	DESKTOP FOR PD	425.74	001-1900-519-6490	Expenditure		5	1	
				OTHER GOVERNMENTAL					
20-00526	4	DESKTOP FOR PD	858.35	001-1900-519-6490	Expenditure		6	1	
				OTHER GOVERNMENTAL					
20-00526	5	DESKTOP FOR PD	23.85	001-1900-519-6490	Expenditure		7	1	
				OTHER GOVERNMENTAL					
20-00909	1	PD SPARE BATTERY FOR MDT	476.60	001-2100-521-5230	Expenditure		74	1	
				LAW ENFORCEMENT					
			<u>3,911.57</u>						
42994	02/14/20	CHIEF020 CHIEFMART				02/29/20	1511		
20-00870	1	SABPD GOLD COINS	440.00	001-2100-521-5290	Expenditure		49	1	
				LAW ENFORCEMENT					
42995	02/14/20	CMIIN005 CMI INC				02/29/20	1511		
20-00872	1	BREATH TESTING SUPPLIES	68.00	001-2100-521-5290	Expenditure		51	1	
				LAW ENFORCEMENT					
42996	02/14/20	COQUI005 COQUINA LAW GROUP PA				02/29/20	1511		
20-00863	1	LEGAL-RETAINER DEC-19	6,000.00	001-1300-513-3100	Expenditure		43	1	
				FINANCE					
20-00863	2	LEGAL-OTHER MATTERS	175.00	001-1300-513-3100	Expenditure		44	1	
				FINANCE					
			<u>6,175.00</u>						
42997	02/14/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC				02/29/20	1511		
20-00874	1	PLAQUE - WILSON	81.00	001-1100-511-4990	Expenditure		52	1	
				LEGISLATIVE					
42998	02/14/20	DEBOR010 Deborah K. Christopher				02/29/20	1511		
20-00880	1	JANUARY 2020 SERVICES	570.00	001-2100-521-3400	Expenditure		58	1	
				LAW ENFORCEMENT					
42999	02/14/20	DYNOM010 DYNOMETER				02/29/20	1511		
20-00921	1	VEHICLE #118 RECERT	20.00	001-2100-521-4620	Expenditure		91	1	
				LAW ENFORCEMENT					
43000	02/14/20	EVANS010 EVANS AUTOMOTIVE				02/29/20	1511		
20-00946	1	TIRES FOR VEHICLE #51	102.52	001-1900-519-4630	Expenditure		128	1	
				OTHER GOVERNMENTAL					
43001	02/14/20	FBINA010 FBINAA				02/24/20 VOID	1511		
20-00919	1	FBINAA MEMBERSHIP-HARDWICK	115.00	(void Reason: duplicate pymt 42887) 001-2100-521-5420	Expenditure		89	1	
				Law Enforcement-Memberships					
43002	02/14/20	FEDER005 FEDERAL EASTERN INTERNATIONAL				02/29/20	1511		
20-00949	1	UNIFORM VEST-ABEL	401.76	001-2100-521-5210	Expenditure		131	1	
				LAW ENFORCEMENT					
43003	02/14/20	FIRST070 FIRST BANKCARD				02/14/20 VOID	0		

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 3

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Seq Acct
001TD	OPERATING		Continued				
43004	02/14/20	FIRST070 FIRST BANKCARD				02/14/20 VOID	0
43005	02/14/20	FIRST070 FIRST BANKCARD				02/14/20 VOID	0
43006	02/14/20	FIRST070 FIRST BANKCARD				02/29/20	1511
20-00684	1	AMAZON-PD TRAINING SUPPLIES	78.06	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		8 1
20-00685	1	AMAZON-FINANCE SHREDDER	36.99	001-1300-513-5230 FINANCE	Expenditure		9 1
20-00686	1	CHICK-FIL-A CINDY FAREWELL	263.06	001-1300-513-4990 FINANCE	Expenditure		10 1
20-00687	1	FFMA-BLDG MEMBERSHIP	60.00	001-2400-524-5420 PROT INSPECTIONS	Expenditure		11 1
20-00688	1	WESTBANK FLORIST-PD BELL	88.44	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		12 1
20-00714	1	AMAZON-PWD VEH#66 REPAIR	75.94	001-131-1000 Due From Road & Bridge Fund	G/L		143 1
20-00715	1	WALGREENS-PD OFFICER OTY PIC	2.39	001-2100-521-5240 LAW ENFORCEMENT	Expenditure		13 1
20-00732	1	SAFE SHIP-PD OFFICE SUPPLIES	17.04	001-2100-521-5100 LAW ENFORCEMENT	Expenditure		14 1
20-00735	1	FBINAA MEMBERSHIP - ASHLOCK	115.00	001-2100-521-5420 LAW ENFORCEMENT	Expenditure		15 1
20-00741	1	RUBBER STAMPS-PZB STAMPS	63.90	001-1500-515-5100 COMP PLANNING	Expenditure		16 1
20-00752	1	AMAZON-FINANCE COMPUTR CABLES	107.91	001-1300-513-5230 FINANCE	Expenditure		17 1
20-00776	1	AMAZON-PD MONITORS	259.98	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		18 1
20-00777	1	SJC CHAMBER COMMERCE MEETING	45.00	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		19 1
20-00778	1	AMAZON-PD BADGE SHIELDS	9.35	001-2100-521-5210 LAW ENFORCEMENT	Expenditure		20 1
20-00779	1	AMAZON-PD KITCHEN SUPPLIES	18.22	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		21 1
20-00780	1	AMAZON-PD KITCHEN SUPPLIES	19.95	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		22 1
20-00786	1	TRI-STATE TRAINING-THOMPSON	111.95	001-2400-524-5430 PROT INSPECTIONS	Expenditure		23 1
20-00794	1	CHEWY-K9 KILO FOOD	52.34	001-2100-521-4640 LAW ENFORCEMENT	Expenditure		24 1
20-00814	1	AMAZON-PD WAVE GLOVES	174.75	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		25 1
20-00852	1	UPS-POSTAGE	21.58	001-2100-521-4200 LAW ENFORCEMENT	Expenditure		26 1
20-00853	1	SAFE SHIP-POSTAGE	20.54	001-2100-521-4200 LAW ENFORCEMENT	Expenditure		27 1
20-00860	1	FAST SIGNS-GO GREEN CAMPAIGN	221.06	001-1300-513-4850 FINANCE	Expenditure		41 1
20-00861	1	AMAZON-BLDG PHONE CASES	35.98	001-2400-524-5290 PROT INSPECTIONS	Expenditure		42 1

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 4

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #	Item	Description					Seq	Acct
001TDOPERATING								
		Continued						
43006	FIRST	BANKCARD						
		Continued						
20-00866	1	AMAZON-PD STORAGE RM ORGANIZER	125.17	001-2100-521-5290	Expenditure		46	1
				LAW ENFORCEMENT				
20-00889	1	AMAZON-PWD PRIME MEMBERSHIP	12.99	001-1900-519-5290	Expenditure		62	1
				OTHER GOVERNMENTAL				
20-00890	1	AMAZON-PWD 10 GAL TRASH CANS	54.10	001-1900-519-5290	Expenditure		63	1
				OTHER GOVERNMENTAL				
20-00947	1	EXPEDIA-PD HONOR GUARD	2,654.92	001-2100-521-4000	Expenditure		129	1
				LAW ENFORCEMENT				
			<u>4,746.61</u>					
43007	02/14/20	FIRST075 FIRST COAST FIREARMS				02/29/20	1511	
20-00886	1	GUN SIGHTS	70.00	001-2100-521-5230	Expenditure		60	1
				LAW ENFORCEMENT				
43008	02/14/20	FLAGL030 FLAGLER CARE CENTER				02/29/20	1511	
20-00927	1	HEP VACCINES-ADERHOLD/YOUNGBLD	140.00	001-2100-521-5250	Expenditure		95	1
				LAW ENFORCEMENT				
43009	02/14/20	FLORI190 FLORIDA MUNICIPAL INSURANCE TR				02/29/20	1511	
20-00857	1	INSURANCE	6.43	001-1200-512-2400	Expenditure		28	1
				EXECUTIVE				
20-00857	2	INSURANCE	10.72	001-1300-513-2400	Expenditure		29	1
				FINANCE				
20-00857	3	INSURANCE	98.62	001-1500-515-2400	Expenditure		30	1
				COMP PLANNING				
20-00857	4	INSURANCE	156.51	001-1900-519-2400	Expenditure		31	1
				OTHER GOVERNMENTAL				
20-00857	5	INSURANCE	557.44	001-2100-521-2400	Expenditure		32	1
				LAW ENFORCEMENT				
20-00857	6	INSURANCE	218.69	001-2400-524-2400	Expenditure		33	1
				PROT INSPECTIONS				
20-00857	7	INSURANCE	746.11	001-3400-534-2400	Expenditure		34	1
				GARBAGE				
20-00857	8	INSURANCE	349.48	001-131-1000	G/L		35	1
				Due From Road & Bridge Fund				
			<u>2,144.00</u>					
43010	02/14/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				02/29/20	1511	
20-00858	1	ELECTRICITY	782.59	001-2100-521-4310	Expenditure		36	1
				LAW ENFORCEMENT				
20-00858	2	ELECTRICITY	65.09	001-7200-572-4310	Expenditure		37	1
				PARKS AND REC				
20-00858	3	ELECTRICITY	847.52	001-1900-519-4310	Expenditure		38	1
				OTHER GOVERNMENTAL				
20-00858	4	ELECTRICITY	565.00	001-2400-524-4310	Expenditure		39	1
				PROT INSPECTIONS				
20-00858	5	ELECTRICITY	96.18	001-7200-572-4310	Expenditure		40	1
				PARKS AND REC				
20-00875	1	ELECTRICITY	78.90	001-1900-519-4310	Expenditure		53	1
				OTHER GOVERNMENTAL				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 5

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #		Item Description						Acct
001	TD	OPERATING		Continued				
43010	FLORIDA POWER & LIGHT COMPANY	Continued						
20-00875	2	ELECTRICITY	88.00	001-3400-534-4310	Expenditure		54	1
				GARBAGE				
20-00875	3	ELECTRICITY	136.55	001-131-1000	G/L		55	1
				Due From Road & Bridge Fund				
			<u>2,659.83</u>					
43011	02/14/20	FOPLO005 FOP LODGE 113						1511
20-00952	1	MEMBERSHIP DUES-TODD SMITH	7.00	001-229-1000	G/L		144	1
				Miscellaneous Deductions				
43012	02/14/20	GALLS010 GALLS LLC				02/29/20		1511
20-00878	1	UNIFORM SHOES-PADGETT	75.95	001-2100-521-5210	Expenditure		56	1
				LAW ENFORCEMENT				
20-00879	1	UNIFORM SHOES-GIANNOTTA	118.95	001-2100-521-5210	Expenditure		57	1
				LAW ENFORCEMENT				
			<u>194.90</u>					
43013	02/14/20	GOODY020 GOODYEAR COMMERCIAL TIRE				02/29/20		1511
20-00912	1	TIRES FOR VEHICLE #51	207.52	001-1900-519-4630	Expenditure		76	1
				OTHER GOVERNMENTAL				
43014	02/14/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				02/29/20		1511
20-00899	1	LIGHT BULBS FOR PD	9.98	001-1900-519-4610	Expenditure		69	1
				OTHER GOVERNMENTAL				
20-00900	1	SPLASH PARK MAINT SUPPLIES	71.94	001-7200-572-4620	Expenditure		70	1
				PARKS AND REC				
20-00905	1	REPL RESIDENTAL TRASH CAN	34.99	001-3400-534-5290	Expenditure		73	1
				GARBAGE				
20-00942	1	CITY HALL LETTERS/CURB MAINT	32.32	001-1900-519-4610	Expenditure		124	1
				OTHER GOVERNMENTAL				
			<u>149.23</u>					
43015	02/14/20	HICKS101 HICK'S LAND CLEARING & INCINER				02/29/20		1511
20-00917	1	SOLID WASTE DISPOSAL FEES	30.00	001-3400-534-4940	Expenditure		86	1
				GARBAGE				
20-00917	2	SOLID WASTE DISPOSAL FEES	60.00	001-3400-534-4940	Expenditure		87	1
				GARBAGE				
			<u>90.00</u>					
43016	02/14/20	HOMED010 HOME DEPOT				02/29/20		1511
20-00901	1	SPLASH PARK MAINT SUPPLIES	16.08	001-7200-572-4620	Expenditure		71	1
				PARKS AND REC				
20-00943	1	CITY HALL PARKING LOT MAINT	24.98	001-1900-519-4610	Expenditure		125	1
				OTHER GOVERNMENTAL				
20-00944	1	CITY HALL CURB MAINTENANCE	59.86	001-1900-519-4610	Expenditure		126	1
				OTHER GOVERNMENTAL				
20-00945	1	FENCING-SPLSH PRK EQUIP MAINT	92.28	001-7200-572-4620	Expenditure		127	1
				PARKS AND REC				
			<u>193.20</u>					

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 6

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #	Item	Description					Ref Seq	Acct
001TDOPERATING				Continued				
43017	02/14/20	INDIA010 INDIANHEAD BIOMASS SERVICES				02/29/20	1511	
20-00915	1	SW DISPOSAL FEES JAN-20	1,575.35	001-3400-534-4940 GARBAGE	Expenditure		83	1
43018	02/14/20	INNOV015 INNOVATIVE CREDIT SOLUTIONS				02/29/20	1511	
20-00918	1	CREDIT CHECKS-ANNUAL EVIDENCE	51.00	001-2100-521-4930 LAW ENFORCEMENT	Expenditure		88	1
43019	02/14/20	INTER010 INTERNATIONAL ASSOC OF CHIEFS				02/29/20	1511	
20-00869	1	IACP MEMBERSHIP-HARDWICK	190.00	001-2100-521-5420 LAW ENFORCEMENT	Expenditure		48	1
43020	02/14/20	JAMES010 JAMES MOORE & CO P.L.				02/29/20	1511	
20-00935	1	ANNUAL AUDIT	8,000.00	001-1300-513-3200 FINANCE	Expenditure		103	1
20-00935	2	ANNUAL AUDIT	2,000.00	001-131-1000 Due From Road & Bridge Fund	G/L		104	1
			<u>10,000.00</u>					
43021	02/14/20	LEECA010 LEE & CATES GLASS, INC.				02/29/20	1511	
20-00948	1	VEHICLE #123 WINDSHIELD	1,570.14	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		130	1
43022	02/14/20	MARIN010 MARINE SUPPLY & OIL COMPANY				02/29/20	1511	
20-00898	1	SPLASH PARK REPAIRS	109.94	001-7200-572-4620 PARKS AND REC	Expenditure		68	1
43023	02/14/20	MARIO010 MARIOTTI'S				02/29/20	1511	
20-00934	1	UNIFORM DRYCLEAN SERVICE-JAN20	169.03	001-2100-521-5210 LAW ENFORCEMENT	Expenditure		102	1
43024	02/14/20	MCCH005 MCCHESNEY LAW FIRM, P.A.				02/29/20	1511	
20-00887	1	ATTORNEY FEES	1,000.00	001-2100-521-3100 LAW ENFORCEMENT	Expenditure		61	1
43025	02/14/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				02/29/20	1511	
20-00953	1	DEFERRED COMPENSATION	1,714.52	001-235-0000 Deferred Compensation	G/L		142	1
43026	02/14/20	PUBLI020 PUBLIX				02/29/20	1511	
20-00920	1	DEPARTMENT TRAINING SUPPLIES	26.33	001-2100-521-5240 LAW ENFORCEMENT	Expenditure		90	1
43027	02/14/20	QUILL010 QUILL LLC				02/29/20	1511	
20-00938	1	OFFICE SUPPLIES	6.14	001-1900-519-5100 OTHER GOVERNMENTAL	Expenditure		107	1
20-00938	2	OFFICE SUPPLIES	6.85	001-3400-534-5100 GARBAGE	Expenditure		108	1
20-00938	3	OFFICE SUPPLIES	10.63	001-131-1000 Due From Road & Bridge Fund	G/L		109	1
20-00938	4	OFFICE SUPPLIES	12.42	001-2100-521-5100 LAW ENFORCEMENT	Expenditure		110	1



March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 7

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #	Item	Description					Ref Seq	Acct
001TD	OPERATING							
43027	QUILL LLC	Continued						
20-00938	5	OFFICE SUPPLIES	8.26	001-1300-513-5100	Expenditure		111	1
				FINANCE				
20-00938	6	OFFICE SUPPLIES	57.16	001-1500-515-5100	Expenditure		112	1
				COMP PLANNING				
20-00938	7	OFFICE SUPPLIES	9.37	001-2100-521-5100	Expenditure		113	1
				LAW ENFORCEMENT				
			<u>110.83</u>					
43028	02/14/20	SHERW010 SHERWIN WILLIAMS				02/29/20	1511	
20-00896	1	CITY HALL PAINT	198.90	001-1900-519-4610	Expenditure		66	1
				OTHER GOVERNMENTAL				
20-00897	1	SPLASH PARK PAINT	65.04	001-7200-572-4620	Expenditure		67	1
				PARKS AND REC				
			<u>263.94</u>					
43029	02/14/20	SMITH010 SMITH BROS. PEST CONTROL				02/29/20	1511	
20-00914	1	PEST CONTROL	25.00	001-1900-519-4610	Expenditure		78	1
				OTHER GOVERNMENTAL				
20-00914	2	PEST CONTROL	30.00	001-1900-519-4610	Expenditure		79	1
				OTHER GOVERNMENTAL				
20-00914	3	PEST CONTROL	52.00	001-1900-519-4610	Expenditure		80	1
				OTHER GOVERNMENTAL				
20-00914	4	PEST CONTROL	52.00	001-1900-519-4610	Expenditure		81	1
				OTHER GOVERNMENTAL				
20-00914	5	PEST CONTROL	25.00	001-1900-519-4610	Expenditure		82	1
				OTHER GOVERNMENTAL				
			<u>184.00</u>					
43030	02/14/20	SOUTH060 SOUTHERN COAST K9				02/29/20	1511	
20-00868	1	K9 KILO TRAINING	275.00	001-2100-521-4640	Expenditure		47	1
				LAW ENFORCEMENT				
43031	02/14/20	SOUTH070 SOUTHERN ACTUARIAL SERVICES				02/29/20	1511	
20-00895	1	GASB 75 VAL AS OF 10-1-17	4,500.00	001-1300-513-3400	Expenditure		64	1
				FINANCE				
20-00895	2	GASB 75 VAL AS OF 10-1-18	4,500.00	001-1300-513-3400	Expenditure		65	1
				FINANCE				
			<u>9,000.00</u>					
43032	02/14/20	STAPL010 STAPLES				02/29/20	1511	
20-00865	1	TAX FORMS	10.99	001-1300-513-4700	Expenditure		45	1
				FINANCE				
43033	02/14/20	STJOH110 ST. JOHNS COUNTY SOLID WASTE				02/29/20	1511	
20-00950	1	DISPOSAL FEES JAN-20	13,351.53	001-3400-534-4940	Expenditure		132	1
				GARBAGE				
43034	02/14/20	STJOH140 ST. JOHNS COUNTY UTILITY DEPAR.				02/29/20	1511	
20-00939	1	WATER SERVICE JAN-20	113.05	001-7200-572-4320	Expenditure		114	1
				PARKS AND REC				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 8

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDO	OPERATING			Continued					
43034	ST. JOHNS COUNTY UTILITY DEPAR	Continued							
20-00939	2	WATER SERVICE JAN-20	49.82	001-7200-572-4320	Expenditure		115	1	
				PARKS AND REC					
20-00939	3	WATER SERVICE JAN-20	75.41	001-7200-572-4320	Expenditure		116	1	
				PARKS AND REC					
20-00939	4	WATER SERVICE JAN-20	255.92	001-7200-572-4320	Expenditure		117	1	
				PARKS AND REC					
20-00939	5	WATER SERVICE JAN-20	108.66	001-2100-521-4320	Expenditure		118	1	
				LAW ENFORCEMENT					
20-00939	6	WATER SERVICE JAN-20	380.51	001-1900-519-4320	Expenditure		119	1	
				OTHER GOVERNMENTAL					
20-00939	7	WATER SERVICE JAN-20	253.66	001-2400-524-4320	Expenditure		120	1	
				PROT INSPECTIONS					
20-00939	8	WATER SERVICE JAN-20	62.12	001-1900-519-4320	Expenditure		121	1	
				OTHER GOVERNMENTAL					
20-00939	9	WATER SERVICE JAN-20	69.29	001-3400-534-4320	Expenditure		122	1	
				GARBAGE					
20-00939	10	WATER SERVICE JAN-20	107.49	001-131-1000	G/L		123	1	
				Due From Road & Bridge Fund					
			1,475.93						
43035	02/14/20	SUNLI010 SUN LIFE FINANCIAL				02/29/20	1511		
20-00951	1	LIFE INS PREMIUMS MAR-20	4.56	001-1200-512-2300	Expenditure		133	1	
				EXECUTIVE					
20-00951	2	LIFE INS PREMIUMS MAR-20	45.65	001-1300-513-2300	Expenditure		134	1	
				FINANCE					
20-00951	3	LIFE INS PREMIUMS MAR-20	14.15	001-1500-515-2300	Expenditure		135	1	
				COMP PLANNING					
20-00951	4	LIFE INS PREMIUMS MAR-20	43.93	001-1900-519-2300	Expenditure		136	1	
				OTHER GOVERNMENTAL					
20-00951	5	LIFE INS PREMIUMS MAR-20	200.86	001-2100-521-2300	Expenditure		137	1	
				LAW ENFORCEMENT					
20-00951	6	LIFE INS PREMIUMS MAR-20	40.63	001-2400-524-2300	Expenditure		138	1	
				PROT INSPECTIONS					
20-00951	7	LIFE INS PREMIUMS MAR-20	49.00	001-3400-534-2300	Expenditure		139	1	
				GARBAGE					
20-00951	8	LIFE INS PREMIUMS MAR-20	76.04	001-131-1000	G/L		140	1	
				Due From Road & Bridge Fund					
20-00951	9	LIFE INS PREMIUMS MAR-20	365.46	001-229-2100	G/L		141	1	
				Insurance-Other Employee Paid					
			840.28						
43036	02/14/20	THEBA005 THE BANCORP BANK				02/29/20	1511		
20-00916	1	VEHICLE #128 LEASE	389.49	001-2100-521-4431	Expenditure		84	1	
				LAW ENFORCEMENT					
20-00916	2	VEHICLE #114 LEASE	425.00	001-2100-521-4431	Expenditure		85	1	
				LAW ENFORCEMENT					
			814.49						
43037	02/14/20	TODDS010 TODD SMITH				02/29/20	1511		
20-00926	1	REIMBURSE TRAINING EXPENSES	171.92	001-2100-521-5290	Expenditure		94	1	
				LAW ENFORCEMENT					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Seq Acct
001TDOPERATING		Continued					
43038	02/14/20	TOMNE010 TOM NEHL TRUCK COMPANY				02/29/20	1511
20-00910	1	VEHICLE #77 REPAIR	519.53	001-3400-534-4630	Expenditure		75 1
				GARBAGE			
43039	02/14/20	ULTRA005 ULTRASHRED TECHNOLOGIES, INC				02/29/20	1511
20-00922	1	DOCUMENT DESTRUCTION SERVICES	51.51	001-2100-521-5290	Expenditure		92 1
				LAW ENFORCEMENT			
43040	02/14/20	USBAN005 US BANK VOYAGER FLEET SYS				02/29/20	1511
20-00933	1	PD FUEL 1/8-2/8/20	4,620.08	001-2100-521-5220	Expenditure		101 1
				LAW ENFORCEMENT			
43041	02/14/20	VERIZ010 VERIZON WIRELESS				02/29/20	1511
20-00881	1	CELL PHONES JAN-20	835.49	001-2100-521-4100	Expenditure		59 1
				LAW ENFORCEMENT			
43042	02/14/20	UNITE020 UNITED HEALTHCARE INSURANCE CO				02/29/20	1512
20-00955	1	HEALTH INS PREMIUM MAR-20	7,722.57	001-229-2000	G/L		1 1
				Health Insurance-Employee Portion			
20-00955	2	HEALTH INS PREMIUM MAR-20	3,244.23	001-229-2100	G/L		2 1
				Insurance-Other Employee Paid			
20-00955	3	HEALTH INS PREMIUM MAR-20	706.25	001-1200-512-2300	Expenditure		3 1
				EXECUTIVE			
20-00955	4	HEALTH INS PREMIUM MAR-20	7,040.50	001-1300-513-2300	Expenditure		4 1
				FINANCE			
20-00955	5	HEALTH INS PREMIUM MAR-20	1,060.50	001-1500-515-2300	Expenditure		5 1
				COMP PLANNING			
20-00955	6	HEALTH INS PREMIUM MAR-20	5,065.13	001-1900-519-2300	Expenditure		6 1
				OTHER GOVERNMENTAL			
20-00955	7	HEALTH INS PREMIUM MAR-20	19,463.74	001-2100-521-2300	Expenditure		7 1
				LAW ENFORCEMENT			
20-00955	8	HEALTH INS PREMIUM MAR-20	2,448.33	001-2400-524-2300	Expenditure		8 1
				PROT INSPECTIONS			
20-00955	9	HEALTH INS PREMIUM MAR-20	5,649.57	001-3400-534-2300	Expenditure		9 1
				GARBAGE			
20-00955	10	HEALTH INS PREMIUM MAR-20	8,766.57	001-131-1000	G/L		10 1
				Due From Road & Bridge Fund			
			61,167.39				
1577	02/28/20	STJOH020 ST JOHNS COUNTY FINANCE DEPT		(Void Reason: wrong acct-man ck)		02/29/20 VOID	1516
20-01042	1	IMPACT FEES-FEB 2020	14,957.85	001-208-0000	G/L		1 1
				Due to Other Governments			
43043	02/28/20	A1AAU020 A1A AUTO CENTER INC					1514
20-00992	1	VEHICLE #118 TIRE PLUG	20.00	001-2100-521-4630	Expenditure		50 1
				LAW ENFORCEMENT			
20-01027	1	VEHICLE #124 A/C REPAIR	408.90	001-2100-521-4630	Expenditure		73 1
				LAW ENFORCEMENT			
			428.90				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 10

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #	Item	Description						Acct
001TDOPERATING				Continued				
43044	02/28/20	ADVAP010 ADVANCED AUTO PARTS						1514
20-01004	1	BATTERY VEHICLE #136	80.55	001-2100-521-4630	Expenditure		62	1
				LAW ENFORCEMENT				
43045	02/28/20	AFLAC005 AFLAC						1514
20-00996	1	PREMIUMS FEB-20	339.96	001-229-2100	G/L		54	1
				Insurance-Other Employee Paid				
43046	02/28/20	AMERI060 AMERICAN HERITAGE LIFE INSURAN						1514
20-00974	1	DENTAL PREMIUM	29.56	001-229-2100	G/L		32	1
				Insurance-Other Employee Paid				
43047	02/28/20	AZCUS005 A TO Z CUSTOM HOMES INC						1514
20-00961	1	REFUND - OVERPAYMENT	355.55	001-202-4000	G/L		6	1
				Accounts Payable - Other				
43048	02/28/20	BEVER005 BEVERLY RADDATZ						1514
20-01002	1	REIMBURSE MILEAGE-FPHRA WRKSH	29.00	001-1300-513-4020	Expenditure		60	1
				FINANCE				
43049	02/28/20	BOZAR010 BOZARD FORD COMPANY				02/28/20 VOID		0
43050	02/28/20	BOZAR010 BOZARD FORD COMPANY						1514
20-00997	1	VEHICLE #135 REPAIRS	360.17	001-2100-521-4630	Expenditure		55	1
				LAW ENFORCEMENT				
20-00998	1	NEW TIRE VEHICLE #129	16.00	001-2100-521-4630	Expenditure		56	1
				LAW ENFORCEMENT				
20-00999	1	VEHICLE #122 MAINTENANCE	39.99	001-2100-521-4630	Expenditure		57	1
				LAW ENFORCEMENT				
20-01000	1	NEW TIRE VEHICLE #115	20.50	001-2100-521-4630	Expenditure		58	1
				LAW ENFORCEMENT				
20-01028	1	VEHICLE #102 MAINTENANCE	31.99	001-2100-521-4630	Expenditure		74	1
				LAW ENFORCEMENT				
20-01029	1	VEHICLE #106 REPAIR	31.99	001-2100-521-4630	Expenditure		75	1
				LAW ENFORCEMENT				
20-01030	1	VEHICLE #105 MAINTENANCE	203.45	001-2100-521-4630	Expenditure		76	1
				LAW ENFORCEMENT				
			704.09					
43051	02/28/20	CANON010 CANON FINANCIAL SERVICES						1514
20-00969	1	CANON LEASE & USAGE	47.84	001-1900-519-4430	Expenditure		16	1
				OTHER GOVERNMENTAL				
20-00969	2	CANON LEASE & USAGE	53.36	001-3400-534-4430	Expenditure		17	1
				GARBAGE				
20-00969	3	CANON LEASE & USAGE	82.80	001-131-1000	G/L		18	1
				Due From Road & Bridge Fund				
20-00969	4	CANON LEASE & USAGE	2.80	001-1900-519-5100	Expenditure		19	1
				OTHER GOVERNMENTAL -				
20-00969	5	CANON LEASE & USAGE	3.12	001-3400-534-5100	Expenditure		20	1
				GARBAGE				
20-00969	6	CANON LEASE & USAGE	4.85	001-131-1000	G/L		21	1
				Due From Road & Bridge Fund				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 11

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/void Contract	Ref Seq	Num Acct
PO #	Item	Description						
001TD	OPERATING							
43051	CANON FINANCIAL SERVICES	Continued						
20-00970	1	CANON LEASE & USAGE	125.00	001-2400-524-4430	Expenditure		22	1
				PROT INSPECTIONS				
20-00970	2	CANON LEASE & USAGE	84.60	001-2400-524-4700	Expenditure		23	1
				PROT INSPECTIONS				
20-00970	3	CANON LEASE & USAGE	125.00	001-2100-521-4430	Expenditure		24	1
				LAW ENFORCEMENT				
20-00970	4	CANON LEASE & USAGE	78.60	001-2100-521-4700	Expenditure		25	1
				LAW ENFORCEMENT				
20-00970	5	CANON LEASE & USAGE	125.00	001-1300-513-4430	Expenditure		26	1
				FINANCE				
20-00970	6	CANON LEASE & USAGE	67.64	001-1300-513-4700	Expenditure		27	1
				FINANCE				
			800.61					
43052	02/28/20	CLERK020 CLERK OF CIRCUIT COURT					1514	
20-00964	1	FILING FEE	54.00	001-1300-513-5290	Expenditure		7	1
				FINANCE				
43053	02/28/20	COLON010 COLONIAL SUPPLEMENTAL INSURANC					1514	
20-01033	1	INSURANCE PREMIUM FEB-20	572.28	001-229-2100	G/L		79	1
				Insurance-Other Employee Paid				
43054	02/28/20	COMCA015 COMCAST					1514	
20-00993	1	TV CABLE-MEDIA	65.40	001-2100-521-5290	Expenditure		51	1
				LAW ENFORCEMENT				
43055	02/28/20	COQUIT005 COQUINA LAW GROUP PA					1514	
20-01026	1	LEGAL RETAINER JAN-20	6,000.00	001-1300-513-3100	Expenditure		72	1
				FINANCE				
43056	02/28/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC					1514	
20-00977	1	NAMETAGS	25.00	001-1100-511-4990	Expenditure		40	1
				LEGISLATIVE				
43057	02/28/20	CRIME010 CRIME STOPPERS OF NORTHEAST FL					1514	
20-00994	1	CRIMESTOPPERS BANQUET	1,000.00	001-2100-521-5290	Expenditure		52	1
				LAW ENFORCEMENT				
43058	02/28/20	CSAB-030 CSAB - POLICE EDUCATION FUND				02/29/20	1514	
20-01034	1	PE FROM FINES	123.14	001-351-500	Revenue		80	1
				Court Fines				
43059	02/28/20	DGGTA010 DGG UNIFORMS & WORK APPAREL					1514	
20-01003	1	TRAINING SHIRT-PADGETT	35.85	001-2100-521-5210	Expenditure		61	1
				LAW ENFORCEMENT				
43060	02/28/20	FIRST075 FIRST COAST FIREARMS					1514	
20-01032	1	WEAPON-TRIJICON NIGHT SIGHTS	130.00	001-2100-521-5230	Expenditure		78	1
				LAW ENFORCEMENT				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 12

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
Continued							
001TDOPFRATNG							
43061	02/28/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY					1514
20-00982	1	JANITORIAL SUPPLIES	213.14	001-1900-519-5290	Expenditure		46 1
				OTHER GOVERNMENTAL			
20-01020	1	JANITORIAL SUPPLIES	126.70	001-1900-519-5290	Expenditure		66 1
				OTHER GOVERNMENTAL			
			339.84				
43062	02/28/20	FOPLO005 FOP LODGE 113					1514
20-01040	1	MEMBERSHIP DUES-TODD SMITH	7.00	001-229-1000	G/L		82 1
				Miscellaneous Deductions			
43063	02/28/20	GLACI005 GLACIER HEATING & A/C					1514
20-01021	1	PD AC REPAIR	474.00	001-1900-519-4610	Expenditure		67 1
				OTHER GOVERNMENTAL			
43064	02/28/20	GRAIN010 GRAINGER					1514
20-00979	1	PWD INTERCOM	10.22	001-1900-519-4610	Expenditure		43 1
				OTHER GOVERNMENTAL			
43065	02/28/20	HAGAN020 HAGAN ACE MANAGEMENT CORP					1514
20-00978	1	10TH STREET RR REPAIR	69.98	001-1900-519-4610	Expenditure		41 1
				OTHER GOVERNMENTAL			
20-00978	2	10TH STREET RR REPAIR	1.29	001-1900-519-4610	Expenditure		42 1
				OTHER GOVERNMENTAL			
20-01022	1	PD FACILITY MAINT SUPPLIES	67.98	001-1900-519-4610	Expenditure		68 1
				OTHER GOVERNMENTAL			
			139.25				
43066	02/28/20	HOMED010 HOME DEPOT					1514
20-00995	1	FENCE FOR SPLASH PARK	215.96	001-7200-572-4620	Expenditure		53 1
				PARKS AND REC			
20-01023	1	PD LIGHTS	63.82	001-1900-519-4610	Expenditure		69 1
				OTHER GOVERNMENTAL			
			279.78				
43067	02/28/20	JENNI005 JENNIFER THOMPSON				02/29/20	1514
20-00967	1	REIMB MEALS-FACE LEVEL 1 CLASS	336.00	001-2400-524-4000	Expenditure		10 1
				PROT INSPECTIONS			
20-00973	1	REIMB FUEL-F.A.C.E. TRAINING	12.90	001-2400-524-5220	Expenditure		30 1
				PROT INSPECTIONS			
20-00973	2	REIMB FUEL-F.A.C.E. TRAINING	23.19	001-2400-524-5220	Expenditure		31 1
				PROT INSPECTIONS			
			372.09				
43068	02/28/20	LEEAS005 LEE ASHLOCK					1514
20-01031	1	REIMBURSEMENT-RIFLE MAGAZINES	271.95	001-2100-521-5230	Expenditure		77 1
				LAW ENFORCEMENT			
43069	02/28/20	LEGAL005 LEGALSHIELD					1514
20-01001	1	PREMIUMS	15.95	001-229-2100	G/L		59 1
				Insurance-Other Employee Paid			

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 13

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/void Contract	Ref Seq	Ref Num
PO #	Item	Description						Acct
001TD	OPERATING			Continued				
43070	02/28/20	LHVIE010 L.V. HIERS INC.						1514
20-00965	1	657 GALS DIESEL FUEL	1,560.05	001-141-0000	G/L		8	1
				Inventories - Fuel				
20-00966	1	420 GALS REG GAS 87 OCTANE	943.61	001-141-0000	G/L		9	1
				Inventories - Fuel				
			2,503.66					
43071	02/28/20	MIKES005 MIKE'S COLLISION CENTER						1514
20-00990	1	VEHICLE #128 REPAIRS	2,218.10	001-2100-521-4630	Expenditure		48	1
				LAW ENFORCEMENT				
20-00991	1	VEHICLE #133 REPAIRS	3,106.46	001-2100-521-4630	Expenditure		49	1
				LAW ENFORCEMENT				
			5,324.56					
43072	02/28/20	MORET010 MORE THAN INK						1514
20-00975	1	#10 REGULAR ENVELOPES	149.00	001-2400-524-4700	Expenditure		33	1
				PROT INSPECTIONS				
43073	02/28/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION						1514
20-01039	1	DEFERRED COMPENSATION	1,714.52	001-235-0000	G/L		81	1
				Deferred Compensation				
43074	02/28/20	PEOPL005 PEOPLEREADY FLORIDA INC						1514
20-01024	2	TEMP LABOR	647.60	001-3400-534-3400	Expenditure		70	1
				GARBAGE				
20-01025	1	TEMP LABOR	518.08	001-3400-534-3400	Expenditure		71	1
				GARBAGE				
			1,165.68					
43075	02/28/20	QUILL010 QUILL LLC						1514
20-00971	1	OFFICE SUPPLIES	30.70	001-1500-515-5100	Expenditure		28	1
				COMP PLANNING				
43076	02/28/20	SAFET010 SAFETY KLEEN CORP.						1514
20-00972	1	PARTS WASHER	168.27	001-3400-534-5290	Expenditure		29	1
				GARBAGE				
43077	02/28/20	SHERW010 SHERWIN WILLIAMS						1514
20-00983	1	POLICE DEPARTMENT STUCCO MAINT	239.33	001-1900-519-4610	Expenditure		47	1
				OTHER GOVERNMENTAL				
43078	02/28/20	STAPL010 STAPLES						1514
20-00976	1	OFFICE SUPPLIES	31.62	001-1300-513-5100	Expenditure		34	1
				FINANCE				
20-00976	2	OFFICE SUPPLIES	59.98	001-1500-515-5100	Expenditure		35	1
				COMP PLANNING				
20-00976	3	OFFICE SUPPLIES	84.55	001-2100-521-5100	Expenditure		36	1
				LAW ENFORCEMENT				
20-00976	4	OFFICE SUPPLIES	16.54	001-1900-519-5100	Expenditure		37	1
				OTHER GOVERNMENTAL				
20-00976	5	OFFICE SUPPLIES	18.44	001-3400-534-5100	Expenditure		38	1
				GARBAGE				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 14

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING				Continued					
43078	STAPLES	Continued							
20-00976	6	OFFICE SUPPLIES	28.62	001-131-1000	G/L		39	1	
				Due From Road & Bridge Fund					
			239.75						
43079	02/28/20	STAUG110 ST AUGUSTINE RECORD					1514		
20-00711	1	PZB LEGAL AD	107.70	001-1500-515-4810	Expenditure		1	1	
				COMP PLANNING					
20-00783	1	FINANCE LEGAL AD	58.34	001-1300-513-4810	Expenditure		3	1	
				FINANCE					
20-00792	1	FINANCE LEGAL AD	143.60	001-1300-513-4810	Expenditure		4	1	
				FINANCE					
20-00908	1	PZB LEGAL AD	76.29	001-1500-515-4810	Expenditure		5	1	
				COMP PLANNING					
			385.93						
43080	02/28/20	SYMBA010 SYMBOL ARTS					1514		
20-01006	1	BADGES-CHIEF, COMM, DETECT, OFFCR	847.25	001-2100-521-5210	Expenditure		64	1	
				LAW ENFORCEMENT					
43081	02/28/20	SZ0KE010 SZOKE POWER SYSTEMS INC					1514		
20-00980	1	PWD GENERATOR TEST	350.00	001-1900-519-4620	Expenditure		44	1	
				OTHER GOVERNMENTAL					
20-00981	1	CITY HALL GENERATOR TEST	400.00	001-1900-519-4620	Expenditure		45	1	
				OTHER GOVERNMENTAL					
			750.00						
43082	02/28/20	TAYLO020 TAYLOR RENTAL					1514		
20-00781	1	SPLASH PARK MANLIFT	1,842.00	001-7200-572-4610	Expenditure		83	1	
				PARKS AND REC					
43083	02/28/20	VERIZ010 VERIZON WIRELESS					1514		
20-00968	1	CELL PHONES	144.48	001-2400-524-4100	Expenditure		11	1	
				PROT INSPECTIONS					
20-00968	2	CELL PHONES	36.05	001-2100-521-4100	Expenditure		12	1	
				LAW ENFORCEMENT					
20-00968	3	CELL PHONES	399.99	001-1300-513-4100	Expenditure		13	1	
				FINANCE					
20-00968	4	CELL PHONES	236.69	001-3400-534-4100	Expenditure		14	1	
				GARBAGE					
20-00968	5	CELL PHONES	236.68	001-131-1000	G/L		15	1	
				Due From Road & Bridge Fund					
			1,053.89						
43084	02/28/20	VKASE005 VKA SECURITY					1514		
20-01019	1	VEHICLE #76 KEYS	8.00	001-3400-534-4630	Expenditure		65	1	
				GARBAGE					
43085	02/28/20	ZOLLM005 ZOLL MEDICAL CORPORATION					1514		
20-01005	1	AED BATTERY	60.00	001-2100-521-5230	Expenditure		63	1	
				LAW ENFORCEMENT					



March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 15

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #		Item Description						Acct
001TDOOPERATING								
Checking Account Totals			Continued					
			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	95	6	223,903.23	15,072.85		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	95	6	223,903.23	15,072.85		
002IMPACTFEES								
1577	02/29/20	STJOH020 ST JOHNS COUNTY FINANCE DEPT						1517
20-01042	1	IMPACT FEES-FEB 2020	14,957.85	001-208-0000	G/L		1	1
			Due to Other Governments					
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	1	0	14,957.85	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	1	0	14,957.85	0.00		
101TDBANKRDBRG								
20614	02/14/20	ADVAND04 ADVANCED TREE CARE INC.				02/29/20		1510
20-00891	1	TREE ROOT RECOM-N TRIDENT PL	140.00	101-4100-541-5310	Expenditure		20	1
			ROADS & BRIDGES					
20615	02/14/20	DOGWA005 DOG WASTE DEPOT				02/29/20		1510
20-00888	1	MUTT MITT BAGS	4,440.00	101-4100-541-5310	Expenditure		19	1
			ROADS & BRIDGES					
20-00888	2	TARIFF	395.16	101-4100-541-5310	Expenditure		29	1
			ROADS & BRIDGES					
			4,835.16					
20616	02/14/20	ELISO005 ELIXSON WOOD PRODUCTS				02/29/20		1510
20-00813	1	CITY WIDE MULCH	1,670.00	101-4100-541-5270	Expenditure		2	1
			ROADS & BRIDGES					
20617	02/14/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				02/29/20		1510
20-00859	1	ELECTRICITY	4,313.15	101-4100-541-5320	Expenditure		3	1
			ROADS & BRIDGES					
20-00859	2	ELECTRICITY	93.42	101-4100-541-5320	Expenditure		4	1
			ROADS & BRIDGES					
20-00859	3	ELECTRICITY	16.19	101-4100-541-4310	Expenditure		5	1
			ROADS & BRIDGES					
20-00859	4	ELECTRICITY	107.17	101-4100-541-4310	Expenditure		6	1
			ROADS & BRIDGES					
20-00859	5	ELECTRICITY	165.73	101-4100-541-4310	Expenditure		7	1
			ROADS & BRIDGES					
20-00859	6	ELECTRICITY	13.63	101-4100-541-4310	Expenditure		8	1
			ROADS & BRIDGES					
20-00859	7	ELECTRICITY	123.94	101-4100-541-4310	Expenditure		9	1
			ROADS & BRIDGES					
20-00859	8	ELECTRICITY	98.55	101-4100-541-4310	Expenditure		10	1
			ROADS & BRIDGES					
20-00859	9	ELECTRICITY	11.46	101-4100-541-4310	Expenditure		11	1
			ROADS & BRIDGES					
20-00859	10	ELECTRICITY	780.77	101-4100-541-4310	Expenditure		12	1
			ROADS & BRIDGES					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #		Item Description					Ref Seq	Acct
101TDBANKRDBRG			Continued					
20617		FLORIDA POWER & LIGHT COMPANY	Continued					
20-00876		1 ELECTRICITY	45.21	101-4100-541-4310	Expenditure		14	1
				ROADS & BRIDGES				
20-00876		2 ELECTRICITY	413.02	101-4100-541-4310	Expenditure		15	1
				ROADS & BRIDGES				
20-00876		3 ELECTRICITY	23.87	101-4100-541-4310	Expenditure		16	1
				ROADS & BRIDGES				
20-00876		4 ELECTRICITY	202.97	101-4100-541-4310	Expenditure		17	1
				ROADS & BRIDGES				
			<u>6,409.08</u>					
20618	02/14/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				02/29/20	1510	
20-00893		1 BRUSH & STUMP KILLER	19.99	101-4100-541-5310	Expenditure		22	1
				ROADS & BRIDGES				
20-00894		1 TOP SOIL FOR STREET TREES	10.74	101-4100-541-5270	Expenditure		23	1
				ROADS & BRIDGES				
20-00940		1 WATER TRUCK VEH #71 REPAIRS	24.97	101-4100-541-4630	Expenditure		27	1
				ROADS & BRIDGES				
20-00941		1 WATER TRUCK VEH #71 REPAIR	9.37	101-4100-541-4630	Expenditure		28	1
				ROADS & BRIDGES				
			<u>65.07</u>					
20619	02/14/20	HOMED010 HOME DEPOT				02/29/20	1510	
20-00864		1 MOUNTING SUPPLIES-CIG CANS	77.88	101-4100-541-5310	Expenditure		13	1
				ROADS & BRIDGES				
20620	02/14/20	MARIN010 MARINE SUPPLY & OIL COMPANY				02/29/20	1510	
20-00906		1 VEH #71 WATER TANK REPAIR	83.28	101-4100-541-4630	Expenditure		24	1
				ROADS & BRIDGES				
20621	02/14/20	NORTH010 NORTH FLORIDA IRRIGATION EQUIP				02/29/20	1510	
20-00911		1 PEDESTRIAN CROSSING FLAGS	33.14	101-4100-541-5310	Expenditure		26	1
				ROADS & BRIDGES				
20622	02/14/20	STJOH245 ST JOHNS SALES & SERVICE					1510	
20-00892		1 14" CHAIN FOR POLE SAW	24.79	101-4100-541-4620	Expenditure		21	1
				ROADS & BRIDGES				
20623	02/14/20	THELA020 THE LAKE DOCTORS				02/29/20	1510	
20-00877		1 WATER MANAGEMENT SERVICE	595.00	101-4100-541-3400	Expenditure		18	1
				ROADS & BRIDGES				
20624	02/14/20	WAL-M010 WAL-MART STORE#01-0579				02/29/20	1510	
20-00907		1 OFFICE SUPPLIES	15.21	101-4100-541-5100	Expenditure		25	1
				ROADS & BRIDGES				
20625	02/28/20	AGPRO005 AG-PRO COMPANIES					1513	
20-00988		1 VEHICLE #59 TRACTOR REPAIR	259.21	101-4100-541-4620	Expenditure		7	1
				ROADS & BRIDGES				

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 17

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #	Item	Description						Acct
101TDBANKRDBRG				Continued				
20625	AG-PRO COMPANIES	Continued						
20-01018	1	REPAIRS TO VEHICLE #49	16.23	101-4100-541-4620	Expenditure		9	1
				ROADS & BRIDGES				
			275.44					
20626	02/28/20	FIRST055 FIRST COAST POWDER COATING						1513
20-00989	1	VEHICLE #69 BUMPER REPAIR	100.00	101-4100-541-4630	Expenditure		8	1
				ROADS & BRIDGES				
20627	02/28/20	FLORI250 FLORIDA POWER & LIGHT COMPANY						1513
20-00963	1	ELECTRICITY	10.81	101-4100-541-4310	Expenditure		3	1
				ROADS & BRIDGES				
20628	02/28/20	GENER010 GENERAL TRUCK EQUIPMENT/TRAILE						1513
20-00515	1	TRUCK #61 BOOM/HOSE TRACK REP	10,060.00	101-4100-541-4630	Expenditure		1	1
				ROADS & BRIDGES				
20629	02/28/20	HAGAN020 HAGAN ACE MANAGEMENT CORP						1513
20-00987	1	OIL TANK REPAIR PARTS	38.99	101-4100-541-4620	Expenditure		6	1
				ROADS & BRIDGES				
20630	02/28/20	STJOH140 ST. JOHNS COUNTY UTILITY DEPAR						1513
20-00962	1	CONNECTION FEE & NEW METER	2,435.00	101-4100-541-5270	Expenditure		2	1
				ROADS & BRIDGES				
20631	02/28/20	STJOH245 ST JOHNS SALES & SERVICE						1513
20-00985	1	CHAIN SAW REPAIR	42.00	101-4100-541-4620	Expenditure		4	1
				ROADS & BRIDGES				
20-00986	1	EDGER REPAIR	9.18	101-4100-541-4620	Expenditure		5	1
				ROADS & BRIDGES				
			51.18					
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	18	0	26,920.03	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	18	0	26,920.03	0.00		
Report Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	114	6	265,781.11	15,072.85		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	114	6	265,781.11	15,072.85		

Totals by Year-Fund					
Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	0-001	193,312.18	123.14	45,425.76	238,861.08
ROAD & BRIDGE FUND	0-101	26,920.03	0.00	0.00	26,920.03
Total of All Funds:		<u>220,232.21</u>	<u>123.14</u>	<u>45,425.76</u>	<u>265,781.11</u>

March 9, 2020  
03:14 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 19

Totals by Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	193,312.18	123.14	45,425.76	238,861.08
ROAD & BRIDGE FUND	101	26,920.03	0.00	0.00	26,920.03
Total of All Funds:		<u>220,232.21</u>	<u>123.14</u>	<u>45,425.76</u>	<u>265,781.11</u>

Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	0-001	193,312.18	0.00	0.00	0.00	193,312.18
ROAD & BRIDGE FUND	0-101	26,920.03	0.00	0.00	0.00	26,920.03
Total of All Funds:		<u>220,232.21</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>220,232.21</u>

## PENDING ACTIVITIES AND PROJECTS

Revised March 26, 2020

PLEASE NOTE: Some parts of this report have been shortened by the removal of outdated information.

1. **PERFORMANCE REVIEW OF POLICE CHIEF AND THE CITY MANAGER.** The reviews were discussed by the Commission at its January 14, 2020, continuation meeting. The Commission directed that that it be reminded in October 2020 to begin the reviews for the calendar year, with the reviews to be discussed at the Commission's December 7, 2020 meeting.
2. **LAND DEVELOPMENT REGULATIONS.** At this time, there is an ordinance for dune protection. It had its first public hearing and second reading at the March 2<sup>nd</sup> Commission meeting. The ordinance is now scheduled for a second public hearing and final reading at the Commission's April 6<sup>th</sup> meeting. In addition, the Building Official's proposal to allow by conditional use permit certain types of animals, such as chickens, as comfort animals, was discussed by the Commission at its March 2<sup>nd</sup> meeting. Such animals are now prohibited in the City. The outcome of the discussion was for the Building Official and the new City Attorney to work on revisions to the proposal and to bring it back to the Commission in the future.
3. **COUNTY PIER PARK.** The pier itself is still undergoing renovation.
4. **UPDATING STRATEGIC PLAN.** As its January 7, 2019, meeting, the City Commission decided to do the update itself with the City staff. At later meetings in 2019, the Planning Board and the Sustainability and Environmental Planning Advisory Committee provided suggestions for the plan. The Commission agreed with the City Manager's suggestions for items in the plan and asked him to include in it parking infrastructure. The City Manager has prepared a Mission Statement, a Vision Statement, a Values Statement and a list of goals and the tasks each. The Commission reviewed the plan and provided comments at its January 14, 2020, continuation meeting. The City Manager will revise the plan it back to the Commission at a future meeting.
5. **PARKING PLAN.** The City Commission has changed the focus of the parking plan from paid parking to improvements for parking on City-owned plazas and streets. The staff will draft a five-year plan and the Police Department is to determine the most effective parking regulations for the streets west of A1A Beach Boulevard. The parking plan will be provided to the Commission at a future meeting.
6. **JOINT MEETINGS:**
  - a. With the County Commission. No date has yet been proposed by either Commission for a joint meeting.
  - b. On February 10, 2020, the City Commission and Planning Board held a joint meeting. The topics discussed included communications, training for Board members, hiring a planner and providing more information to the Board. It was agreed to have a joint meeting every six months. At its March 2<sup>nd</sup> meeting, the Commission asked that the Code Enforcement Board and the Sustainability and Environmental Planning Advisory Committee be asked for dates for a workshop meeting with the Commission.

7. **STATE-MANDATED COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT.** At its January 6, 2018, Commission meeting, the City Manager explained the report that is mandated for cities and counties every seven years, and whether it can be done by a consultant or a staff planner. The Commission agreed to have a request for proposals prepared for planning services with a provision in it requiring full disclosure of any actual or potential conflicts of interest or any appearance thereof. The City advertised for proposals. One was received, but the amount of money requested was so far above what the City could afford that the City Manager sought proposals from other sources. Two firms replied. At its May 7<sup>th</sup> meeting, the Commission approved the hiring of Fleet and Associates to do the report. The consultant held a public meeting on the Comprehensive Plan on Tuesday, June 26, 2018, at 6 p.m. Three citizens and one Commissioner attended. The consultant met with the Comprehensive Planning and Zoning Board at its July 17<sup>th</sup> meeting, and provided the results of the two meetings to the City Commission at its August 6<sup>th</sup> meeting. The Commission met with the planning consultants, Fleet and Associates, plus members of the Planning and Tree Boards at a workshop on October 17<sup>th</sup> to review Ms. Fleet's changes to the policies in the current Comprehensive Plan. At its November 13<sup>th</sup> meeting, the Commission decided not to hold a special meeting in late November to review the draft of the plan. At its December 17<sup>th</sup> special meeting, the Commission decided to hold a special meeting on January 8, 2019, to review with the planning consultant the proposed changes to the Comprehensive Plan. On January 8<sup>th</sup>, Ms. Fleet went through the proposed changes with the Commission. Public comment was provided as well. The Planning Board reviewed the proposed changes at its February 19<sup>th</sup> meeting and decided to continue a review of the changes at the Board's March 19<sup>th</sup> meeting. However, at the request of the Board's Chair, Mrs. Jane West, and the planning consultant, Ms. Janis Fleet, the Board's review of the changes has been postponed to its April 16<sup>th</sup> meeting. At that meeting, the Planning Board approved the submission to the Commission of the changes proposed by its members. The Commission reviewed those changes at its June 10<sup>th</sup> meeting and continued the review for a special meeting on Tuesday, July 2<sup>nd</sup>. At that meeting, the Commission made some changes to the Plan and approved the consultant submitting it to the Florida Department of Economic Opportunity and other agencies for review. In early August, the DOE informed Ms. Fleet by letter that the Department had received the City's submission package and that the package was complete. The Department did its review of the City's proposed amendments and sent a report to the City in early October. The Department's one objection concerned the City's need to adopt updated policies concerning sea level rise and coastal flooding. Ms. Fleet met with City staff members in October to discuss proposed policies. She presented an ordinance to the City Commission at its December 2, 2019, meeting. After discussing the Department's objection, the Commission passed the ordinance on first reading. Its second public hearing was at the Commission's January 6<sup>th</sup> meeting, when the ordinance was approved on final reading. The ordinance and supporting information were sent to the Florida Department of Economic Opportunity for a final review. In late January, the DEO notified the City that the Comprehensive Plan was in compliance. This section will no longer be included in this Report.
8. **UPDATING PERSONNEL MANUAL.** At the City Commission's February 3, 2020, meeting, the City Clerk proposed two amendments to the Manual: to designate Christmas Eve and Good Friday as holidays for the City employees; and policies for to provide compensation to the employees during



emergencies. The Commission approved the additional holidays but asked the City Clerk to provide revised policies for compensation for the employees during declared emergencies. The revisions will be presented at a future meeting.

The Commission at its March 2<sup>nd</sup> meeting approved amendments to the Manual prohibiting fraternization between supervisory and non-supervisory employees and prohibiting animals other than American with Disabilities Act-recognized animals in city buildings.

9. **NEW REVENUE SOURCES: A. NON-AD VALOREM ASSESSMENT FOR COLLECTION OF HOUSEHOLD WASTE, RECYCLING AND YARD TRASH.** For several years, the City has levied a yearly assessment of \$74 per residence that is on the property tax bill residents receive each November. The \$74 pays the costs to disposal of household wastes, etc. The proposed additional assessment will pay the costs to collect the wastes. The Commission at its June 17<sup>th</sup> meeting discussed the proposal and asked for more information. At its August 5<sup>th</sup> meeting, the City Commission postponed the topic to the September 9<sup>th</sup> meeting. By majority vote it authorized the City Manager to do the next step in the process, which is to contact the Tax Collector for the date or dates when the public hearing must be held on a resolution to adopt the assessment. At its October 7<sup>th</sup> meeting, the Commission approved continuing the steps to implement the non-ad valorem assessment in 2020 and agreed to continue the discussion to its November 4<sup>th</sup> meeting of changes to the commercial solid waste service fees. The Commission had length discussion at that meeting as well as the continuation meeting on November 6<sup>th</sup> without any decisions being reached. At its December 3<sup>rd</sup> continuation meeting, the Commission by a 3-2 vote approved a resolution to inform the Tax Collector of the City's intent to levy the non-ad valorem assessment for the collection of solid waste later in 2020. The signed resolution was sent to the Tax Collector, the Property Appraiser, and the Florida Department of Revenue.

At its January 6<sup>th</sup> meeting, the Commission reviewed and approved a proposal for increased fees for businesses and transient rentals from the Public Works Director. A resolution to adopt the fees was approved by the Commission at its March 2<sup>nd</sup> meeting.

At its April 6<sup>th</sup> meeting, the Commission will discuss levying the non-ad valorem assessment for residential property in the City.

10. **STREETLIGHTS ALONG STATE ROAD A1A.** The City's Public Works Director, Bill Tredik, has taken the lead on this project. He is working with Florida and Light and the Florida Department of Transportation to have lights put at seven locations between the city hall and Madrid Street, opposite the entrance to the Marsh Creek subdivision. DOT has approved the lights. At its January 13<sup>th</sup> continuation meeting, the Commission approved the agreement with FPL to have 19 new lights erected.
11. **STREETLIGHT FOR ENTRANCE TO BEACH ACCESS WALKWAY.** A resident has requested that a light be put at the entrance on A1A Beach Boulevard. On January 29<sup>th</sup>, City personnel met with representatives from Florida Power and Light. The company will change the lighting as part of the conversion of the Boulevard streetlighting to LED lights.
12. **LED STREETLIGHTS.** FPL representatives presented a proposal to the Commission at its June 10<sup>th</sup> meeting to change the lights throughout the City to LED lights. The Commission decided it needed more information from FPL. Chief Hardwick has worked with FPL on a complete review of the lighting

along the Boulevard. As its January 13<sup>th</sup> continuation meeting, the Commission approved the agreement for lighting changes subject to the following conditions: 1) to verify that the City must pay for the additional lights along the Boulevard; 2) that the City Attorney review the interlocal agreement with the County and the state; 3) that the Public Works Director and Police Chief review FP&L's recommendations and be judicious about the number of lights along the Boulevard and hold off on changing any lights that might be converted to LEDs soon. The agreement with FP&L for the conversion will be on the agenda for a future Commission meeting.

13. CITIZEN SURVEY. The results of the survey were due by March 25, 2020. The Communications Coordinator is checking whether the former Coordinator left any information about what the survey was about.
14. CITY ATTORNEY SEARCH. City Attorney James Wilson announced his intention to resign at the Commission's April 1, 2019, meeting. At its April 29<sup>th</sup> special meeting, the Commission reviewed a draft of a Request for Proposals, made some changes to it, and provided suggestions to the City staff where to advertise the RFP. Deadline for responses to the RFP was Friday, May 31, 2019, at 4 p.m. The City received two applications, one from Cape Coral on Florida's southwest coast, the other from Gainesville. At its June 17<sup>th</sup> special meeting, the Commission discussed the proposals but selected neither one. Mr. James Wilson of the Coquina Law Group provided a proposal for the Commission to review at its July 1<sup>st</sup> meeting. The Commission agreed to have the Coquina Law Group continue to provide legal services for two to three months and increase the monthly retainer from \$3,000 to \$6,000. In October, the City staff prepared a Request for Proposals and advertised the Request.

As of the November 8<sup>th</sup> deadline, 10 firms had submitted a proposal. At its December 3<sup>rd</sup> continuation meeting, the Commission modified the standards in the Request for Proposals, setting the maximum monthly retainer at \$6,000, and the fee for extra-legal work at \$175 an hour, and that the City wouldn't pay the costs for travel, copying, postage and paralegal legal services. The City Manager was directed to send the new standards to the 10 firms. The deadline for their responses was Friday, December 20, 2019. As of that date, five firms submitted a response, which were reviewed by the Commission at its January 6, 2020, meeting. The Commission interviewed the five firms at a special meeting on Monday, January 13<sup>th</sup> and at its continuation meeting on January 14<sup>th</sup> selected the firm of Paul, Elkind, Branz & Paul of DeLand. The current City Attorney, James Wilson, has drafted a contract, to which the law firm has made several proposed changes. The Commission reviewed the contract at its February 3<sup>rd</sup> meeting, deleted wording that provide payment of \$175 an hour for any regular work done in excess of 35 hours a month, and asked the City Attorney to discuss this change the Paul, Elkind, Branz & Paul.

At a special meeting on February 10<sup>th</sup>, the Commission agreed that Mr. Wilson would send a draft contract to the four firms that had been interviewed previously and to another one, Marks Gray, that had expressed interest in being considered. The responses from the firms were due on February 21<sup>st</sup>. At its March 2<sup>nd</sup> meeting, the Commission reviewed the three proposals received and interviewed the representatives from the firm of Naples and Spence of St. Augustine. The Commission chose the Douglas Law Firm of St. Augustine. This topic will no longer be included in this Report.

15. GRANTS. The Public Works Director has prepared and or will prepare applications for grants from the following agencies:

- a. Florida Recreation Development Assistance Program, \$106,500, for restrooms at Ocean Hammock Park. City match would be \$35,500. Total project cost: \$142,000
- b. Coastal Partnership Initiative: \$25,000, to fund planning for other improvements to Ocean Hammock Park: picnic pavilion, observation platform, playscape for children, more trails. City match would be \$25,000. Total project cost: \$50,000
- c. Florida Resilient Coastlines Programs: to do a Vulnerability Assessment and Adaptability Plan. Total amount requested \$72,000. No match required. This will involve updating the City's stormwater model, identifying vulnerabilities and recommending options for inclusion in a future Public Works Capital Improvements Plan.
- d. Land and Water Conversation Fund: Application was submitted January 31, 2020, for improvements to Ocean Hammock Park. Requested amount is \$200,000 with a 50% match from the City required.
- e. St. Johns River Water Management District Cost Share Program: Grant applied for in February to provide funds for the new weir at the City's Mizell Road retention pond. The amount requested is \$600,000. On February 10<sup>th</sup>, the Public Works Director met with District staffers at their Palatka office to review the City's application. The application was submitted a week later.

16. REQUEST TO COUNTY LEGISLATION DELEGATION TO SUPPORT REQUEST FOR AN APPROPRIATION.

There was a possibility of the City obtaining an appropriation in the state's Fiscal Year 2121 budget for a project. The County's Legislative Delegation met on November 22<sup>nd</sup>. As that meeting, the City's Public Works Director requested an appropriation from the state of \$505,000, which would pay the City's share of the cost to build the new weir. During January, Commissioner Rumrell obtained an application form from Senator Travis Hutson's office. The Public Works Director filled out the form quickly and submitted it to the Senator's staff. However, in late January, Commissioner Rumrell was informed that the City's requested had not been included in the Florida House and Senate's respective budgets for Fiscal Year 2021.

17. REQUEST TO ST. AUGUSTINE PORT, WATERWAY AND BEACH COMMISSION FOR FUNDING FOR PROJECTS. The Public Works Director presented a list of projects to the Commission at its November 19<sup>th</sup> meeting. The Commission said one, the 5<sup>th</sup> Street dune walkover, might be eligible with the City paying part of the costs. The Director will present a funding request to the Port Commission at one of its future meetings for walkovers at 4<sup>th</sup> and 5<sup>th</sup> Streets.

18. REQUEST FOR FUNDING FROM TOURIST DEVELOPMENT COUNCIL FOR BEACH-RELATED PROJECTS.

The Public Works Director prepared a proposal to the TDC for funding for improvements to the rights-of-way of certain City-owned streets for beach visitor parking. He and the City Manager presented it to the TDC at its March 16<sup>th</sup> meeting for money to provide parking at 16<sup>th</sup> Street and the Boulevard

and 4<sup>th</sup> Street and the Boulevard. TDC members said that it was unlikely the City would receive money because of the decline in revenue from the bed tax due to the coronavirus pandemic

19. VIDEOING PORT COMMISSION MEETINGS. At its November 19<sup>th</sup> meeting, the Port Commission approved paying the City to video the Port Commission's monthly meetings. The City's IT staff updated the cost estimate it provided earlier this year and presented it to the Port Commission at its December 17<sup>th</sup> meeting. The Port Commission held off deciding whether to accept the proposal until the City Commission reviewed it. At the Commission's January 13<sup>th</sup> continuation meeting, Mr. Anthony Johns, the City's IT Manager provided a report about the difficulties of the City doing the videoing. The Commission directed that the IT Manager and the City Manager inform the Port Commission that it would need to meet and sign the management control agreement with the Police Department, and would have to be aware that the staff doing the videoing might have to cease doing such if the staff were called to an emergency at the Police Department. Also, the Port Commission would have to pay for City staff time and overtime. The City Commission suggested the Port Commission schedule its monthly meeting at a different time and date. The Port Commission usually meets the third Tuesday of each month at 3:00 p.m. The Port Commission has not yet responded to the City's proposal. This topic will no longer be included in this Report.
20. NON-CONFORMING BUSINESS SIGNS. The City's sign code has a height limit of 12 feet for business signs. A number of businesses have signs that exceed that height. According to the code, these signs must be made conforming by August 2023. The Building Official and his staff will notify the businesses of this requirement and will work with them to bring these signs into conformity.