


MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 29, 2020

SUBJECT: Information for Public Hearing re: Non-Ad Valorem Assessment for Collection and Disposal of Household Waste, Yard/Trash Special Waste and Recyclables

Attached is information that Mr. Tredik has assembled concerning this topic. It should provide you with a good overview of what's been discussed and decided in the past and where we are today concerning it. We apologize that the pages cannot be consecutively numbered because some of the attached memos list numbered pages. To have two sets of numbers might have been confusing.

ACTION REQUESTED

It is that you hold the public hearing and then decide the rates to charge the owners of residential units for Fiscal Year 2021. The Finance Director, Ms. Douylliez, will then know what to put in the budget for the next fiscal year.

PLEASE NOTE: To provide as much opportunity as possible for the public to comment, we have included a telephone link for residents to call so that they may speak to you at the meeting. They have to call in advance. To date, no residents have asked to address you by phone.

Residents may also appear in person or send comments by email. To date, we have received two emails, neither one of which were comments about the proposed assessment. Each emailer wanted larger recycling containers, which is an issue the City will address when you consider renewing the recycling contract with Advanced Disposal in 2022. If more arrive between now and July 7th, we will forward them to you and will note for the public record at the meeting how many are in favor, how many are opposed, to the special assessment.

Residents may also attend the hearing in person. Seating in your meeting room will be limited, so additional seating will be provided in the other meeting room where there's a TV, so they can follow the meeting and outside under the portico, where they can listen to the meeting. Persons can also stand in the corridor to see and hear the meeting. Persons will be allowed into the room one at a time to speak.

City of St. Augustine Beach
Solid Waste non-ad valorem Assessment
City Commission Presentations and Actions
June 2019 - Present

June 17, 2019
City Commission Meeting



AGENDA

SPECIAL CITY COMMISSION MEETING

MONDAY, JUNE 17, 2019, AT 5:30 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."

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. AGENDA ITEMS
 1. Presentation of Audit Report for Fiscal Year 2018: (Presenters: Representatives from James Moore, Inc. City's Auditing Firm)
 2. Review of Applications for City Attorney (Presenter: Jim Wilson, City Attorney)
 3. Review of Long-Range Financial Plan (Presenter: Melissa Burns, Chief Financial Officer)
 4. Discussion of Revenue Sources: Franchise Fee for Solid Waste Haulers; Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables, Yard Trash and Special Waste; Update on Paid Parking (Presenters: Max Royle, City Manager; Melissa Burns, Chief Financial Officer)
 5. Fiscal Year 2020 Budget: Review of Salary and Benefits Survey. Request for Guidelines for Budget, Other Matters Concerning It (Presenters: Max Royle, City Manager; Robert Hardwick, Chief of Police; Melissa Burns, Chief Financial Officer)
 6. Budget Resolutions 19-04 and 19-05 (Presenter: Melissa Burns, Chief Financial Officer)
 7. Request to Approve Financial Policies (Presenter: Melissa Burns, Chief Financial Officer)
- V. ADJOURNMENT

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 3, 2019

SUBJECT: Discussion of Revenue Sources: Franchise Fee for Solid Waste Haulers; Non-Ad Valorem Assessment to Pay Costs to Collect Solid Waste and Recyclables; and Update on Paid Parking

ITEM A. FRANCHISE FEE

You last discussed this at your March 4th regular meeting and your March 5th continuation meeting. The outcome of the discussion was for the City Attorney to prepare an ordinance for your April 1st meeting. Though the ordinance wasn't received for that meeting, it is attached.

Attached for your review is the following information:

- a. Pages 1-3, the memo, minus the attachments, that Ms. Burns provided to you for your March 4th meeting.
- b. Pages 4-5, the minutes of that part of your March 4th meeting when you discussed the franchise fee for solid waste haulers.
- c. Page 6, the minutes of that part of your March 5th meeting when you continued the discussion.
- d. Page 7, the memo prepared by Ms. Burns for your June 17th meeting.
- e. Pages 8-12, Ordinance 19-10

Action Requested

It is that you discuss the proposed ordinance with Mr. Wilson and Ms. Burns, and whether to pass it on first reading.

ITEM B. NON-AD VALOREM ASSESSMENT

The City already levies a non-ad valorem assessment of \$74 per residential unit to pay part of the cost to DISPOSE of household waste. The assessment each year is put on the tax bill that is sent to every owner of residential property from which solid waste is collected by Public Works employees. The \$74 does not pay the cost to dispose of recyclables. That cost is paid monthly by the City from general revenues to Advanced Disposal, the company that collects and disposes of the recyclables.

The Proposal

It is that the City levy a non-ad valorem assessment fee to pay the costs to COLLECT solid waste, such as household waste, yard trash, and special waste. The amount approved by the Commission would be put on the tax bill of each residential unit that is served by the City, just as currently the \$74 non-ad valorem assessment for the disposal of solid waste is on the tax bill.

Attachments

For your review, we have attached the following:

- a. Pages 13-14, a memo from the Chief Financial Officer, in which she provides the full costs to collect and dispose of solid waste and recyclables.
- b. Pages 15-17, the minutes of that part of the Commission's February 12, 2018, meeting when the Commission discussed the non-ad valorem assessment for the collection of solid waste. Ms. Burns refers to this meeting in her memo (pages 13-14).

Recommendation

It is that you approve the same non-ad valorem assessment for the collection of solid waste and recyclables that the County and St. Augustine are now levying. The amounts would be:

- \$111 for collection
- \$ 37 for recycling
- \$ 74 for disposal*
- \$222 total

* As the City is already levying the \$74 for disposal, the requested additional non-ad valorem assessment is \$148.

If you approve this, then the City would receive \$620,712 a year, starting in FY 2021.

Process for Establishing the Non-Ad Valorem Assessment

It is outlined in Section 197.3631 and subsequent sections of Florida Statutes: The steps are described below:

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.

Action Requested

It is that you decide whether to adopt a non-ad valorem assessment to pay the costs for the collection of household waste, special waste, and recyclables.

If you do, then the City will follow the steps required by state law. Also, the CFO and the City Manager will meet with the Tax Collector for any guidance/information he may have about the process.

If you decide not to adopt the non-ad valorem assessment, then as the long-range financial plan clearly shows, other recurring revenue sources will have to be found and/or expenditures will have to be reduced.

ITEM C. UPDATE ON PAID PARKING

You have directed the City staff to be involved with the County staff in their negotiations with Republic Parking System, one of the companies that responded to the County's request for proposals. The County Commission accepted the staff's request that it be authorized to negotiate the terms for a parking management program with Republic.

Since then, the City Manager has contacted the County Administrator and the County's Director of Management and Budget about when the City can participate in the negotiations with Republic. He has been told that a meeting will be scheduled in June and that the County staff will bring the results of the negotiations to the County Commission in July.

The County's Director of Management and Budget has also told the Manager that the County's parking management system, if approved by the County Commission, won't be implemented until March 2020. This will give the City time to either adopt the County's system or have its own system in place by March 2020, which will be the start of the spring/summer beach season.

Effect of Different Parking Fees on Federal Funding for Beach Renourishment

At a recent meeting, some of you expressed concern that different parking fees could adversely affect the funding by the Federal government for beach renourishment projects. We checked with the County and learned the following:

- A price differential for handicapped parkers, seniors, and veterans will not change the calculation for the Federal cost share funding for beach renourishment.
- A price differential for residents versus non-residents would make those parking areas ineligible towards the calculation of the Federal cost share funding.

You may recall that earlier this year you approved the following hourly parking fees: 50¢ for residents and business employees, \$2 for visitors, and \$1 for parking at Ocean Hammock Park. The County Commission has tentatively approved a daily (not hourly) parking fee of \$5 and an annual pass fee of \$50.

Based on information from the County, the conclusion is that no matter which paid parking system the City adopts, the County's or its own, it cannot, without jeopardizing Federal cost-sharing for beach projects, have differing parking fees based on residency or if the parker is an employee of a beach business.

Also, there is then the question of whether the Federal funding calculation will be affected if the County has one parking fee for the Pier Park and the east end of Pope Road while the City has a different fee for its parking areas. The City Manager has sent this question to the County's Director of Management and Budget.

Action Requested

As your goal is to have a parking plan that is seamless with the County, the action requested at this time is that you see what the County Commission decides at one of its July meetings, such as to continue negotiations with Republic, or some other action concerning the County's intent to have a parking management plan. You will then know whether to proceed with the County's plan.

6/17/2019 City Commission Meeting Item 4 Minutes

4. Discussion of Revenue Sources: Franchise Fee for Solid Waste Haulers; Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables, Yard Trash and Special Waste; Update on Paid Parking (Presenters: Max Royle, City Manager; Melissa Burns, Chief Financial Officer)

Mayor George introduced Item 5 and asked City Manager Royle for a report.

City Manager Royle advised that he would like Chief Financial Officer Burns to explain the franchise fee for solid waste.

Chief Financial Officer Burns asked if the Commission has any questions regarding the ordinance.

City Attorney Wilson read the title of Ordinance 19-10 at Mayor George's request.

Vice Mayor England advised that the St. Johns County was increasing their solid waste collection fees.

Chief Financial Officer Burns advised that St. Johns County and the City of St. Augustine charge a franchise fee for construction debris and commercial waste disposal, which is non-exclusive. She advised that the Commission came to a consensus of the application fee to be \$300 whereas the County and St. Augustine charge \$500. She explained that the County and St. Augustine ask for a ten percent portion of their revenues collected, but the City would only be asking for five percent of commercial waste and ten percent of construction debris, which goes towards the General Fund. She explained that the revenues per year are approximately \$40,000.

Vice Mayor England asked whether the fees should be in a resolution format.

City Attorney Wilson advised that this type of fees do not change often, and he went by what other jurisdictions do.

Mayor George pointed out that on page 10, subsection (2), b., reflects \$100 fee instead of \$300.

Chief Financial Officer Burns advised that on subsection (2), c., there shows an inspection fee, which the Commission was not going to do. She advised that the Public Works Department employees would provide a list of hauler trucks that are within the City and would notify the Finance Department who would advise them of the franchise fee.

It was the consensus of the Commission to have ten percent portion of revenues collected for commercial waste and construction debris pickups.

Mayor George opened the Public Comments section. Being none, Mayor George asked for a motion.

Motion: to approve Ordinance 19-10 with the following amendments: on Paragraph D, (2), c. shall be eliminated in its entirety, Paragraph D, (2), b. be amended to modify the reference of \$100 to \$300. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to non-ad valorem collection of household waste.

City Manager Royle advised that the staff feels it is important to adopt a non-ad valorem assessment for household and special waste collection and explained that it would not go into effect until 2021. He remarked that this is to set in motion the procedure to accomplish the non-ad valorem fee with the Tax Collector. He explained that the estimated fee would be \$222 a year minus \$74 that the citizens are already paying for a total increase of \$148. He explained that it would not affect businesses, only residential.

Discussion ensued regarding condominiums would not be affected because they are commercial; this non-ad valorem tax would not be tax deductible; telecommunications tax has decreased, and this would help with the shortfall; property taxes are the most significant source of revenues; the need for new revenue sources to keep ahead of expenditures; having public hearings for the public to comment on it; duplexes would pay for each residence; non-ad valorem tax would be the same amount; undertaking full cost accounting on the amount charged; transient rentals are charged as business customers; and the Charter stating that the City would provide the solid waste collection by paying property taxes.

Commissioner Samora advised that the Commission has asked to identify revenue sources, which staff has done a great job doing. He explained that he views this as realigning the services with where they actually belong. He remarked that everyone pays their ad valorem taxes which pay for the garbage pickup and recycling for the residences and the commercial properties don't receive the service but pay the ad valorem taxes. He explained that the millage will be addressed later this budget year and it could go up or down, but this would realign the service that is being provided. He explained that this would be \$620,000 a year and it could be removed from the millage if the Commission agrees.

Mayor George advised that she does not expect the millage to go down and does not want the door opened to future Commissions by having the non-ad valorem tax. She explained that this Commission adjusted the millage to account for the \$74 solid waste disposal.

Commissioner Samora advised that was a missed opportunity. He explained that staff is not even trying to cover the entire cost of collection. He remarked that the Commission has not raised the disposal fee in nine years, which was a mistake. It is time to realign and restructure where the costs are being used and not even covering the full costs.

Discussion ensued regarding how many transient rentals there were there in the City; need to fairly distribute the cost throughout the City; moving forward but getting more information; every address would receive a letter regarding this fee; whether it is cheaper to have a dumpster pickup than the City; transient rentals would not need dumpsters and would usually be picked up by the City.

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

Craig Thompson, 6 D Street, St. Augustine Beach, FL, explained that he is on a fixed income and the fee is more than doubled; asked for more creative options; stated this is not a fair tax because not everyone is using the same amount; and he would like to see if the fee would be by the quantity of waste.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, requested the Commission to table this item and restructure this to use more conservation.

Mayor George closed the Public Comments section and advised that it was the consensus of the Commission to get more information, but to move forward with discussion. She asked staff to provide the relative costs and suggestions on how this could be rated on the user-based system.

City Manager Royle advised that a non-ad valorem assessment would not allow for different amounts to be paid according to usage.

Mayor George advised that different cities do have options on how the fee is charged. She requested to know what other cities do and if staff says they don't have the resources, then she wants to know why.

Vice Mayor England requested City Manager Royle to speak with the Tax Assessor's Office on their limitations for refunded or differential on non-ad valorem fees.

Mayor George advised that the Tax Assessor's Office may be able to base the fee on the square footage of the home or the number of bedrooms. She advised that she may not support this and requested that staff get more feedback by having Communications / Events Coordinator to do a survey on how residences feel about this fee.

City Manager Royle advised that this item will be brought back to the Commission in August.

Mayor George moved on to the parking update.

City Manager Royle advised that he found out today that St. Johns County is still negotiating with Republic. He remarked that the County does not anticipate having a paid parking system in place until March 2020 and explained that the County Administrator Wanchick and the Director of Management and Budget Jessie Dune advised him that he would allow the City to be able to go to the negotiating meetings. He commented that he would be speaking with County Administrator Wanchick about this. He explained that the County envisions that they work with Republic on the negotiating and then the City would have their own contract with Republic, but it would be the same plan and systems.

Commissioner Samora asked if the City has reached out to Republic.

City Manager Royle advised that he doesn't want to have the County thinking the City is trying to make their own deal because the City wants to follow the County's plan.

Vice Mayor England advised that she was very disappointed and recommended that a letter be sent to St. Johns County Board of Commissioners that states the City has not been able to attend the negotiation meetings with Republic.

City Manager Royle commented that he would speak with County Administrator Wanchick to see if there is a reason for this.

Mayor George advised that the federal funding for beach renourishment might impacted with different fee rates for parking and would like to know how many parking spaces are needed to project to get the highest rate of funding and compare that to what parking spaces are on the beach, plazas, Pier Park, and City streets. She requested the threshold information from staff. She requested staff to find out what the beach renourishment funding's perspective is (i.e. is it with any given parking lot or can it be on City streets).

Commissioner Kostka pointed out that the County's parking fee would cost residents more than what was proposed by the City.

Commissioner Samora advised that the City was doing their own projections, whereas the County is having Republic do its projections. He explained that the City's plan would have to be voided

because all the dynamics changed. He advised that he was discouraged that the City has not gotten any information back from the County.

City Manager Royle explained that if he approaches Republic and negotiates a fee amount, it would not be a seamless plan with the County.

Commissioner Samora advised that his concern was the County pass and whether the City would receive any benefit from the parking at Pier Park.

City Manager Royle advised that he will update the Commission in August. He advised that the County's staff is going to their Commission in July with the proposal.

Mayor George asked City Manager Royle to give a brief update on what the results were with the County's proposal in his comments section.

Mayor George moved on to Item 5.

September 9, 2019
City Commission Meeting



AGENDA

REGULAR CITY COMMISSION MEETING

MONDAY, SEPTEMBER 9, 2019

IMMEDIATELY FOLLOWING THE SPECIAL BUDGET MEETING 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."

- XI. CALL TO ORDER
- XII. PLEDGE OF ALLEGIANCE
- XIII. ROLL CALL
- XIV. APPROVAL OF MINUTES OF SPECIAL BUDGET COMMISSION MEETING ON JULY 31, 2019, AND REGULAR COMMISSION MEETING ON AUGUST 5, 2019
- XV. ADDITIONS OR DELETIONS OF THE AGENDA
- XVI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- XVII. PRESENTATIONS
 - A. Presentation of Plaques for the Recipients of the Anastasia Island Environmental Stewardship Awards
 - B. Presentation of Programs by Representatives from the North Florida Green Chamber of Commerce
- XI. PUBLIC COMMENTS
- XII. COMMISSIONER COMMENTS
- XIII. PUBLIC HEARINGS
 - 1. Ordinance 19-10, Public Hearing and Final Reading: to Levy a Franchise Fee for Solid Waste Haulers (Presenter: Jim Wilson, City Attorney)
 - 2. Ordinance 19-13, Public Hearing and Final Reading: to Remove the Requirement of Dog Licenses from the City Code (Presenter: Beverly Raddatz, City Clerk)
- XI. CONSENT

3. Budget Resolutions 19-08, 19-09, and 19-10 to Appropriate Money to the Debt Service Fund, the Road/Bridge Fund's Vehicle Repair and Maintenance Account, and the Road/Bridge Fund's Drainage Account

XI. OLD BUSINESS

4. Liability, Workers Compensation, Vehicle and Property Insurance: Review of Proposals (Presenter: Beverly Raddatz, City Clerk)
5. Denial of Conditional Use Permit to Build a Single-Family Residence in a Commercial Land Use District at 16 5th Street (Lot 18, St Augustine Beach Subdivision): Request by Applicant, Mr. James Cochran, for Commission to Allow New Application for Permit in Accordance with Section 10.03.02.A.3 and 4 of the Land Development Regulations (Presenter: Brian Law, Building Official)
6. Electric Scooters: Review of Proposed Ordinance to Regulate (Presenter: Jim Wilson, City Attorney)
7. Ordinance 19-16, First Reading: to Repeal Ordinances 19-03 and 19-04, Which Prohibit Certain Plastic Items (Presenter: Jim Wilson, City Attorney)
8. Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables and Yard Trash (Presenter: Patricia Douylliez, Finance Director)
9. Strategic Plan: Review of Possible Mission Statement and Guidance to Staff Regarding Next Steps for Development of the Plan (Presenter: Max Royle, City Manager)
10. Flying Non-Government Flags on City Property: Consideration of Policy (Presenter: Max Royle, City Manager)

XII. NEW BUSINESS

11. 5K Race in City: Request by Miami Tri Events for Permit to hold Race on Saturday, November 9, 2019 (Presenters: Representatives from Miami tri Events)
12. Changes to the Land Development Regulations: Review of Proposal from the Building Official (Presenter: Brian Law, Building Official)

XII. STAFF COMMENTS


XIII. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE (SEPAC)**. It will hold its monthly meeting on Thursday, September 12, 2019, at 6:00 p.m. in the Commission meeting room at city hall.
2. **COMPREHENSIVE PLANNING AND ZONING BOARD**. It will hold its monthly meeting on Tuesday, September 17, 2019, at 6:00 p.m. in the Commission meeting room at city hall. Topics on the agenda may include: a) request for variance to reduce rear and side setback requirements for a roofed, open-air structure for boat parking at 691 16th Street; and b) review of Building Official's proposed changes to the Land Development Regulations.
3. **FINAL PUBLIC HEARING FOR FISCAL YEAR 2020 BUDGET**. It will be held in late September. The City Commission will set the date at its September 9th meeting on the budget. Fiscal Year 2020 will begin on October 1, 2019, and end on September 30, 2020.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: August 27, 2019

SUBJECT: Non-Ad Valorem Assessment Fee to Pay Costs to Collect Household Waste, Recyclables, and Yard Trash

INTRODUCTION

At this time, the City levies a yearly non-ad valorem assessment to pay part of the cost to dispose of household waste and yard trash. That assessment of \$74 was first levied in 2012 and has not been changed since 2012.

As noted, the \$74 pays part of the cost to dispose of household waste and yard trash. It doesn't pay the full disposal cost nor the cost to collect household waste and yard trash, nor the cost to collect and dispose of recyclables. For disposal, the City makes up the difference from General Fund revenues; and for the collection and disposal of recyclables from residences, it pays monthly \$9,100 from General Fund revenues to a private company, Advanced Disposal.

Each year, the City's Chief Financial Officer is required by state law to do a report of all the costs, direct and indirect, of the City solid waste operations. The report is broken into three categories of costs: solid waste collection, solid waste disposal, and recycling. For Fiscal Year 2018, the total cost was \$1,365,523.35. Towards paying that amount, the \$74 non-ad valorem assessment for the disposal of solid waste provided only \$220,084.

THE NEED FOR THE NON-AD VALOREM ASSESSMENT FEE

For several years, the City administration has suggested that an additional non-ad valorem assessment fee be levied to help pay the costs to collect household waste and yard trash, and to collect recyclables. The fee would help lessen the burden on the City's major source of revenue, property taxes, to fund its operations. This burden is especially obvious because of these facts:

1. The costs for the City's solid waste operations is over \$1.3 million. As noted above, the total cost for the City's solid waste operations in FY 2018 was \$1,365,523.
2. The cost of the subsidy from the General Fund to the Road/Bridge Fund is nearly a million. In the proposed FY 2020 budget, the amount requested is \$890,322. For FY 2019, the amount appropriated was \$1,160,306. The subsidy is needed because Road/Bridge Fund revenue sources, such as the local option gas tax and impact fees, do not provide enough money for the Fund's operations.

3. Together, just two expenditures, solid waste operations and the subsidy to the Road/Bridge Fund, total over \$2.2 million, which is about a fifth of the City's entire annual budget.

Without the non-ad valorem assessment fee, the City by necessity will have to rely more and more on property taxes to fund its operations. This is evident by the fact that the FY 2019 millage, 2.3992 mills, will not provide enough money for expenditures in the proposed FY 2020 budget. This is why the Commission at its July 31st special meeting had to set the tentative millage at 2.60 mills.

THE PROPOSAL

It is for the Commission to approve a non-ad valorem assessment of \$230, which is the same assessment as the County has proposed be levied in FY 2020 for solid waste collection and disposal in the unincorporated areas. The \$230 assessment would include the \$74 that the City currently levies now for the disposal of household waste and yard trash.

With an estimated 2,796 residential units in the City, the \$230 assessment would provide \$643,080, which is less than half the cost of the City's solid waste operations as shown by the full cost accounting report for FY 18. The total was \$1,365,523. Half that amount is \$682,276. The \$1,365,523 equals about a full mil in property taxes.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-3, the minutes of that part of your June 17th meeting when you last discussed the topic of the non-ad valorem assessment.
- b. Pages 4-5, an email inquiry to the Property Appraiser and his reply concerning using square footage on which to base the assessment. At your June 17th meeting, Mayor George asked whether the assessment could be based on the square footage of a house.
- c. Pages 6-7, a memo from the previous CFO, in which she shows the costs of the City's solid waste operations for FY 2018, and states that the annual cost per resident is \$468.24.
- d. Page 8, a notice from the County sent to County residents of the proposed non-ad valorem assessment for solid waste for FY 2020.
- e. Page 9, a list showing the monthly and annual residential solid waste fee charged by area cities. From it, you will see that the proposed \$230 fee for our City is higher than what some cities charge, and lower than others charge.
- f. Pages 10-15, the survey responses to the question: "To pay for the collection of residential solid waste, would you support a fee?" The responses were:

No: 51.82%

Yes: 48.18%

ACTION REQUESTED

It is that you discuss the City having a non-ad valorem assessment fee of \$230 which would match the County's proposed fee for residents in the unincorporated parts, and which is well under the annual cost per resident shown by the former CFO on page 7.

SUPPLEMENTAL INFORMATION

A. Basis for Determining the Non-Ad Valorem Assessment

At the conclusion of your June 17th meeting, Mayor George suggested that the Tax Appraiser's office may be able to base the fee on the square footage of a residence or its number of bedrooms.

Mr. Eddie Creamer, the Property Appraiser, provided an email dated June 24th (page 4), in which he said a per-bedroom count would be inconsistent for assessment purposes. He suggested using the square footage, heating/cooled, or non-heated/cooled, of a residence.

We checked with the Tax Collector, Mr. Dennis Hollingsworth, who recommended using a flat assessment per residence as the County does, rather than one based on square footage of a residence. Some large homes, for example, might have one or two older residents who don't create much trash, while a smaller residence with two young adults with children might generate more trash.

B. Significant Dates

There are two:

The first is that the City needs to notify the Tax Collector of the proposed fee before the end of 2019. Second, that if you approve the fee, the City won't receive revenue from it until Fiscal Year 2021.

Here is the timetable as prescribed in Section 197.3631 and subsequent sections of Florida Statutes for the adoption of the non-ad valorem assessment to pay part of the costs to collect and dispose of household waste, yard trash, and recyclables in the City:

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.

FROM MINUTES OF CITY COMMISSION MEETING, JUNE 17, 2019

1. Discussion of Revenue Sources: Franchise Fee for Solid Waste Haulers; Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables, Yard Trash and Special Waste; Update on Paid Parking (Presenters: Max Royle, City Manager; Melissa Burns, Chief Financial Officer)

City Manager Royle advised that the staff feels it is important to adopt a non-ad valorem assessment for household and special waste collection and explained that it would not go into effect until 2021. He remarked that this is to set in motion the procedure to accomplish the non-ad valorem fee with the Tax Collector. He explained that the estimated fee would be \$222 a year

minus \$74 that the citizens are already paying for a total increase of \$148. He explained that it would not affect businesses, only residential.

Discussion ensued regarding condominiums would not be affected because they are commercial; this non-ad valorem tax would not be tax deductible; telecommunications tax has decreased, and this would help with the shortfall; property taxes are the most significant source of revenues; the need for new revenue sources to keep ahead of expenditures; having public hearings for the public to comment on it; duplexes would pay for each residence; non-ad valorem tax would be the same amount; undertaking full cost accounting on the amount charged; transient rentals are charged as business customers; and the Charter stating that the City would provide the solid waste collection by paying property taxes.

Commissioner Samora advised that the Commission has asked to identify revenue sources, which staff has done a great job doing. He explained that he views this as realigning the services with where they actually belong. He remarked that everyone pays their ad valorem taxes which pay for the garbage pickup and recycling for the residences and the commercial properties don't receive the service but pay the ad valorem taxes. He explained that the millage will be addressed later this budget year and it could go up or down, but this would realign the service that is being provided. He explained that this would be \$620,000 a year and it could be removed from the millage if the Commission agrees.

Mayor George advised that she does not expect the millage to go down and does not want the door opened to future Commissions by having the non-ad valorem tax. She explained that this Commission adjusted the millage to account for the \$74 solid waste disposal.

Commissioner Samora advised that was a missed opportunity. He explained that staff is not even trying to cover the entire cost of collection. He remarked that the Commission has not raised the disposal fee in nine years, which was a mistake. It is time to realign and restructure where the costs are being used and not even covering the full costs.

Discussion ensued regarding how many transient rentals there were there in the City; need to fairly distribute the cost throughout the City; moving forward but getting more information; every address would receive a letter regarding this fee; whether it is cheaper to have a dumpster pickup than the City; transient rentals would not need dumpsters and would usually be picked up by the City.

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

Craig Thompson, 6 D Street, St. Augustine Beach, FL, explained that he is on a fixed income and the fee is more than doubled; asked for more creative options; stated this is not a fair tax because not everyone is using the same amount; and he would like to see if the fee would be by the quantity of waste.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, requested the Commission to table this item and restructure this to use more conservation.

Mayor George closed the Public Comments section and advised that it was the consensus of the Commission to get more information, but to move forward with discussion. She asked staff to provide the relative costs and suggestions on how this could be rated on the user-based system.

City Manager Royle advised that a non-ad valorem assessment would not allow for different amounts to be paid according to usage.

Mayor George advised that different cities do have options on how the fee is charged. She requested to know what other cities do and if staff says they don't have the resources, then she wants to know why.

Vice Mayor England requested City Manager Royle to speak with the Tax Assessor's Office on their limitations for refunded or differential on non-ad valorem fees.

Mayor George advised that the Tax Assessor's Office may be able to base the fee on the square footage of the home or the number of bedrooms. She advised that she may not support this and requested that staff get more feedback by having Communications / Events Coordinator to do a survey on how residences feel about this fee.

City Manager Royle advised that this item will be brought back to the Commission in August.

Max Royle

From: Eddie Creamer, C.F.A. <Eddie@sjcpa.us>
Sent: Monday, June 24, 2019 8:50 AM
To: Max Royle
Cc: Nikki Pontello
Subject: Re: Non-Ad Valorem, Assessment

Good Morning Max,

While we do have a bedroom count for some homes, it would likely be inconsistent for assessment purposes as the practice of adding bedrooms has been more recent and generally from plans of new homes and remodels. I would recommend square footage as that is consistent and we provide both conditioned square footage and total square footage.

I hope this is helpful. Please let me know if you need anything additional. Have a great day.



Eddie Creamer, C.F.A.
Property Appraiser
4030 Lewis Speedway, Suite 203
Saint Augustine, Florida 32084
Phone: (904) 827-5520
Fax: (904) 827-5580
www.sjcpa.us

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On Jun 24, 2019, at 7:58 AM, Max Royle <mroyle@cityofsab.org> wrote:

Mr. Creamer,

The City is exploring the levying of a non-ad valorem assessment to pay the costs to collect solid waste from City residences. The City Commission asked if the assessment can be calculated on the basis of the number of bedrooms in a home, or the home's square footage. Is such a basis possible?

Max

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: MELISSA BURNS, CHIEF FINANCIAL OFFICER
SUBJECT: SOLID WASTE NON-AD VALOREM ASSESSMENT
DATE: 5/15/19

Background

The City is re-evaluating the possibility of implementing non-ad valorem assessments for the collection of solid waste and recycling in addition to the solid waste disposal non-ad valorem assessment already in place. For the Commission meeting held on February 12, 2018, a report was provided outlining what the solid waste function costs the city per month per resident and commercial customer. These costs are determined by completing a full cost accounting. The information below has been updated utilizing figures from Fiscal Year Ending September 30, 2018.

Full Cost Accounting

Full Cost Accounting (FCA) is a systematic method of identifying, summing, and reporting the costs incurred by providing solid waste services. It includes not only direct costs, but indirect costs and future outlays to provide necessary support to solid waste services. There are three components to the Solid Waste function and they are, Collection, Disposal and Recycling. Those components are further separated between residential units and commercial customers. The results of the FCA revealed the following:

In FY 18, the cost of Solid Waste is as follows:

Component	Cost
Solid Waste Collection	\$ 767,185.26
Solid Waste Disposal	442,220.21
Recycling	156,117.88
Total Cost	\$ 1,365,523.35

As mentioned before, the components are separated into residential units and commercial users. There were 2,796 residential units and 184 commercial customers in FY18. To allocate the above costs between residential and commercial, percentages are applied to each separate component. In this case, residential is 93.83% of the total units/users and commercial is 6.17%.

- The annual cost per residential unit is \$468.24:
 - \$261.85 for Collection
 - \$150.93 for Disposal
 - \$ 55.41 for Recycling

Commercial Customers

- The annual cost per commercial customer is \$338.87:
 - \$190.55 for Collection
 - \$109.83 for Disposal
 - \$38.49 for Recycling

Commercial customers are billed monthly with a per can charge for the disposal of their solid waste. Staff will be revisiting how and when the commercial customers are billed in the very near future.

Conclusion

The City is re-evaluating the possibility of implementing non-ad valorem assessments for collection of solid waste and recycling. The above information is what it actually cost the City to provide the services in FY18.

If further information is required, please let me know.



St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

ST. JOHNS COUNTY, FLORIDA
 NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR
 COLLECTION OF SOLID WASTE DISPOSAL,
 COLLECTION, AND RECYCLING
 NON-AD VALOREM ASSESSMENTS
 NOTICE DATE: JULY 1, 2019

As required by Section 197.3632, Florida Statutes, notice is given by St. Johns County, Florida (the "County") that annual assessments for solid waste disposal, collection, and recycling services, facilities, and programs using the tax bill collection method may be levied on your property for the fiscal year October 1, 2019 – September 30, 2020 and future fiscal years. The purpose of the assessments is to fund solid waste disposal, collection, and recycling services, facilities, and programs benefiting residential property located within the unincorporated area of the County and each municipality within the County that consents to inclusion by ordinance. The total annual solid waste assessment revenue to be collected within the County is estimated to be \$21,419,210.00 for the upcoming fiscal year. The annual solid waste assessments are based on the number of residences, dwelling units, and habitats contained on each residential property. The maximum rates of assessment for each residence, dwelling unit, and habitat shall be as follows:

	Fiscal Year 2019-20	Fiscal Year 2020-21	Fiscal Year 2021-22	Fiscal Year 2022-23	Fiscal Year 2023-24
Disposal Assessment	\$57.00	\$57.00	\$57.00	\$57.00	\$62.00
Collection Assessment	\$118.00	\$122.00	\$126.00	\$130.00	\$130.00
Recycling Assessment	\$55.00	\$57.00	\$59.00	\$61.00	\$62.00
TOTAL	\$230.00	\$236.00	\$242.00	\$248.00	\$254.00

The total number of residences, dwelling units, and habitats on the above parcel is 1.

The total amount to be levied against the above parcel for Fiscal Year 2019-20 shall be \$57 for the Disposal Assessment, \$118 for the Collection Assessment, and \$55 for the Recycling Assessment.

A public hearing will be held at 9:00 a.m. on August 6, 2019, in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of this notice. If you decide to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board of County Commissioners action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Solid Waste Ordinance, the Annual Assessment Resolution, and the updated assessment roll are available for inspection at the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Both the solid waste non-ad valorem assessments amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2019. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

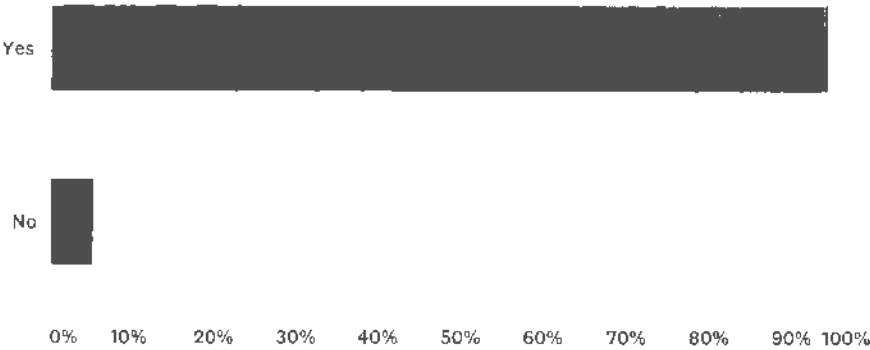
If there is a mistake on this notice, it will be corrected. If you have any questions regarding your solid waste special assessment, please contact the County at (904) 827-6980, Monday through Friday between 8:00 a.m. and 4:30 p.m.

Residential Solid Waste

	<u>Monthly</u>	<u>Annual</u>		<u>Millage</u>
Atlantic Beach	\$18.02	\$216.24	Billed in Utilities (one totter only)	3.2285
City of St Augustine	\$17.44	\$209.28	Billed in Utilities	7.5000
Duval	n/a	\$151.80	Taxes	11.1178
Flagler Beach	\$19.80	\$237.60	Billed in Utilities	5.3900
Green Cove Springs	\$19.00	\$228.00		3.6000
Jacksonville Beach	\$16.31	\$195.72	Billed in Utilities	3.9947
Neptune Beach	\$22.05	\$264.60	Billed in Utilities	3.3656
Orange Park	\$25.00	\$300.00	\$18 Billed in Utilities, \$7 Billed in Taxes	5.8781
Palm Coast	\$20.36	\$244.32	Included in Water Bill-not broken out	4.6989
St Johns County	n/a	\$230.00	Billed in Taxes, increasing over the next 5 years	5.8671

Residential Solid Waste

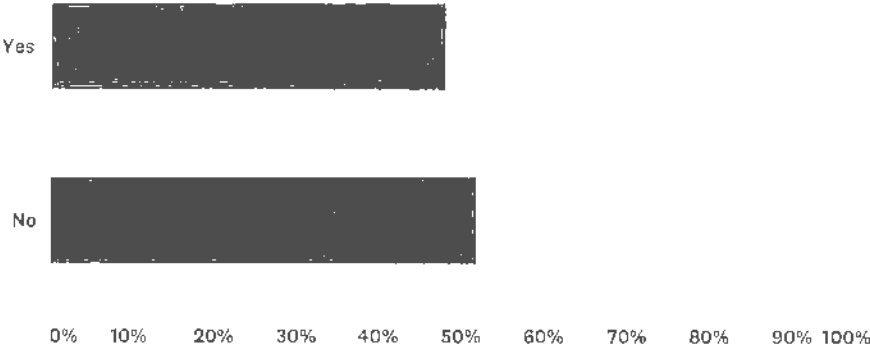
Q1 Are you a resident or property owner in the City of St. Augustine Beach?



ANSWER CHOICES	RESPONSES	
Yes	94.55%	260
No	5.45%	15
TOTAL		275

Q2 To pay for the collection of residential solid waste, would you support a fee?

Answered: 247 Skipped: 28



ANSWER CHOICES	RESPONSES	
Yes	48.18%	119
No	51.82%	128
TOTAL		247

Q3 Additional Comments.

Residential Solid Waste

#	RESPONSES	DATE
1	How will you access weekly rentals that generate much waste?	8/17/2019 6:24 PM
2	Frequency could be decreased to reduce cost.	8/16/2019 12:15 AM
3	The new fees should only be for vacation rentals because they create far more garbage than residents.	8/15/2019 5:19 PM
4	The fee should be levied on transient rentals who can easily absorb the cost by passing it on to their guests. I don't think its fair to expect permanent residents to pay for the increase in garbage being generated by the vacation rentals.	8/15/2019 4:08 PM
5	The city has to figure a way for fairness in the fee structure equation. Why should a single occupant of a small house, who puts out a trash barrel every 2-3 weeks, have to pay the same fee as 2-4 or even 6 people living in a Sea Colony house or the typical 3 story McMansions who generate large quantities of trash every single week? This is the core issue that MUST be solved before going forward with restructuring of fees for trash collection in St. Augustine Beach.	8/14/2019 8:48 AM
6	not in favor of new fees	8/13/2019 6:49 AM
7	I believe trash should be collected at least 2x per week instead of 1x. I would support a fee for increased collection.	8/13/2019 6:24 AM
8	Property tax increases each year are already excessive. Additional fees become unmanageable and unappealing to local residence.	8/12/2019 11:40 PM
9	Would expect the city to provide wheeled containers for trash and recycling	8/12/2019 7:42 PM
10	Cost devised between us with exception of business.	8/12/2019 3:59 PM
11	When I moved here, collection was twice a week. Now it's once. With all new developments being approved, there ought be plenty money to pay for this.	8/12/2019 11:29 AM
12	even "recycling" is being picked up with a garbage truck...	8/12/2019 10:48 AM
13	still believe in addition to a fee there should be a small millage increase to help add additional police officers, improve drainage and other infrastructure and to pay for part of the Solid Waste fees. Large vacation homes will gnerate more trash. Allowing the owners of large properties to pay a little more is fair	8/12/2019 10:45 AM
14	Would only support a fee if a compostable recycling program was put in place so residents could properly dispose of the compostable takeout containers and straws the the city is now forcing restaurants to use.	8/12/2019 10:15 AM
15	No new taxes...cease recycling if cost is high.	8/12/2019 7:49 AM
16	Our taxes are high enough! We pay more than others due to being a municipal! Drop that!!	8/12/2019 5:21 AM
17	Short term rentals should be considered a business and commercial rate should apply	8/11/2019 5:29 PM
18	We should promote composting in the reduction of trash/solid waste..Raising the fee does not promote conversation it is not fairly distributed in terms of who is producing the trash le is it small households, large households or residential short term rentals or visitors.More information is needed to determine if this is a fair tax/assessment on small household	8/11/2019 7:04 AM
19	Why not adjust taxes	8/11/2019 5:29 AM
20	There has been zero inflation why is the cost of waste removal going up. I would suggest recycling only the items that will pay for themselves. If individuals want more recycles put a centralize bin on city property for those individuals to dispose of the items.	8/11/2019 4:09 AM
21	Don't we already pay a fee?	8/10/2019 7:41 PM
22	Prefer it be covered by my tax bill	8/10/2019 7:31 AM
23	We are being taxed to death. Stop increasing all the taxes.	8/8/2019 7:29 PM

Residential Solid Waste

24	Yes, but, rising cost of disposal fees shouldn't lead to such a dramatic increase for residents. What measures have you taken to blunt the increases? What safeguards are there to keep this from going up every year? This survey makes me feel like I'm being asked to sign a blank check.	8/8/2019 7:13 AM
25	Because my property taxes have increased so much, I can't afford my escrow shortage, and now my mortgage just went up \$300/month. Please find an alternative solution. Negotiate a better waste management contract. Charge tourists to park. Manage budgets better. Increase commercial revenue base. Please don't pass this on to us.	8/7/2019 1:08 PM
26	While supporting a fee, what other options are available to continue the frequency and quality of service?	8/7/2019 5:28 AM
27	Same schedule and special pick ups must remain along with recycling	8/7/2019 1:15 AM
28	Why don't you budget better? Get parking fees in place. Quit taxing residents for visitors	8/6/2019 11:12 AM
29	Would pay if reasonable, not increase year after year and the frequency and quality of service not change	8/6/2019 10:42 AM
30	Increase taxes if required	8/6/2019 7:54 AM
31	Examine what owners would have to do in order to maintain the price of disposal at the same level. In other words, put the onus on the owners to put in Sweat Equity to keep the cost low.	8/6/2019 7:30 AM
32	Property taxes are already very high, should be sufficient to cover this and if not then reduce cost elsewhere. And what about people with just land, not fair to them to pay others waste disposal cost.	8/6/2019 6:23 AM
33	Vacant lots should be exempt.	8/5/2019 6:37 PM
34	Only if we stopped collecting recyclables .Much of those end up in the landfill	8/5/2019 4:50 PM
35	I think you should look at what Gainesville does, or used to do, for trash collection. We paid for the size trash bin we needed. Larger bins cost more than smaller ones. This encourages recycling or at least thinking more carefully about what goes on the trash.	8/5/2019 4:21 PM
36	I support a fee increase but but not one the is more than three times the current rate. Doubling the current rate is a more than fair compromise that will help both the city and the citizens considering the city is also proposing raising the current tax rate.	8/5/2019 2:22 PM
37	Want more info- would the fee be yearly?	8/5/2019 2:14 PM
38	I am not necessarily opposed to paying for trash and recycling, but this does not really explain what happens if no fee is implemented.	8/5/2019 12:30 PM
39	taxes are too high as it is, especially on a fixed income	8/5/2019 11:09 AM
40	Has there been any assessment on making solid waste an enterprise fund?	8/5/2019 10:40 AM
41	Not sure what the question is. I don't want to pay more for 1 collection a week. If you are having waste collection picked up twice a week I could understand an increase.	8/4/2019 4:32 PM
42	We need waste collection and recycling.	8/4/2019 1:58 PM
43	A reasonable fee. And I'd consider reducing (not eliminating) service to reduce the fee. The level of service now is very high; you could lower the level and cost, and teach us how to reduce and reuse!	8/4/2019 5:58 AM
44	i already pay to much in taxes	8/4/2019 5:29 AM
45	On fixed income.	8/4/2019 5:08 AM
46	air bnb and any short term rentals should have their garbage fees raised and with the country checking home ownership, this should be easire to track. short term rentals product much more trash than residents or long term rentals	8/3/2019 6:35 AM
47	Should come out of property taxes.	8/3/2019 6:31 AM
48	your question is very poorly written, it sound like you want a blank check	8/3/2019 6:18 AM
49	I am fully supportive of recycling, but taxes just increased across the board. An alternative would be to charge a cost/container, which would encouerge less waste from inception - the true objective. I would also rather take my newspaper/cardboard to a recycling site than be assessed additional taxes.	8/3/2019 6:09 AM

Residential Solid Waste

50	One would think that it could come from property taxes	8/3/2019 5:53 AM
51	Should be covered by taxes (millage rate)	8/3/2019 5:11 AM
52	The Special pick ups that are requested by phone or on line are easy and convenient. I do hope that the recycling program has continued and even grows	8/3/2019 4:00 AM
53	I am in support of efficient recycling and feel this is necessary for our town	8/2/2019 4:01 PM
54	The fee would have to be reasonable. I am close to retirement and live alone. I have very little trash. I do have monthly yardwaste. I feel that as a resident of SAB I pay higher taxes than those who live a block away from the city, yet they get to take advantage of all the things the city offers. If you make the fee too high, it will hurt those who have lived here for years and are on a fixed income.	8/2/2019 2:54 PM
55	The taxes are already higher in St A Beach than in the county. Where is the money going?	8/2/2019 2:49 PM
56	what are my taxes for? No new fees!	8/2/2019 12:26 PM
57	Keep things status quo	8/2/2019 8:20 AM
58	Not sure for second question	8/2/2019 8:17 AM
59	Just gradually raise what we pay now.	8/2/2019 7:53 AM
60	Hopefully this fee would include new recycling bins also	8/2/2019 6:33 AM
61	Within reason. I am a single person living alone.	8/2/2019 4:47 AM
62	Fee must be used only for collection of solid waste.	8/2/2019 3:35 AM
63	that's it	8/1/2019 9:24 PM
64	Waste collection by a municipality is typically paid for through taxes. As I understand, tax revenues would continue to fund a portion of the cost and the city would triple the current non ad valorem fee. How can such a large, sudden jump be justified? Has the Commission been asleep? No other consumer prices are rising so fast. so the City leaders need to go back to the drawing board rather than raiding residents' wallets.	8/1/2019 7:41 PM
65	Real answer is maybe....hard to answer when it is so vague. How much and for what?	8/1/2019 4:29 PM
66	The current waste removal system in place is the principle reason why SAB is so clean. Start charging people and I guarantee you will see more roadside trash and more dumping in public containers. May have to hire more city workers to chase the unintended consequences. You can't force people to pay for trash service. As little trash as I generate weekly, I'll just dump it in a public container.	8/1/2019 3:18 PM
67	Your proposed "fee" is a tax in sheep's clothing! Call it what it is & take responsibility.	8/1/2019 2:38 PM
68	Increase the millage rate to cover it instead.	8/1/2019 11:55 AM
69	What happened to the profits from recycling?	8/1/2019 9:48 AM
70	Would our proposed costs be the \$468 we pay now + the \$264 fee, or just the \$264 ??	8/1/2019 8:59 AM
71	But there should be a way for people generating less landfill trash to pay less. An incentive to recycle, donate and by things with less packaging.	8/1/2019 6:13 AM
72	Cut costs in the bureaucratic offices	8/1/2019 6:06 AM
73	Would love if you are charged for the amount of waste you produce.	8/1/2019 5:42 AM
74	I rent a house and would pay the fee so the landlord doesn't feel pressured to raise my rent	7/25/2019 1:22 PM
75	That should be handled by my taxes	7/25/2019 11:47 AM
76	I don't support anything which raises my cost	7/25/2019 11:10 AM
77	I feel the current fee is adequate for the one container of trash we generate per week.	7/25/2019 8:04 AM
78	None	7/22/2019 5:48 AM
79	I pay enough in my property tax to take care of waste disposal	7/21/2019 10:59 PM
80	Already taxed enough!	7/20/2019 10:34 AM
81	I spend approximately 1 month a year in a non rental unit	7/20/2019 8:24 AM

Residential Solid Waste

82	I own property but do not live in the city. I bring recycling and trash home when I leave the property.	7/20/2019 6:44 AM
83	none	7/19/2019 11:31 AM
84	Only here generating trash 1/2 -3/4 of year though	7/19/2019 9:17 AM
85	I own a condo unit so it seems this would be an excessive fee for this setting.	7/19/2019 7:23 AM
86	No fee trying to pay for breast cancer and no new fee please	7/19/2019 7:22 AM
87	We pay enough city tax.	7/19/2019 7:21 AM
88	This service should be covered under the broad umbrella of tax assessment. Man up and raise taxes to the point they cover essential services.	7/19/2019 7:16 AM
89	Property taxes are high enough	7/19/2019 7:02 AM
90	How will fee work	7/19/2019 6:57 AM
91	What would a mileage increase be as compared to a fee? Would vacant lots pay a fee or only residences?	7/19/2019 3:19 AM
92	Good waste service is a must.	7/18/2019 11:53 AM
93	Would like to know where the money for this is coming from now and feel it better to be a cost incurred by the hotels in the beach	7/18/2019 11:34 AM
94	Property taxes are already too high, squeezing the elderly on fixed incomes	7/18/2019 7:18 AM
95	Property taxes are already high. Are you collecting sufficient impact fees on all the new developments to offset expenses?	7/18/2019 5:54 AM
96	That is part of what property taxes are for!	7/18/2019 5:53 AM
97	A fee in a reasonable amount would be acceptable. But if the city needs income to support primary services, then revenue should come from ad valorem taxes.	7/18/2019 5:17 AM
98	isnt that what our taxes are for??	7/18/2019 4:25 AM
99	Tripling the cost is a bit ridiculous. Is it time to change companies? Have you considered changing the recycling containers to larger ones with lids in order for more recycling to take place? Most of it blows away	7/17/2019 3:53 PM
100	I might forego recycling if you are to add another charge/fee.	7/17/2019 1:02 PM
101	Fees for commercial properties like hotels, restaurants, etc., should be higher, since they have more frequent collections.	7/17/2019 11:28 AM
102	Would this be in our taxes or a monthly fee. Also, hope you improve the service or I would say not willing. I pay a hell of a lot of tax on my little 1200sqft home. Every where I have ever lived in SJC yard waste was picked up automatically. Mine sat there for 3 weeks before I decided they weren't just missing it they were passing it by. Have NEVER had to call for yard waste? Ielimbs, trees etc. could not believe they would pick up neighbors and by pass mine and 3 or 4 others. I finally got to where I would call on everyone on the block.	7/17/2019 9:39 AM
103	I would like to see a large recycle can to be provided. I don't mind paying for good and consistent services. We have never been let down by our city workers.	7/17/2019 9:30 AM
104	If this plan passes would we get a tax reduction for a fee that the city no longer has to pay ??	7/17/2019 8:07 AM
105	Public works does an excellent job, we have hands down the best trash collection service in the state. I've lived in several locations in this state and country, I've never had more efficient service than I do in SAB. If there is a fee that must be assessed to continue this level of service support it.	7/17/2019 6:41 AM
106	I support a fee as long as it includes the continuation of a comprehensive recycling program	7/17/2019 6:20 AM
107	This fee will be defeating the purpose of our homestead law hurting all retirees and elderly persons	7/17/2019 4:12 AM
108	We already pay an additional fee. City taxes are higher than that of the county itself. I have doubts whether the recyclables being collected are actually being recycled.	7/16/2019 6:39 PM

Residential Solid Waste

109	I'm not sure that I understand if I as the property owner would be taking over paying for the disposal of my residential waste and recycling, or if I would be paying an extra fee on top of what the city is already paying. If it's an extra fee, I'm ok with paying more, but not necessarily if it is for the exact same services. Is it a one time fee of \$230? An annual fee?	7/16/2019 6:21 PM
110	rent is high enough, and it would go up to cover the cost.	7/16/2019 2:52 PM
111	I would gladly support paying a fee if we can be assured that the recycling is actually being recycled and that we be able to recycle a lot of different materials. I'd also like to see composting happen here. It's done in the Pacific Northwest and we were surprised at how little landfill waste we had at the end of a three week stay there.	7/16/2019 1:52 PM
112	Consider picking up waste and recycling on the same day if they are ultimately ending up in the same place (current data shows this happening with China refusing to buy our recycling). Provide more information on where the funds are currently coming from to pay for waste pickup that offsets the current fee imposed on residents.	7/16/2019 1:31 PM
113	I'd like to see you make the tourists in current at least a portion of this fee through additional taxes on hotels and short-term rentals.	7/16/2019 1:13 PM

9/09/2019 City Commission Meeting Item 8 Minutes

8. Non-Ad Valorem Assessment to Pay Costs to Collect Household Waste, Recyclables and Yard Trash (Presenter: Patricia Douylliez, Finance Director)

Mayor George introduced Item 8 and then asked Finance Director Douylliez for her report.

Finance Director Douylliez presented a PowerPoint presentation (Exhibit 2). She explained that the expenses for solid waste collection come out of the General Fund revenues. She advised that for her presentation she used FY 2018 because it would show the full year of expenses. Residents make up 93.83% of the City and then 183 commercial properties, which are made up of transient rentals and true commercial businesses. She told the Commission she would like to focus on residential for this meeting because commercial units have a lot of different components that need to be worked on and cleaned up. She suggested changing the rate per can on the correct amount expended. She explained that four cans a month would cost the commercial business \$7.04 for the minimum and advised that it is too low and needs to be increased. She suggested doing an audit semi-annually on the commercial pickups and restructuring the billing and the structure of the commercial solid waste collections. She explained that for residential collection of solid waste taking into a full cost analysis annually is \$460.34 per household, which includes trash, construction debris, recycling, special pickups and yard waste. She showed that St. Johns County is \$230 for FY 2020 and will increase for the next five years. She explained that some cities bill in the utilities and some in the taxes. She explained that \$230 is more in line with other municipalities for what services are being provided. She commented that St. Johns County and other municipalities do not pick up construction debris and they limit the volume of waste being picked up at residential homes, which the City does not. City of St. Augustine provides their residents with one toter per residence and if they go over that, it will not be collected.

Discussion ensued regarding how the municipality tracks the toters; must use city provided toters; City is still doing the service whether the residence puts out or not; special pickup items are limited; mechanics on the pricing for each pickup if invoicing would be different; whether the cities have inhouse collections or use private companies; outsourcing for toters; residents sign up for the number of toters and they are charged per toter; cities bill inhouse; whether to ask St. Johns County if the City could bill through their utilities; increasing the solid waste collection fees annually per residence of \$156 or \$13 per month, which would give the City an additional \$436,000 annually of revenues; \$436,000 would go towards new vehicles, the Public Works facility, trash disposals, etc.; and vehicles usually are not housed in a facility because of combustible engines, unless the facility has a compression system; vendor to spray wash the vehicles that are used on the beach a couple times a week to keep the vehicles longer.

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Commissioner Rumrell asked to clean up what we already have to see what monies we really have for solid waste collection. He explained that if there are more than five units, then they need to be charged at a commercial rate. He thanked staff for bringing in new ideas for revenues and he supports that, even if the Commission doesn't always agree. He commented that he is looking long-term.

Commissioner Kostka advised that she understands the rising costs and the need for more money, but should the City keep passing the burden off to the citizens. She explained that she is concerned about the fixed incomes and the larger houses compared to the smaller houses.

Mayor George asked what amount the increase should be and whether the Commission likes the structure of the non-ad valorem or ad valorem fees. She asked if the current ad valorem tax money could have an account that could be segregated for long-term capital improvements savings plan for major purchases like a new truck.

Finance Director Douylliez advised that that would be along the lines of funding the building and having a designated funding source, which would be set aside for that. She explained that designating a part of an ad valorem would need a referendum. She advised that the little bit of money that is left is going to the reserves to build that back up because they are being depleted because of not having additional resources for the Road and Bridge Fund, which are coming out of the General Fund. She commented that she doesn't see a way to segregate the funds unless there is a referendum.

Vice Mayor England advised that the Commission discussed that budget and did not get to do all the projects that were needed, and the Commission set it at 2.5 mills. She advised that the 2.3992 was steady for several years and she hopes that the Commission can keep steady the 2.5 mills for a while. She explained that the Commission needs other sources of revenues, which this is one. She commented whether the driver picks up one bag or two, the City still needs the personnel, the equipment and gas. She explained that the Property Appraiser already said to do it on square footage, but she advised that the way the staff is doing it by deciding which is commercial that includes rental property, and which is residential is more stable and doable. She commented that she wants to build up the reserves and by keeping this in a special account, the money would not be taken out of the General Fund and the reserves. She advised that the City needs to be a smart city. She remarked that she is in favor of reducing the cost of trash pickup if possible. She explained that it is time to build the reserves and looking in the future what the needs are for the City and not ignore it any longer.

Discussion ensued regarding the monies will go into the General Funds but will only be used for Public Works expenses.

Vice Mayor England asked if the funding would be constrained too much.

Mayor George advised what is proposed would constrain it.

Finance Director Douylliez explained that the \$436,000 would not go into a special fund that would be held. She explained that it would fund the general operation of the solid waste services annually, so it will offset the annual \$800,000 costs for solid waste services.

Mayor George advised that the \$436,000 can only be used for the service that it is meant to provide instead of any other projects.

Finance Director Douylliez advised that the \$436,000 would go into the General Fund and be used towards the \$800,000 of expenses, but that would free up the \$436,000 General Fund money we are using toward the solid waste services.

Mayor George asked if there was any way to do it by ad valorem taxes.

Finance Director Douylliez advised no, unless the Commission wants a referendum.

Commissioner Kostka advised that she would feel more comfortable with an ad valorem than a non-ad valorem tax.

Mayor George agreed.

Commissioner Samora asked if there was a way to assess ad valorem just to residential units or does it apply equally to vacant land.

Discussion ensued regarding whether vacant lots are paying the non-ad valorem tax; having the Property Appraiser tell the difference between approved and unimproved land; not charging a vacant lot owner for services they don't use; not using a private company, but doing the services inhouse; the increase in recycling costs when an Request for Proposal was done; whether to implement the non-ad valorem in stages, but designate it to a department to cover the expenses; what the costs are to do a referendum; getting public input; survey responses was 50 / 50 on a non-ad valorem tax , but the comments on how the Public Works Department is doing were very good; and not cutting back on the staff if the City wants to keep the services we have.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, commented that users should pay user costs; Commission cheating the condo units who pay the General Fund; suggested going to a private company and use the staff for Parks and Recreation Department.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, welcomed the new Finance Director; asked not to rush the process and continue paying with the millage, but to have hearings on whether the public wants the non-ad valorem tax or not; and the non-ad valorem taxes will continue to go up in the future.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Nick Binder and Commissioner Kostka that the non-ad valorem tax should not be done; vacant lot owners should still pay for solid waste pick up because it is part of the cost of a civil society; commented that if a portion of the City had non-for-profits, then a non-ad valorem tax would work; asked to put this out for referendum to have the people decide; and give the employees up to a living wage of \$15 an hour.

Mayor George closed the Public Comments section and asked for any further Commission discussion.

Mayor George asked City Clerk Raddatz to research the costs of a referendum per item and/or find out if it would be the same cost for multi items. She also requested the deadlines to go forward with a referendum. She asked staff what is required of the Commission now.

City Manager Royle advised that he would like to know where the Commission wants to move forward on the non-ad valorem tax or not. He advised that if the Commission wanted to proceed, then we would set up the notifications and hearings for the public. He suggested that the Commission should hold a special meeting on this subject. He also advised the Commission that they could stop this process at any time if the Commission doesn't want to continue to move forward.

Commissioner Rumrell asked if the commercial properties could be cleaned up so the Commission could see the real numbers before moving on with this action.

Finance Director Douylliez advised that the commercial properties are a large item that staff will need a couple of months to analyze. She also advised that the City needs to research whether these commercial units need a dumpster or not depending on the number of units they have. She explained that if more commercial properties go to dumpsters, the City would be getting 10% of the private company's revenues and will not be doing the services, which is found revenue for the City. She suggested moving forward with the residential properties first and then after staff has analyzed the commercial properties components, move forward with them second.

Mayor George asked if a duplex pays two \$74 fees.

City Manager Royle advised that he owns a duplex and yes both sides pay \$74 each.

Finance Director Douylliez advised that the commercial properties being taxed as residential units should have the ad valorem taxes removed and have them pay for a dumpster through their Homeowner Associations.

Public Works Director Tredik asked to move forward with this because the City is more vulnerable without a non-ad valorem tax than we are with it due to the financial impacts of storms. He explained that the City has guaranteed solid waste pick up, drainage, and drivable roadways to the citizens. Competing with funds that are want to haves instead of need to haves hurt the services that the City currently provides. He recommended moving forward with the non-ad valorem tax.

Mayor George asked for a motion.

Motion: to move forward to increase the non-ad valorem tax for residential solid waste pick up and disposal. **Moved by** Vice Mayor England, **Seconded by** Commissioner Samora.

Mayor George asked for a roll call vote.

City Clerk Raddatz read the roll call as follows:

MAYOR GEORGE	No
VICE MAYOR ENGLAND	Yes
COMMISSIONER KOSTKA	No
COMMISSIONER RUMRELL	Yes
COMMISSIONER SAMORA	Yes

Motion passed 3 to 2

Vice Mayor England asked what the latest date the non-ad valorem tax could be stopped.

City Manager Royle advised that he would have to find out for the Commission.

Vice Mayor England asked to clean up the commercial properties as quickly as possible in order to follow the City's codes. She advised that there might be loss of support if the City does not reduce the overall costs of the commercial pick-ups and the overall costs. She suggested educating the public on this as well, so everyone understands it.

Mayor George advised that there will be more public meetings to get the word out to the citizens when moving forward. She explained that the survey was closed, but the public hearings would give the Commission more of the pulse of the citizenry.

City Manager Royle advised that now that the Commission has given direction to staff, they will move forward with the process, unless the Commission changes their mind. He commented that he would check on the deadlines for the Tax Collector. He explained the timeline given to the Commission in their books and what specific dates are necessary to complete the non-ad valorem tax roll for FY 2021.

Commissioner Kostka asked that the commercial aspect needs to be worked on as soon as possible.

Mayor George requested at the last Special Budget meeting to set a date for the first public hearing on this issue.

City Manager Royle advised that he give a report to the Commission on the timetable for the non-ad valorem tax public hearings and how staff is proceeding with the commercial components.

Commissioner Samora agreed with Mayor George and asked to give a report regarding the commercial industry progress.

Mayor George advised that the first public hearing would be in November and the second meeting would be in mid-December.

Commissioner Kostka said that we should have definite dates already since this was such a close deadline and that the City Manager should be prepared for any direction that the Commission decides to do.

It was the consensus of Commission to have a report at every Commission meeting and the plan for commercial clean up and billing.

Mayor George moved on to Item 9.

October 7, 2019
City Commission Meeting



AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, OCTOBER 7, 2019 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."

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF SPECIAL BUDGET MEETING SEPTEMBER 9, 2019, REGULAR COMMISSION MEETING ON SEPTEMBER 9, 2019 AND CONTINUATION MEETING SEPTEMBER 10, 2019
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
 - A. Proclamations:
 - 1) To Declare October 2019 as Domestic Violence Awareness Month (Presenters: Representatives from the Betty Griffin Center)
 - 2) To Recognize October 21 – 27, 2019, as City Government Week (Presenter: Cindy Walker, Communication and Events Coordinator)
 - B. Presentation of Programs by Representatives from the North Florida Green Chamber of Commerce
 - C. Sea Level Rise, Deforestation and Beach Erosion by Members of the City's Sustainability and Environmental Planning Advisory Committee
- VIII. PUBLIC COMMENTS
- IX. COMMISSIONER COMMENTS
- X. PUBLIC HEARINGS

1. Ordinance 19-16, Public Hearing and Final Reading: to Repeal Ordinances 19-03 and 19-04 That Prohibit the Sale/Use of Styrene Containers, Plastic Straws and Single-Use Plastic Bags (Presenter: Jim Wilson, City Attorney)

XI. CONSENT

2. New Year's Eve Fireworks Show: Approval of Contract with Fireworks by Santore
3. Flying Non-Government Flags on City Property: Review of Proposed Policy

XII. OLD BUSINESS

4. E-Scooters: Continuation of Discussion of Proposed Ordinance to Regulate (Presenter: Jim Wilson, City Attorney)
5. Mickler Boulevard Piping Project: Request for Approval of Change Orders No. 1 and No. 2 (Presenter: Bill Tredik, Public Works Director)
6. Solid Waste: Non-Ad Valorem Assessment and Proposed Changes to Commercial Solid Waste Regulations (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)
7. Changes to the Land Development Regulations: Consideration of Recommendations from the Comprehensive Planning and Zoning Board (Presenter: Brian Law, Building Official)

XIII. NEW BUSINESS

8. Bocce Ball League: Request to Use Bocce Courts on City Property at Pier Park (Presenter: Representative from the League)
9. Resolution 19-09: Recognizing the Threat of Climate Change and Global Warming (Presenters: Members of the Sustainability and Environmental Planning Advisory Committee)
10. Rules of Civility for Public Participation: Request by Mayor George to Discuss

XIV. STAFF COMMENTS


XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE (SEPAC).** It will hold its monthly meeting on Thursday, October 10, 2019, at 6:00 p.m. in the Commission meeting room at city hall.
2. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, October 15, 2019, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include: a) request for conditional use permit for Day Care/Pre-Kindergarten Private School, Island Prep, at 4001 State Road A1A South; b) request to build a house in a commercial zone at 16 5th Street; c) request for variance to reduce rear and side setbacks from 10 to 5 feet for a swimming pool at 1349 Smiling Fish Lane in the Sea Grove subdivision; d) request for variance to reduce rear setback from 10 to 7 feet for a swimming pool at 1353 Smiling Fish Lane.
3. **CELEBRATING CITY'S 60TH BIRTHDAY.** The City was officially created in 1959. A celebration of its 60th year will be held on Friday, October 25, 2019, from 5 p.m. to 7 p.m. at city hall. Historic photos and other exhibits from the City's past will be on display. Cake and other refreshments

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 27, 2019

SUBJECT: Solid Waste: Non-Ad Valorem Assessment and Proposed Changes to Commercial Solid Waste Regulations

INTRODUCTION

In summary, what the City staff is asking you to do is the following:

1. Approve the continuation of the steps to levy the non-ad valorem assessment for residences to pay the costs for the collection and disposal of household waste, yard trash, special waste and recyclables starting in FY 2021.
2. Approve transient rentals being charged the same solid waste fee as commercial businesses.
3. Approve the City no longer providing waste pickup and recycling services to condo and apartment complexes with five or more units, but having such complexes pay private haulers for the services.

For your discussion, the information below is divided into two related parts: First, matters related to the process or steps for levying the non-ad valorem assessment for the collection and disposal of household waste, yard trash, special waste, and recyclables. Second, changes proposed by the Finance Director to the City's solid waste operations concerning the pickup of commercial solid waste, which includes waste from transient rentals, businesses, and apartment/condo complexes.

To aid your discussion, we've attached the minutes of that part of your September 10, 2019, (pages 1-6) continuation meeting when you last discussed the non-ad valorem assessment and related topics, so that you can review the discussion.

A. STEPS FOR LEVYING THE NON-AD VALOREM ASSESSMENT

As the direction you provided at your September meeting indicated you want to proceed with the preliminary steps to levy the assessment, here are a series of dates to accomplish that. The schedule is in accordance with Section 197.3632, Florida Statutes, which is attached as pages 7-10. The relevant subsections are 197.3632 (3) (a) and 197.3632 (3) (b) and (c).

- a. Commission decides at its October 7, 2018, meeting to adopt a non-ad valorem assessment for the collection and disposal of household waste, yard trash, recyclables and special waste.
- b. November 2019. For four consecutive weeks in November, the City publishes its intent to levy the non-ad valorem assessment.

- c. December 2, 2019. Commission at its regular meeting adopts a resolution at a public hearing. The resolution states the intent to use the uniform method for collecting the assessment, the need for the levy, and includes a legal description of the boundaries of the real property subject to it. The resolution must be adopted by January 1st, or if the Property Appraiser and the Tax Collector agree, it can be adopted by March 1st. If adopted before January 1st, a copy of the resolution is sent to the Property Appraiser, the Tax Collector and the Florida Department of Revenue by January 10, 2020.
- d. March 10, 2020. At least 20 days before the Commission's April 6th regular meeting, the City publishes a notice that it will hold a public hearing at that meeting. The notice is sent to the owner of each property subject to the assessment, and includes information about the assessment, such as its purpose, the total amount to be levied against each property, etc. At the public hearing, the Commission can receive written objections and hear testimony from all interested persons.
- e. October 1, 2020. Non-ad valorem assessment goes into effect for FY 2021 and the City receives revenue from it.

Please note that a, b, and c of the above schedule are based on the Commission approving on December 2nd the intent to levy the assessment, which is before the January 1, 2020, deadline. However, if the Property Appraiser and the Tax Collector agree, the scheduled outlined in a, b, and c could be adjusted to a March 10, 2020, deadline.

Action Requested

It is that you direct the City administration to continue the steps listed above for the levying of a non-ad valorem assessment for the collection and disposal of residential household waste, yard trash, special waste, and recyclables.

Ms. Douylliez's report (page 11) shows that the yearly cost per residence as of FY 2018 was \$460.34. However, the recommended non-ad valorem assessment would be \$230 a month, which is what the County's assessment will be for FY 2020.

Please note at the conclusion of her report, she lists five goals that the non-ad valorem assessment would help the City to accomplish.

B. CONCERNING TRANSIENT RENTALS AND COMMERCIAL SOLID WASTE

Attached as pages 12-13 is a report from Mr. Douylliez concerning this topic. She lists four categories of commercial customers in the City and provides suggestions as to how their solid waste should be handled. In summary, her two main suggestions are:

1. That transient rentals be consider commercial for the purpose of determining what they should pay for the removal of solid waste.
2. That the City no longer provide household waste pickup and recycling service to condo and apartment complexes having more than five units. The complexes would contract with a private hauler for dumpsters and recycling tote containers.

For transient rentals, Ms. Douylliez proposes that the annual cost be \$460.34, which is based on the FY 2018 calculation of the costs for the collection and disposal of solid waste and recyclables.

For condo and apartment complexes, the cost would depend on the size of the dumpster and the frequency per week when the dumpster is emptied, and the size of the recycling container that a complex used.

Action Requested

It is that you discuss with Ms. Douylliez the suggestions she has provided on pages 12-13, and that you decide which of the suggestions to accept.

If you decide that transient rentals are to be charged like the businesses they are, then the rentals will be included as part of the non-ad valorem assessment, except that the assessment for them will be the full amount, \$460.34, not the \$230 proposed for residences. The reason is that transient rentals are a business and should be charged the full amount of the cost of the service, as other types of businesses are charged.

If you decide that the City is no longer to service the condo and apartment complexes it now serves, then these will be notified of this change so that they can find a private hauler and include the costs in their annual budget. The change would go into effect in January 2021.

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Commissioner Samora advised that he has an equally hard time with the way the City is doing things right now. He advised that he has the following concerns: 1) the City is already paying a non-ad valorem for part of the trash collection, which doesn't come to near covering the cost of it; 2) part of the reason we have to increase the millage this year is because the City had to replace the garbage truck which costs \$50,000 out of the General Fund each year for five years; 3) he explained that each tenth of a mill is \$137,000, which is 3 mills out of the General Fund for the garbage truck that would be done through the increase in the non-ad valorem solid waste collection fee, which could decrease the City's taxes; 4) tax bills are paid through the millage, which the commercial properties pay, so they are paying twice because they are paying separately; and 5) vacate land owners are paying for trash collection with no service. He advised that this non-ad valorem brings the cost in line with the services being received.

Commissioner Rumrell asked to clean up what we already have to see what monies we really have for solid waste collection. He explained that if there are more than five units, then they need to be charged at a commercial rate. He thanked staff for bringing in new ideas for revenues and he supports that, even if the Commission doesn't always agree. He commented that he is looking long-term.

Commissioner Kostka advised that she understands the rising costs and the need for more money, but should the City keep passing the burden off to the citizens. She explained that she is concerned about the fixed incomes and the larger houses compared to the smaller houses.

Mayor George asked what amount the increase should be and whether the Commission likes the structure of the non-ad valorem or ad valorem fees. She asked if the current ad valorem tax money could have an account that could be segregated for long-term capital improvements savings plan for major purchases like a new truck.

Finance Director Douylliez advised that that would be along the lines of funding the building and having a designated funding source, which would be set aside for that. She explained that designating a part of an ad valorem would need a referendum. She advised that the little bit of money that is left is going to the reserves to build that back up because they are being depleted because of not having additional resources for the Road and Bridge Fund, which are coming out of the General Fund. She commented that she doesn't see a way to segregate the funds unless there is a referendum.

Vice Mayor England advised that the Commission discussed that budget and did not get to do all the projects that were needed, and the Commission set it at 2.5 mills. She advised that the 2.3992 was steady for several years and she hopes that the Commission can keep steady the 2.5 mills for a while. She explained that the Commission needs other sources of revenues, which this is one. She commented whether the driver picks up one bag or two, the City still needs the personnel, the equipment and gas. She explained that the Property Appraiser already said to do it on square footage, but she advised that the way the staff is doing it by deciding which is commercial that includes rental property, and which is residential is more stable and doable. She commented that she wants to build up the reserves and by keeping this in a special account, the money would not be taken out of the General Fund and the reserves. She advised that the City needs to be a smart city. She remarked that she is in favor of reducing the cost of trash pickup if possible. She explained that it is time to build the reserves and looking in the future what the needs are for the City and not ignore it any longer.

Discussion ensued regarding the monies will go into the General Funds but will only be used for Public Works expenses.

Vice Mayor England asked if the funding would be constrained too much.

Mayor George advised what is proposed would constrain it.

Finance Director Douylliez explained that the \$436,000 would not go into a special fund that would be held. She explained that it would fund the general operation of the solid waste services annually, so it will offset the annual \$800,000 costs for solid waste services.

Mayor George advised that the \$436,000 can only be used for the service that it is meant to provide instead of any other projects.

Finance Director Douylliez advised that the \$436,000 would go into the General Fund and be used towards the \$800,000 of expenses, but that would free up the \$436,000 General Fund money we are using toward the solid waste services.

Mayor George asked if there was any way to do it by ad valorem taxes.

Finance Director Douylliez advised no, unless the Commission wants a referendum.

Commissioner Kostka advised that she would feel more comfortable with an ad valorem than a non-ad valorem tax.

Mayor George agreed.

Commissioner Samora asked if there was a way to assess ad valorem just to residential units or does it apply equally to vacant land.

Discussion ensued regarding whether vacant lots are paying the non-ad valorem tax; having the Property Appraiser tell the difference between approved and unimproved land; not charging a vacant lot owner for services they don't use; not using a private company, but doing the services inhouse; the increase in recycling costs when an Request for Proposal was done; whether to implement the non-ad valorem in stages, but designate it to a department to cover the expenses; what the costs are to do a referendum; getting public input; survey responses was 50 / 50 on a non-ad valorem tax , but the comments on how the Public Works Department is doing were very good; and not cutting back on the staff if the City wants to keep the services we have.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, commented that users should pay user costs; Commission cheating the condo units who pay the General Fund; suggested going to a private company and use the staff for Parks and Recreation Department.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, welcomed the new Finance Director; asked not to rush the process and continue paying with the millage, but to have hearings on whether the public wants the non-ad valorem tax or not; and the non-ad valorem taxes will continue to go up in the future.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Nick Binder and Commissioner Kostka that the non-ad valorem tax should not be done; vacant lot owners should still pay for solid waste pick up because it is part of the cost of a civil society; commented that if a portion of the City had non-for-profits, then a non-ad valorem tax would work; asked to put this out for referendum to have the people decide; and give the employees up to a living wage of \$15 an hour.

Mayor George closed the Public Comments section and asked for any further Commission discussion.

Mayor George asked City Clerk Raddatz to research the costs of a referendum per item and/or find out if it would be the same cost for multi items. She also requested the deadlines to go forward with a referendum. She asked staff what is required of the Commission now.

City Manager Royle advised that he would like to know where the Commission wants to move forward on the non-ad valorem tax or not. He advised that if the Commission wanted to proceed, then we would set up the notifications and hearings for the public. He suggested that the Commission should hold a special meeting on this subject. He also advised the Commission that they could stop this process at any time if the Commission doesn't want to continue to move forward.

Commissioner Rumrell asked if the commercial properties could be cleaned up so the Commission could see the real numbers before moving on with this action.

Finance Director Douylliez advised that the commercial properties are a large item that staff will need a couple of months to analyze. She also advised that the City needs to research whether these commercial units need a dumpster or not depending on the number of units they have. She explained that if more commercial properties go to dumpsters, the City would be getting 10% of the private company's revenues and will not be doing the services, which is found revenue for the City. She suggested moving forward with the residential properties first and then after staff has analyzed the commercial properties components, move forward with them second.

Mayor George asked if a duplex pays two \$74 fees.

City Manager Royle advised that he owns a duplex and yes both sides pay \$74 each.

Finance Director Douylliez advised that the commercial properties being taxed as residential units should have the ad valorem taxes removed and have them pay for a dumpster through their Homeowner Associations.

Public Works Director Tredik asked to move forward with this because the City is more vulnerable without a non-ad valorem tax than we are with it due to the financial impacts of storms. He explained that the City has guaranteed solid waste pick up, drainage, and drivable roadways to the citizens. Competing with funds that are want to have instead of need to have hurt the services that the City currently provides. He recommended moving forward with the non-ad valorem tax.

Mayor George asked for a motion.

Motion: to move forward to increase the non-ad valorem tax for residential solid waste pick up and disposal. **Moved by** Vice Mayor England, **Seconded by** Commissioner Samora.

Mayor George asked for a roll call vote.

City Clerk Raddatz read the roll call as follows:

MAYOR GEORGE	No
VICE MAYOR ENGLAND	Yes
COMMISSIONER KOSTKA	No
COMMISSIONER RUMRELL	Yes
COMMISSIONER SAMORA	Yes

Motion passed 3 to 2

Vice Mayor England asked what the latest date the non-ad valorem tax could be stopped.

City Manager Royle advised that he would have to find out for the Commission.

Vice Mayor England asked to clean up the commercial properties as quickly as possible in order to follow the City's codes. She advised that there might be loss of support if the City

does not reduce the overall costs of the commercial pick-ups and the overall costs. She suggested educating the public on this as well, so everyone understands it.

Mayor George advised that there will be more public meetings to get the word out to the citizens when moving forward. She explained that the survey was closed, but the public hearings would give the Commission more of the pulse of the citizenry.

City Manager Royle advised that now that the Commission has given direction to staff, they will move forward with the process, unless the Commission changes their mind. He commented that he would check on the deadlines for the Tax Collector. He explained the timeline given to the Commission in their books and what specific dates are necessary to complete the non-ad valorem tax roll for FY 2021.

Commissioner Kostka asked that the commercial aspect needs to be worked on as soon as possible.

Mayor George requested at the last Special Budget meeting to set a date for the first public hearing on this issue.

City Manager Royle advised that he give a report to the Commission on the timetable for the non-ad valorem tax public hearings and how staff is proceeding with the commercial components.

Commissioner Samora agreed with Mayor George and asked to give a report regarding the commercial industry progress.

Mayor George advised that the first public hearing would be in November and the second meeting would be in mid-December.

Commissioner Kostka said that we should have definite dates already since this was such a close deadline and that the City Manager should be prepared for any direction that the Commission decides to do.

It was the consensus of Commission to have a report at every Commission meeting and the plan for commercial clean up and billing.

The 2019 Florida Statutes

Title XIV

Chapter 197

[View Entire Chapter](#)

TAXATION AND FINANCE TAX COLLECTIONS, SALES, AND LIENS

197.3632 Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.—

(1) As used in this section:

(a) "Levy" means the imposition of a non-ad valorem assessment, stated in terms of rates, against all appropriately located property by a governmental body authorized by law to impose non-ad valorem assessments.

(b) "Local government" means a county, municipality, or special district levying non-ad valorem assessments.

(c) "Local governing board" means a governing board of a local government.

(d) "Non-ad valorem assessment" means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

(e) "Non-ad valorem assessment roll" means the roll prepared by a local government and certified to the tax collector for collection.

(f) "Compatible electronic medium" or "media" means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.

(g) "Capital project assessment" means a non-ad valorem assessment levied to fund a capital project, which assessment may be payable in annual payments with interest, over a period of years.

(2) A local governing board shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming.

(3)(a) Notwithstanding any other provision of law to the contrary, a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment for the first time as authorized in this section shall adopt a resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and local government agree, March 1. The resolution shall clearly state its intent to use the uniform method of collecting such assessment. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing. The resolution shall state the need for the levy and shall include a legal description of the boundaries of the real property subject to the levy. If the resolution is adopted, the local governing board shall send a copy of

it by United States mail to the property appraiser, the tax collector, and the department by January 10 or, if the property appraiser, tax collector, and local government agree, March 10.

(b) Annually by June 1, the property appraiser shall provide each local government using the uniform method with the following information by list or compatible electronic medium: the legal description of the property within the boundaries described in the resolution, and the names and addresses of the owners of such property. Such information shall reference the property identification number and otherwise conform in format to that contained on the ad valorem roll submitted to the department. The property appraiser is not required to submit information which is not on the ad valorem roll or compatible electronic medium submitted to the department. If the local government determines that the information supplied by the property appraiser is insufficient for the local government's purpose, the local government shall obtain additional information from any other source.

(4)(a) A local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15, or between January 1 and September 25 for any county as defined in s. 125.011(1), if:

1. The non-ad valorem assessment is levied for the first time;
2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition;
3. The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or
4. There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

(b) At least 20 days prior to the public hearing, the local government shall notice the hearing by first-class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

(c) At the public hearing, the local governing board shall receive the written objections and shall hear testimony from all interested persons. The local governing board may adjourn the hearing from time to time. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. Notwithstanding the notices provided for in paragraph (b), the local governing board may adjust the assessment or the application of

the assessment to any affected property based on the benefit which the board will provide or has provided to the property with the revenue generated by the assessment.

(5)(a) By September 15 of each year, or by September 25 for any county as defined in s. 125.011(1), the chair of the local governing board or his or her designee shall certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector. The local government shall post the non-ad valorem assessment for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the non-ad valorem assessment for each parcel. It is the responsibility of the local governing board that such roll be free of errors and omissions. Alterations to such roll may be made by the chair or his or her designee up to 10 days before certification. If the tax collector discovers errors or omissions on such roll, he or she may request the local governing board to file a corrected roll or a correction of the amount of any assessment.

(b) By December 15 of each year, the tax collector shall provide to the department a copy of each local governing board's non-ad valorem assessment roll containing the data elements and in the format prescribed by the executive director. In addition, a report shall be provided to the department by December 15 of each year for each non-ad valorem assessment roll, including, but not limited to, the following information:

1. The name and type of local governing board levying the non-ad valorem assessment;
2. Whether or not the local government levies a property tax;
3. The basis for the levy;
4. The rate of assessment;
5. The total amount of non-ad valorem assessment levied; and
6. The number of parcels affected.

(6) If the non-ad valorem assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the local governing board shall so specify and shall not be required to annually adopt the non-ad valorem assessment roll, and shall not be required to provide individual notices to each taxpayer unless the provisions of subsection (4) apply. Notice of an assessment, other than that which is required under subsection (4), may be provided by including the assessment in the property appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under s. 200.069. However, the local governing board shall inform the property appraiser, tax collector, and department by January 10 if it intends to discontinue using the uniform method of collecting such assessment.

(7) Non-ad valorem assessments collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a non-ad valorem assessment roll to produce such a notice, he or she shall mail a separate notice of non-ad valorem assessments or shall direct the local government to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the local government and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The local government whose roll could not be merged shall bear all costs associated with the separate notice.

(8)(a) Non-ad valorem assessments collected pursuant to this section shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(b) Within 30 days following the hearing provided in subsection (4), any person having any right, title, or interest in any parcel against which an assessment has been levied may elect to prepay the same in whole, and the amount of such assessment shall be the full amount levied, reduced, if the local government so provides, by a discount equal to any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 are followed.

(c) Non-ad valorem assessments shall also be subject to the provisions of s. 192.091(2)(b), or the tax collector at his or her option shall be compensated for the collection of non-ad valorem assessments based on the actual cost of collection, whichever is greater. However, a municipal or county government shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments.

(9) A local government may elect to use the uniform method of collecting non-ad valorem assessments as authorized by this section for any assessment levied pursuant to general or special law or local government ordinance or resolution, regardless of when the assessment was initially imposed or whether it has previously been collected by another method.

(10)(a) Capital project assessments may be levied and collected before the completion of the capital project.

(b)1. Except as provided in this subsection, the local government shall comply with all of the requirements set forth in subsections (1)-(8) for capital project assessments.

2. The requirements set forth in subsection (4) are satisfied for capital project assessments if:

a. The local government adopts or reaffirms the non-ad valorem assessment roll at a public hearing held at any time before certification of the non-ad valorem assessment roll pursuant to subsection (5) for the first year in which the capital project assessment is to be collected in the manner authorized by this section; and

b. The local government provides notice of the public hearing in the manner provided in paragraph (4)(b).

3. The local government is not required to allow prepayment for capital project assessments as set forth in paragraph (8)(b); however, if prepayment is allowed, the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 must be followed.

(c) Any hearing or notice required by this section may be combined with any other hearing or notice required by this section or by the general or special law or municipal or county ordinance pursuant to which a capital project assessment is levied.

(11) The department shall adopt rules to administer this section.

History.—s. 68, ch. 88-130; s. 7, ch. 88-216; s. 8, ch. 90-343; s. 2, ch. 91-238; s. 1013, ch. 95-147; s. 1, ch. 97-66; s. 1, ch. 2003-70; s. 10, ch. 2008-173; s. 13, ch. 2016-128; s. 11, ch. 2018-110.

**Residential Solid Waste
Non-Ad Valorem
Commission Meeting, October 7, 2019**

In review of the current expenses for Solid Waste collection within the City, I utilized the Solid Waste Disclosure Calculation from FY18. This spreadsheet considers all expenses directly associated with our solid waste services, as well as indirect costs allocated by the number of employees charged to the Solid Waste department.

The totals distribution is as follows:

	<u>Monthly</u>	<u>Annual</u>
Cost of Solid Waste Collection	\$20.98	\$251.74
Cost of Solid Waste Disposal	\$12.84	\$154.12
<u>Cost of Recycling</u>	<u>\$4.54</u>	<u>\$54.48</u>
Total	\$38.36	\$460.34

Currently, each developed property is assessed a \$74 Non-Ad Valorem fee for the disposal portion of solid waste services within the City of St. Augustine Beach. We are proposing to add an additional Non-Ad Valorem assessment in the amount of \$156 to fund expenses within the Solid Waste Department. These charges would be split between Recycle and Collection, bringing the total amount annually to \$230 per developed property. This amount would be in line with what St. Johns County is currently charging for similar services beginning Fiscal Year 2021.

Increasing the Non-Ad Valorem Assessment would achieve the following goals:

- Reduce the amount of General Fund Revenue needed to maintain the department
- Continue the excellent level of service provided to our residents, including weekly collection of garbage, yard waste, bulk items, and household recycling services.
- Quick cleanup and removal of storm related debris as needed
- Allow for replacement of equipment as needed without the need of outside financing
- Free up revenue within the General Fund for other projects

The proposed break down of the Non-Ad Valorem will be:

Disposal	\$74.00
Collection	\$112.80
Recycle	\$43.20

**Commercial Solid Waste
Commission Meeting, October 7, 2019**

Commercial Solid Waste collection within the City of St. Augustine Beach is currently being handled in two ways – services provided by the City and services contracted with outside vendors.

The commercial customers serviced by the City of St. Augustine Beach fall into four categories:

- Transient Rentals
- Condominium and Apartment Complexes
- Businesses
- Recycle

Each of these categories should be addressed individually in order to make the best decision for both the City and the customer.

Transient Rentals

Transient rentals are defined in our code as:

*St. Augustine Beach, Florida - Code of Ordinances APPENDIX A - LAND DEVELOPMENT REGULATIONS
ARTICLE II. - DEFINITIONS Sec. 2.00.00. - Definitions as used in this Appendix.*

Transient Lodging Establishments—Any unit, group of units, dwelling, building, group of buildings within a single complex of buildings, or any similar place which is rented for a period of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transients.

Transient rental homes are disbursed throughout the City in our residential neighborhoods. These units are considered a business and must hold a Business Tax Receipt and comply with our regulations in order to continue to business within the City. Since these units are mixed within our neighborhoods, the City must continue to provide the solid waste services. The customers are currently being charged \$1.76 per container equivalent, with a minimum of four equivalents per month. We currently have 140 transient rentals being billed monthly. What I would propose is a Non-Ad Valorem Assessment be placed on these units for the full cost of solid waste services. The annual cost assessed, based upon the FY18 Solid Waste Disclosure Calculation, would be \$460.34.

Condominium and Apartment Complexes

Condominium and Apartment complexes are defined in our code as:

• **ARTICLE I. - IN GENERAL - Sec. 10-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial service premises means a service premises used primarily for any business or commercial use; and shall include apartment buildings or complexes having more than five (5)

dwelling units, condominiums having more than five (5) dwelling units, motels, hotels, and any property owned by any governmental entity.

We are not currently applying our definition equally to these types of complexes. We have some multi-unit facilities which have more than (5) dwellings which are being considered residential and billed the current Non-Ad Valorem Assessment, receiving full residential services, and we have others who are not receiving the current Non-Ad Valorem Assessment and they are receiving recycle services at a cost to the City.

Businesses

Businesses within the City range from small offices to hotels and the number of containers collected weekly can vary from one container equivalent to forty. The collection services are performed on the same routes with our residential services and our employees are required to list the number of container equivalents collected at each stop, so the customer may be billed at the end of the month. These services are provided at a cost of \$1.76 per container equivalent, with a minimum of four equivalents per month. In addition to tracking the number of container equivalents collected at each location, the numbers are entered into a database and then transferred to the billing system to generate invoices for each customer. The invoices are then mailed/emailed to the customer for payment. Payments must be posted in the system and accounts which become past due must be managed by the staff in order to keep the accounts current.

Recycle

Businesses, Condominium and Apartment complexes within the City can sign up for recycle services under the City's contract with Advanced Disposal. Under this contract, the City manages the accounts by billing the services to the customer and the City pays for the services with the monthly invoice billed from Advanced Disposal. The expenses incurred by the City for the management of these services include staff time and supplies for the preparation, billing, and collection of payment, as well as coordination of changes to service levels between the customer and Advanced Disposal. These services are only a cost to the City, without any monetary benefit.

Below are a few ways we can manage the Commercial Solid Waste and Recycle for Businesses, Condominiums and Apartments:

- Review each condominium and apartment complex to ensure they are charged correctly under the City's code
- Review each location and determine the needs of the customer, deciding if a dumpster should be placed at the location.
- Require businesses, condominiums and apartments to contract for their own trash and recycle services
- Continue to collect small businesses, under the limit for a dumpster and bill based upon the full Non-Ad Valorem Assessment being imposed on Transient Rentals

10/07/2019 City Commission Meeting Item 6 Minutes

6. Solid Waste: Non-Ad Valorem Assessment and Proposed Changes to Commercial Solid Waste Regulations (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

Mayor George introduced Item 6 and asked for a staff report.

City Manager Royle summarized his memo and what the Commission was voting on. He explained that the non-ad valorem assessment timetable. He commented that if the Commission wants to continue the process and advised the Commission that they could change their minds if they wanted to in the future. He explained that the resolution must be adopted by January 1st and then in March there would be other steps in order to move forward with the non-ad valorem assessment.

Mayor George asked if City Manager Royle needs a motion.

City Manager Royle advised that this is just an update; however, if any Commissioner has strong feelings not to do this, to please speak up so the process could stop.

Finance Director Douylliez advised that the Tax Collector needs to know by January 1st if the City wants to move forward. She commented that four ads must be in the newspaper to let the residents know of the non-ad valorem discussions with the Commission. She explained that the non-ad valorem assessments could be done in stages, if the Commission choses to do that. She remarked that the Tax Collector suggested doing the same as St. Johns County with a breakout of costs disposal, collection and recycling or to have a range of costs, so the hearings. She advised ads would not have to be done next time if there were ranges as long as the increases are in the same range. She explained that staff needs to know that the Commission wants to move forward.

Mayor George advised that if the Commissioners who wanted to move forward with this at the previous meeting want to change their mind, this would be the time to speak up. She advised that if the Commission is not sure, they could wait until the next election cycle and have it on the ballot as a referendum.

Vice Mayor England advised that we can move forward on this track and still consider a referendum.

City Manager Royle advised that the Commission can continue this track and levy the non-ad valorem assessment, have the referendum and if the voters agree to the referendum, the non-ad valorem assessment would be deleted. He advised that the election cycle won't be until August of 2020.

Commissioner Samora advised that the Commission needs to keep moving on this track because otherwise the non-ad valorem tax would not be received for the upcoming 2021 fiscal year. He said that the City has more flexibility with a non-ad valorem assessment than a referendum vote on restricting the money.

Mayor George advised that there are issues with doing a non-ad valorem assessment and a referendum together because residents would feel they are being charged twice.

Motion: to extend the meeting. **Moved by** Commissioner Samora, **Seconded by** Mayor George. Motion passed unanimously.

Finance Director Douylliez showed her presentation and explained that the City needs to move forward with the residential non-ad valorem assessment. She explained that there are approximately 6.17% commercial customers that the City bills monthly and 93.83% residential customers. The trucks being used are the same for residential and commercial accounts. There are 140 transient rentals that are included in the commercial accounts. The per unit residential cost is \$460.00. She advised that the non-ad valorem assessment proposed for residential accounts are \$230.00, which keeps us on track with St. Johns County. She advised that these figures are a full-cost accounting.

Vice Mayor England asked if this was the current figures.

Finance Director Douylliez advised that this is based on 2018 because staff does not have the final figures for 2019 yet. She explained that commercial accounts break down into three categories, which are transient rentals, true businesses, and condos and apartments. Transient rentals are in the residential neighborhoods but need a business tax receipt to show that they are using the property as commercial. She advised that it would be more practical for the Public Works Department to service the transient rentals because if one is missed by a contractor, Public Works would have to clean it up. She recommended to charge the full costs for the transient rentals of \$460 as a non-ad valorem assessment.

Vice Mayor England asked why the transient rentals would not be charged the same as commercial accounts.

Finance Director Douylliez advised that currently they are only being charged a minimum of \$7.04 per month, which would be lower than what the City would be asking the residents to pay for the non-ad valorem assessment. The Public Works Department is picking up enough solid waste to fill a two-yard dumpster at some commercial units, so it is recommended that an outside vendor service those condos or businesses.

Vice Mayor England asked if the City can mandate a business to use a dumpster.

Finance Director Douylliez advised that it is in the City's Code of Ordinances that it can mandate to have dumpsters. She explained an enclosure would be needed as well.

Commissioner Samora asked how staff knows who to mandate dumpsters with.

Finance Director Douylliez advised that we manually know how much trash is being discarded, so we know that what commercial companies should have dumpsters. There is an option to

stop servicing commercial if the City wants to allow our current vendor Advanced Disposal to hand pick up the garbage, so staff would not be counting bins, invoicing, and doing collections manually. She advised that staff could not stop picking up the transient rentals because they are intermingled in neighborhoods. She recommended that the transient rentals pay \$460 because it would be challenging to tell residents to pay when transient rentals are not paying full price. She explained that the City would be receiving ten percent of the revenues from the commercial accounts that are using other vendors.

Mayor George advised that transient rentals could be vacant for months and it may not be fair to charge them full price. Transient rentals could be using the service less than the neighbors because they are vacant. She wants to look at an equitable way for the costs.

Finance Director Douylliez advised that these are just suggestions and it would be up to the Commission to decide.

Vice Mayor England suggested that everyone pay \$230 instead of breaking it out depending on the type of commercial or residential properties.

Finance Director Douylliez explained that condos and apartments are not being treated the same. Some condo owners are taxed the \$74 a year and others are not. She advised that the code needs to be applied correctly and the usage needs to be checked for whether they need dumpsters in place. She explained that staff needs to work with the vendors and the associations to move forward with the changes.

Commissioner Rumrell asked how this would affect Advanced Disposal's contract.

Finance Director Douylliez advised that Advanced Disposal goes by the City's data base, so it would not affect them. She advised that the process to clean up what is commercial versus residential will be a lengthy process. Some condos are asking for bins that are not free to the City and the City pays the costs.

Commissioner Rumrell advised that an automated system seems prudent regardless of the changes.

Vice Mayor England asked if commercial accounts would have to move to a commercial vendor for garbage and recycling.

Finance Director Douylliez advised yes.

Commissioner Samora requested a profile of the commercial customers.

Mayor George asked if the cost analysis is not done by use, then how can it be calculated.

Vice Mayor England advised that staff should not be in the business of counting cans.

Discussion ensued regarding more than one transient rental unit being on one property and it was suggested that each unit should be charged the non-ad valorem assessment.

It was the consensus of the Commission to move forward with this topic next month.



December 2, 2019
City Commission Meeting



AGENDA

REGULAR CITY COMMISSION MEETING

MONDAY, DECEMBER 2, 2019 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."

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON NOVEMBER 4, 2019 AND CONTINUATION MEETING OF REGULAR COMMISSION MEETING ON NOVEMBER 6, 2019
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
 - A. Interview of Mr. Larry Einheuser for Position of Junior Alternate on the Comprehensive Planning and Zoning Board
 - B. Report on Veterans Reunion in City, October 23-24, 2020, by Ms. Kim Kendall
 - C. Update Report by Communications and Events Coordinator Cindy Walker on Preparations for New Year's Eve Fireworks Show
- VIII. PUBLIC COMMENTS
- IX. COMMISSIONER COMMENTS
- X. PUBLIC HEARINGS
 1. Ordinance 19-17, Public Hearing and First Reading, to Adopt Amendments to the Comprehensive Plan (Presenter: Ms. Janis Fleet, Planning Consultant)
 2. Conditional Use Permit to Construct a Single-Family Residence in a Commercial Land Use District at 16 5th Street, (Lot 18, St. Augustine Beach Subdivision, Mr. James Cochran, Applicant) (Presenter: Brian Law, Building Official)

3. Conditional Use Permit to Construct Eight Single-Family Residences in a Commercial Land Use District on West Side of A1A Beach Boulevard between E and F Streets (Lots 1-8, Block 43, Coquina Gables Subdivision, Mr. Len Trinca, Applicant) (Presenter: Brian Law, Building Official)
4. Conditional Use Permit for Outside Consumption of Food/Beverages at Former Coquina Beach Surf Club Restaurant, 451 A1A Beach Boulevard (Lots 65, 66, 67, 77 and 78, Atlantic Beach Subdivision, Mr. Michael Rosa, Applicant) (Presenter: Brian Law, Building Official)
5. Resolution 19-13, to Express City's Intent to Levy a Non-Ad Valorem Assessment for the Collection and Disposal of Solid Waste and Recyclables (Presenter: Patricia Douylliez, Finance Director)

XI. CONSENT

6. Re-appointment of Two Members of the Sustainability and Environmental Planning Advisory Committee, Dr. Lonnie Kaczmarzsky and Ms. Sandra Krempasky, to Another Three-Year

XII. OLD BUSINESS

7. Legal Services: Discussion of Proposals Received from Law Firms and Scheduling Special Meeting in January for Interviews (Presenter: Max Royle, City Manager)
8. Rules of Civility for Public Participation: Continuation of Discussion (Presenter: Mayor George)
9. Changes to the Land Development Regulations: Continuation of Discussion (Presenter: Brian Law, Building Official)
10. Ordinance 19-18, First Reading: to Ban Rental of E-Scooters in City (Presenter: Jim Wilson, City Attorney)
11. Police Chief and City Manager: Review of Annual Performance Evaluations by Mayor and Commissioners (Presenter: Mayor George)

XIII. NEW BUSINESS

12. Pay for Employees During Emergencies: Consideration of Resolution to Adopt Policies (Presenter: Beverly Raddatz, City Clerk)
13. Election of Mayor and Vice Mayor For 2020 (Presenter: Max Royle, City Manager)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **HOLIDAYS.** The following will be observed as holidays by the City: After noon (12 p.m.), Tuesday, December 24, 2019, all of Wednesday, December 25th, Christmas Day, and all of Wednesday, January 1, 2020, New Year's Day. CITY OFFICES WILL BE CLOSED. For these holidays, the solid waste removal schedule will be the following:
 - December 24th, Tuesday, Normal
 - December 25th, Wednesday: No pickup of yard trash / special waste or recyclables
 - December 26th, Thursday: Wednesday pickup of recyclables will be done on Thursday, Pickup of household waste will be normal.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: November 19, 2019

SUBJECT: Resolution 19-13, to Express City's Intent to Levy a Non-Ad Valorem Assessment for the Collection and Disposal of Solid Waste and Recyclables

INTRODUCTION

This agenda item concerns not only the resolution but the commercial solid waste collection fees and information that Commissioner Kostka has requested.

The Finance Director and the City Manager discussed the sequence of topics to present to you for discussion/decision at your December 2nd meeting. We suggest that the Resolution should be first because it concerns residential, not commercial property, and because it merely states your intent to levy the assessment. It doesn't commit you to levying the assessment. You can make that decision later in 2020.

To help you understand the attached information, we have provided it to you in three sections.

1. The non-ad valorem assessment resolution and related information.
2. Emails from Commissioner Kostka to staff with her concerns and information about solid waste operations and collection that she has requested.
3. Information about commercial solid waste that Ms. Douylliez, the Finance Director, has provided.

We hope that this information is sufficient to help you make some key decisions about revenue to pay the City's solid waste collection and disposal costs.

ATTACHMENTS

In accordance with the three sections listed above, here's the breakdown of the attached information:

1. Pages 1-12, Resolution 19-13 and related information for the non-ad valorem assessment for residential properties.
2. Pages 13-34, emails from Commissioner Kostka, the Finance Director's response and information that Commissioner Kostka requested, which includes the following:
 - The results of the survey question, "To pay for the collection of residential solid waste, would you support a fee?" (pages 16-21)
 - Chapter 10 of the City Code, which has the City's garbage/trash regulations (pages 22-34).

Please note that Ms. Douylliez in the material below has provided additional information that Commissioner Kostka requested, as well as a breakdown that you asked for at your last meeting.

3. Pages 35-61, the costs of the City's solid waste service divided into two sections:
 - Pages 35-48, the costs that include the allocation for the Commission, City Manager, and Finance/Administration Department.
 - Pages 49-61, the costs without the allocation for the Commission, City Manager, and Finance/Administration Department.

ACTIONS REQUESTED

There are three:

1. Whether the pass Resolution 19-13.
2. Whether to increase fees for businesses.
3. Whether transient rentals are to pay the per-can commercial fee or be subject to the same non-ad valorem assessment levied on residential properties.

1. RESOLUTION 19-13

As noted above, the Resolution merely states your intent to levy the non-ad valorem assessment. Later in 2020, you could decide not to levy it.

For your discussion, please note the following:

- Pages 9-12, Chapter 197.3632, Florida Statutes. Note Subsection (3)(a), which states that a local government is to adopt a resolution at a public hearing prior to January 1st, or if the Tax Collector and Property Appraiser agree, prior to March 1st. The Subsection requires the City to advertise the intent to levy the assessment for four consecutive weeks prior to the public hearing. This the City has done.

Also, note Subsection (4) 4(a), which requires that the City adopt a non-ad valorem assessment roll between January 1st and September 15th. Subsection (4)4(b) requires that the City notify the owner of every property subject to the assessment of the date of the public hearing when the assessment roll will be adopted. It is for that notice that you set the non-ad valorem assessment. Or, you could decide before September 15, 2020, not to levy the assessment, which would make unnecessary the public hearing to levy the actual assessment.

A section of the City Charter concerning the solid waste service has been mentioned at recent meetings. The section is 1-11. It concerns fire protection, trash and garbage removal, and other municipal services. Here's the section in full, in case it is mentioned again.

"(a) The city commission is hereby authorized to provide fire protection with the City of St. Augustine Beach, either by owning and operating necessary equipment with either a

volunteer or paid fire department, or to contract with another governmental entity by interlocal agreement for service by its fire department.

“(b) The city commission is hereby authorized to remove trash and garbage and to perform all other city services either through the use of employees or contractors.”

There is no mention in this section about how the services are to be paid for. For fire protection, City residents are part of a County fire district and pay an ad valorem tax of 1.47 mills for the service.

2. RAISING ANNUAL COMMERCIAL SOLID WASTE FEE

The second action requested is that you discuss with Ms. Douylliez what businesses should pay for the solid waste removal service that the City provides.

On page 48, Ms. Douylliez shows that true annual cost for commercial can customers in the City is \$457.51, or \$2.90 a can. This amount includes the payment for administrative costs for the solid waste service (Commission, City Manager and Finance/Administration Department).

On page 61, she shows that the annual cost excluding administrative costs is \$430.34.

Recommendation

It is that you set a new rate for solid waste removal that would be effective February 2, 2020, with a minimum service of \$12 a month, which equates to four container equivalents at \$3.00 per can, for an increase of \$59.52 a year. Average can counts can be used for the businesses to set a monthly flat rate through FY 2020. New rate structures can be set up for FY 2021.

3. TRANSIENT RENTALS

The third action requested is that you decide whether transient rentals are to be subject to the same non-ad valorem assessment that's levied for residential properties or are to be considered businesses and pay the annual commercial service fee charged by the City.

For the Finance Department, the non-ad valorem assessment would be easier than having to count cans, send out monthly bills, track who has paid or not paid, and then have code enforcement action taken against those who are delinquent.

However, as transient rentals are commercial use of residential properties, you may want the owners to pay the same commercial fee that other types of businesses pay.

SUMMARY OF ACTIONS REQUESTED

That you decide whether:

- To pass Resolution 19-13.
- To increase the annual commercial solid waste fee.
- To decide whether transient rentals are to be treated as businesses and therefore subject to the per-can commercial fee or to the non-ad valorem assessment.

RESOLUTION 19-13

CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY

RE: EXPRESSING THE INTENT OF THE CITY OF ST. AUGUSTINE BEACH TO USE THE UNIFORM METHOD FOR THE LEVY, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENT PROVIDED FOR IN CHAPTER 197, FLORIDA STATUTES, SECTION 197.3632, FOR THE PROVISION OF DISPOSAL OF SOLID WASTE; PROVIDING THAT THE NON-AD VALOREM ASSESSMENT SHALL BE INCLUDED IN THE COMBINED NOTICE FOR AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS PROVIDED IN CHAPTER 197, FLORIDA STATUTES, SECTION 197.3635; PROVIDING THAT THE NON-AD VALOREM ASSESSMENT SHALL BE COLLECTED IN THE SAME MANNER AS AD VALOREM TAXES; PROVIDING THAT THIS NON-AD VALOREM ASSESSMENT IS NEEDED IN ORDER TO DISPOSE OF SOLID WASTE WITH THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE BEACH; PROVIDING FOR THE LEGAL DESCRIPTION OF THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE BEACH WHICH SHALL BE SUBJECT TO THE NON-AD VALOREM LEVY; PROVIDING THAT THE PUBLIC HEARING ON THIS RESOLUTION WAS DULY ADVERTISED; PROVIDING THAT THE CLERK OF THE CITY OF ST. AUGUSTINE BEACH SHALL MAIL CERTIFIED COPIES OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Commission of St. Augustine Beach, St. Johns County, Florida in regular meeting duly assembled on Monday, December 2, 2019, resolves as follows:

WHEREAS, by the authority created in Chapter 166, Florida Statutes, Section 166.021, and within Section 2 (b), Article VIII, of the Constitution of the State of Florida, municipalities have the governmental, corporate, and proprietary power to conduct municipal government, perform municipal functions, and render municipal services and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, such statutory and constitutional authorization includes the ability to levy a special assessment for the provision of disposal of solid waste within the corporate limits of the City of St. Augustine Beach; and

WHEREAS, Chapter 197, Florida Statutes, Section 197.3632, sets forth the required procedure to be followed by a local government in order to elect the use of the uniform method of levying, collecting, and enforcing non-ad valorem assessments; and

WHEREAS, the City Commission held a public hearing on this Resolution on December 2, 2019, after advertising in *The St. Augustine Record* for four (4) consecutive weeks on November 1, 2019, November 8, 2019, November 15, 2019, and November 22, 2019, as required by Chapter 197, Florida Statutes, Section 197.3632(3)(a); and

WHEREAS, the City Commission has determined it serves the health, safety, and general welfare of the residents of the City of St. Augustine Beach to utilize the uniform method of collection for non-ad valorem assessments for the provision of disposal of solid waste within the corporate limits; and

WHEREAS, assessment for the provision of disposal of solid waste has been heretofore assessed and collected by St. Johns County, Florida through an interlocal agreement and the City of St. Augustine Beach intends to take over the assessment and no longer defer this power to St. Johns County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AS FOLLOWS:

Section 1. Intent to Use Uniform Method. The City Commission of the City of St. Augustine Beach intends to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments for the provision of disposal of solid waste within the corporate limits of the City of St. Augustine Beach, pursuant to Chapter 197, Florida Statutes, Section 197.3632 and 197.3635.

Section 2. Need for Levy. The levy of non-ad valorem assessment for the provision of disposal of solid waste is necessary in order to fund a comprehensive, coordinated, economical, and efficient disposal of solid waste program within the corporate limits of the City of St. Augustine Beach.

Section 3. Legal Description of Area Subject to Levy. The incorporated area of the City of St. Augustine Beach shall be subject to the levy and collection of the non-ad valorem assessment and is legally described in Section 1-2 of Article 1 of the Charter of the City of St. Augustine Beach and in official documents in the possession of the Clerk of the City of St. Augustine Beach. Said legal description is attached hereto and incorporated herein as Exhibit "A."

Section 4. Combined Notice for Ad Valorem Taxes and Non-Ad Valorem Assessments. The non-ad valorem assessment that shall be levied using the uniform method provided for in Chapter 197, Florida Statutes, Section 197.3632, shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Chapter 197, Florida Statutes, Section 197.3635.

Section 5. Non-Ad Valorem Assessment Subject to Collection Procedures for Ad Valorem Taxes. The non-ad valorem assessment collected pursuant to Chapter 197, Florida Statutes, Section 197.3632, shall be subject to the collection procedures provided for in Chapter 197, Florida Statutes, for ad valorem taxes and includes discount for early payment, prepayment by installment method, deferred payments, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

Section 6. Public Hearing on Non-Ad Valorem Assessment Roll. The City Commission shall adopt a non-ad valorem assessment roll of the property to be assessed within the corporate limits of the City of St. Augustine Beach at a public hearing held between January 6, 2020, and September 7, 2019.

Section 7. Copy of Resolution. The Clerk of the City of St. Augustine Beach is hereby directed to mail a certified copy of this Resolution by United States mail to the St. Johns County Property Appraiser, the St. Johns County Tax Collector, and the State of Florida Department of Revenue by January 1, 2020.

RESOLVED AND DONE, this 2nd day of December by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

Undine C. George, Mayor

ATTEST:

Max Royle, City Manager

City of St. Augustine Beach

ARTICLE I. IN GENERAL

Sec. 1-1. Created; name.

A municipality to be known and designated as the City of St. Augustine Beach, is hereby established, organized and constituted in the County of St. Johns and State of Florida.
(Laws of Fla., Ch. 59-1790, § 1; Laws of Fla., Ch. 78-607, § 1; Ord. No. 207, § 1, 12-4-89)

Sec. 1-2. Boundaries.

The territorial boundaries of the City of St. Augustine Beach shall be as follows:

(a) Beginning at the intersection of the north line of Section 34, Township 7 South, Range 30 East with the mean low water line of the Atlantic Ocean; thence westerly along the north line of said Section 34 to the northwest corner of said Section 34; thence continue westerly along the north line of Section 33, Township 7 South, Range 30 East to its intersection with the west right-of-way line of State Road S-3; thence southerly along the west right-of-way line of said State Road S-3 to its intersection with the west right-of-way line of State Road A-1-A; thence southerly along the west right-of-way line of State Road A-1-A to its intersection with the westerly projection of the northerly boundary of "St. Augustine By The Sea Subdivision" as recorded in Map Book 8 at Page 94 of the public records of St. Johns County, Florida; thence easterly along said northerly boundary of said "St. Augustine By The Sea Subdivision" to its intersection with the mean low water line of the Atlantic Ocean; thence northerly along the mean low water line of the Atlantic Ocean to the point of beginning, said territory so bounded being situate in St. Johns County, Florida;

(b) The right-of-way of Pope Road lying eastwardly of State Road 3 and that portion of Anastasia State Recreation Area lying southerly of the north right-of-way line of Pope Road as extended eastwardly to the waters of the Atlantic Ocean; and

(c) A parcel of land in the north half of Government Lot 5, Section 10, Township 8 South, Range 30 East, St. Johns County, Florida, lying westerly of the westerly right-of-way of State Road A-1-A (a 100 foot right-of-way) more fully described as follows:

Commence at the intersection of the south line of the said north half of Government Lot 5 and the said westerly right-of-way line, said point also being the northeast corner of Marshview Estates, as recorded in Map Book 15, Page 30 of the Public Records of said County; thence north 13 degrees 06 minutes 00 seconds west, along said right-of-way 298.58 feet to the point of beginning; thence continue north 13 degrees 06 minutes 00 seconds west, along said right-of-way 82.55 feet to the southeast corner of that property described in Official Records Book 1173, Page 1133 of said Public Records; thence north 88 degrees 49 minutes 22 seconds west, along the south line of said property described in Official Records Book 1173, a distance of 300.08 feet; thence south 13 degrees 06 minutes 00 seconds east 82.55 feet; thence south 88 degrees 49 minutes 22 seconds east, 300.08 feet to the point of beginning.

and

A parcel of land in the north half of Government Lot 5 and the south 363.42 feet of Government Lot 4, all in Section 10, Township 8 South, Range 30 East, St. Johns County, Florida, lying westerly of State Road A-1-A (a 100-foot right-of-way), more fully described as follows:

Commence at the intersection of the south line of said north half of Government Lot 5 and the westerly right-of-way line of said A-1-A, said point also being the northeast corner of Marshview Estates, as recorded in Map Book 15, Page 30 of the Public Records of said County; thence north 88 degrees 53 minutes 00 seconds west, along said south line, 300.00 feet to the point of beginning; thence continue north 88 degrees 53 minutes 00 seconds west, along said south line 1396.39 feet; thence north 12 degrees 35 minutes 00 seconds west 992.21 feet to the north line of said south 363.42 feet; thence south 88 degrees 53 minutes 00 seconds east along last said north line, 1387.16 feet to the northwest corner of that property described in Official Records Book 725, Page 846 of said Public Records; thence south 13 degrees 06 minutes 00 seconds east, along the west line, and southerly extension thereof, of those properties described in Official Records Book 725, Page 846, Official Records Book 646, Page 1370, and Official Records Book 1173, Page 1133 of said Public Records, 994.44 feet to the point of beginning.

(d) Lots 1 and 2, Block 12, Sunset Park Subdivision, as per Map or Plat thereof recorded in Map Book 8, Page 72 of the Public Records of St. John's County.

(e) Commence at the intersection of the south line of the said north half of Government Lot 5 and the said westerly right-of-way line, said point also being the northeast corner of Marshview Estates as recorded in Map Book 15, Page 30 of the Public Records of said County; thence along said westerly right-of-way line North 13 Degrees 06 Minutes 00 Seconds West, 298.58 feet to the Point of Beginning; thence North 88 Degrees 49 Minutes 22 Seconds West, 300.08 feet to a point on the east boundary line of Ocean Trace Subdivision as recorded in Map Book 32, Pages 18 and 19 of the Public Records of said County; thence South 13 Degrees 06 Minutes 00 Seconds East along said east boundary line, 296.91 feet to the Southeast corner of said Ocean Trace Subdivision; thence South 88 Degrees 53 Minutes 00 Seconds East along the north boundary line of said Marshview Estates, 124.00 feet; thence North 13 Degrees 06 Minutes 00 Seconds West, 200.00 feet; thence South 88 Degrees 53 Minutes 00 Seconds East, 175.00 feet to a point on the said westerly right-of-way line; thence North 13 Degrees 06 Minutes 00 Seconds West along said westerly right-of-way line, 98.58 feet to the Point-of-Beginning. Containing 1.2 acres more or less and depicted on the map attached as Exhibit 'A.'

(f) *Parcel 1 (Upland Area)*. A part of Government Lots 3 and 4, Section 10, Township 8 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

Commence at the southeastern corner of Lot 2, Block 12, Sunset Park Subdivision as recorded in Map Book 8, Pages 71 and 72 of the public records of St. Johns County, said point being on the westerly right-of-way of State Road A-1-A and State Road 3; thence south 14 degrees 46 minutes 05 seconds east, along said westerly right-of-way line, a distance of 984.24 feet; thence south 89 degrees 30 minutes 13 seconds west, departing said right-of-way, a distance 299.94 feet to the point of beginning of the parcel of land to be described; thence continue south 89 degrees 30 minutes 13 seconds west 262.67 feet; thence north 12 degrees 46 minutes 38 seconds west a distance of 52.41 feet; thence north 01 degree 16 minutes 19 seconds west a distance of 40.83 feet; thence north 00 degrees 39 minutes 26 seconds west a distance of 52.00 feet; thence north 04 degrees 00 minutes 07 seconds west a distance of 38.60 feet; thence north 00 degrees 08 minutes 44 seconds west a distance of 67.40 feet; thence north 00 degrees 24 minutes 39 seconds west a distance of 27.40 feet; thence north 13 degrees 47 minutes 21 seconds west a distance of 12.97 feet; thence south 89 degrees 48 minutes 36 seconds west a distance of 30.76 feet; thence

south 89 degrees 09 minutes 10 seconds west a distance of 64.38 feet; thence north 82 degrees 41 minutes 06 seconds west a distance of 35.35 feet; thence north 84 degrees 45 minutes 03 seconds west a distance of 25.67 feet; thence south 89 degrees 02 minutes 06 seconds west a distance of 496.37 feet; thence south 85 degrees 54 minutes 23 seconds west 20.73 feet; thence south 01 degree 50 minutes 07 seconds east 51.96 feet; thence south 19 degrees 37 minutes 07 seconds east 53.63 feet; thence south 09 degrees 18 minutes 44 seconds east 76.83 feet; thence south 15 degrees 47 minutes 13 seconds east 117.19 feet; thence south 05 degrees 17 minutes 13 seconds east 59.37 feet to the north line of the south 363.42 feet of Government Lots 3 and 4; thence north 89 degrees 28 minutes 41 seconds east, along said north line 900.63 feet; thence north 14 degrees 44 minutes 19 seconds west 60.62 feet to the point of beginning. Containing 5.61 acres, more or less.

Parcel 2 (Conservation Land). A part of Government Lot 3, Section 10, Township 8 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows: Commence at the southeast corner of Lot 2, Block 12, Sunset Park Subdivision as recorded in Map Book 8, Pages 71 and 72 of the public records of St. Johns County, said point being on the westerly right-of-way of State Road A-1-A and State Road 3; run thence south 14 degrees 46 minutes 05 seconds east along said westerly right-of-way line, a distance of 984.24 feet; thence south 89 degrees 30 minutes 13 seconds west, departing said right-of-way, a distance of 562.61 feet; thence north 12 degrees 46 minutes 38 seconds west 52.41 feet; thence north 01 degree 16 minutes 19 seconds west 40.83 feet; thence north 00 degrees 39 minutes 26 seconds west 52.00 feet; thence north 04 degrees 00 minutes 07 seconds west 38.60 feet; thence north 00 degrees 08 minutes 44 seconds west 67.40 feet; thence north 00 degrees 24 minutes 39 seconds west 27.40 feet; thence north 13 degrees 47 minutes 21 seconds west 12.97 feet; thence south 89 degrees 48 minutes 36 seconds west 30.76 feet; thence south 89 degrees 09 minutes 10 seconds west 64.38 feet; thence north 82 degrees 41 minutes 06 seconds west 35.35 feet; thence north 84 degrees 45 minutes 03 seconds west 25.67 feet; thence south 89 degrees 02 minutes 06 seconds west 496.37 feet; to the point of beginning of the parcel of land to be described; thence south 85 degrees 54 minutes 23 seconds west 20.73 feet; thence south 01 degree 50 minutes 07 seconds east 51.96 feet; thence south 19 degrees 37 minutes 07 seconds east 53.63 feet; thence south 09 degrees 18 minutes 44 seconds east 76.83 feet; thence south 15 degrees 47 minutes 13 seconds east 117.19 feet; thence south 05 degrees 17 minutes 13 seconds east 59.37 feet to the north line of the south 363.42 feet of said Government Lot 3; thence south 89 degrees 28 minutes 41 seconds west, along said north line, 405.73 feet; thence north 00 degrees 31 minutes 19 seconds west 59.34 feet; thence north 12 degrees 27 minutes 02 seconds west 33.00 feet to the centerline of the meanderings of a creek; thence easterly and northerly, along said centerline of said creek, 420 feet, more or less, to a point on a line bearing south 89 degrees 02 minutes 06 seconds west from the point of beginning; thence 89 degrees 02 minutes 06 seconds east 141.63 feet to the point of beginning. Containing 1.85 acres, more or less.

(g) *Parcel "A".* A parcel of land lying in Government Lot 4, Section 10, Township 8 South, Range 30 East, St. Johns County, Florida, lying west of State Road No. A-1-A and being more fully described as follows:

Commence at the intersection of the north boundary of the south 386.42 feet of said Government Lot 4 and the westerly right-of-way line of said State Road A-1-A; thence southeasterly along said right-of-way line 100 feet to the point of beginning; thence continue southeasterly along said right-of-way 200 feet; thence northwesterly along a line parallel with and 300 feet southerly from said north boundary, for a distance of 300 feet; thence northwesterly along a line parallel with

and 300 feet westerly from said westerly right-of-way line for a distance of 200 feet; thence southeasterly along a line parallel with and 100 feet southerly from said north boundary a distance of 300 feet to the point of beginning. Less and excepting the west 10 feet of said parcel. *Parcel "B"*. A parcel of land lying in Government Lot 4, Section 10, Township 8 South, Range 30 East, St. Johns County, Florida, lying west of State Road No. A-1-A and being more fully described as follows:

Commence at lands now or formerly described in O.R. Book 805, Page 573, public records of St. Johns County, Florida, said point being the point of beginning; thence south 89 degrees 56 minutes 22 seconds west, 300.00 feet; thence south 14 degrees 17 minutes 42 seconds east, 63.40 feet; thence north 89 degrees 56 minutes 22 seconds east, 300.00 feet; thence north 14 degrees 16 minutes 38 seconds west, 63.42 feet to the point of beginning. Less and excepting the west 10 feet of said parcel.

[(h) Reserved.]

(i) Commence at lands now or formerly described in O.R. Book 805, Page 573, public records of St. Johns County, Florida. Thence south 14 degrees 16 minutes 38 seconds east 63.42 feet to the point of beginning of the herein described parcel of land; thence continue south 14 degrees 16 minutes 38 seconds east 249.89 feet; thence north 90 degrees 00 minutes 00 seconds east 300 feet; thence north 14 degrees 17 minutes 42 seconds west 249.58 feet; thence north 89 degrees 56 minutes 22 seconds east 300.00 feet to the point of beginning.

(Ord. No. 207, § 1, 4-12-89; Ord. No. 96-24, § 2, 10-7-96; Ord. No. 97-30, § 2, 10-6-97; Ord. No. 97-42, § 2, 12-1-97; Ord. No. 00-03, § 2, 4-3-00; Ord. No. 01-04, 1 2, 3-5-01; Ord. No. 03-30, § 2, 9-8-03)

The 2019 Florida Statutes

Title XIV

Chapter 197

[View Entire Chapter](#)

TAXATION AND FINANCE TAX COLLECTIONS, SALES, AND LIENS

197.3632 Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.—

(1) As used in this section:

(a) “Levy” means the imposition of a non-ad valorem assessment, stated in terms of rates, against all appropriately located property by a governmental body authorized by law to impose non-ad valorem assessments.

(b) “Local government” means a county, municipality, or special district levying non-ad valorem assessments.

(c) “Local governing board” means a governing board of a local government.

(d) “Non-ad valorem assessment” means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

(e) “Non-ad valorem assessment roll” means the roll prepared by a local government and certified to the tax collector for collection.

(f) “Compatible electronic medium” or “media” means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.

(g) “Capital project assessment” means a non-ad valorem assessment levied to fund a capital project, which assessment may be payable in annual payments with interest, over a period of years.

(2) A local governing board shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming.

(3)(a) Notwithstanding any other provision of law to the contrary, a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment for the first time as authorized in this section shall adopt a resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and local government agree, March 1. The resolution shall clearly state its intent to use the uniform method of collecting such assessment. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing. The resolution shall state the need for the levy and shall include a legal description of the boundaries of the real property subject to the levy. If the resolution is adopted, the local governing board shall send a copy of

it by United States mail to the property appraiser, the tax collector, and the department by January 10 or, if the property appraiser, tax collector, and local government agree, March 10.

(b) Annually by June 1, the property appraiser shall provide each local government using the uniform method with the following information by list or compatible electronic medium: the legal description of the property within the boundaries described in the resolution, and the names and addresses of the owners of such property. Such information shall reference the property identification number and otherwise conform in format to that contained on the ad valorem roll submitted to the department. The property appraiser is not required to submit information which is not on the ad valorem roll or compatible electronic medium submitted to the department. If the local government determines that the information supplied by the property appraiser is insufficient for the local government's purpose, the local government shall obtain additional information from any other source.

(4)(a) A local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15, or between January 1 and September 25 for any county as defined in s. 125.011(1), if:

1. The non-ad valorem assessment is levied for the first time;
2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition;
3. The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or
4. There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

(b) At least 20 days prior to the public hearing, the local government shall notice the hearing by first-class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

(c) At the public hearing, the local governing board shall receive the written objections and shall hear testimony from all interested persons. The local governing board may adjourn the hearing from time to time. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. Notwithstanding the notices provided for in paragraph (b), the local governing board may adjust the assessment or the application of

the assessment to any affected property based on the benefit which the board will provide or has provided to the property with the revenue generated by the assessment.

(5)(a) By September 15 of each year, or by September 25 for any county as defined in s. 125.011(1), the chair of the local governing board or his or her designee shall certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector. The local government shall post the non-ad valorem assessment for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the non-ad valorem assessment for each parcel. It is the responsibility of the local governing board that such roll be free of errors and omissions. Alterations to such roll may be made by the chair or his or her designee up to 10 days before certification. If the tax collector discovers errors or omissions on such roll, he or she may request the local governing board to file a corrected roll or a correction of the amount of any assessment.

(b) By December 15 of each year, the tax collector shall provide to the department a copy of each local governing board's non-ad valorem assessment roll containing the data elements and in the format prescribed by the executive director. In addition, a report shall be provided to the department by December 15 of each year for each non-ad valorem assessment roll, including, but not limited to, the following information:

1. The name and type of local governing board levying the non-ad valorem assessment;
2. Whether or not the local government levies a property tax;
3. The basis for the levy;
4. The rate of assessment;
5. The total amount of non-ad valorem assessment levied; and
6. The number of parcels affected.

(6) If the non-ad valorem assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the local governing board shall so specify and shall not be required to annually adopt the non-ad valorem assessment roll, and shall not be required to provide individual notices to each taxpayer unless the provisions of subsection (4) apply. Notice of an assessment, other than that which is required under subsection (4), may be provided by including the assessment in the property appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under s. 200.069. However, the local governing board shall inform the property appraiser, tax collector, and department by January 10 if it intends to discontinue using the uniform method of collecting such assessment.

(7) Non-ad valorem assessments collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a non-ad valorem assessment roll to produce such a notice, he or she shall mail a separate notice of non-ad valorem assessments or shall direct the local government to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the local government and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The local government whose roll could not be merged shall bear all costs associated with the separate notice.

(8)(a) Non-ad valorem assessments collected pursuant to this section shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(b) Within 30 days following the hearing provided in subsection (4), any person having any right, title, or interest in any parcel against which an assessment has been levied may elect to prepay the same in whole, and the amount of such assessment shall be the full amount levied, reduced, if the local government so provides, by a discount equal to any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 are followed.

(c) Non-ad valorem assessments shall also be subject to the provisions of s. 192.091(2)(b), or the tax collector at his or her option shall be compensated for the collection of non-ad valorem assessments based on the actual cost of collection, whichever is greater. However, a municipal or county government shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments.

(9) A local government may elect to use the uniform method of collecting non-ad valorem assessments as authorized by this section for any assessment levied pursuant to general or special law or local government ordinance or resolution, regardless of when the assessment was initially imposed or whether it has previously been collected by another method.

(10)(a) Capital project assessments may be levied and collected before the completion of the capital project.

(b)1. Except as provided in this subsection, the local government shall comply with all of the requirements set forth in subsections (1)-(8) for capital project assessments.

2. The requirements set forth in subsection (4) are satisfied for capital project assessments if:

a. The local government adopts or reaffirms the non-ad valorem assessment roll at a public hearing held at any time before certification of the non-ad valorem assessment roll pursuant to subsection (5) for the first year in which the capital project assessment is to be collected in the manner authorized by this section; and

b. The local government provides notice of the public hearing in the manner provided in paragraph (4)(b).

3. The local government is not required to allow prepayment for capital project assessments as set forth in paragraph (8)(b); however, if prepayment is allowed, the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 must be followed.

(c) Any hearing or notice required by this section may be combined with any other hearing or notice required by this section or by the general or special law or municipal or county ordinance pursuant to which a capital project assessment is levied.

(11) The department shall adopt rules to administer this section.

History.—s. 68, ch. 88-130; s. 7, ch. 88-216; s. 8, ch. 90-343; s. 2, ch. 91-238; s. 1013, ch. 95-147; s. 1, ch. 97-66; s. 1, ch. 2003-70; s. 10, ch. 2008-173; s. 13, ch. 2016-128; s. 11, ch. 2018-110.

From: Comm Kostka <commkostka@cityofsab.org>

Sent: Friday, November 8, 2019 8:17 AM

To: Patricia Douylliez <pdouylliez@cityofsab.org>

Subject: trash

Good morning Patty,

I am writing this morning as a citizen. I am not only dismayed but also upset to discover I am paying for both a dumpster on my property and residential a non-ad valorem tax for waste disposal when my property is actually zoned commercial. I purchased my property in 9/2011 and it has ALWAYS been zoned commercial. No one at the city ever disclosed options for trash pick up and I naturally assumed that all properties were assessed this tax. Quite frankly, I am appalled at the poor system/communication regarding this area. This is obviously no fault of yours and feel badly for all the issues you have inherited and been left with to correct. Why, as a new property owner was I not made aware of the options for trash collection?

I am asking for a refund of the \$74 non-advalorem tax for Waste disposal from this tax year/billed amount. I will use my dumpster on my property for all of my trash needs. I do not use the recycling service, either, for what that is worth. This issue is of a great concern and I certainly hope the city can find a resolve that is fair or at the very least equitable for all of our community, businesses and residents.

Along with many residents within the city, I am feeling taxed to death. We are now paying taxes upon taxes and again, more taxes and now, discussion of adding yet another tax.... It seems every part of every budget is line itemed with a separate tax. It's out of control.

Thank you for all you do to help make our city the best it can be-
Maggie Kostka

Max Royle

From: Comm Kostka
Sent: Friday, November 8, 2019 2:22 PM
To: Patricia Douylliez; Max Royle
Subject: Re: trash

Max-

Will you please be sure to include these parts of code in materials for next meeting on waste disposal. It seems it should have been part of the original back up materials.

As a business owner and resident of this city, I am appalled and outraged I am being charged a rate that not all properties are charged. As a commercial property paying for a dumpster, I should not be charged additional taxes.
Commissioner Maggie Kostka

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From: Comm Kostka <commkostka@cityofsab.org>
Sent: Friday, November 8, 2019 2:05:11 PM
To: Patricia Douylliez <pdouylliez@cityofsab.org>
Subject: Re: trash

Just an after thought.... why then, according to the code are there properties not paying any waste disposal fees?

The system seems broken, or inefficient at best.

Maggie

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From: Comm Kostka <commkostka@cityofsab.org>
Sent: Friday, November 8, 2019 1:58:41 PM
To: Patricia Douylliez <pdouylliez@cityofsab.org>
Subject: Re: trash

Thank you, patty,
It is helpful information but extraordinarily unfair. Not all mixed use properties are being charged equally. It is definitely something the commission should address.
Thank you for your prompt and thorough response.
Maggie

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From: Patricia Douylliez <pdouylliez@cityofsab.org>
Sent: Friday, November 8, 2019 12:15:51 PM
To: Comm Kostka <commkostka@cityofsab.org>
Cc: Max Royle <mroyle@cityofsab.org>
Subject: RE: trash

Good Afternoon,

In review of your request, I have looked at other locations where there is a mix of residential/commercial units within one building and the residences have been charged the assessment. I also went back into our on-line codes and the definition of a Residential Service Premise reads:

Residential service premises means a service premises used as a residence or dwelling unit by one (1) or more human beings; but shall not include apartment building or complexes having more than five (5) dwelling units, condominiums having more than five (5) dwelling units, motels and hotels.

And here is the section on the special assessment:

- **ARTICLE II. - SOLID WASTE NON-AD VALOREM SPECIAL ASSESSMENT**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

- **Sec. 10-100. - Need for special assessment.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

The special assessment shall provide for the disposal of **solid waste** and is necessary in order to fund a comprehensive, coordinated, economical and efficient program for the disposal of **solid waste** within the corporate limits of the City of St. Augustine Beach. In the event it may be deemed necessary due to changes in the interlocal agreement between St. Johns County and the City of St. Augustine Beach for **solid waste** disposal services, or other costs pertaining to city's **solid waste** operations including collection and recycling, are found to exceed the revenues generated by the special assessment, the city may expand the assessment and the application of the revenues for such purpose.

(Ord. No. 15-09, § I, 12-7-15)

- **Sec. 10-101. - Properties subject to the special assessment.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Within the City of St. Augustine Beach, the levy and collection of the annual special assessment shall apply to all properties within the incorporated area of the City of St. Augustine Beach as legally described in section 1-2 of article I of the Charter of the City of St. Augustine Beach and in official documents in the possession of the city clerk as amended from time to time.

(Ord. No. 15-09, § I, 12-7-15)

I spoke with Max and I believe this is something that will need to be changed in our code before we can issue a refund. The change could be included with the adjustments to future Non Ad-Valorem Assessments as decided by the Commission. I hope this information is helpful.

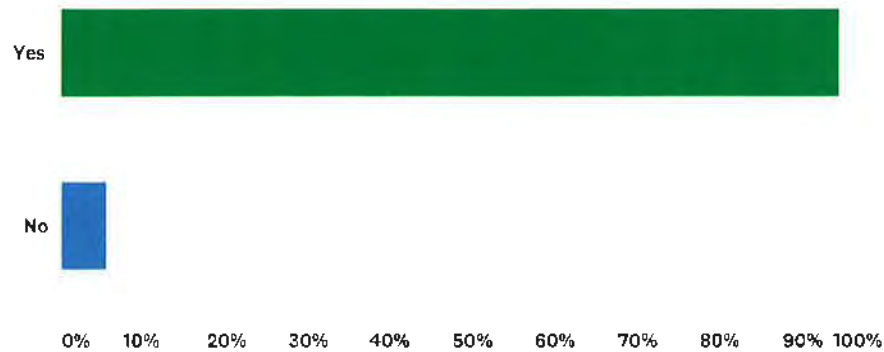
Patty Douylliez
Finance Director
City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-2122, ext. 103

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Residential Solid Waste

Q1 Are you a resident or property owner in the City of St. Augustine Beach?

Answered: 275 Skipped: 0



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

94.55%

5.45%

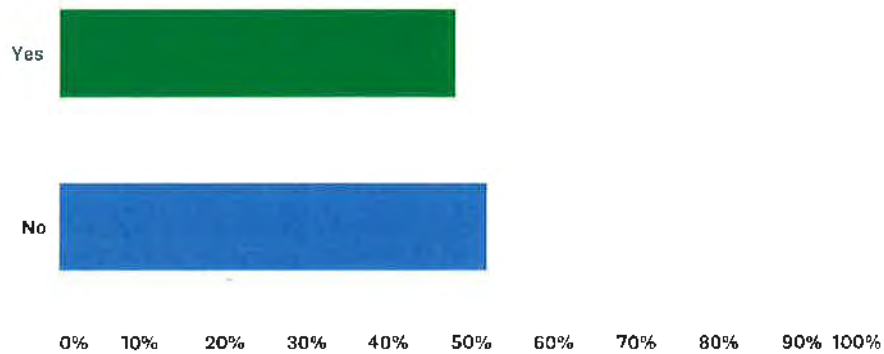
260

15

275

Q2 To pay for the collection of residential solid waste, would you support a fee?

Answered: 247 Skipped: 28



ANSWER CHOICES

Yes

No

TOTAL

RESPONSES

48.18%

51.82%

119

128

247

Q3 Additional Comments.

Residential Solid Waste

Answered: 113 Skipped: 162

#	RESPONSES	DATE
1	How will you access weekly rentals that generate much waste?	8/17/2019 6:24 PM
2	Frequency could be decreased to reduce cost.	8/16/2019 12:15 AM
3	The new fees should only be for vacation rentals because they create far more garbage than residents.	8/15/2019 5:19 PM
4	The fee should be levied on transient rentals who can easily absorb the cost by passing it on to their guests. I don't think its fair to expect permanent residents to pay for the increase in garbage being generated by the vacation rentals.	8/15/2019 4:08 PM
5	The city has to figure a way for fairness in the fee structure equation. Why should a single occupant of a small house, who puts out a trash barrel every 2-3 weeks, have to pay the same fee as 2-4 or even 6 people living in a Sea Colony house or the typical 3 story McMansions who generate large quantities of trash every single week? This is the core issue that MUST be solved before going forward with restructuring of fees for trash collection in St. Augustine Beach.	8/14/2019 8:48 AM
6	not in favor of new fees	8/13/2019 6:49 AM
7	I believe trash should be collected at least 2x per week instead of 1x. I would support a fee for increased collection.	8/13/2019 6:24 AM
8	Properly tax increases each year are already excessive. Additional fees become unmanageable and unappealing to local residence.	8/12/2019 11:40 PM
9	Would expect the city to provide wheeled containers for trash and recycling	8/12/2019 7:42 PM
10	Cost devised between us with exception of business.	8/12/2019 3:59 PM
11	When I moved here, collection was twice a week. Now it's once. With all new developments being approved, there ought be plenty money to pay for this.	8/12/2019 11:29 AM
12	even "recycling" is being picked up with a garbage truck....	8/12/2019 10:48 AM
13	still believe in addition to a fee there should be a small millage increase to help add additional police officers, improve drainage and other infrastructure and to pay for part of the Solid Waste fees. Large vacation homes will generate more trash. Allowing the owners of large properties to pay a little more is fair	8/12/2019 10:45 AM
14	Would only support a fee if a compostable recycling program was put in place so residents could properly dispose of the compostable takeout containers and straws the the city is now forcing restaurants to use.	8/12/2019 10:15 AM
15	No new taxes...cease recycling if cost is high.	8/12/2019 7:49 AM
16	Our taxes are high enough! We pay more than others due to being a municipal! Drop that!!	8/12/2019 5:21 AM
17	Short term rentals should be considered a business and commercial rate should apply	8/11/2019 5:29 PM
18	We should promote composting in the reduction of trash/solid waste..Raising the fee does not promote conversation it is not fairly distributed in terms of who is producing the trash ie it small households, large households or residential short term rentals or visitors.More information is needed to determine if this is a fair tax/assessment on small household	8/11/2019 7:04 AM
19	Why not adjust taxes	8/11/2019 5:29 AM
20	There has been zero inflation why is the cost of waste removal going up. I would suggest recycling only the items that will pay for themselves. If individuals want more recycles put a centralize bin on city property for those individuals to dispose of the items.	8/11/2019 4:09 AM
21	Don't we already pay a fee?	8/10/2019 7:41 PM
22	Prefer it be covered by my tax bill	8/10/2019 7:31 AM
23	We are being taxed to death. Stop increasing all the taxes.	8/8/2019 7:29 PM

Residential Solid Waste

24	Yes, but, rising cost of disposal fees shouldn't lead to such a dramatic increase for residents. What measures have you taken to blunt the increases? What safeguards are there to keep this from going up every year? This survey makes me feel like I'm being asked to sign a blank check.	8/8/2019 7:13 AM
25	Because my property taxes have increased so much, I can't afford my escrow shortage, and now my mortgage just went up \$300/month. Please find an alternative solution. Negotiate a better waste management contract. Charge tourists to park. Manage budgets better. Increase commercial revenue base. Please don't pass this on to us.	8/7/2019 1:08 PM
26	While supporting a fee, what other options are available to continue the frequency and quality of service?	8/7/2019 5:28 AM
27	Same schedule and special pick ups must remain along with recycling	8/7/2019 1:15 AM
28	Why don't you budget better? Get parking fees in place. Quit taxing residents for visitors	8/6/2019 11:12 AM
29	Would pay if reasonable, not increase year after year and the frequency and quality of service not change	8/6/2019 10:42 AM
30	Increase taxes if required	8/6/2019 7:54 AM
31	Examine what owners would have to do in order to maintain the price of disposal at the same level. In other words, put the onus on the owners to put in Sweat Equity to keep the cost low.	8/6/2019 7:30 AM
32	Property taxes are already very high, should be sufficient to cover this and if not then reduce cost elsewhere. And what about people with just land, not fair to them to pay others waste disposal cost.	8/6/2019 6:23 AM
33	Vacant lots should be exempt.	8/5/2019 6:37 PM
34	Only if we stopped collecting recyclables. Much of those end up in the landfill	8/5/2019 4:50 PM
35	I think you should look at what Gainesville does, or used to do, for trash collection. We paid for the size trash bin we needed. Larger bins cost more than smaller ones. This encourages recycling or at least thinking more carefully about what goes on the trash.	8/5/2019 4:21 PM
36	I support a fee increase but but not one the is more than three times the current rate. Doubling the current rate is a more than fair compromise that will help both the city and the citizens considering the city is also proposing raising the current tax rate.	8/5/2019 2:22 PM
37	Want more info- would the fee be yearly?	8/5/2019 2:14 PM
38	I am not necessarily opposed to paying for trash and recycling, but this does not really explain what happens if no fee is implemented.	8/5/2019 12:30 PM
39	taxes are too high as it is, especially on a fixed income	8/5/2019 11:09 AM
40	Has there been any assessment on making solid waste an enterprise fund?	8/5/2019 10:40 AM
41	Not sure what the question is. I don't want to pay more for 1 collection a week. If you are having waste collection picked up twice a week I could understand an increase.	8/4/2019 4:32 PM
42	We need waste collection and recycling.	8/4/2019 1:58 PM
43	A reasonable fee. And I'd consider reducing (not eliminating) service to reduce the fee. The level of service now is very high; you could lower the level and cost, and teach us how to reduce and reuse!	8/4/2019 5:58 AM
44	i already pay to much in taxes	8/4/2019 5:29 AM
45	On fixed income.	8/4/2019 5:08 AM
46	air bnb and any short term rentals should have their garbage fees raised and with the county checking home ownership, this whould be easire to track. short term rentals product much more trash than residents or long term rentals	8/3/2019 6:35 AM
47	Should come out of property taxes.	8/3/2019 6:31 AM
48	your question is very poorly written, it sound like you want a blank check	8/3/2019 6:18 AM
49	I am fully supportive of recycling, but taxes just increased across the board. An alternative would be to charge a cost/container, which would encourage less waste from inception - the true objective. I would also rather take my newspaper/cardboard to a recycling site than be assessed additional taxes.	8/3/2019 6:09 AM

Residential Solid Waste

50	One would think that it could come from property taxes	8/3/2019 5:53 AM
51	Should be covered by taxes (millage rate)	8/3/2019 5:11 AM
52	The Special pick ups that are requested by phone or on line are easy and convenient. I do hope that the recycling program has continued and even grows	8/3/2019 4:00 AM
53	I am in support of efficient recycling and feel this is necessary for our town	8/2/2019 4:01 PM
54	The fee would have to be reasonable. I am close to retirement and live alone. I have very little trash. I do have monthly yardwaste. I feel that as a resident of SAB I pay higher taxes than those who live a block away from the city, yet they get to take advantage of all the things the city offers. If you make the fee too high , it will hurt those who have lived here for years and are on a fixed income.	8/2/2019 2:54 PM
55	The taxes are already higher in St A Beach than in the county. Where is the money going?	8/2/2019 2:49 PM
56	what are my taxes for? No new fees!	8/2/2019 12:26 PM
57	Keep things status quo	8/2/2019 8:20 AM
58	Not sure for second question	8/2/2019 8:17 AM
59	Just gradually raise what we pay now.	8/2/2019 7:53 AM
60	Hopefully this fee would include new recycling bins also	8/2/2019 6:33 AM
61	Within reason. I am a single person living alone.	8/2/2019 4:47 AM
62	Fee must be used only for collection of solid waste.	8/2/2019 3:35 AM
63	that's it	8/1/2019 9:24 PM
64	Waste collection by a municipality is typically paid for through taxes. As I understand, tax revenues would continue to fund a portion of the cost and the city would triple the current non ad valorem fee. How can such a large, sudden jump be justified? Has the Commission been asleep? No other consumer prices are rising so fast, so the City leaders need to go back to the drawing board rather than raiding residents' wallets.	8/1/2019 7:41 PM
65	Real answer is maybe....hard to answer when it is so vague. How much and for what?	8/1/2019 4:29 PM
66	The current waste removal system in place is the principle reason why SAB is so clean. Start charging people and I guarantee you will see more roadside trash and more dumping in public containers. May have to hire more city workers to chase the unintended consequences. You can't force people to pay for trash service. As little trash as I generate weekly, I'll just dump it in a public container.	8/1/2019 3:18 PM
67	Your proposed "fee" is a tax in sheep's clothing! Call it what it is & take responsibility.	8/1/2019 2:38 PM
68	Increase the millage rate to cover it instead.	8/1/2019 11:55 AM
69	What happened to the profits from recycling?	8/1/2019 9:48 AM
70	Would our proposed costs be the \$468 we pay now + the \$264 fee, or just the \$264 ??	8/1/2019 8:59 AM
71	But there should be a way for people generating less landfill trash to pay less. An incentive to recycle, donate and by things with less packaging.	8/1/2019 6:13 AM
72	Cut costs in the bureaucratic offices	8/1/2019 6:06 AM
73	Would love if you are charged for the amount of waste you produce.	8/1/2019 5:42 AM
74	I rent a house and would pay the fee so the landlord doesn't feel pressured to raise my rent	7/25/2019 1:22 PM
75	That should be handled by my taxes	7/25/2019 11:47 AM
76	I don't support anything which raises my cost	7/25/2019 11:10 AM
77	I feel the current fee is adequate for the one container of trash we generate per week.	7/25/2019 8:04 AM
78	None	7/22/2019 5:48 AM
79	I pay enough in my property tax to take care of waste disposal	7/21/2019 10:59 PM
80	Already taxed enough!	7/20/2019 10:34 AM
81	I spend approximately 1 month a year in a non rental unit	7/20/2019 8:24 AM

Residential Solid Waste

82	I own property but do not live in the city. I bring recycling and trash home when I leave the property.	7/20/2019 6:44 AM
83	none	7/19/2019 11:31 AM
84	Only here generating trash 1/2 -3/4 of year though	7/19/2019 9:17 AM
85	I own a condo unit so it seems this would be an excessive fee for this setting.	7/19/2019 7:23 AM
86	No fee trying to pay for breast cancer and no new fee please	7/19/2019 7:22 AM
87	We pay enough city tax.	7/19/2019 7:21 AM
88	This service should be covered under the broad umbrella of tax assessment. Man up and raise taxes to the point they cover essential services.	7/19/2019 7:16 AM
89	Property taxes are high enough	7/19/2019 7:02 AM
90	How will fee work	7/19/2019 6:57 AM
91	What would a mileage increase be as compared to a fee? Would vacant lots pay a fee or only residences?	7/19/2019 3:19 AM
92	Good waste service is a must.	7/18/2019 11:53 AM
93	Would like to know where the money for this is coming from now and feel it better to be a cost incurred by the hotels in the beach	7/18/2019 11:34 AM
94	Property taxes are already too high, squeezing the elderly on fixed incomes	7/18/2019 7:18 AM
95	Property taxes are already high. Are you collecting sufficient impact fees on all the new developments to offset expenses?	7/18/2019 5:54 AM
96	That is part of what property taxes are for!	7/18/2019 5:53 AM
97	A fee in a reasonable amount would be acceptable. But if the city needs income to support primary services, then revenue should come from ad valorem taxes.	7/18/2019 5:17 AM
98	isnt that what our taxes are for??	7/18/2019 4:25 AM
99	Tripling the cost is a bit ridiculous. Is it time to change companies? Have you considered changing the recycling containers to larger ones with lids in order for more recycling to take place? Most of it blows away	7/17/2019 3:53 PM
100	I might forego recycling if you are to add another charge/fee.	7/17/2019 1:02 PM
101	Fees for commercial properties like hotels, restaurants, etc., should be higher, since they have more frequent collections.	7/17/2019 11:28 AM
102	Would this be in our taxes or a monthly fee. Also, hope you improve the service or I would say not willing. I pay a hell of a lot of tax on my little 1200sqft home. Every where I have ever lived in SJC yard waste was picked up automatically. Mine sat there for 3 weeks before I decided they weren't just missing it they were passing it by. Have NEVER had to call for yard waste? ielimbs, trees etc. could not believe they would pick up neighbors and by pass mine and 3 or 4 others. I finally got to where I would call on everyone on the block.	7/17/2019 9:39 AM
103	I would like to see a large recycle can to be provided. I don't mind paying for good and consistent services. We have never been let down by our city workers.	7/17/2019 9:30 AM
104	If this plan passes would we get a tax reduction for a fee that the city no longer has to pay ??	7/17/2019 8:07 AM
105	Public works does an excellent job, we have hands down the best trash collection service in the state. I've lived in several locations in this state and country, i've never had more efficient service than I do in SAB. If there is a fee that must be assessed to continue this level of service support it.	7/17/2019 6:41 AM
106	I support a fee as long as it includes the continuation of a comprehensive recycling program	7/17/2019 6:20 AM
107	This fee will be defeating the purpose of our homestead law hurting all retirees and elderly persons	7/17/2019 4:12 AM
108	We already pay an additional fee. City taxes are higher than that of the county itself. I have doubts whether the recyclables being collected are actually being recycled.	7/16/2019 6:39 PM

Residential Solid Waste

109	I'm not sure that I understand if I as the property owner would be taking over paying for the disposal of my residential waste and recycling, or if I would be paying an extra fee on top of what the city is already paying. If it's an extra fee, I'm ok with paying more, but not necessarily if it is for the exact same services. Is it a one time fee of \$230? An annual fee?	7/16/2019 6:21 PM
110	rent is high enough, and it would go up to cover the cost.	7/16/2019 2:52 PM
111	I would gladly support paying a fee if we can be assured that the recycling is actually being recycled and that we be able to recycle a lot of different materials. I'd also like to see composting happen here. It's done in the Pacific Northwest and we were surprised at how little landfill waste we had at the end of a three week stay there.	7/16/2019 1:52 PM
112	Consider picking up waste and recycling on the same day if they are ultimately ending up in the same place (current data shows this happening with China refusing to buy our recycling). Provide more information on where the funds are currently coming from to pay for waste pickup that offsets the current fee imposed on residents.	7/16/2019 1:31 PM
113	I'd like to see you make the tourists in current at least a portion of this fee through additional taxes on hotels and short-term rentals.	7/16/2019 1:13 PM

Chapter 10

GARBAGE AND TRASH*

Article I. In General

- Sec. 10-1. Definitions.
- Sec. 10-2. Containers—Generally.
- Sec. 10-3. Placement.
- Sec. 10-4. Residential waste.
- Sec. 10-5. Prohibited practices.
- Sec. 10-6. Authority.
- Sec. 10-7. Investigation—Hearings.
- Sec. 10-8. Revocation of contracts.
- Sec. 10-9. Appeals.
- Sec. 10-10. Prohibition on garbage collection business.
- Sec. 10-11. Penalty.
- Sec. 10-12. Recycling containers and recyclable material.
- Sec. 10-13. Commercial waste.
- Sec. 10-14. Enforcement of payment of service charges.
- Sec. 10-15. Owner to be responsible for compliance with Code.
- Secs. 10-16—10-99. Reserved.

Article II. Solid Waste Non-Ad Valorem Special Assessment

- Sec. 10-100. Need for special assessment.
- Sec. 10-101. Properties subject to the special assessment.
- Sec. 10-102. Annual certification.
- Sec. 10-103. Interlocal agreement.

***Editor's note**—Ord. No. 15-09, § 1, adopted Dec. 7, 2015, repealed ch. 10, §§ 10-1—10-15, 10-100—10-104, and enacted a new ch. 10 as herein set out. Former ch. 10, pertained to similar subject matter. See the Code Comparative Table for a complete derivation.

State law reference—Municipal Home Rule Powers Act, F.S. § 166.011 et seq.

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial service premises means a service premises used primarily for any business or commercial use; and shall include apartment buildings or complexes having more than five (5) dwelling units, condominiums having more than five (5) dwelling units, motels, hotels, and any property owned by any governmental entity.

Commercial trash area means any area used for accumulation of trash generated by any business, whether or not deposited in a container, which area is not enclosed within a building.

Commercial waste receptacle shall mean a receptacle larger than the standard waste receptacle, such as a waste cart, intended for use by a commercial or multifamily establishment or structure, designed to be emptied into a city-owned refuse truck using semi-automated equipment, and as approved by the public works director.

Construction debris means the debris generated by construction, remodeling, or demolition of buildings, structures and/or improvements to real property.

Contractor means any person who shall hold a franchise or contract with the city for the collection of any type of solid waste within the city.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, and dealing in or storage of meats, fish, fowl, fruits or vegetables, and any other matter of any nature whatsoever which is subject to decay and generates noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects, and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

Garbage dumpster means and includes any factory-built, leakproof, steel or aluminum commercial bulk container designed or intended to be mechanically hoisted and dumped into a specially equipped truck. It shall include a roll-off container.

Garden trash means every refuse accumulation of grass or shrubbery cuttings, and other refuse attending the care of lawns, shrubbery, vines, trees and tree limbs.

Hazardous waste means that waste, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly accumulated, transported, disposed of, stored, treated, or otherwise managed. It shall also include "hazardous waste" as such term may be defined from time to time within the Florida Administrative Code in the rules pertaining to hazardous waste, or by federal law, rule or regulation. It shall also include "biohazardous waste", meaning that waste which may cause disease or reasonably may be suspected of harboring pathogenic organisms and shall include but not be limited to waste resulting from the operation of medical and veterinary offices and clinics, hospitals, and other facilities producing waste which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves. It shall also include "biohazardous waste" as such term may be defined from time to time within the Florida Administrative Code in the rules pertaining to biohazardous waste, or by federal law, rule or regulation.

Improved real property means land within the city upon which there is a building for which a certificate of occupancy has been issued, or upon which there is a building which is or has previously been used or occupied, either for residential or commercial usage, or a combination usage, or

upon which any building is located for which application for a certificate of occupancy has been filed with the city.

Land clearing means the removal and disposition of trees, shrubs, or any other objects in order to make land suitable for another activity or improvements. Land clearing shall not mean maintenance removal of trees and shrubs from improved real property.

Owner means a person owning, occupying or leasing any premises coming under the terms of this chapter.

Recycling container means a plastic or other city approved receptacle used to separate paper, glass, plastic, cans, bottles, or other materials for the recycling system.

Recyclable material means solid waste such as paper, glass, plastic, cans, bottles, or other materials which are collected separately from other solid waste.

Recycling system means a city approved system of reusing, recovering or treating recyclable material. It shall include city or county sponsored resource recovery projects, solid waste composting projects, solid waste incinerator systems, treatment systems, and/or other such systems and projects as may exist from time to time.

Residential service premises means a service premises used as a residence or dwelling unit by one (1) or more human beings; but shall not include apartment building or complexes having more than five (5) dwelling units, condominiums having more than five (5) dwelling units, motels and hotels.

Rubbish means every accumulation of waste material of a relatively small or lightweight nature other than garbage and trash such as, but not necessarily limited to, paper, sweepings, dust, rags, bottles, cans, or other such wastes. Rubbish shall not include special waste, white goods, sludge, construction debris, hazardous waste, and debris from land clearing.

Service premises means improved real property that: (a) generates solid waste, (b) has a street address to which mail is deliverable by the United States Postal Service, and (c) is eligible to

receive waste collection service by the city or its contractor according to such additional criteria, if any, as the city commission shall adopt from time to time by ordinance or resolution of the city commission. If a list of service premises is established and approved by resolution of the city commission at any time, then the city manager shall have authority to make additions or deletions to such list according to the requirements contained in chapter 10 of the city code and any resolutions of the city commission.

Sludge means any substance that contains any of the waste products or other discharges from a water treatment plant, sewage disposal system facility, septic tank, grease trap, portable toilets and related operations.

Solid waste means garbage, rubbish, sludge, special waste, trash, white goods, hazardous waste, debris from land clearing, construction debris, and other discarded or discharged solid or semisolid materials, including but not limited to any debris from any source. It shall also mean wrecked vehicles and boats, and junk of any kind resulting from domestic, residential, commercial, and governmental operations.

Special waste means that waste that requires special management, including lead-acid batteries, tires, waste oil, dead animals, and all other solid waste requiring special management, except the following: garbage, rubbish, trash, white goods, hazardous waste, sludge, debris from land clearing, construction debris, and wrecked vehicles and boats.

Trash means rugs, mattresses, furniture, small appliances, bicycles, tools, automobile parts of a commonly replaceable nature, including but not limited to, spark plugs, brake shoes, filters, hoses, belts, shock absorbers and mufflers, and comparable materials, and garden trash. Trash shall include scraps and other small amounts of building materials, including lumber and other wood products, plaster, wallboard, tile and shingles, and other similar small items wasted in the minor maintenance of the service premises. Trash does not include special waste.

Waste materials means sand, wood, stone, brick, cement, concrete, roofing and other refuse

building materials attending the construction, alteration, repair or demolition of buildings or other structures. Also, trees, tree limbs, tree trunks and tree stumps.

Waste receptacle means and includes any light gauge steel, plastic, or galvanized receptacle of a nonabsorbent material, closed at one (1) end and open at the other, furnished with a closely fitted top or lid and two (2) handles and of not more than thirty-two (32) gallons capacity. A waste receptacle may also include a heavy duty, securely tied, plastic bag, not exceeding thirty-two (32) gallons capacity, designed for use as a garbage, rubbish or trash receptacle. It shall not include a garbage dumpster.

Waste cart means a wheeled plastic container with a volume of sixty-five (65) or ninety-five (95) gallons with a hinged lid and integral metal lifting bar, designed and/or intended to be placed at the curb by the customer and capable of being manually aligned to the collection truck by the city collector and mechanically dumped using semi-automated equipment.

White goods means inoperative and discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

Yard; front, side and rear are defined in section 2.00.00 of appendix A to the St. Augustine Beach City Code.
(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-2. Containers—generally.

(a) It shall be the duty of all owners of residences, businesses, professional offices, stores, shops, restaurants, hotels, boarding houses, apartment houses or other establishments in the city, to supply each of such establishments with sufficient waste receptacles or waste carts.

(b) Waste receptacles or waste carts shall be kept in a place easily accessible to the city manager or the city's health inspector and shall be subject to inspection and approval of condition by the city manager or said inspector. The city manager or health inspector shall have the

power and right to demand replacements, if, in his opinion, it be necessary in the interest of the health and safety of the people.

(c) All garbage, rubbish, and trash suitable for containerization shall be deposited in waste receptacles or waste carts marked and placed as from time to time required by the regulation of the city manager, provided that garbage and rubbish shall not be placed together with trash in the same waste receptacle or waste carts. The regulation to be adopted by the city manager will provide for the convenient identification by city garbage and trash drivers and collectors of the ownership of the receptacles or carts.
(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-3. Placement.

(a) No waste receptacle, waste cart, garbage dumpster, commercial trash area, or uncontainerized trash, excluding garden trash, shall be kept or maintained upon or adjacent to any public thoroughfare, public sidewalk, parkway, front yard, side yard, or in any place within the view of persons using any public thoroughfare or public sidewalk in the city, except that:

- (1) Not earlier than 12:00 noon of the day preceding that upon which garbage, rubbish, and containerized trash collections are customarily made from such premises, waste receptacles or waste carts containing such garbage, rubbish or trash shall be placed within five (5) feet of the street or alley for the purpose of permitting the collection of garbage, rubbish, and trash therefrom; such waste receptacles or waste carts shall be permitted to remain in such places only for and during the period of the day upon which such collection was made.
- (2) No more than twenty-four (24) hours before the day upon which uncontainerized trash collections are customarily made from such premises, trash not contained in a waste receptacle or waste cart, excluding garden trash, shall be deposited within five (5) feet of the street or alley upon the premises of the person by whom such accumulation is made, or

where such premises are located upon a used alley, at a point easily accessible to and readily noticeable from such alley for the collection of uncontainerized trash from the premises; such uncontainerized trash shall be permitted to remain in such places only for and during the period of the day upon which such collection was made.

- (3) Waste receptacles or waste carts placed on commercial property solely for the convenience of customers, and not used for deposit or storage of garbage, rubbish or trash generated by the business, may be located within the view of persons using the public thoroughfares or public sidewalks.
- (4) Not earlier than 12:00 noon of the day preceding that upon which white goods or special waste collections are customarily made from such premises, such white goods or special waste shall be placed within five (5) feet of the street or alley for the purpose of permitting the collection of the same; such white goods or special waste shall be permitted to remain in such place only for and during the period of the day upon which such collection was made.
- (5) Any container that is allowed to remain at curbside or roadside at times other than those permitted by this section, and any container other than the assigned cart, that has become damaged or deteriorated, may be impounded by the city. The owner of any such container so impounded shall be notified immediately in writing by the city by mail to the address where picked up or by placing a notice thereof in a conspicuous place on such premises, or both. The owner may redeem such impounded containers within thirty (30) days after the same are impounded by the city by paying the charges in accordance with the schedule set out in appendix A. Any container not redeemed within the thirty-day period may be used by the city in any manner as the city may determine in furtherance of

the waste control program or may be sold to the highest bidder at a noticed public sale for cash, which cash shall be deposited in the general fund of the city.

(b) A garbage dumpster or commercial trash area is permissible only if totally blocked from the view of persons using any public thoroughfare or public sidewalk by a building, landscaping or fence. Such fence shall not be less than six (6) feet or more than eight (8) feet in height, measured from ground level. The minimum setback distance for a fence shall be ten (10) feet in the front yard, five (5) feet in the side yard, and five (5) feet in the rear yard. Such fence and any gate must be so constructed as to prevent any trash or its container from being visible to persons using the public thoroughfare or public sidewalks. The maximum space allowable between slats or pickets of a wooden fence or gate is three-quarters ($\frac{3}{4}$) of an inch. The fence may also be constructed of brick or masonry. All fencing shall require a building permit in accordance with the standard building code prior to construction. Other construction materials must be approved by the planning and zoning board. Landscaping must be of sufficient height, width, and density to totally block the view of the garbage dumpster or commercial trash area from the view of persons using any public thoroughfare, public sidewalk, or adjacent property and must be maintained by the owner of the property. The sufficiency of the fence or landscaping shall be determined by the city building official. The minimum distance from any garbage dumpster or commercial trash area shall be fifteen (15) feet from the boundary of any adjacent residential or multi-family zoned property.

(c) A fence constructed to enclose a garbage dumpster or commercial trash area, with such fence being no greater in circumference than the minimum size necessary to enclose the garbage dumpster or commercial trash area, shall not be subject to the height requirements of section 7.01.03C. of appendix A to the St. Augustine Beach Code.

(d) Garbage dumpsters or other trash containers located on property owned by the city or St. Johns County and placed thereon with consent of the city or St. Johns County, shall be exempt from the requirements of this section.

(e) The owner of the premises upon which, or adjacent to which, a violation of this section occurs shall be responsible for such violation. In the event of a violation of this section, for the first violation in a calendar year the property owner shall receive a written warning, as well as a copy of this ordinance [Ord. No. 01-03]. Subsequent violations shall result in a fifty-dollar (\$50.00) charge for continued trash and garbage service. In all cases, there shall be an additional late charge if the fee is not paid within thirty (30) days of the notice date, or in the event an appeal is filed and denied, within thirty (30) days of the mailing of the denial notice. The late charge shall be ten (10) percent of the amount due. These fees and charges shall constitute a lien on the property. The official records of the city manager shall constitute notice of the pendency of such lien. Notice of the existence of and reason for such a lien shall be mailed to the property owner's last known address and the city manager shall be authorized to record a copy thereof with the clerk of the circuit court of St. Johns County, Florida, in the event that notice of protest shall not be received within thirty (30) days from the date of mailing. In the event of notice of protest is received within such thirty (30) days the city manager shall schedule the protest for hearing before the city commission for determination of the validity of such lien and furnish the owner with notice of the time and place of hearing. In addition to the fine provided in this section, the general penalty and additional remedies prescribed in section 1-9 of the St. Augustine Beach Code shall apply to any violation of this section.

(f) This section shall take effect upon its passage. Any garbage dumpster or commercial trash area which is not presently blocked from view in accordance with the requirements of this section shall be brought into compliance within ninety (90) days from passage of this section. (Ord. No. 15-09, § I, 12-7-15)

Sec. 10-4. Residential waste.

(a) The quantities of garbage, rubbish, trash, white goods, and recyclable material which a service premises consisting of a single family

residence may place for collection by the city shall be subject to the following maximum limits:

- (1) Five (5) thirty-two-gallon waste receptacles of garbage and rubbish with a maximum weight limit of forty (40) pounds for once a week pickup;
- (2) Two (2) sixty-five-gallon or ninety-five-gallon waste carts of garbage and rubbish for once a week pickup.
- (3) Two (2) cubic yards of uncontainerized garden trash with no item over forty (40) pounds or a length greater than four (4) feet, for each once a week pickup. Such waste shall be neatly stacked in an area accessible for collection with no overhead obstructions, not placed on top of storm drains, and/or adjacent to or on top of fire hydrants, mail boxes, electrical transformers or communication risers (pedestals);
- (4) Any quantity of garden trash capable of being placed into a container shall be placed in containers with substantial strength enough to support and hold the weight of the waste, whether by use of cardboard boxes, plastic bags or thirty-two-gallon trash cans, with a maximum weight limit of forty (40) pounds;
- (5) Privately employed tree trimmers, tree surgeons, landscape contractors, lawn maintenance service providers and operators of tree and shrubbery maintenance services and other like services who receive a fee shall remove all trash and debris from the premises on which they are working, including but not limited to, limbs, tree trunks, roots, shrubbery, grass clippings, bulky yard and vegetative wastes and other debris resulting from their work and dispose of it in the proper manner. No lawn trash or grass clippings shall be left on the paved street abutting the property or on adjacent property. Bulky yard or vegetative waste shall not be placed in carts or bulk refuse containers.

- (6) Two (2) items of white goods for each once a week pickup, provided that no more than ten (10) such items shall be collected in a calendar year; and
- (7) Two (2) recycling containers holding recyclable material for each once a week pickup.
- (8) Two (2) cubic yards of residential construction debris, if generated by the home occupant with a valid building permit if such a permit is required, is to be collected from each residential unit once per week. (Construction debris generated by a contractor shall not be collected by the city and the contractor shall be responsible for disposal regardless of whether the waste is residential or commercial.)

(b) The owner or owners of a residential service premises consisting of two (2) to five (5) dwelling units shall be allowed to place for collection the maximum quantities provided in subsection (a) for each dwelling unit.

(c) The owner or owners of a service premises consisting of a condominium having six (6) or more dwelling units, or of an apartment building having six (6) or more dwelling units, shall be allowed to place for collection the maximum quantities provided in subsection (a) for each dwelling unit provided such condominium or apartment building is eligible to receive service under subsection (d). It shall be the responsibility of the owner or unit owners association of every such condominium or apartment building to give written notice to the city by June 1 of each year whether it does or does not desire the city to furnish waste collection and disposal service from October 1 to September 30 of the following year.

(d) A condominium having six (6) or more dwelling units, or an apartment building having six (6) or more dwelling units, shall be eligible to receive solid waste collection and disposal service by the city provided that:

- (1) Such condominium or apartment building is assessed the annual special assessment imposed by the City of St. Augustine Beach in accordance with article II of

this chapter and applicable city ordinances in respect to the time period service is to be provided by the city; or

- (2) The owner or unit owners association of such condominium or apartment building pays quarterly in advance of collection to the city the waste disposal service charge as determined by the city manager based on the then current special assessment levied by the City of St. Augustine Beach on a dwelling unit multiplied by the number of dwelling units in such condominium or apartment building. The charge shall be prorated for the time from commencement of service until the disposal cost is paid by the special assessment; or

- (3) The owner or unit owners association of such condominium or apartment building pays quarterly in advance of collection to the city and the waste disposal service charge as determined by the city manager based on treating such condominium or apartment building as a commercial service premises and paying a service charge in accordance with section 10-13.

- (4) The options provided in paragraphs (2) and (3) of this subsection (d) shall terminate when disposal costs can be paid by the annual special assessment imposed by the City of St. Augustine Beach in accordance with article II of this chapter and applicable city ordinances.

(e) This section does not prohibit an owner from placing for collection garbage, rubbish, trash, white goods, and recyclable material in excess of the maximum quantities provided under subsection (a) when the city has previously agreed with the owner to collect such excess quantities.

(f) The city will not collect residential waste contained in a garbage dumpster from any service premises.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-5. Prohibited practices.

- (a) It is unlawful for any person:
- (1) To deposit on or bury in, or cause to be deposited on or buried in, any land, public square, street, alley, vacant lot or unoccupied lot, any lake, creek, watercourse, or ditch, within the city, any solid waste or noxious, malodorous, or offensive matter.
 - (2) To deposit or place in, or cause to be deposited or placed in, a waste receptacle or waste cart containing garbage or rubbish, any materials other than garbage and rubbish;
 - (3) To deposit or place in, or cause to be deposited or placed in, a waste receptacle or waste cart containing trash, any materials other than trash;
 - (4) To fail or neglect to keep, or cause to be kept, clean, sanitary, tightly covered, free from vile and noxious odors, and in good state of repair, all waste receptacles and waste carts;
 - (5) To use or supply waste receptacles or waste carts other than those defined and provided for in this chapter;
 - (6) To deposit any garden trash upon any adjoining lot or premises, whether vacant or improved, occupied or unoccupied, or upon any other lot or premises, storm drain or street, alley or park, or in any canal or waterway, lake or pool.
 - (7) To burn any solid waste within the city limits without first obtaining a permit to do so from the city manager.
 - (8) To deposit any hazardous waste as defined by this chapter and/or the Florida Statutes, or special wastes such as tires, lead-acid batteries, waste oil, paint, etc. in any waste receptacle, waste cart or bulk refuse container.
 - (9) To dispose of any solid waste not generated within the city limits.

(b) It is unlawful for any person to permit a violation of subsection (a) to be done.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-6. Authority.

The city commission shall have authority to enter into one (1) or more franchises or contracts with any person or persons for the exclusive or nonexclusive collection, transportation, and disposal of solid waste generated by any premises within the city, and upon such terms and conditions as the city commission may determine to be in the public interest.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-7. Investigation—Hearings.

The city commission shall have the power to investigate the quality of service of contractors, and their compliance with any franchise or contract, or with city, county, state and federal laws, rules, regulations and ordinances, and may hold hearings, and enter such orders pertaining to same as shall be in the public interest.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-8. Revocation of contracts.

(a) Any franchise or contract issued under this chapter may be revoked by the city commission if the contractor:

- (1) Refuses to comply with any lawful order of the city commission entered after a public hearing that pertains to the franchise or contract, or this chapter or any resolution of the city commission passed pursuant thereto.
- (2) Charges or collects any rate, fee or charge not provided for in the franchise or contract or in excess of an amount authorized by the city commission.
- (3) Violates or fails to comply with any provision of the city code or any resolutions passed pursuant thereto, relating to the collection, transportation, or disposal of solid waste, or violates the provisions of the franchise or contract, or

any county, state, or federal law, rule, regulation or ordinance relating to the collection and disposal of solid waste.

- (4) Fails to submit any report or information required under the franchise or contract.
- (5) Abandons, fails or refuses to perform the services required under the franchise or contract.

(b) If the city commission or city manager deems a contractor to be in violation of its franchise or contract, or in violation of this chapter 10 or a resolution passed thereunder, the city manager shall notify the contractor by certified mail of the reasons why the contractor is considered to be in violation and shall provide ten (10) days or such other reasonable time for the contractor to comply with the terms of the franchise or contract. Failure by the contractor to comply in the specified time will result in a hearing before the city commission. The contractor shall be given at least ten (10) days' prior notice of the hearing. The city commission, at or subsequent to said hearing, may, at its option and for good cause, adopt a resolution terminating the franchise or contract or requiring the contractor within a time certain to perform the tasks necessary to comply with the terms of the franchise or contract. The city commission shall specify the grounds considered by the city commission for its action.

(c) Notwithstanding the above, if by reason of force majeure, acts of God, or other such catastrophic unavoidable circumstance, a contractor is unable to comply with its obligations under its franchise or contract, such failure shall not be grounds for revocation of the franchise or contract provided that the cause for such noncompliance is capable of being fixed, remedied and corrected within a reasonable time and provided further that the contractor timely commences and proceeds with all actions reasonably necessary to comply with its obligations.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-9. Appeals.

Appeals from final orders and decisions rendered by the city commission after hearings as provided in or pursuant to this chapter, shall

be by timely certiorari to the circuit court in accordance with applicable Florida Rules of Appellate Procedure.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-10. Prohibition on garbage collection business.

It shall be unlawful for any person, not holding a valid franchise, contract, or other authority issued by the city commission, to engage in the business of, or to receive pay or consideration for, the collection of garbage and rubbish generated by residential or commercial service premises within the city.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-11. Penalty.

Any person violating any of the provisions of this Chapter 10 shall be subject to the general penalty provided under section 1-9 of the St. Augustine Beach City Code, in addition to being subject to any penalties provided for under the terms of this chapter 10. Additionally, and not in lieu of the general penalty, the provisions of sections 10-3, 10-5, and 10-14 of this chapter may be enforced by the building and zoning department before the municipal code enforcement board which is specifically authorized to hear violations of such sections.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-12. Recycling containers and recyclable material.

(a) Upon the placement of a recycling container holding recyclable material upon the city right-of-way, or at any other location from which collection is customarily made by the city, the recyclable material shall become the property of the city.

(b) The assignment of a recycling container to a person shall permit such person to use the recycling container only for the holding of recyclable material, and for no other purpose. Upon such assignment, the city shall remain the owner of the recycling container, and the person receiving the recycling container shall be responsible to use the same only in the recycling program, and to return the recycling container to

the city upon request. A recycling container shall not be removed by a person from the property to which it has been assigned.

(c) It is unlawful for any person:

- (1) To remove material of any kind from any recycling container which is placed upon the city's right-of-way, or at any other location from which the city customarily collects recyclable material, unless such person is an authorized employee or agent of the city doing so as part of the recycling program; or
- (2) To intentionally misuse, damage, or destroy a recycling container; or
- (3) To obtain or use, or endeavor to obtain or to use, a recycling container with intent to, either temporarily or permanently:
 - a. Deprive the city thereof; or
 - b. Appropriate a recycling container to his own use or to the use of any person not entitled thereto.

(d) Nothing in this section shall limit the right of any person to donate, sell, or otherwise dispose of the recyclable material generated by such person.

(e) The city's police department shall have the authority to enforce the provisions of this section. This authority shall be in addition to the authority granted to police officers pursuant to the city charter and ordinances.

(f) Any person who violates any of the provisions of this section 10-12 shall be subject to the penalty provided under section 10-11 of the St. Augustine Beach City Code.

(g) Each commercial service premises shall be entitled to a single eighteen-gallon container collected once per week. Commercial service premises desiring to recycle beyond the base amount shall be charged the actual costs, including administrative costs, incurred by the city. The number and size of recycling containers in excess of the single eighteen-gallon container base shall be established by the commercial

service premises prior to October 1 of each year and shall not be altered, except to permanently stop recycling, for the ensuring fiscal year. (Ord. No. 15-09, § I, 12-7-15)

Sec. 10-13. Commercial waste.

(a) Every commercial service premises, including but not limited to hotels and motels, shall pay to the city for the disposal of waste collected by the city, or the availability of such service, the service charges provided in this section. However, this section shall apply to condominiums and apartment buildings only if payment of the waste disposal service charge is made under subsection (d)(3) of section 10-4. In the instance of commercial service premises not utilizing a commercial garbage dumpster, which do not actually utilize city waste collection services in any month, the charge for the availability of such service shall be equal to the amount charged by the city for four (4) "equivalent containers" during such month.

(b) Equivalent containers; collection.

(1) For the disposal of garbage, rubbish, and trash contained in thirty-two-gallon waste receptacles holding no more than forty (40) pounds of waste ("equivalent containers") as designated pursuant to subsection (2) hereof, excluding garden trash, each commercial service premises shall pay a monthly charge for each equivalent container collected in the preceding month as determined pursuant to subsection (h) hereof.

(2) The owner of a commercial service premises may elect, as provided in subsection (g) hereof, on a form designated by the city manager to exempt the commercial service establishment from collection by the city provided that a commercial garbage dumpster is used. Should a commercial service premises regularly exceed six (6) equivalent containers on the city's regular collection schedule, the city manager may require the owner of such commercial service premises to provide for contracted dumpster service.

(c) The quantity of garbage, rubbish, trash, white goods and recyclable material which a commercial service premises may place for collection by the city is subject to the same maximum limits provided for a single-family residence under subsection 10-4(a). However, the only type of uncontainerized trash which will be collected from a commercial service premises is garden trash.

(d) This section does not prohibit an owner from placing for collection garbage, rubbish, trash, white goods, and recyclable material in excess of the maximum quantities provided under subsection (c) when the city has previously agreed with the owner to collect such excess quantities.

(e) The city will not collect commercial waste contained in a garbage dumpster from any service premises.

(f) The service charges provided in subsection (b) shall be due and by the end of the calendar month in which the invoice for such services is rendered and shall be regarded as delinquent thereafter.

(g) A commercial service premises may be exempted from payment of the service charges upon written notice delivered to the office of the city manager, stating that the owner elects not to receive any waste collection and disposal service from the city, provided the owner furnishes evidence of a contract for dumpster service. It shall be a violation of this Code punishable as provided in section 10-11 hereof to collect dumpster garbage and trash between the hours of 7:00 p.m. of any day and 7:00 a.m. of the ensuing day.

(h) The city manager is hereby authorized, from time to time, to determine the cost to the city for the utilization of landfills owned by St. Johns County and to promulgate waste disposal service charges for each equivalent container to be charged pursuant to subsection (b) hereof in accordance with such costs. Such charges shall become effective as of the beginning of the next ensuing fiscal quarter after a copy thereof has been furnished to the city commission, unless

the city commission shall, by ordinance, provide some other fee or charge or direct that no charge be made.

(i) Commercial garden trash collection shall be provided to each commercial service premises once per week and be subject to the same rules governing the collection of uncontainerized and containerized residential garden trash waste. The amount charged by the city for such collection shall be set by resolution.

(j) Two (2) cubic yards of commercial construction debris, if generated by the business occupant with a valid building permit if such a permit is required, is to be collected from each commercial service premises once per week. (Construction debris generated by a contractor shall not be collected by the city and the contractor shall be responsible for disposal regardless of whether the waste is residential or commercial.)

(k) Collection of garbage and refuse for commercial service premises may be permitted in excess of one (1) day per week on a subscription basis. Commercial service premises shall pay an additional fee for each additional collection day plus the standard disposal costs as required with basic collection services. Commercial service premises may have up to three (3) additional collection days per week, provided an application for such service is made to the city and the city manager or his designee determines the public works department has capacity to provide the additional service. No garbage or refuse will be collected on Wednesdays or weekends. Fees for the additional collection services shall be set from time to time by resolution of the city commission. Fees for disposal of the additional collection services shall be as set by agreement between the city and the county.

(l) In lieu of receiving garbage collection service from the city, commercial service businesses may contract with a private hauler for garbage and refuse collection services provided the hauler is duly franchised and authorized to collect garbage within the city
(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-14. Enforcement of payment of service charges.

(a) The owner of each service premises shall be liable to the city for the amount of service charges provided by sections 10-4 and 10-13. The city shall bill the owner of the service premises, unless the service premises is leased and the owner guarantees in writing payment of the service charges by the tenant. If the tenant shall fail to pay any service charges billed to him, the tenant and the owner shall be jointly and severally liable to the city for payment of the service charges.

(b) In the event an owner or tenant of any service premises fails to pay the amount due the city under section 10-4 or 10-13, by the end of the month in which the invoice for commercial waste service is rendered, there shall be added thereto a late charge of the greater of ten (10) percent of such invoice or five dollars (\$5.00). If such invoice, shall not be paid within thirty (30) days thereafter the amount of such service charges including late fees shall double and if not paid within sixty (60) days the city may enforce the collection of the service charge by imposing a lien on the real property involved by filing a civil action against the owner and/or the tenant for the amount due the city, including the city's attorney's fees in bringing the action, or by ceasing further waste collection service, or by all of said remedies, including enforcement before the local code enforcement board with each day of non-payment constituting a separate violation.

(c) If the service charge for a service premises is not paid within ninety (90) days after the due date, the city may forthwith impose a lien upon the service premises. The city manager is authorized to file a notice of lien in the official records maintained by the Office of the Clerk of the Court of St. Johns County, Florida. Said notice shall identify the owner of the service premises, describe the property upon which the lien is claimed, and the amount of the lien. The amount of the lien shall be equal to the sum of the service charges past due, costs incident to recording the lien, and the city's attorney fees.

(d) Any lien described in this section may be enforced and collected as provided by the laws of Florida, or may be enforced in equity in the manner provided by the laws of Florida for the enforcement of mortgage liens. The owner shall be responsible for all attorney's fees and costs incurred by the city in any action to enforce the lien. Such attorney fees and costs shall be added to the amount of the lien.

(e) If any person pays the service charges after the filing of a notice of lien in the official records, the person shall also pay to the city the fees charged by the office of the clerk of the court for recording the notice of lien and a satisfaction of the lien.

(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-15. Owner to be responsible for compliance with Code.

Every owner remains liable for violations of responsibilities imposed upon an owner by this article even though an obligation is also imposed on the occupant of the premises and even though the owner has by agreement imposed on the occupant the duty of maintaining the premises or furnishing required refuse containers and collection.

(Ord. No. 15-09, § I, 12-7-15)

Secs. 10-16—10-99. Reserved.

ARTICLE II. SOLID WASTE NON-AD VALOREM SPECIAL ASSESSMENT

Sec. 10-100. Need for special assessment.

The special assessment shall provide for the disposal of solid waste and is necessary in order to fund a comprehensive, coordinated, economical and efficient program for the disposal of solid waste within the corporate limits of the City of St. Augustine Beach. In the event it may be deemed necessary due to changes in the interlocal agreement between St. Johns County and the City of St. Augustine Beach for solid waste disposal services, or other costs pertaining to city's solid waste operations including collection and recycling, are found to exceed the revenues

generated by the special assessment, the city may expand the assessment and the application of the revenues for such purpose.
(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-101. Properties subject to the special assessment.

Within the City of St. Augustine Beach, the levy and collection of the annual special assessment shall apply to all properties within the incorporated area of the City of St. Augustine Beach as legally described in section 1-2 of article I of the Charter of the City of St. Augustine Beach and in official documents in the possession of the city clerk as amended from time to time.
(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-102. Annual certification.

(a) By June 1, 1992, the office of the city manager shall certify to the county property appraiser and county administrator a list of all properties within the city subject to the special assessment at any time after the adoption of this section and prior to the date of certification.

(b) Annually by June 1 of each year thereafter, the office of the city manager shall certify to the county property appraiser and county administrator a list of all properties within the city subject to the special assessment at any time subsequent to the last annual certification and prior to the date of the then current certification.

(c) The office of the city manager shall not include in the list under subsections (a) or (b) above any properties subject to the special assessment based on any list prepared by the county property appraiser or the county in accordance with applicable county ordinances or state law.
(Ord. No. 15-09, § I, 12-7-15)

Sec. 10-103. Interlocal agreement.

The city commission is authorized to enter into an interlocal agreement with St. Johns County in connection herewith.
(Ord. No. 15-09, § I, 12-7-15)

SOLID WASTE DISCLOSURE CALCULATION

FY18

Form 1

Personnel Services*		75.00%	25.00%
		Collection	Disposal
Wages	226,940.99	170,205.74	56,735.25
Overtime	7,470.59	5,602.94	1,867.65
Sick Pay Incentive	846.73	635.05	211.68
FICA	16,251.25	12,188.44	4,062.81
FRS	23,042.87	17,282.15	5,760.72
Life/Health Insurance	73,526.72	55,145.04	18,381.68
Workers Comp	26,960.19	20,220.14	6,740.05
	<u>375,039.34</u>	<u>281,279.51</u>	<u>93,759.84</u>

Form 2

			75%	25%	
			Collection	Disposal	
001-3400-534-3400	Garbage-Other Contractual Services	114,516.16	16,492.88	8,880.78	(Less costs of Advanced Disposal Recycling 89,142.50)
001-3400-534-4100	Garbage-Telephone	4,312.21	3,234.16	1,078.05	
001-3400-534-4310	Garbage-Electricity	1,282.06	961.55	320.52	
001-3400-534-4320	Garbage-Water	716.80	537.60	179.20	
001-3400-534-4430	Garbage-Equipment Leases	441.82	331.37	110.46	
001-3400-534-4510	Garbage-Liability Insurance	1,179.34	884.51	294.84	
001-3400-534-4520	Garbage-Building/Property Insurance	3,887.91	2,915.93	971.98	
001-3400-534-4620	Garbage-Equipment Maintenance & Repair	568.21	426.16	142.05	
001-3400-534-4630	Garbage-Vehicle Repair & Maintenance	46,983.66	35,237.75	11,745.92	
001-3400-534-4890	Garbage-Advertising	289.71	217.28	72.43	
001-3400-534-4940	Garbage-Solid Waste Disposal	192,696.28	-	192,696.28	
001-3400-534-5100	Garbage-Office Supplies	113.38	85.04	28.35	
001-3400-534-5210	Garbage-Uniforms	708.61	531.46	177.15	
001-3400-534-5220	Garbage-Fuel, Oil & Lubes	27,406.54	20,554.91	6,851.64	
001-3400-534-5230	Garbage-Small Tools & Equipment	1,628.94	1,221.71	407.24	
001-3400-534-5290	Garbage-Other Operating Supplies	6,065.24	4,548.93	1,516.31	
001-3400-534-5410	Garbage-Publications & Subscriptions	18.18	13.64	4.55	
001-3400-534-5430	Garbage-Training & Education	-	-	-	
		402,815.05	88,194.84	225,477.71	

Form 3**Depreciation**

			Collection	Disposal
	0.29		0.75	0.25
General Government	0.00		-	-
Public Safety	0.00		-	-
Physical Environment	420,354.00	121,902.66	91,427.00	30,475.67
Transportation	0.00		-	-
Culture & Recreation	0.00		-	-
	420,354.00	121,902.66	91,427.00	30,475.67

Form 4

Amorization of Future Outlays

			Collection		Disposal
			75%		25%
		Year Needed			
Garbage Truck	250,000.00	1.00	250,000.00	187,500.00	62,500.00
Garbage Truck	300,000.00	5.00	60,000.00	45,000.00	15,000.00
Pickup Truck	40,000.00	4	10,000.00	7,500.00	2,500.00
			320,000.00	240,000.00	80,000.00

Form 5

Ratio of MSW Employees to Total Local Government Employees

Employees charged to Solid waste	5.51
Total Number of Employees	58
Ratio	<u>0.095</u>

			Collection	Disposal	Recycling
Legislative	87,666.69	0.095	8,328.34	4,580.58	2,748.35
Executive	168,558.98	0.095	16,013.10	8,807.21	5,284.32
Finance/Administration*	686,249.38	0.095	65,193.69	35,856.53	21,513.92
			<u>89,535.13</u>	<u>49,244.32</u>	<u>29,546.59</u>
					10,744.22

Collection Employees	4.13
Disposal Employees	1.38

Summary Form A

		Collection	Disposal	Recycling	
Wages and Benefits	375,039.34	281,279.51	93,759.84	-	
General O & M	402,815.05	88,194.84	225,477.71	145,373.66	
Depreciation	121,902.66	91,427.00	30,475.67	-	
Amortization	320,000.00	240,000.00	80,000.00	-	
Indirect Costs	89,535.13	49,244.32	29,546.59	10,744.22	
		<u>750,145.66</u>	<u>459,259.81</u>	<u>156,117.88</u>	1,365,523.34

**Solid Waste FY 18
Full Cost Acctg**

FY18 Total	\$ 777,854.39
Less: Capital	0.00
Collection, Recycle, Disp Direct	<u>777,854.39</u>

Collection

Solid Waste Collection Wages & Benefits	281,279.51
Solid Waste Collection General Operating	88,194.84
Solid Waste Depreciation	91,427.00
Future Outlays Amorization	240,000.00
Indirect Costs	<u>49,244.32</u>
	750,145.66

Recycling

Solid Waste Recycling Direct	145,373.66
Admin chrgs Indirect	<u>10,744.22</u>
	156,117.88

Disposal

Solid Waste Disposal Wages & Benefits	93,759.84
Solid Waste Disposal General Operating	225,477.71
Depreciation	30,475.67
Future Outlays Amortization	80,000.00
Indirect Costs	<u>29,546.59</u>
	459,259.81

Grand Total	<u><u>\$ 1,365,523.34</u></u>
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Schedule 1**Solid Waste Disposal**

Month	Indianhead Biomass	St Johns County	Hicks	Total
October	1,188.46	12,444.61	-	13,633.07
November	2,120.26	11,485.05	-	13,605.31
December		10,889.50	390.00	11,279.50
January	378.28	13,406.47	660.00	14,444.75
February	377.12	11,743.42	1,950.00	14,070.54
March	271.72	12,188.65	1,110.00	13,570.37
April	320.40	12,495.03	2,010.00	14,825.43
May	123.36	13,280.65	930.00	14,334.01
June	601.29	12,173.53	870.00	13,644.82
July		13,316.70	900.00	14,216.70
August	341.89	11,949.46	1,530.00	13,821.35
September	127.85	10,442.69	990.00	11,560.54
	<hr/> 5,850.63	<hr/> 145,815.76	<hr/> 11,340.00	<hr/> 163,006.39

Schedule 2 Recycling

Date	Residential	Commercial	Total
31-Oct	9,376.60	2,625.14	12,001.74
30-Nov	9,383.52	2,651.18	12,034.70
31-Dec	9,404.28	2,647.72	12,052.00
31-Jan	9,421.58	3,385.22	12,806.80
28-Feb	9,425.04	3,197.84	12,622.88
31-Mar	9,456.18	3,197.84	12,654.02
30-Apr	9,480.40	3,227.34	12,707.74
31-May	9,504.62	2,526.26	12,030.88
30-Jun	9,532.30	2,529.72	12,062.02
31-Jul	8,909.50	2,526.26	11,435.76
31-Aug	8,926.80	2,552.30	11,479.10
30-Sep	8,933.72	2,552.30	11,486.02
	<u>111,754.54</u>	<u>33,619.12</u>	<u>145,373.66</u>

Customers

Oct	2710	44
Nov	2712	44
Dec	2718	44
Jan	2723	44
Feb	2724	38
Mar	2723	44
Apr	2733	38
May	2740	38
Jun	2747	39
Jul	2575	38
Aug	2580	38
Sep	2582	37
	<u>2,688.92</u>	<u>40.50</u>

Schedule 3**Customers**

Residential units	2796
Commercial Customers	<u>184</u>
	2980

Residential	0.9383
Commercial	0.0617

Schedule 7**Residential Vs Commercial**

		0.9383
Residential Solid Waste Collection	750,145.66	703,861.67
Residential Solid Waste Disposal	459,259.81	430,923.48
Residential Solid Waste Recycling	156,117.88	<u>146,485.40</u>
		1,281,270.55
		0.0617
Commercial Solid Waste Collection	750,145.66	46,283.99
Commercial Solid Waste Disposal	459,259.81	28,336.33
Commercial Solid Waste Recycling	34,110.13	<u>2,104.60</u>
		76,724.91

Current Solid Waste Charges

Residential Non-Ad Valorem Assessment-Disposal (Services provided are Trash, Yard Waste, Recycle, Bulk items)	\$74.00/Year	\$6.17/Month
Commercial SW Minimum Service (4 Container Equivalents per month)	\$84.48/Year	\$7.04/Month
Commercial Hand Pickup-Outside Vendor	\$480.00/Year	\$40.00/Month Est.
2 yd Commercial Dumpster Service 1xw (Container will hold approx. 12-32 gal bags)	\$1,140.00/Year	\$95.00/Month Est.

Monthly Per Unit/Commercial User

RESIDENTIAL UNITS:

	<u>Monthly</u>	<u>Annually</u>
MONTHLY COST OF SOLID WASTE COLLECTION	\$20.98	\$251.74
MONTHLY COST OF SOLID WASTE DISPOSAL	\$12.84	\$154.12
<u>MONTHLY COST OF SOLID WASTE RECYCLING</u>	<u>\$4.54</u>	<u>\$54.48</u>
<i>TOTAL</i>	\$38.36	\$460.34

COMMERCIAL USERS:

MONTHLY COST OF SOLID WASTE COLLECTION	\$20.96	\$251.54
MONTHLY COST OF SOLID WASTE DISPOSAL	\$12.83	\$154.00
<u>MONTHLY COST OF SOLID WASTE RECYCLING</u>	<u>\$4.33</u>	<u>\$51.97</u>
<i>TOTAL</i>	\$38.13	\$457.51

SOLID WASTE DISCLOSURE CALCULATION
WITH NO LEGISLATIVE, EXECUTIVE, FINANCE/ADMIN
ALLOCATION
FY18

Form 1

Personnel Services*		75.00%	25.00%
		Collection	Disposal
Wages	226,940.99	170,205.74	56,735.25
Overtime	7,470.59	5,602.94	1,867.65
Sick Pay Incentive	846.73	635.05	211.68
FICA	16,251.25	12,188.44	4,062.81
FRS	23,042.87	17,282.15	5,760.72
Life/Health Insurance	73,526.72	55,145.04	18,381.68
Workers Comp	26,960.19	20,220.14	6,740.05
	<u>375,039.34</u>	<u>281,279.51</u>	<u>93,759.84</u>

Form 2

			75%	25%	
			Collection	Disposal	
001-3400-534-3400	Garbage-Other Contractual Services	114,516.16	16,492.88	8,880.78	(Less costs of Advanced Disposal Recycling 89,142.50)
001-3400-534-4100	Garbage-Telephone	4,312.21	3,234.16	1,078.05	
001-3400-534-4310	Garbage-Electricity	1,282.06	961.55	320.52	
001-3400-534-4320	Garbage-Water	716.80	537.60	179.20	
001-3400-534-4430	Garbage-Equipment Leases	441.82	331.37	110.46	
001-3400-534-4510	Garbage-Liability Insurance	1,179.34	884.51	294.84	
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001-3400-534-4620	Garbage-Equipment Maintenance & Repair	568.21	426.16	142.05	
001-3400-534-4630	Garbage-Vehicle Repair & Maintenance	46,983.66	35,237.75	11,745.92	
001-3400-534-4890	Garbage-Advertising	289.71	217.28	72.43	
001-3400-534-4940	Garbage-Solid Waste Disposal	192,696.28	-	192,696.28	
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001-3400-534-5210	Garbage-Uniforms	708.61	531.46	177.15	
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001-3400-534-5290	Garbage-Other Operating Supplies	6,065.24	4,548.93	1,516.31	
001-3400-534-5410	Garbage-Publications & Subscriptions	18.18	13.64	4.55	
001-3400-534-5430	Garbage-Training & Education	-	-	-	
		402,815.05	88,194.84	225,477.71	

Form 3**Depreciation**

			Collection	Disposal
			0.75	0.25
	0.29			
General Government	0.00		-	-
Public Safety	0.00		-	-
Physical Environment	420,354.00	121,902.66	91,427.00	30,475.67
Transportation	0.00		-	-
Culture & Recreation	0.00		-	-
<hr/>				
	420,354.00	121,902.66	91,427.00	30,475.67

Form 4

Amorization of Future Outlays			Collection		Disposal
		Year Needed		75%	25%
Garbage Truck	250,000.00	1.00	250,000.00	187,500.00	62,500.00
Garbage Truck	300,000.00	5.00	60,000.00	45,000.00	15,000.00
Pickup Truck	40,000.00	4	10,000.00	7,500.00	2,500.00
			320,000.00	240,000.00	80,000.00

Form 5

Ratio of MSW Employees to Total Local Government Employees

Employees charged to Solid waste	5.51
Total Number of Employees	58
Ratio	<u>0.095</u>

Legislative	87,666.69
Executive	168,558.98
Finance/Administration*	686,249.38

		Collection	Disposal	Recycling
0	-	-	-	-
0	-	-	-	-
0	-	-	-	-

Collection Employees	4.13
Disposal Employees	1.38

Summary Form A

		Collection	Disposal	Recycling	
Wages and Benefits	375,039.34	281,279.51	93,759.84	-	
General O & M	402,815.05	88,194.84	225,477.71	145,373.66	
Depreciation	121,902.66	91,427.00	30,475.67	-	
Amortization	320,000.00	240,000.00	80,000.00	-	
Indirect Costs	-	-	-	-	
		700,901.34	429,713.21	145,373.66	1,275,988.21

	Solid Waste FY 18 Full Cost Acctg
FY18 Total	\$ 777,854.39
Less: Capital	0.00
Collection, Recycle, Disp Direct	<u>777,854.39</u>
Collection	
Solid Waste Collection Wages & Benefits	281,279.51
Solid Waste Collection General Operating	88,194.84
Solid Waste Depreciation	91,427.00
Future Outlays Amorization	240,000.00
Indirect Costs	0.00
	<u>700,901.34</u>
Recycling	
Solid Waste Recycling Direct	145,373.66
Admin chrgs Indirect	0.00
	<u>145,373.66</u>
Disposal	
Solid Waste Disposal Wages & Benefits	93,759.84
Solid Waste Disposal General Operating	225,477.71
Depreciation	30,475.67
Future Outlays Amortization	80,000.00
Indirect Costs	0.00
	<u>429,713.21</u>
Grand Total	<u>\$ 1,275,988.21</u>

Schedule 1 Solid Waste Disposal

Month	Indianhead Biomass	St Johns County	Hicks	Total
October	1,188.46	12,444.61	-	13,633.07
November	2,120.26	11,485.05	-	13,605.31
December		10,889.50	390.00	11,279.50
January	378.28	13,406.47	660.00	14,444.75
February	377.12	11,743.42	1,950.00	14,070.54
March	271.72	12,188.65	1,110.00	13,570.37
April	320.40	12,495.03	2,010.00	14,825.43
May	123.36	13,280.65	930.00	14,334.01
June	601.29	12,173.53	870.00	13,644.82
July		13,316.70	900.00	14,216.70
August	341.89	11,949.46	1,530.00	13,821.35
September	127.85	10,442.69	990.00	11,560.54
	<hr/>	<hr/>	<hr/>	<hr/>
	5,850.63	145,815.76	11,340.00	163,006.39

Schedule 2 Recycling

Date	Residential	Commercial	Total
31-Oct	9,376.60	2,625.14	12,001.74
30-Nov	9,383.52	2,651.18	12,034.70
31-Dec	9,404.28	2,647.72	12,052.00
31-Jan	9,421.58	3,385.22	12,806.80
28-Feb	9,425.04	3,197.84	12,622.88
31-Mar	9,456.18	3,197.84	12,654.02
30-Apr	9,480.40	3,227.34	12,707.74
31-May	9,504.62	2,526.26	12,030.88
30-Jun	9,532.30	2,529.72	12,062.02
31-Jul	8,909.50	2,526.26	11,435.76
31-Aug	8,926.80	2,552.30	11,479.10
30-Sep	8,933.72	2,552.30	11,486.02
	<u>111,754.54</u>	<u>33,619.12</u>	<u>145,373.66</u>

Customers

Oct	2710	44
Nov	2712	44
Dec	2718	44
Jan	2723	44
Feb	2724	38
Mar	2723	44
Apr	2733	38
May	2740	38
Jun	2747	39
Jul	2575	38
Aug	2580	38
Sep	2582	37
	<u>2,688.92</u>	<u>40.50</u>

Schedule 3	Customers
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Residential units	2796
Commercial Customers	<u>184</u>
	2980

Residential	0.9383
Commercial	0.0617

Schedule 7 Residential Vs Commercial

		0.9383
Residential Solid Waste Collection	700,901.34	657,655.72
Residential Solid Waste Disposal	429,713.21	403,199.91
Residential Solid Waste Recycling	145,373.66	<u>136,404.11</u>
		1,197,259.74
		0.0617
Commercial Solid Waste Collection	700,901.34	43,245.61
Commercial Solid Waste Disposal	429,713.21	26,513.31
Commercial Solid Waste Recycling	33,619.12	<u>2,074.30</u>
		71,833.22

Monthly Per Unit/Commercial User

<u>RESIDENTIAL UNITS:</u>	<u>Monthly</u>	<u>Annually</u>
MONTHLY COST OF SOLID WASTE COLLECTION	\$19.60	\$235.21
MONTHLY COST OF SOLID WASTE DISPOSAL	\$12.02	\$144.21
<u>MONTHLY COST OF SOLID WASTE RECYCLING</u>	<u>\$4.23</u>	<u>\$50.73</u>
<i>TOTAL</i>	\$35.85	\$430.15

<u>COMMERCIAL USERS:</u>		
MONTHLY COST OF SOLID WASTE COLLECTION	\$19.59	\$235.03
MONTHLY COST OF SOLID WASTE DISPOSAL	\$12.01	\$144.09
<u>MONTHLY COST OF SOLID WASTE RECYCLING</u>	<u>\$4.27</u>	<u>\$51.22</u>
<i>TOTAL</i>	\$35.86	\$430.34

12/02/2019 City Commission Meeting
Item 5 Minutes

X. PUBLIC HEARINGS

5. Resolution 19-13, to Express City's Intent to Levy a Non-Ad Valorem Assessment for the Collection and Disposal of Solid Waste and Recyclables (Presenter: Patricia Douylliez, Finance Director)

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

Finance Director Douylliez explained that this resolution gives the City's intent to the Tax Collector to increase the non-ad valorem tax for solid waste collection for residential, commercial, and recyclables. She explained that once the intent for Resolution 19-13 is sent, the City will have a few months to determine the fee ranges that will be charged and how to proceed. She commented that the Commission requested staff to bring more revenue into the City and this would alleviate having the City's General Fund pay to make up the solid waste collection. She explained that transient rentals are the bulk of the commercial users and the City also has some true small commercial businesses that would not need a dumpster to maintain their trash. She provided a list of businesses that need to go on dumpster service from a private vendor because of their volume (Exhibit 12). She researched the costs associated with the City of St. Augustine for solid waste collection, which was \$208 annually. She explained that the City of St. Augustine charges their commercial businesses more to subsidize the residential fees. Effective this year St. Johns County is increasing their non-ad valorem fees to \$230 from \$220. She explained that they negotiate with a much larger volume than our City. She commented that staff is requesting a non-ad valorem tax for solid waste collection for residential homes of \$230, which is half of the City's costs. She advised that

there would be three categories: 1) disposal at \$74; 2) collection at \$112.80; and 3) recycling at \$43.20, which equals \$230 annually. She presented a PowerPoint (Exhibit 13) which explains the costs for residential, commercial, and transient rentals. She proposed to the Commission the resident's non-ad valorem costs for recycling be \$43.20 per the Advanced Disposal contract and disposal fee of \$74.00, which is a total cost of \$117.20 for FY Budget 2020 or \$9.76 per month per household. She recommended in FY Budget 2022 to increase the non-ad valorem fee by \$112.80, which would bring a total \$230, or \$19.17 per month per household.

Staff suggests that effective February 1, 2020 to increase the price for commercial customers from \$1.76 to \$2.38 per can. She explained that instead of counting cans, the Public Works Department would be responsible to do an audit of the cans twice a year to make sure that the business has not increased their can usage. She explained and in fiscal budget starting in October 2020 the fee would increase to \$3.00 per can.

Mayor George advised that she did not want staff to continue counting cans, billing, and collecting on invoices.

Finance Director Douylliez explained that transient rentals can be structured differently than commercial and residential.

Commissioner Samora asked how many cans the Public Works Department is counting currently for transient rentals.

Finance Director Douylliez advised approximately 130 cans.

Mayor George said someone quoted over 430 transient rentals.

Commissioner Kostka advised that the 430 transient rentals were only in the condo associations.

Finance Director Douylliez advised that the City does not manage the transient rentals for the condo associations.

Commissioner Rumrell explained that the City of St. Augustine has different color cans that differentiate between commercial and residential and asked if we could do that instead of counting cans.

Finance Director Douylliez advised that it could be done, but the City would have to outlay the money for the different color cans, and it is not in the budget this year. She explained that her proposal is a gradual change for this budget year, but staff could research the costs of the different color cans in FY 2022. She explained that the resolution only gives the Tax Collector the City's intent on moving forward with this and that price ranges were not needed for tonight's discussion.

Commissioner Rumrell asked if the Public Works Department would be able to pick the recyclables up in-house.

Public Works Director Tredik explained that the Public Works Department could do the recyclables in-house, but it would require two more positions and another truck.

Vice Mayor England commented that the City needs to right-size our customers because then the City would know what the hard costs are such as, equipment, personnel, maintenance, insurance, and disposal fees. She explained that the goal is to drive down the annual costs. She remarked that she would like to evenly spread the costs. She explained that the ordinance

says that all properties are eligible for an annual ad valorem fee, which takes away the billing completely. She said that the ordinance says properties that qualifies for the City would have pick up and disposal of solid waste, yard waste, or recyclables, but if properties doesn't qualify, then they would have to be informed to use a private service. She stated that the hard costs are driving the annual fees, not the number of cans and what the City residents and businesses are not paying for is being taken out of the General Fund. She suggested a flat fee for residents and commercial properties and to stop counting cans. She mentioned that the residents should not pay more than the short-term rentals. She asked that the Public Works Department to find out by March 1st what customers qualify for the City's solid waste pick up and if some properties don't to tell them they don't qualify and to get a private company for their services. She suggested the following according to the ordinance: 1) allow for City pickup for condos from one to five units and anything over six units would have to get private services, unless the Commission gives them an exception; 2) Commissioners annually on March 1st will determine how much the non-ad valorem fees would be depending on the property types; 3) the Public Works Department would notify Administration when a property no longer qualifies for pick up due to maximum solid waste disposal according to the ordinance amounts stated; 4) Administration would notify the property owner to get private services; and 5) determine the amount of yard waste per property owner in case of emergency events.

Mayor George advised that the tipping costs are a low compared to the overall hard costs that is involved in pickup of solid waste.

Vice Mayor England explained that the hard costs are \$460 whether it is commercial or residential.

Mayor George explained that the residents feel that the costs should be based on consumption.

Discussion ensued regarding whether larger homes should pay more than smaller homes because of less trash; the hard costs of personnel, maintenance, insurance, equipment and disposal fees when stopping at every home or business to pick up recycling, yard waste and solid waste is what should dictate the annual fee; why bill double for a duplex that puts the property owners trash in the same spot for pick up; and updating the solid waste ordinance.

Commissioner Samora explained that the tipping costs last year was approximately \$163,000 and overall cost of the waste disposal was \$1.35 million. He explained that the tipping fees are approximately 12% and recycling costs are 10%, but Advanced Disposal does that, which explains that Vice Mayor England is spot on with her reasoning. He commented that it is difficult to explain that to the customers and advised that 85% of the costs is the equipment, insurance, maintenance, personnel, and going to the landfill.

Mayor George asked about the amortization schedule of the costs because it shows a new garbage truck being purchased every year. She explained that when taking that cost out, then the fee would go decrease the hard costs by \$320,000.

Finance Director Douylliez advised that that figure would breakdown over five years for the depreciation; however, the City has been using the trucks much longer than five years.

Mayor George advised that instead of \$460 the figures are really \$350 annually, which is good news.

Commissioner Kostka advised she understands Mayor George's point of view, but she

disagrees with it. There are several issues that need to be done before moving forward with this, such as the City's Codes and City Charter conflicting with each other and should be cleaned up before we do anything else. She asked the Commission to do a Request for Proposals (RFP) for all the services to see if we are competitive. She listed the three concerns were residential, commercial, and transient rentals and requested the Commission to spend time on policies for transient rentals. She commented that more and more cities are eliminating transient rentals for a variety of reasons.

Mayor George advised that because of state laws the City could not eliminate transient rentals.

Commissioner Kostka commented that she did not know that, but the transient rentals could be tied to the licensing and suggested that transient rental licensing should be more.

Mayor George advised that there is a five percent cap on the increasing business tax receipts according to Florida State Statutes.

Commissioner Kostka agreed that some commercial accounts should have dumpsters instead of cans. She explained that Public Works is picking up eight cans, when there are only two cans allowed per property. She agreed with not counting cans. She asked the Commission whether they wanted to be in the trash collection business, or should the City outsource it. She explained that it would be fiscally irresponsible not look at other options and if the City does want to collect solid waste, there is another option where it could be a bond based on millage. She suggested putting on the tax roll a millage based on waste collection. She felt that solid waste collection could be done less expensive from an outside source or if the City wants the employees to collect the waste, then let's do a good job at collecting it.

Mayor George advised that she agreed that she would like it to be a valorem tax, but the Commission already discussed this, and a vote was decided on a non-ad valorem levy. She explained that because Commissioner Kostka was in the minority, she cannot bring that issue back up under the City's procedures.

Commissioner Samora commented that the Commission has already decided not to outsource solid waste collection.

Commissioner Kostka asked even if it is more money.

Commissioner Samora advised yes, case in point the attorney RFP, no Commissioner said, let's pick the lowest bidder. He explained that he wants quality and sometimes it takes more to get quality. He likes the quality of the Public Works Department and the City having their own employees picking up after a storm. He stated it was a necessary cost.

Mayor George agreed. She explained that Finance Director Douylliez has already presented the information that the Commission would receive from an RFP.

Commissioner Samora commented on insourcing, which Commissioner Rumrell brought up and maybe when the Advanced Disposal contract expires the City could insource the recycling.

Commissioner Kostka advised that there is a clause in Advanced Disposal's contract where the City can terminate.

Mayor George advised that there may be availability, with the proper amount of staff, to include other customers to offset the overhead costs since the tipping fees are only a small

portion of the costs. She calculated the hard costs and included residential, commercial and short-term rentals to give a total annual cost of \$341.95 per customer.

Commissioner Kostka asked if a business changed to a dumpster, would they still be charged a non-ad valorem fee for solid waste.

Finance Director Douylliez advised no. Once the customer shows proof of a dumpster, then they would be taken off the list for minimum collection fees.

Commissioner Kostka advised that one of the conflicts in the ordinance is that multi-use properties that have a dumpster is still being charged a non-ad valorem fee. She continued that if there are multiple units on the properties, the City charges multiple non-ad valorem fees.

Finance Director Douylliez advised that was what is stated in the codes. She explained that if a multi-use building has a residential unit, the owner will be assessed a non-ad valorem fee, even if your business has a dumpster.

Commissioner Rumrell advised that the codes need to be changed and updated. He suggested that all properties be charge an increase of 25% annually, which would be \$39 annually or \$3.00 a month because costs go up each year. He explained that that would be affordable for those on fixed incomes and after four or five years, the City would re-evaluate the costs again. He would like to research the termination clause in Advanced Disposal's contract. He agreed that property owners should not be charged a non-ad valorem fee when they have a dumpster.

Commissioner Samora advised that he would be comfortable in adding in the recycling and seeing what the true costs were in a year. He explained that he doesn't want to hit the residents with the true costs all in one year.

Finance Director Douylliez advised that this resolution tonight is just for the City's intent and the Commission has a few months to decide the cost ranges. She explained that the costs could even go down from year to year.

Commissioner Rumrell would like to move forward with first residential and then commercial.

Commissioner Samora advised that the Tax Collector could separate residential, commercial, and transient rentals.

Vice Mayor England asked if the Tax Collector could delineate the separate categories.

Finance Director Douylliez advised that the Tax Collector can separate categories and different costs; however, the City wants to label the costs for each category.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that he was glad that he came tonight because he believes that the costs should be paid through ad valorem taxes, but he was insulted by a comment Finance Director Douylliez mentioned about more educated people live in larger homes and are more environmentally friendly and asked why the Commission didn't correct her. He stated that he has the utmost respect for the Finance Director who gives the best numbers he has seen in years, but it was an insult to the community. He suggested to continue discussing this so more of the community will understand this issue and to start the commercial fees first because they are bringing in

incomes. He asked what figure did the Commission want to raise the 25% increase from because the Commission has been throwing out numbers all night.

Mayor George responded by saying that Finance Director Douylliez did not mean the comment how it came out and that was why she ended the statement that no one knows how much recycling or solid waste will come out of a home of any size.

Mr. Binder advised that he was sure she didn't mean what she said, but the Commission needs more time to review the numbers.

Finance Director Douylliez stated that her initial remark came out wrong and she apologized if it insulted anyone, but she was simply trying to indicate that the home size is not an indication of how much waste they will have.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, said that the Commission has been stealing money for several condos by subsidizing the trash from the General Fund. He asked the Commission to make users pay for their costs.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, suggested to have a Memorandum of Understanding with St. Johns County to bill the solid waste collection fees and if the property owners don't pay, then their garbage would not be picked up and the City would not need a non-ad valorem fee. He agreed with Commissioner Kostka to do an RFP. He agreed with Commissioner Rumrell to cancel Advanced Disposal's contract and have the City recycle insource. He suggested 95-gallon cans for recycling and commented that he would like the voters to decide.

Mayor George closed the Public Comments section and asked if there were any other Commission comments.

Mayor George explained that the details were unclear regarding hard costs and she was concerned about not being clear before moving forward. She commented that there was no clarity on the direction of the transient rentals from the Commission and what kind of increases the Commission wants.

Commissioner Samora advised that most of the Commissioners don't want to count cans.

Mayor George advised that she liked the costs to be based on bedrooms, but the discussion regarding hard costs are different than what she thought originally. She commented that it is a new approach, but she hasn't had time to collect the data.

Vice Mayor England advised that counting bedrooms would not equate because of the number of snowbirds and transient rentals. She explained that there are too many variables for that approach, but the hard costs were more definite.

Mayor George advised that it makes sense, but it is new.

Discussion ensued regarding the resolution includes residential, commercial, and transient rentals; who will pay a non-ad valorem fee if they have a dumpster; and who would be charged according to the resolution and how much.

Mayor George advised that if the same occupant has the multi-use building and uses both, then they should not pay for a non-ad valorem fee, but there are a lot of buildings that rent out the residences on top of the business. The tenant downstairs could tell the tenant upstairs that they cannot use their dumpster because they are paying for.

Vice Mayor George advised that Article 2 on page 34 has the language that the City Manager

by June 1st certifies the list of all properties to the County Tax Collector, which are subject to the special assessment. She explained that the staff can have different fees and it is doable.

Commissioner Kostka asked how a property owner could be charged if they have a dumpster.

Vice Mayor England explained that the Public Works Department would have to get information from each property owner on whether they have a dumpster and then notify Administration of the change.

Mayor George envisioned that there would be a form that the property owner would submit to the City that would say they would be responsible for their own trash collection and disposal and by submitting this form, the property owner will be removed from the Tax Collector's roll for the non-ad valorem tax.

Commissioner Kostka asked if that would include yard waste as well.

The Commission did not have an answer to that question.

Commissioner Rumrell advised that his intention was to separate residential and commercial. He explained whether the City calls taking money out of the General Fund to pay solid waste a subsidy or not, the City is paying for trash collection and people who are not getting the service are still paying their own trash collection and not getting the service, which needs to be corrected.

Mayor George advised that this was in the code when all the condos were built, and the owners accepted it. This was well known and if they had concerns, they could have said something.

Discussion ensued regarding condos who pay private services for dumpsters do not pay the non-ad valorem tax; clean up being done on the solid waste ordinance; the General Fund is subsidizing the trash collection, but not everyone is benefiting; wanting charges closer to what is being provided; and putting this on every agenda until the commercial side is discussed; and the cost ranges can be decided by March 1st.

Commissioner Samora said that the resolution should be passed tonight.

Finance Director Douylliez advised that the resolution does speak to residential, commercial, and transient rentals.

Vice Mayor England advised that a list is certify every year by June 1st.

Discussion ensued regarding how the non-ad valorem costs could be calculated; increasing it in stages; and calculating the non-ad valorem tax increases over several years.

Motion: to approve Resolution 19-13. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passed 3 to 2, with Commissioner Kostka and Mayor George opposing.

Mayor George stated that staff has asked to increase the per can rate for businesses using the existing billing system starting in February 2020 to \$2.38 per can instead of \$1.76 per can.

Discussion ensued regarding 12 cans per week would qualify a business for a small dumpster; whether seasonal businesses would be calculate the same rate; dumpsters must have enclosure; some businesses don't have room for a dumpster or an enclosure and staff would have to have them go to private hand collection services; having an increase fee for collections over the normal pickup range; the solid waste ordinance on page 27 and 28 sites the

maximum amount of collecting waste for residential and condominiums over six units; and Public Works Director Tredik should start to clean up the solid waste ordinance.

Commissioner Rumrell asked what the City of St. Augustine's hard cost for collection are and if they were subsidizing from their General Fund.

Finance Director Douylliez advised that she could review that further, but that they have the businesses subsidizing the residential costs.

Mayor George objected to the fact that the City has been misleading or disingenuous about subsidizing trash collection at the expense of certain condominium buildings. She explained that this fee was in the code when the property owners bought the condominiums. The secondary benefit is that the Commission brings the revenues closer to the costs, but the costs that are being presented are not hard costs of the service. She explained that the City has a lot of other services that are being funded.

Discussion ensued regarding whether to increase the commercial can fee to \$2.38 on February 1st; residential, commercial and transient unit fees should not be comingled with the City's services and should be taken out of the hard costs.

Commissioner Kostka explained that in the code in Section 10-13, Commercial Waste, part (b) (2), says that if there are more than six cans, the City Manager can tell the owner that they need to get a private collector.

It was the consensus of the Commission to bring this agenda item back next month to discuss more cost details on commercial and transient rentals units and what staff recommends for code changes.

Mayor George moved on to Item 8.

April 6, 2020
City Commission Meeting
(Rescheduled to April 29, 2020)



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 13th. 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.

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 ²⁹¹²
• <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:

Solid Waste Service	Bottom of Range (\$ per residential service premises per year)	Top of Range (\$ per residential service premises per year)
Residential Collection	\$68	\$153
Residential Disposal	\$89	\$199
Residential Recycling	\$0	\$66
TOTAL	\$157	\$418

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.

Solid Waste Service	FY22	FY23	FY24	FY25	FY26
Residential Collection	\$ 68	\$83	\$102	\$125	\$153
Residential Disposal	\$ 89	\$109	\$133	\$163	\$199
Residential Recycling	\$ 28	\$35	\$43	\$53	\$66
TOTAL	\$185	\$227	\$278	\$341	\$418

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.

Solid Waste Service	FY22	FY23	FY24	FY25	FY26
Residential Collection	\$ 68	\$73	\$79	\$85	\$92
Residential Disposal	\$ 89	\$96	\$103	\$111	\$120
Residential Recycling	\$ 28	\$30	\$33	\$35	\$38
TOTAL	\$185	\$199	\$215	\$232	\$250

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.



CITY OF ST. AUGUSTINE BEACH

*Regular City Commission Meeting
Wednesday April 29, 2020
(Rescheduled from Monday April 6, 2020)*

*Item 7 – Non-Ad Valorem Assessment for the Collection
and Disposal of Solid Waste and Recyclables*

William Tredik, P.E. Public Works Director

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CURRENT NON-AD VALOREM ASSESSMENT

- First levied in 2012
- Set at \$74 per household per year
- Pays a portion of disposal costs
- Has not changed since inception
- Collection costs and remainder of disposal costs paid for from general fund
- September 10, 2019 – City Commission passed motion to move forward to increase the non-ad valorem tax for residential solid waste pick up and disposal

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RECENT COMMISSION SOLID WASTE ACTIONS

Date	Actions
9/10/2019	Moved to proceed with non-ad valorem assessment increase
10/7/2019	Consensus to continue with non-ad valorem assessment process Proposed changes to commercial solid waste regulations
11/4/2019	Requested comparison of Cities' solid waste fee structures
12/2/2019	Passed Res. 19-13; Intent to levy a non-ad valorem assessment for the collection and disposal of solid waste and recyclables. Copies were sent to the Tax Collector, Property Appraiser and the Florida Department of Revenue.
1/6/2020	Requested staff prepare ordinance with changes to City's Garbage and Trash Code (Chapter 10) as discussed.
2/3/2020	Passed Ord. 20-05 on 1 st Reading amending Chapter 10 of the City Code
3/2/2020	Passed Ord. 20-05 on 2 nd Reading amending Chapter 10 of the City Code Passed Resolution 20-06 adopting Solid Waste Fee schedule

3

3

NEXT STEPS

- Set ranges for the non-ad valorem assessment
- Set public hearing to pass resolution adopting a non-ad valorem assessment roll of the properties to be charged
- Notify all affected property owners at least 20 days prior to the public hearing
- Enter interlocal agreement with the Tax Collector for collection of the assessment

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RANGES FOR COLLECTION, DISPOSAL AND RECYCLING

- Initial analysis in early 2019 indicated total cost was as much as \$460 per residence
- City Commission directed staff to reevaluate costs
- Staff has completed a review of actual FY2019 costs

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FY19 COST ANALYSIS

- Analysis to determine the average annual cost per residence for:
 - Collection
 - Disposal
 - Recycling

Total Customers	3,090	Type of Indirect Cost	Total Cost	Percent Solid Waste	9.5%
Commercial Customers	178	Legislative Total Costs	\$72,940.55		\$6,929.35
Residential Customers	2,912	Executive Total Costs	\$172,584.20		\$16,395.50
Percent of Commercial Custs.	5.76%	Finance/Admin Total Costs	\$736,065.05		\$69,926.18

Collection Percent of Work	75.56%
Disposal Percent of Work	24.44%

Public Works Truck Mileage	
Calculated Collection Percent	42%
Calculated Disposal Percent	58%

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	\$48,943.54	\$300,688.87	
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		

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COMMERCIAL PERCENTAGE

- Calculated from number of commercial accounts divided by total customers
- Applied to the Actual Expended Total Cost

Total Customers	3,090	Type of Indirect Cost	Total Cost	Percent Solid Waste 9.5%
Commercial Customers	178	Legislative Total Costs	\$72,940.55	\$6,929.35
Residential Customers	2,912	Executive Total Costs	\$172,584.20	\$16,395.50
Percent of Commercial Custs.	5.76%	Finance/Admin Total Costs	\$736,065.05	\$69,926.18
Collection Percent of Work	75.56%	Public Works Solid Waste Staff Allocation %		
Disposal Percent of Work	24.44%	Calculated Collection Percentage	86%	
Public Works Truck Mileage		Calculated Disposal Percentage	14%	
Calculated Collection Percent	42%			
Calculated Disposal Percent	58%			

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	\$371,004.1	\$21,371.76	\$349,632.41	\$48,948.54	\$300,683.87	
Temp Labor	\$6,970.5	\$401.54	\$6,568.99	\$919.66	\$5,649.33	
Disposal (yard trash)	\$14,941.5	\$860.71	\$14,080.85	\$14,080.85		
Disposal (other)	\$149,678.2	\$8,622.24	\$141,055.96	\$141,055.96		
Equipment Loan	\$45,815.3	\$2,639.20	\$43,176.12	\$25,042.15	\$18,133.97	
Other Operating	\$85,188.0	\$4,907.27	\$80,280.79	\$46,562.86	\$33,717.93	
Department Total	\$673,597.8	\$38,802.72	\$634,795.12	\$276,610.01	\$358,185.11	\$0.00
Depreciation	\$118,515.1	\$6,827.09	\$111,688.07	\$64,779.08	\$46,908.99	
Total Including Depreciation	\$932,499.7	\$53,716.82	\$878,782.96	\$341,389.09	\$405,094.09	\$0.00
Recycling Costs	\$140,386.7	\$30,297.24	\$110,089.54			\$110,089.54
Indirect Costs-Based on # EE						
Legislative	\$6,929.3	\$399.17	\$6,530.19	\$1,595.90	\$4,934.28	
Executive	\$16,395.5	\$944.47	\$15,451.03	\$3,776.06	\$11,674.97	
Finance/Administration	\$69,926.1	\$4,028.11	\$65,898.07	\$16,104.75	\$49,793.32	
Grand Total	\$1,025,750.8	\$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		

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PUBLIC WORKS COLLECTION / DISPOSAL BREAKDOWN

- Percentage based upon actual hours for each function
- Applied to the Residential Total Cost for Wages/Labor

Total Customers	3,090	Type of Indirect Cost	Total Cost	Percent Solid Waste 9.5%
Commercial Customers	178	Legislative Total Costs	\$72,940.55	\$6,929.35
Residential Customers	2,912	Executive Total Costs	\$172,584.20	\$16,395.50
Percent of Commercial Custs.	5.76%	Finance/Admin Total Costs	\$736,065.05	\$69,926.18
Collection Percent of Work	75.56%	Public Works Solid Waste Staff Allocation %		
Disposal Percent of Work	24.44%	Calculated Collection Percentage	86%	
Public Works Truck Mileage		Calculated Disposal Percentage	14%	
Calculated Collection Percent	42%			
Calculated Disposal Percent	58%			

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		

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EQUIPMENT COST ANALYSIS

- Based upon mileage of collection versus disposal
- Applied to the Residential Total Costs related to equipment

Total Customers	3,090	Type of Indirect Cost	Total Cost	Percent Solid Waste 9.5%
Commercial Customers	178	Legislative Total Costs	\$72,940.55	\$6,929.35
Residential Customers	2,912	Executive Total Costs	\$172,584.20	\$16,395.50
Percent of Commercial Custs.	5.76%	Finance/Admin Total Costs	\$736,065.05	\$69,926.18
Collection Percent of Work	75.56%	Public Works Solid Waste Staff Allocation %		
Disposal Percent of Work	24.44%	Calculated Collection Percentage		86%
Public Works Truck Mileage		Calculated Disposal Percentage		14%
Calculated Collection Percent	42%			
Calculated Disposal Percent	58%			

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)	\$14,941.54	\$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		

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OTHER COSTS

- Indirect cost breakdown (red) based upon collection versus disposal percentage
 - Estimated by dividing actual disposal costs by Department Total (blue)
- Recycling Costs are based upon actual expenditures (green)

Total Customers	3,090	Type of Indirect Cost	Total Cost	Percent Solid Waste 9.5%
Commercial Customers	178	Legislative Total Costs	\$72,940.55	\$6,929.35
Residential Customers	2,912	Executive Total Costs	\$172,584.20	\$16,395.50
Percent of Commercial Custs.	5.76%	Finance/Admin Total Costs	\$736,065.05	\$69,926.18
Collection Percent of Work	75.56%	Public Works Solid Waste Staff Allocation %		
Disposal Percent of Work	24.44%	Calculated Collection Percentage		86%
Public Works Truck Mileage		Calculated Disposal Percentage		14%
Calculated Collection Percent	42%			
Calculated Disposal Percent	58%			

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)	\$14,941.54	\$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	
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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		

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Collection	\$162
Disposal	\$125
<u>Recycling</u>	<u>\$ 43</u>
TOTAL (FY19)	\$330
FY22 (Projected)	\$366

Total Customers	3,090	Type of Indirect Cost	Total Cost	Percent Solid Waste 9.5%
Commercial Customers	178	Legislative Total Costs	\$72,940.55	\$6,929.35
Residential Customers	2,912	Executive Total Costs	\$172,584.20	\$16,395.50
Percent of Commercial Custs.	5.76%	Finance/Admin Total Costs	\$726,065.05	\$69,926.18

Collection Percent of Work	75.56%
Disposal Percent of Work	24.44%

Public Works Truck Mileage	
Calculated Collection Percent	42%
Calculated Disposal Percent	58%

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	\$219.56	\$5,449.33	
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	
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Department Total	\$673,597.84	\$38,802.72	\$634,795.12	\$276,610.01	\$358,185.11	\$0.00
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Total Including Depreciation	\$932,499.78	\$53,716.82	\$878,782.96	\$341,389.09	\$405,094.09	\$0.00
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Grand Total	\$1,025,750.81	\$59,088.56	\$966,662.25	\$367,859.80	\$471,406.67	\$110,089.54
Average Annual Cost Per Residence						
	\$124.61	\$161.92	\$43.20			
Total	\$329.73					

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- **Factors for consideration**
 - Phased implementation / lower bottoms of ranges
 - Desired “starting” assessment
 - Will ultimate assessment fully fund costs?
 - Time frame for full implementation
 - Future costs considering inflation

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RECOMMENDED BOTTOMS AND TOPS OF RANGES

Bottoms of Range

- Residential Collection \$68 (1/2 of current cost)
- Residential Disposal \$89 (1/2 of current cost)
- Residential Recycling \$0

Tops of Range

- Residential Collection \$153 (12.5% above anticipated FY22 cost)
- Residential Disposal \$199 (12.5% above anticipated FY22 cost)
- Residential Recycling \$66 (25% above anticipated FY22 cost)

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RECOMMENDED RANGES

Residential Collection \$68 - \$153 *per residence per year*

Residential Disposal \$89 - \$199 *per residence per year*

Residential Recycling \$0 - \$66 *per residence per year*

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POTENTIAL IMPLEMENTATION SCHEDULES

Solid Waste Service	FY22	FY23	FY24	FY25	FY26
Residential Collection	\$68	\$83	\$102	\$125	\$153
Residential Disposal	\$89	\$109	\$133	\$163	\$199
Residential Recycling	\$28	\$35	\$43	\$53	\$66
TOTAL	\$185	\$227	\$278	\$341	\$418

Phased Implementation – Half Cost to Full City Cost over Five Years

Solid Waste Service	FY22	FY23	FY24	FY25	FY26
Residential Collection	\$68	\$73	\$79	\$85	\$92
Residential Disposal	\$89	\$96	\$103	\$111	\$120
Residential Recycling	\$28	\$30	\$33	\$35	\$38
TOTAL	\$185	\$199	\$215	\$232	\$250

Phased Implementation – Half Cost to Anticipated FY26 SJC Fees over Five Years

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ACTIONS 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
- Set a public hearing in mid-May 2020 to formally begin the establishment of rates for the solid waste non-ad valorem assessment

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4/29/2020 City Commission Meeting Item 7 Minutes

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)

Mayor England introduced Item 7 and asked Public Works Director Tredik for a report.

Public Works Director Tredik noted that he put this on the City's webpage and then showed his PowerPoint presentation to the Commission (Exhibit 8). He recapped the history of this subject to the Commission. He explained that the ranges will have to be set at a public hearing in June and then must approve an interlocal agreement by September with St. Johns County Tax Collector for the collection of the fees. He did a review of the FY19 costs of disposal rates to determine a range and advised that the estimate. He explained the cost differences in each category. He recommended \$68 - \$153 per year for commercial; \$89 - \$199 per year for residential; and \$0 - \$66 for recycling. He explained that he started at one-half of the cost the first year and then within five years it should cover the costs. He stated that this is the time to do it as a phased in approach so the City will be able to cover costs during an emergency situation.

Mayor England asked about commercial trash.

Public Works Director Tredik noted that there is a letter ready to go out to commercial customers this week with an effective date on October 1st. He stated that residential would not pay more than commercial. He explained that each year the costs would be reanalyzed the costs.

Vice Mayor Kostka asked on page 13 if average cost was based on residential total costs.

Public Works Director Tredik confirmed that as correct.

Commissioner Samora was impressed with the presentation. He noted that estimated \$460 came down to \$330 and thinks that may decrease for various reasons. He asked about recycling costs.

Public Works Director Tredik noted that Advanced Disposal's contract ends in April 2022 and the City doesn't know what will change or not at that point, services could increase or decrease, City could do in-house, etc.

Commissioner Rumrell asked if Public Works Director Tredik looked at taking disposal to other centers to help lower costs.

Public Works Director Tredik stated that they are researching other options, including the Bunnell transfer station and stated that there isn't much benefit on household waste disposal costs, but there was for recycling.

Commissioner Rumrell stated that it would be helpful for residents to know that the City is looking into reducing costs.

Commissioner George had no questions on the presentation and the numbers make sense.

Vice Mayor Kostka would like Public Works Director Tredik to look at a schedule based on mills and explained that she is opposed to a one size fits all approach. She noted that mills would include an annual increase due to rising property values.

Public Works Director Tredik advised that he would talk with Finance Director Douylliez about it.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, urged Commission to charge cost; users pays users costs; subsidizing from General Fund cheats over 1,000 condo owners; and anything less than charging actual cost is fiscally irresponsible.

Mayor England closed the Public Comments section and asked for further Commission discussion.

Commissioner George noted that a lot of time has been spent on this issue and it has been carefully considered, even though she has not agreed with every decision and asked City Manager Royle to give input on the issue.

City Manager Royle stated it was a step in the right direction and this was one revenue source under the Commission's control. Others are limited by outside agencies and the City can't depend on things like parking tickets. He highly recommends moving forward and recalled that when \$74 disposal fee was set, notices were sent to all residents and it was well received and there weren't too many opposed. He reminded Commission that this would be for FY 2022, not next year.

Commissioner George does not want to exceed St. Johns County's rates on the high end.

Public Works Director Tredik stated that ranges aren't what will be implemented, but that will

be within the range. Doesn't see us going higher than St. Johns County, but having the higher range protects the City in the event of inflation or unexpected future costs. He asked that the Commission set the range high and implement small.

Commissioner George advised that she has concerns about the elderly and the review would be worthwhile.

Mayor England asked Commission to focus on chart on page six, Item 7, in the agenda books.

Commissioner Rumrell suggested the top range be the actual cost of \$329.73, which is the cost of the solid waste collection.

Public Works Director Tredik noted that his suggested high end included potential inflation for seven years.

Commissioner Samora asked to clarify the process to change the range.

City Manager Royle stated that it is exactly what the Commission is going through now. Notices would have to be sent to every applicable home and would need to be approved over several meetings.

Commissioner Samora would like to set the range of a high range from \$330. This is a big change for the public and he wants to not go over \$330. The distinct ranges would be \$50 for the residential collection low range and disposal side to \$75 and leave \$0 for recycling, which would be \$125 total for the low range and on the high part of the range from \$150 for residential collection, \$200 for disposal and \$50 for recycling, which is a range of \$125 to \$400.

Commissioner George like the low range of \$125 but is hesitant to go to \$400. She explained that she knows these are projections for the future but feels that there should be some subsidy from the City. She explained that the City should not go up that quickly in a five-year timeframe.

Commissioner Rumrell agreed with Commissioner Samora's range of \$125 to \$400; however, he feels that there should be some number for recycling because \$0 would be unrealistic. He suggested taking some money off another category to place something in recycling.

Public Works Director Tredik noted that the reason it was \$0 was in case the Commission stops recycling, but if that is off the table, then a number should be implemented.

Vice Mayor Kostka asked what the implementation scheduled for anticipated St. Johns County fees were and what they are based on.

Public Works Director Tredik advised that St. Johns County's fees are \$230, and they increase it by CPI each year. He stated that he doesn't know what their maximum range is. He explained that he used the minimum inflationary costs to get to the \$250 in 2026.

Vice Mayor Kostka shared that she is concerned that the City residents would be paying more than the County residents for trash collection. She was concerned telling residents that it will cost more for the City residents than County residents.

Public Works Director Tredik advised that the City Public Works Department does more than the County does, and the City's standards and services are higher.

Motion: to extend the meeting to 10:00 p.m. **Moved by:** Commissioner Samora, **Seconded**

by: Vice Mayor Kostka.

Roll call vote as follows:

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

Motion passed unanimously.

Vice Mayor Kostka advised it is a time of uncertainty and the City will have research ways to cut costs. She agreed with the suggestion that Commissioner Samora made.

Commissioner Samora asked if these rates could be done by the CPI in the future.

Public Works Director Tredik advised that he was not sure if the County does it by ordinance but could get the details from the County. He explained that the City would be using this range, unless it was modified in the future.

Mayor England suggested \$125 to \$375 range for perception purposes. She advised that it would be less than \$400. She commented that staff will try to bring the costs down.

Commissioner George asked how long would this be good for and shouldn't all the amounts start at \$0 in case a future Commission decides to stop trash collection. She asked how it is revoked and no one knows who is going to be on the Commission in the future. She wants the structure to be based on the future and not on what the Commission believes now.

Commissioner Rumrell advised that he agrees with \$125 to \$375.

Commissioner Samora advised that he agrees with \$125 to \$375.

Motion: to set the ranges for residential solid waste non-ad valorem as follows: Collection, \$50-\$150; Disposal, \$75-\$175, Recycling, \$0-\$50; and to have staff set a public hearing in June. **Moved by:** Commissioner Samora, **Seconded by:** Mayor England.

Roll call vote as follows:

Commissioner Rumrell:	Yes
Mayor England:	Yes
Vice Mayor Kostka:	No
Commissioner George:	No
Commissioner Samora:	Yes

Motion passed 3-2.

Mayor England thanked everyone for input and participation.

June 1, 2020
City Commission Meeting



AGENDA

REGULAR CITY COMMISSION MEETING

MONDAY, JUNE 1, 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 REGULAR COMMISSION MEETINGS ON APRIL 29, 2020 AND MAY 4, 2020
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
None
- VIII. PUBLIC COMMENTS
- IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Request for Renewal of Conditional Use Permit for Outside Seating at: Cone Heads Ice Cream, 570 A1A Beach Boulevard (Lots 11,17, Block 4, Chautauqua Beach Subdivision, Ms. Maggie Kostka, Applicant) (Presenter: Brian Law, Building Official)

XI. CONSENT

2. Budget Resolution 20-XX, to Amend the FY 20 General Fund Budget to Transfer \$1,200 from the Forfeiture and Seizures Account to the Police Department's Crime Prevention/Community Account

XII. OLD BUSINESS

3. Lease of City Property for Bocce Courts: Request for Two to Three-Year Term (Presenter: Mr. Michael Castagno, Organizer, St. Auggie Bocce League)
4. Non-Ad Valorem Assessment for Solid Waste: Setting Rates and Date for Public Hearing (Presenter: Bill Tredik, Public Works Director)
5. Ordinance 20-XX, First Reading, to Change Sections 2-103 and 2-104 of the General City Code Regarding Transfers of Money between Accounts in the Annual Budget (Presenter: Max Royle, City Manager)

XIII. NEW BUSINESS

6. Access to City Street from Private Property: Consideration of Pyrus Street Barricade Proposal (Presenters: Christopher Cygul and Kristy Lee Wilson, 493 Pyrus Street)
7. Review of Proposed Resolutions for Changes to the Personnel Manual (Presenter: Beverly Raddatz, City Clerk)
8. Mixed Use District Along A1A Beach Boulevard: Consideration of Ordinance to Establish Boundaries (Presenter: Brian Law, Building Official)
9. Solid Waste Collection Regulations: Ordinance 20-XX, First Reading, to Amend Section 10 of the City Code (Presenter: Bill Tredik, Public Works Director)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, June 16, 2020, at 6 p.m. in the Commission meeting room at city hall. Topics on the agenda may include: a. request for variance to reduce rear setback from 25 to 19 feet for a living room addition to 412 F Street; b. a request for a variance to reduce the side setback from 10 feet to seven feet for a bathroom addition at 115 15th Street; c. review of ordinance to define the boundaries of the mixed-use district along A1A Beach Boulevard.
2. **HOLIDAY.** City offices will be closed on Friday, July 3, 2020, in honor of the July 4th Holiday on Saturday. No pickup of household waste on Friday. Friday's pickup service will be done on Monday, July 6th. There'll be no change to the pickup of recyclables and yard trash during the week of July 3rd.

MEMORANDUM

TO: Max Royle, City Manager

FROM: William Tredik, P.E. Public Works Director

DATE: June 1, 2020

SUBJECT: Establishment of Fees for non-Ad Valorem Assessment to Pay costs to 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 only a portion of disposal costs and does not pay for collection costs for household waste, yard trash or recyclables. The remainder of the disposal costs are paid 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.

Beginning in September, the City Commission has taken the following steps toward establishment of a new non-ad valorem assessment for residential customers and provide a dedicated funding source for collection and disposal of solid waste and recyclable materials.

- 9/10/19 Moved to proceed with non-ad valorem assessment
- 10/7/19 Consensus to continue process
- 12/2/19 Passed Resolution 19-13; Intent to levy a non-ad valorem assessment
- 4/29/20 Established non-ad valorem assessment ranges for collection, disposal and recycling

DISCUSSION

At the April 29, 2020 City Commission Meeting, it was discussed that the next step in the process is to hold a public hearing to adopt a non-ad valorem assessment roll. Per Florida Statute 197.3632(4)(a):

"A local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15."

Florida Statute 197.3632(4)(b) states:

"At least 20 days prior to the public hearing, the local government shall notice the hearing by first-class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing..."

In order to meet the conditions of the statute, the noticing must include the amount to be levied against each parcel. In order to include this information in the noticing, the City Commission must select the initial non-ad valorem assessment rates for residential collection, disposal and recycling prior to the mailing of the notice.

At the April 29, 2020 City Commission meeting, the commission approved the following ranges for the special assessment:

	Bottom of Range	Top of Range
Collection	\$50/year	\$150/year
Disposal	\$75/year	\$175/year
Recycling	\$ 0/year	\$ 50/year

Staff presented two potential implementation schedules for the non-ad valorem assessment. Though these proposed schedules differed in their rate of implementation, they both began with the following initial assessment (one-half of the cost of providing the services):

Collection	\$ 68/year
Disposal	\$ 89/year
Recycling	\$ 28/year
Total	\$185/year

ACTIONS REQUESTED

1. The City Commission set an initial assessment rate to be included in the public meeting notice mailed to impacted homeowners.
2. The City Commission select a date to hold the public hearing to adopt the non-ad valorem assessment roll.

***Slide Presented at Commission Meeting with Potential Assessments
(updated the values in City Commission Memo)***

Solid Waste Non-Ad Valorem Assessment Examples:

		<u>2019 \$</u>	<u>2022 \$</u>
Full Cost	Collection	\$162	\$174
	Disposal	\$125	\$135
	Recycling	<u>\$ 43</u>	<u>\$ 46</u>
		\$330	\$355
Similar to SJC	Collection	\$118	\$127
	Disposal	\$ 57	\$ 61
	Recycling	<u>\$ 55</u>	<u>\$ 59</u>
		\$230	\$247
½ Current City Cost	Collection	\$ 81	\$ 87
	Disposal	\$ 62	\$ 67
	Recycling	<u>\$ 22</u>	<u>\$ 24</u>
		\$165	\$178