



AGENDA

REGULAR CITY COMMISSION MEETING

MONDAY, JULY 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 REGULAR COMMISSION MEETINGS OF JUNE 1, 2020 AND THE REGULAR CONTINUATION MEETING OF JUNE 2, 2020 AND SPECIAL MEETING JUNE 9, 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. Ordinance, Public Hearing and Final 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)
2. Ordinance, Public Hearing and Second Reading: to Amend Section 10 of the City Code re: Solid Waste Collection Regulations (Presenter: Bill Tredik, Public Works Director)
3. Ordinance, First Public Hearing and Second Reading: to Establish Mixed Use District Boundaries Along A1A Beach Boulevard (Presenter: Brian Law, Building Official)

XI. CONSENT

4. Resolution, to Have Canvassing and Certification of Vote-by-Mail Ballots Cast in August 2020 Primary Election Done by the Supervisor of Elections and County Canvassing Board
5. Budget Resolutions to Transfer Money from the General Fund to the Road/Bridge Fund and to Provide Money in the Police Department Budget for the Contribution to the St. Johns County Police Athletic League

XII. OLD BUSINESS

6. City Building West of Former City Hall: Consideration of Leasing Part of It (Presenter: Max Royle, City Manager)
7. Vulnerability Assessment and Adaptation Plan: Request for Approval of Amendment #32 to Contract with Civil Engineering Consultant CMT (Presenter: Bill Tredik, Public Works Director)
8. Accessing Private Property from Dead-End Streets: Review of Proposal (Presenter: Brian Law, Building Official)
9. City Manager's Response to Vice Mayor Kostka's Demand That He Resign

XIII. NEW BUSINESS

10. Opening 2nd Street West of 2nd Avenue for Construction of Single-Family Residences: Review of Proposal (Presenters: Bill Tredik, Public Works Director; Brian Law, Building Official)
11. 2021 St. Johns County Legislative Action Plan: Request from County Administrator for Topics (Presenter: Max Royle, City Manager)
12. Florida League of Cities Annual Conference: Selection of Voting Delegate (Presenter: Max Royle, City Manager)
13. Fiscal Year 2021 Budget: Scheduling Date in Later July to Review Budget, Set the Tentative Property Tax Millage, and the Date for the First Public Hearing on the Budget (Presenter: Max Royle, City Manager)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **HOLIDAY.** City offices and operations will be closed on Friday, July 3, 2020, for observance of the July 4th holiday. There will be no pickup of household waste on Friday. Residents who normally receive service on Friday will have service on Monday, July 6th. There will be no change to the schedule of yard trash and recycling pickup service during the week of June 29th to July 3rd.
2. **PUBLIC HEARING.** The City Commission will hold a public hearing on Tuesday, July 7, 2020, at 6:00 p.m. The purpose will be to provide the public with an opportunity to comment on the proposed non-ad valorem assessment to pay the costs of the collection and disposal of solid waste and recyclables.
3. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, July 21, 2020, at 6:00 p.m. in the Commission meeting room at city hall. Topics on the agenda may include the following: a. variance to reduce the east side setback from 10 feet to 5 feet and the front and rear setbacks from 25 feet to 20 feet for new houses at 129 5th Street and 130 4th Street; b. request for overlay district approval to reduce front and rear setbacks from 25 feet to 20 feet, and the side setbacks from 10 feet to 7 ½ feet for new houses at 122 and 126 4th Street and 121 and 125 5th Street; c. request for overlay district approval to reduce front and rear setbacks from 25 feet to 20 feet and the side setbacks from 10 feet to 7 ½ feet for new house at 202 A Street; d. request for approval to modify mixed use order to add deck on south side and redesign parking plan for an existing building at #12 13th Street.

NOTE:

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

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

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



MINUTES

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

I. CALL TO ORDER

Mayor England called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

Mayor England asked City Clerk Raddatz for roll call.

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

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

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETINGS ON APRIL 29, 2020 AND MAY 4, 2020

Mayor England asked if there were any changes to the minutes. Being none, Mayor England asked for a motion.

Motion: to approve the Regular Commission minutes of April 29, 2020 and May 4, 2020. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor England asked if there were any additions or deletions of the agenda.

City Manager Royle advised that there was one addition regarding using the City seal.

Mayor England advised she would add the item under New Business as Item 10. She then advised that Kevin Sweeney, member of the Code Enforcement Board, would like to give the Commission a report regarding their last Code Enforcement meeting. She placed the item under Presentations.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked if there were any changes to the order of topics on the agenda. Being none, Mayor England moved on to Item VIII, Public Comments.

VII. PRESENTATIONS

A. Code Enforcement member Kevin Sweeny, Presentation

Kevin Sweeny, 652 Sun Down Circle, St. Augustine Beach, FL, gave the report for Code Enforcement Board meeting of May 27, 2020. He explained that there was a discussion regarding Article III of the City Land Development Regulations regarding keeping chickens on property. He asked the Commission if they wanted the Board to write new codes or to make a finding of facts or act upon a violation. Members of the Code Enforcement Board were disappointed in the Comprehensive Planning and Zoning Board because they refused to act and left the family in legal limbo. The Code Enforcement Board should be about legal understanding and not just punishment of the residents. He explained that the Board allowed the family to keep the emotional support animals of eight chickens; however, they are not allowed to add to or replace the animals. He explained the other cases of the meeting.

Discussion ensued regarding that the Code Enforcement Board cannot change or rewrite codes.

The Commission thanked Mr. Sweeny for giving the presentation.

Mayor England moved to Commissioner Comments.

IX. PUBLIC COMMENTS

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

County Commissioner Henry Dean, 224 North Forrest Dune, St. Augustine Beach, FL, gave a shout out to the residents and leadership of the City of St. Augustine Beach, City of St. Augustine, and St. Johns County for doing a good job in keeping the pandemic low in this area.

The Commission thanked County Commission Dean for his update.

Dr. Michel Pawlowski, 119 Kings Cory Lane, St. Augustine Beach, FL, explained that there was a flaw in the Emergency Operations Plan. He commented that the section with the Emergency Operations Group should be led by the elected Mayor. He passed out a report on recommendations for updating the city emergency operations plan (Exhibit 1).

Ed Slavin, P.O. Box 3084, St. Augustine, FL, complained that the agenda should not have Commissioner Comments because it is condescending; thanked Police Chief Hardwick for his outreach to protect the City during the riots; thanked the Veterans Administration in Washington for placing flags on the veterans graves on Memorial Day; requested the Rainbow flag to fly on

the City's flag pole; advised that public records requests are treated disdainfully and asked for a fee waiver provision; and wants City Manager Royle to resign.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, FL, explained that the Oceans 13 project at 13th Street and Beach Blvd has one-half of the property for sale and it is only one lot. She asked how they can sell half of the plotted lot.

Mayor England asked Building Official Law to research this for Ms. Kulyk.

Allain Girouard, 225 North Forest Dune Drive, St. Augustine Beach, FL, explained that the Commission passed some laws for Sea Colony in regards to impervious surfaces and said that as a homeowner it affects him personally, so he will be appealing this decision. He asked the Commission to reconsider the decision.

Henry De Werth, 888 Ocean Palm Way, St. Augustine Beach, FL, explained that he filed an appeal to the Sea Colony decision regarding the lot coverage and impervious surface. He advised that this decision would take 25% of his property for a drainage easement and he feels that the decision would be a Burt Harris Act violation.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, explained that police officers should use cameras to protect the police officers and the public.

Mayor England closed the Public Comments section and moved on to Item VII, Presentations.

X. COMMISSIONER COMMENTS

Mayor England opened Commissioner Comments.

Commissioner George attended a Tourist Development Council (TDC) meeting and advised that the tourist development tax revenues have declined by 36.2% on top of the 12% projected increase. The projection of revenues is now \$7.5 million, which is a huge impact due to the COVID-19 crisis for St. Johns County. She explained that TDC is not expecting revenues to normalized until 2021.

Commissioner Rumrell had no update at this time.

Vice Mayor Kostka gave an update on the Economic Recovery Task Force. The Small Business Emergency Assistance Grant has finished and received 66 applications and out of those 33 were awarded. The ones that were not awarded were because they did not meet the criteria. She explained that those were not awarded were directed to apply for the CDBG Back to Business Grant, which was opened on May 26th and ended today. She commented that more than 186 applications were received and explained that this grant was established by St. Johns County. She explained that this grant was ranked according to needs. It is an important step to get our economy back and she thanked the County Commission for establishing this grant. She remarked that Richard Goldman was instrumental in helping the committee and putting forth ideas to get back to business.

Commissioner Samora attended the VCB meeting and commented that they received \$2 million for the County to do local advertising for those tourists that can drive to St. Augustine Beach. Richard Goldman did a lot of work on the communications plan for the County to accommodate all the COVID-19 concerns. He advised that he would share the monthly hotel statistics with the Commission.

Mayor England advised that the Communications and Event Coordinator has written two articles on the City's program of Mask Up St. Augustine Beach. She explained that residents have been making masks and they are available at Ace Hardware and Love You Mean It. She encouraged residents to use a mask when they are in public.

City Manager Royle advised Melinda Conlon does a lot of outreach to stay in contact with the other Public Information Officers at the County level. He advised that she has forwarded a lot of information from the Health Department and County Emergency Operations Center regarding COVID-19 efforts. She and he are highlighting for profit and nonprofit businesses in our community. He explained that he is generating publicity by the City's newsletter and Facebook. There will be a tree giveaway by driving up to receive a tree instead of the Arbor Day event due to COVID-19.

Commissioner George advised that she received an email from Vice Mayor Kostka regarding City Manager Royle and asked if Vice Mayor Kostka would be bringing it up.

Vice Mayor Kostka read into the record (Exhibit 2) an email she sent regarding her lack of confidence in City Manager Royle.

Mayor England asked City Attorney Douglas whether it was proper to bring this item up at now. She explained that she did not see the email that was sent.

City Attorney Douglas agreed it was proper to read the information but need to have an analysis about the City Manager's contract, etc. before a vote. He explained that he has not seen the email.

Mayor England asked what Vice Mayor Kostka would like the Commission to do at this point. She asked if Vice Mayor Kostka would allow City Manager Royle to respond later to the Commission.

Discussion ensued regarding placing this item on the next agenda; having the City Manager and Police Chief who has been at the Emergency Operations Center a chance to respond; the performance evaluation reviews have been difficult because it is in a public form; and difficult conversation to have with the City Manager in public.

Mayor England advised that this will be brought up at the next Commission meeting and allow the City Manager to respond to all of Vice Mayor Kostka's points. She advised that the City Manager has discussed with her all the Governor's Executive Orders and advised that the City Manager has directed staff on these matters. She commented that it might have seen like a lot of things were not done, but they were done.

Vice Mayor Kostka commented not to put personalities into the conversation. She remarked that she thinks the City Manager was a wonderful person, but the job performance needs to be discussed and what the Commission expects of a City Manager.

Commissioner George explained to City Attorney Douglas that the City Charter does outline the hiring or firing of the City Manager. She explained that the City Manager does not have a contract and serves at the pleasure of the Commission.

City Attorney Douglas advised that he would be prepared at the next meeting.

Mayor England advised that this matter would be discussed in July at a Special Commission or Regular Commission meeting. She asked City Manager Royle if he had any comments.

City Manager Royle advised not at this time.

Commissioner Samora and Commissioner Rumrell had no comments.

Mayor England moved forward to Item 1.

XI. 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)

Mayor England introduced Item 1.

Vice Mayor Kostka advised that she was going to recuse herself from this item because this was her business (Exhibit 3).

Mayor England then asked Building Official Law for his report.

Building Official Law reported that it is a Conditional Use Permit for outdoor seating for food and beverage service. He advised that the Comprehensive Planning and Zoning Board recommended the conditional use permit be continued for the life of ownership and voted unanimously to approve.

Mayor England advised that it was recommended that it would be unlimited if Ms. Kostka owns and operates the business. She asked if any conditional use permits in the past were for an unlimited time.

Building Official Law advised that some business do run as unlimited and gave the example of Panama Hattie's final development order; however, it is up to the Commission what time limit to grant.

Commissioner Samora asked if the conditional use permit had no time limit would it protect the City regarding a change of use.

Building Official Law advised that it could be a condition that if the business changes the conditional use permit would no longer be in effect. He also said that it could be a condition if the name of the business changes it could invalidate the conditional use permit as well.

Commissioner George advised she is always concerned about having an unlimited timeframe for a conditional use permit. She suggested five or seven years and said that it is usually non-transferrable.

Commissioner Rumrell advised that he was okay with longer timeframes if it is the same ownership. He wants to put a timeframe.

Mayor England made a motion to approve the conditional use permit for 15 years subject to being non-transferrable and would be valid for as long as Ms. Kostka owns and operates the property.

Commissioner Samora asked for public comments.

Mayor England opened the Public Hearing and the following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, agreed on approving the conditional use permit and loves seeing families eating ice cream outside.

Mayor England closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor England asked for a motion.

City Attorney Douglas asked Mayor England if her motion should include what the previous conditions were except to change the timeframe to 15 years.

Discussion ensued regarding the motion.

Motion: to approve based on the existing conditional use permit removing items number 2, 5, 6 and on item number 4 instead of five years replace it with 15 years and adding the condition that it would be allowed as long as Ms. Kostka owns and operates the ice cream business at that location. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passes 4:0:1.

Mayor England moved on to Item 2.

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

Mayor England introduced the Consent Agenda and asked for a motion.

George / Samora

Motion: to approve the Consent Agenda. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 3.

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)

Mayor England introduced Item 3 and asked Mr. Castagno to the podium.

City Manager Royle advised explained that Mr. Castagno would like to lease the bocce courts for two to three years and advised that the St. Auggie Bocce League has put a lot of effort in rehabilitating the courts. He explained that the City could have a termination clause that the agreement could be broken within 30 or 60 days.

Mr. Castagno explained that there is a fall and spring league, but the courts will be open all summer. He commented that the league has spent approximately \$700 in improvements and have been excellent stewards of the bocce courts and the surrounding area. He stated that he has complied with all requests from the Commission. He advised that over 60 people have joined and most of them are women.

Mayor England congratulated Mr. Castagno for the success of the league and then asked for Commission discussion.

Commissioner George thanked the league for making good use of the City's property.

Commissioner Rumrell thank you for cleaning it up and remarked that it looks amazing.

Commissioner Samora said he thinks it is wonderful.

Vice Mayor Kostka commended the league and asked why the lease is only two to three years.

City Manager advised that Mr. Castagno suggested the two to three year lease.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked where the sign is for their league and asked if the public could use the court when they are not using it.

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

Mr. Castagno advised the sign is there and the league uses it less than 20% of the time. He advised that the public is more than welcome.

Mayor England asked for a motion.

Motion: to renew the lease for a term of three-year lease with a termination clause of 60 days. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 4.

4. Non-Ad Valorem Assessment for Solid Waste: Setting Rates and Date for Public Hearing (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 4 and asked Public Works Director Tredik for his staff report.

Public Works Director Tredik showed Exhibit 4 which shows the fee ranges and explained the amounts for household waste, recyclables, and yard trash. He explained the advertisement must have the initial non-ad valorem assessment rates. He commented that the full cost would be \$330 collection fee, \$125 disposal, and \$43 recycling as of 2019; however, for 2020 at 2.5% it would be \$355. He explained that half of the fees would be \$81 collection fee, \$62 disposal fee, and recycling fee of \$22 for a total of \$165. The half rate would be \$178 in the year 2022. He asked the Commission to consider inflation. He suggested that the Commission approve the letters going out to the impacted homeowners and to select a date to hold a public hearing to adopt the non-ad valorem assessment role. He suggested that the meeting be in July.

Mayor England confirmed that the initial rate would start in 2022.

Public Works Director Tredik advised yes.

Mayor England asked if all the residents will be notified of the assessment.

Public Works Director advised that it could be confusing if everyone receives the non-ad valorem assessment if the resident will not be using the service. He explained those residents will go to private services by October 1, 2020.

Mayor England was concerned about not sending the assessment notice out in anticipation of changing to private service because the City thought that some residents would be moved over to private collection and now they can't because there would be no private service to do it.

Public Works Director Tredik advised that there could be language in the notice that those properties that are moving to commercial services will no longer be subject to the assessment fee. He advised that he would get the City Attorney to help with the language.

Commissioner George suggested to set the rate higher so the Commission can bring it down later.

Public Works Director Tredik advised that he would recommend going higher but realizes that there are challenges to doing that.

Commissioner George suggested advertising the staff's recommendation for the fees at the higher rate to see what the public says.

Mayor England advised that at the previous meeting the amount for half of the cost was \$185; however, in 2022 it should be a half cost of \$178.

Commissioner Rumrell and Commissioner Samora had no comments at this time.

Vice Mayor Kostka advised that she objected to the process of one size fits all, not having more public comments, and not researching outside vendors. She explained that there are no supporting documents in the Commission books. She asked why there is a \$100

difference between our City and the County.

Public Works Director Tredik advised that the County has a different dynamic, such as a different population base, different facility to dispose and process the materials. The County does not collect what the City collects, such as construction debris. The County does not have as many people on the trucks and do not do the same service as the City.

Vice Mayor Kostka commented that it should be a user fee for what a property owner uses.

Commissioner Samora thanked Vice Mayor Kostka for being engaged in the conversation even though she is against it and giving valuable input.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, commented that he urged the Commissioners to set the fee at \$336. He explained that the City should not pull out of the General Fund and advised that the budget is hurting because of subsidizing the disposal fees.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, requested to table this item and asked the City Attorney to research this issue.

Mayor England closed the Public Comments section and advised that the City is trying to right-size the City's Public Works Department and its capabilities, the essential services, and reduce expenses. She advised that the City wants to right-size the customers to serve them efficiently and move others to private collection where they could be served better. The intent was to charge reasonably with the trucks, personnel, overhead, etc. She explained that the City will continue to try to reduce the fees once this is all in place and to charge a non-ad valorem fee that approximates the City's costs so less money comes out of the General Fund.

Mayor England recapped what the staff's recommendation were.

Commissioner George explained that because this will give notice to the public, she would agree to staff's recommendation of half the cost at \$178.

Commissioner Rumrell agreed with \$178 to get more of the public involved. He wants to get closer to the user fee and close the gap.

Commissioner Samora thanked staff for their hard work and would agree to one half of the 2022 cost of \$178.

Mayor England explained that she has been an advocate of redoing the trash pickup fee, especially commercial units. She requested to go more towards a user cost and commented that whether the Public Works Department picks up one or two cans it is still the same cost to the City. She explained that since COVID-19, yard waste has increased because everyone is cleaning their yards. She agreed with \$178.

Vice Mayor Kostka said if the City goes forward with this and it's budget season, why is the City not going with the full user fee and let the residents know what it is.

Mayor England advised she was opened to go the full amount but wants to reduce the expenses.

Commissioner George was not in favor of going at full cost. She agreed there is going to be budget problems, but why would the City charge the residents full cost when there is not a full need right now. This is about adjusting the cost for overall long-term budget management. This needs to be implemented slowly because it is going to have a substantial monetary impact on all the fixed income residents. She agreed that if one bag or ten bags there will be still overhead costs for the City.

Mayor England asked for a motion.

Motion: to set the rate of \$178 broken down as \$87 for collection, \$67 for disposal and \$24 for recycling. **Moved by** Commissioner George, **Seconded by** Mayor England.

Roll Call was as followed:

Mayor England	Yes
Vice Mayor Kostka	No
Commissioner Rumrell	Yes
Commissioner Samora	Yes
Commissioner George	No

Motion passed by vote of 3 to 2.

Public Works Director Tredik advised that a public hearing will have to be scheduled for late July.

City Manager Royle advised that in late July is the budget meeting as well. He suggested July 13th or 20th.

Commissioner Rumrell asked if the public hearing could be done before the Regular Commission meeting on July 6th.

City Manager Royle advised no because of the virtual complications on so many people wanting to speak on this item. IT Department needs to research how to get a lot of people on Zoom since the City only has 12 lines.

Mayor England suggested the public hearing be on July 7, 2020.

Commission agreed to have the public hearing regarding the non-ad valorem assessment on July 7, 2020 at 6:00 p.m.

Mayor England moved on to Item 5.

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)

Mayor England introduced Item 5 and then asked City Manager Royle for his staff report.

City Manager Royle explained that this was discussed at the Commission's last meeting and advised this is more of an administrative procedure.

Mayor George asked for discussion.

Commissioner George advised that she had no questions. She agreed with giving the City Manager the authority of \$15,000 budget transfers between accounts within the budget.

Commissioner Rumrell agreed.

Commissioner Samora advised that all the changes have been made that the Commission requested, so he agreed.

Vice Mayor Kostka agreed with the ordinance.

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

City Attorney Douglas read the title of the ordinance for first reading.

Mayor George asked for a motion.

Motion: to approve the changes to Sections 2-103 and 2-104. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll Call was as followed:

Commissioner Rumrell	Yes
Commissioner Samora	Yes
Commissioner George	Yes
Mayor England	Yes
Vice Mayor Kostka	Yes
Motion passed 5 to 0	

Mayor England moved on to Item 6.

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)

Mayor England introduced Item 6 and then asked Christopher Cygul and Kristy Lee Wilson to the podium.

Christopher Cygul, 493 Pyrus Street, St. Augustine Beach, FL, thanked everyone for being here physically and through Zoom. He explained that on his street there is a construction problem, but not a dispute with the neighbors. An issue came up regarding the use of the right-of-way on Pyrus Street, which is a dead end. He requested the Commission consider the proposal to make a barricade on the right-of-way, which has been done on other streets facing the beach side within the City. He explained that Pyrus Street is not a major thoroughfare and wants to promote safety and not allow trucks, trailers, and heavy equipment to go through the barricade. He requested only pedestrian traffic. He said there is a lack of a fence bordering Bluebird Street. He explained that the owners removed the fence approximately in August 2019, which causes a lack of privacy for the homeowners on Bluebird Street. He advised that the Bluebird Street owners advised that the owners on Pyrus Street do not allow the owners of Bluebird Street privacy. The homeowners on Bluebird Street have four-wheel vehicles, a pickup truck, and a trailer. The Pyrus Street homeowners have noticed safety concerns that the Bluebird Street owners are doing on their property in regard to tree removal and had an

arborist come to the property who said there were several widow-maker trees that could fall. He explained that since the fencing has been removed, cameras have been installed facing the Pyrus Street residents. He commented that the Pyrus Street homeowners want a peaceful solution. He requested the Commission to have the City install barricades to protect the people on Pyrus Street and other streets that face Island Hammock. He explained that the tree surgeon does not advise running over the roots of a very large magnolia tree with trucks. He advised that his goal is have a pedestrian entrance to the property and if the City cannot install barricades, how long will it take the owner on Bluebird Street to put her fence back up and explained that it has been down for nine months.

Mayor England asked what exactly Mr. Cygul wanted.

Mr. Cygul advised that he wants a barricade to be installed by the City with a gate for pedestrian walkway as other streets within the City have.

Mayor England asked if the City ever installed fences previously.

City Manager Royle advised that on streets the City has installed two posts with two crossbeams on dead end streets. He explained that if the homeowners want a gate, the homeowners will have to provide that.

Commissioner Rumrell spoke with Building Official Law regarding installing a horse fence that would be on the right-of-way and asked City Attorney Douglas if the City has a right to do that.

Building Official Law agreed with Commissioner Rumrell and advised by doing this it would show that the City did not take sides between the neighbors. He suggested a gate if the Commission wanted so people could access the public right-of-way; however, what is done on one street must be done on all streets. He explained that each street would cost approximately \$100.

City Attorney Douglas advised that the Commission could install what they want on their right-of-way.

Commissioner Samora asked Building Official Law about 10th, 9th, 13th, 14th and 15th Streets that have the same type of dead-end streets.

Building Official Law advised that yes, they have two horizontal rails, but he would ask for a two by four cap to help steady the rails, especially if a gate is installed.

Mayor England recapped that what was requested is to construct fencing at all dead-end streets in the City's as the budget allows.

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

Fiona Godfrey, 240 Bluebird Lane, St. Augustine Beach, FL, read a statement into the record (Exhibit 5).

City Attorney Douglas advised that the Commission does not have to vote tonight on the recommendation staff made. He encouraged the Commission to strive for consistency throughout the City.

Mayor England asked for more research and to get the information to the Commission.

Commissioner Rumrell spoke with Commander Ashlock and Assistant City Attorney Taylor. He advised that the City does not want to get involved in a civil dispute and explained that the City could install a barricade on the City's right-of-way. He also advised that if the homeowners want in the future to get a special use permit for a pool, they could apply for it and the City could take the barricade down and then reinstall it.

Commissioner George has seen similar disputes to remove barricades from the private right-of-way when a neighbor did not want access. There is a section in the code that requires a permit to put anything in a right-of-way that could block access. She explained that she is withholding on voting on this issue because she has a perceived conflict of interest with regard to one of the property owners involved so she recused herself on voting.

Vice Mayor Kostka asked when the fencing on Bluebird Lane would be completed.

Mr. Godfrey, 240 Bluebird Lane, St. Augustine Beach, FL, disputed the comments by Mr. Cygul. He explained that he has been following the law by using his truck and trailer, but Pyrus residents barricaded them for using the right-of-way by putting wood, tables, etc. in their way and he could not get his truck and trailer out. The police have been called several times by Pyrus residents. He wants to clean up the backyard and put up the fencing. He explained that there is no need for a barricade and advised that he has a construction fence there in the meantime.

Vice Mayor Kostka asked when it will be done.

Mr. Godfrey advised it would take one month for the trees and another month for the fence. He advised about 2 ½ months. He has been stopped for 1 ½ months due to altercations.

Mayor England asked City Attorney Douglas what the City should do without getting involved in the neighborhood dispute.

City Attorney Douglas recommended that the City does not get involved in civil disputes between neighbors. Staff has come up with a recommendation that has been given to the Commission for a barricade and he does not see any legal obstacle in doing that if the Commission agrees. The Commission is not required to vote on it tonight.

Mayor England asked if it is a City's decision on when the City or if the City should put up a barricade. She asked if it would be a Commission decision.

City Attorney Douglas advised that he would have to research that and feels it would be more of a staff level decision.

Mayor England suggested that staff bring back a policy to the Commission regarding this issue at a future date.

Vice Mayor Kostka advised that the City does not need a policy on what to do with the City's rights-of-way. It is the City's decision but wants more information on this before voting.

Carol Freudenberger, 244 Bluebird Lane, St. Augustine Beach, FL, explained that Pyrus Street is directly behind her and she has a fence and a pool on her property, which has a gate on Pyrus Street. She explained that her gate has been boarded and nailed shut without her permission and she cannot go out the back gate if she chooses to. She explained that the gate was used for gas for the pool heater. She asked if a barricade were erected, would the gate remain open. She advised that the street seems to be a public party place also.

Police Chief Hardwick advised that he reached out to the experts in the City, Building Official Law and Public Works Director Tredik. Law enforcement does not get involved in civil disputes; however, he wanted to not let it escalate. Commander Ashlock reached out to the neighbors and educated them on the laws that the police enforce on the street. No criminal actions have been taken by the neighbors. The problem is that the streets are not consistent throughout the City and this issue will be coming up again with other streets.

Mayor England asked the staff to inform the Commission on what the City does on dead-end streets and whether vehicle access is allowed. She also requested to find out if special permits are needed for construction. She advised that she did not have enough information to make solid decisions on this street.

Kristy Wilson, 493 Pyrus Street, St. Augustine Beach, FL, wanted a dead-end street for safety reasons for their four-year-old girl. Police have been called by Mr. and Mrs. Godfrey. Mrs. Godfrey has filmed her child. She wants them to access the front of their property like everyone else. She also runs over the roots of trees in other neighbors' yards.

Jennifer Pessina, 91 Pyrus Street, St. Augustine Beach, FL, objected to cameras pointed to her house with her small child.

Kevin Pessina, 491 Pyrus Street, St. Augustine Beach, FL, explained that there are unprofessionally cut trees that pose a danger to his house; fence panel that they took down because the improperly moved their fence; not allowing filming of children; he would be willing to place a fence on his property to stop this; and can use the gate at the end of the street for non-vehicular access only.

Ed Swift, 2591 Hydrangea Street, (owner of duplex 490 & 492 Pyrus Street), St. Augustine, FL, he talked with the neighbors on Pyrus Street who seemed to be united and Bluebird neighbors seem to have angered everyone. The trees and fencing have been down for months and the staging area for the vehicles is on Pyrus Street. He advised that they live in a PUD in Island Hammock and should use their street to remove trees and do construction.

Nick Ortiz, 492 Pyrus Street, St. Augustine Beach, FL, agreed with Mr. Swift and over the last five to six months this has been a problem and there seems to be no end in sight. The access point being used was never accessed before after 40 years of trimming. He is in support of the barricade.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that city staff presented this item in a disorganize way and requested mediation and requested to table this matter.

Mayor England closed the Public Comments section and advised that she would sit down with the residents with Commander Ashlock to get a reasonable resolution. She asked staff for a policy on dead-end streets regarding vehicle access or not. She suggested not taking any action tonight but to come up with a City policy on dead-end streets.

Commissioner Samora agreed because he said this will not be the last time this issue comes up. He suggested a policy with procedures and time constraints.

Mayor England advised that the two issues are vehicle access and pedestrian access and, in the meantime, to work with the neighbors to get their construction done.

Commissioner George advised that it is great to work with a policy; however, the universal policy needs to be very clear because lot access is a complicated issue, especially on the ocean side and the side of the property. She said that a consistent policy might not be obtainable.

Mayor England moved on to Item 7.

7. Review of Proposed Resolutions for Changes to the Personnel Manual (Presenter: Beverly Raddatz, City Clerk)

Mayor England introduced Item 7 and then asked City Clerk Raddatz to give her report.

City Clerk Raddatz recapped the resolutions regarding personnel changes on emergency management pay and procedures, Equal Employment Opportunities, ADA definitions, minor educational reimbursements, and General Provisions. She suggested that the incentive pay for education should be removed because of the current economic situation in the City.

Commissioner Rumrell advised that he had no changes.

Commissioner George advised that it looks good and thanked the City Clerk for her efforts.

Vice Mayor Kostka agreed with no changes.

Commissioner Samora advised no changes.

Mayor England thanked City Clerk Raddatz for reconsidering the incentive pay. She asked if salaried employees during the declared emergency would be entitled to overtime.

City Clerk Raddatz advised no and FEMA will reimburse the City for those employees working during the declared emergency.

Mayor England advised that regular employees during a declared emergency will be compensated at time and a half, but salary employees will be compensated at their regular rate.

City Clerk Raddatz advised yes.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City is not following their own policy by covering up sexual harassment during the City Manager's term.

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

Motion: to extend the meeting. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England made a motion.

Motion: to approve 20-03, 20-07, and 20-08 with the deletion on page 12 of Section 19.5 Incentive Pay. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 7.

8. Mixed Use District Along A1A Beach Boulevard: Consideration of Ordinance to Establish Boundaries (Presenter: Brian Law, Building Official)

Mayor England introduced Item 8 and then asked Building Official Law for his staff report.

Building Official Law explained that staff is recommending designating the entire commercially zoned properties in accordance with the Vision Plan Mixed Use and be subjected to the Mixed Use Overlay under the control of the Comprehensive Planning and Zoning Board.

Commissioner Rumrell had no questions.

Commissioner George had no questions.

Vice Mayor Kostka had no questions.

Commissioner Samora had no questions.

Mayor England property zoned commercial can take advantage of P & Z permitting?

Mayor England asked for Commission discussion.

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

City Attorney Douglas read the title of the ordinance.

Mayor England asked for a motion.

Motion: to approve the Mixed-Use ordinance. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell.

Roll Call was as followed:

Commissioner Rumrell	Yes
Commissioner Samora	Yes
Commissioner George	Yes

Mayor England Yes
Vice Mayor Kostka Yes
Motion passed unanimously.

Mayor England moved on to Item 9.

9. Solid Waste Collection Regulations: Ordinance 20-XX, First Reading, to Amend Section 10 of the City Code (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik explained that this is changing Chapter 10 garbage and trash of the City's code. The reason for this is the change to Article 2 which deals with the non-ad valorem assessment. The current code only allows for disposal so the current code would allow for collection and recycling as well. Ponce Landing and other townhomes called and expressed concerns about leaving City services (Exhibit 6). He explained that they did not have room for a dumpster and the townhomes are owned by individuals and are not condominiums. He recapped the changes to the codes.

Mayor England advised on page 3 of the ordinance the residential service premises definition did not say it has to be a single-family home or a duplex or a triplex. The City has stated that whether it was a residential premise on the number of units.

Public Works Director Tredik advised that he is trying to accommodate Ponce Landing to give them garbage pickup. He explained that if the townhomes or Ponce Landing chose to opt out of City services and get private haulers, then they could do so, or the City could continue giving them service.

Mayor England asked if there was a way to allow the City to make an exception to the rule to accommodate Ponce Landing since there is space for a dumpster. She suggested making an exception to the five dwelling units if needed.

Public Works Director Tredik advised that he would have to research that with the City Attorney to see if that is doable and will change the ordinance for the second reading. He explained that there is a way to declare a hardship for more than six or more units with the condominiums because they want to stay on with the City service after October 1st if they have a hardship. The City Manager will deny or approve the hardship request, which are listed in the ordinance.

Mayor England asked to include a hardship clause that exceed the five dwelling units.

Vice Mayor Kostka understand ownership of the townhomes but asked if they would be billed at the commercial or residential rate.

Public Works Director Tredik advised that they would be included in the non-ad valorem assessment, so it would be residential.

Vice Mayor Kostka asked what the current proposed rate for a 164-gallon commercial bin is.

Public Works Director Tredik advised it would be \$268 per year.

Vice Mayor Kostka advised that her concern was that the fee would be less than a residential owner would eventually end up paying.

Public Works Director Tredik advised that commercial rates can be adjusted by the Commission to match or exceed the residential rates.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, voted no on the speaker card.

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

Motion: to approve the ordinance with the previous stated changes. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 10.

10. New Item – Using City Seal.

Mayor England introduced Item 10 and asked City Manager Royle to explained.

City Manager Royle advised that the St. Johns County Chamber of Commerce requested to use the City seal for a Pledge campaign, which is for businesses that they pledge that they will clean and disinfect for their customers at their businesses. He explained that they would place this pledge on their windows to show support of their clean business due to the Coronavirus. He explained that St. Johns County and the City of St. Augustine have already approved their seals to be on the Pledge.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table this item until this could be researched further.

Mayor England closed the Public Comments section.

Commissioner Samora advised that if this does not move forward with this now, the City's seal will not be on the print because the Chamber of Commerce needs to do this immediately.

Vice Mayor Kostka explained that this is for tourism to let the public know that the City businesses are following the Executive Orders by cleaning and disinfecting. She asked for a

legal opinion on this regarding liability.

City Attorney Douglas advised that this is more aspirational and would not cause liability. He advised that the phrase “we took the pledge” has no definition and who is bound by it, who has a duty from it, and who took the pledge.

Mayor England advised that the business would take the pledge and put it in their window.

Commissioner Samora said yes and advised that this was only to encourage tourists that the City of St. Augustine Beach businesses that take the pledge are keeping the public safe.

Mayor England asked if the Commission wants to come back tomorrow to finish this item.

Assistant City Attorney Lex Taylor advised that the Commission could use Zoom if they do not want to come back tomorrow.

The Commission agreed to continue the meeting until June 2, 2020 at 5:30 p.m.

XIV. ADJOURNMENT

Mayor England continued the meeting to June 2, 2020 at 5:30 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

CONTINUATION OF THE REGULAR CITY COMMISSION MEETING TUESDAY, JUNE 2, 2020 AT 5:30 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

Mayor England asked City Clerk Raddatz for roll call.

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

Also present were: City Manager Royle, Assistant City Attorney Lex Taylor, Police Chief Hardwick, City Clerk Raddatz, Finance Director Douylliez, Building Official Law, and Public Works Director Tredik (virtually).

IV. NEW BUSINESS

9. Solid Waste Collection Regulations: Ordinance 20-XX, First Reading, to Amend Section 10 of the City Code (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 9 and asked Assistant City Attorney Taylor to read the title of the ordinance which had been inadvertently not done at the June 1st meeting.

Assistant City Attorney Taylor read the title of the ordinance.

Motion: to approve the ordinance with the previous stated changes. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item 10.

10. Discussion by St. Johns County Chamber of Commerce to Use the City Seal.

Mayor England introduced Item 10 asked Richard Goldman (virtually) to speak on this item.

Richard Goldman, Visitor and Convention Bureau President, 2540 W. Executive Center Circle, Suite 200, Tallahassee, FL 32301 advised that the Chamber of Commerce due to the Coronavirus has looked for ways to demonstrate to tourists that the City of St. Augustine Beach is a safe destination to come to. One of the ways is a Pledge program like the City of Savannah's Safe Pledge. The business goes online and reads what the requirements are and signs a Pledge that he will follow the basic guidelines from the CDC. The businesses will receive posters, flyers, and window cling signs that they have taken the Pledge. St. Johns County will monitor the online service. The Pledge makes the businesses' guests feel safer. He advised that wearing masks are encouraged. The Pledge is meant to be a signal to visitors that the businesses are following the guidelines. Feedback from visitors have been positive according to the City of Savannah.

Mayor England asked if St. Johns County and the City of St. Augustine approved using their seals and how will the Chamber of Commerce disseminates this to the businesses in the City of St. Augustine Beach.

Mr. Goldman advised that they have approved their seals to be used. The Chamber of Commerce will be sending links to the website to the businesses of the program once it is up and running. He believes that the program will be up and running by the first of next week.

Vice Mayor Kostka thanked Mr. Goldman for coming and for his input. She asked if the webpage will be handled by the County.

Mr. Goldman advised yes. The County will have a link that incorporates the Pledge and the businesses would agree to the guidelines and then become part of the data base of businesses that are participating. The County will send materials once the business pledges.

Vice Mayor Kostka was concerned about encouraging the use of face coverings by employees and customers. She explained her procedure for her business. She commented that none of her employees have chosen to wear face masks and asked if that gives the perception that the business is not following the pledge.

Mr. Goldman commented that the language of the Pledge is that it is encouraged. The market will decide whether they are comfortable about doing business. There are businesses that would be more concerned about masks than others. He advised that it is a program that the businesses must decides works for them.

Vice Mayor Kostka agreed that businesses are different, and some would want mask coverings more than others. Once Florida reaches Phase 2, would the Pledge continue?

Mr. Goldman advised that if people are concerned about it, it would be useful. He advised that he would be glad to share what Phase 2 will look like to businesses according to

Governor DeSantis. Local municipalities have more strict guidelines than the state.

Vice Mayor Kostka explained Georgia's guidelines, which are very restrictive on businesses. Florida's Executive Order is not as restrictive. She explained the difference in the statistics between Florida and Georgia. She agrees with a universal approach, but she feels that wearing face masks for a work shift is challenging.

Mr. Goldman advised that the County was doing this and then the City of St. Augustine wanted to be apart of the Pledge too. He mentioned that the residents also like to know they are safe as well.

Commissioner Samora advised that this is a reminder to the visitors, employees, residents, and businesses to be a safe distance and be careful. He agreed with the program and a nice gesture for the County and the City of St. Augustine and it will help the tourists to feel comfort that there is an awareness regarding Coronavirus.

Mayor England asked if Commissioner Samora if his employees wear masks when in front of customers.

Commissioner Samora advised that we started to make employees to wear masks at first; however, one employee got heat exhaustion and so he then did not require the masks to be worn unless the employee or the guest require them to have a mask. He said it may not be suitable for his business, but it might be for others.

Commissioner Rumrell thanked Mr. Goldman for his description of the Pledge. He is glad that this is being done as a group and has the force behind everyone. He advised if the City does not do this, then the City is hurting our businesses. He commented that he believes this is a long-term situation that will continue until a vaccine is received. He agreed with the Pledge.

Commissioner George thanked Mr. Goldman and everyone on the VCB. She thought this was a great program that helps with marketing and will build confidence for tourists in our community. It will have a strong impact on all businesses, and it is imperative that our City shows a united front with the County and the City of St. Augustine. She wants to approve it and thinks it is a great program.

Mayor England advised that she is in full support of this. Disinfecting is very important for visitors and residents. She then made a motion.

Vice Mayor Kostka asked if Assistant City Attorney Taylor had any questions about the liabilities of the Pledge.

Assistant City Attorney Taylor asked if any inspections were being done or is it self-policing by each business.

Mr. Goldman said that the businesses are self-policing and no inspections will be made.

Assistant City Attorney Taylor advised since the City is not doing any policing, and the businesses are holding themselves to a certain standard, then he does not feel it would be

any liability on the City.

Motion: that the Commission allows the use of the City seal and supports the Pledge.
Moved by Mayor England, **Seconded by** Commissioner George.

Roll Call was as followed:

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

Motion passed unanimously.

Mayor England moved on to Item XIV.

XIV. STAFF COMMENTS

Mayor England asked Lt. Daniel Carswell for a report.

Lt. Carswell advised that Police Chief Hardwick requested that when Mayor England schedules a meeting with the Pyrus and Bluebird neighborhood that Building Official Law and Public Works Director Tredik attend as well. He also advised that the fireworks show for Jacksonville Beach was rescheduled for New Year's Eve and the City of St. Augustine's has been cancelled. He explained that if the City of St. Augustine has a fireworks event on New Year's Eve that the City work with them as a joint event.

Finance Director Douylliez explained that she is monitoring the finances of the City and has received some revenues which have not decreased too much but are early estimates. She has been notified that the State of Florida notified municipalities that one full month of state share revenues would be cut. She explained that there was a \$848 million deficit in the April numbers for the state.

Mayor England advised that the City might not know the full budget cuts for FY 2021 by July when the Commission sets the millage.

Finance Director Douylliez agreed with Mayor England's statement. She advised that she will be more conservative this year, especially with reserves needing to be built back up according to the auditors. She explained that hurricane season is also here and there already been three named storms.

Commissioner Rumrell asked if we received any money from the weir from the grant.

Finance Director Douylliez advised no. She explained that it was her understanding that the weir would be 100% funded: 25% from FEMA and 75% from St. Johns Water Management District. She explained it will be an 18-month project and explained that she has been researching for funding to get the City through the project until reimbursements come to the City.

Commissioner Rumrell advised that he would keep researching for more funding.

Vice Mayor Kostka thanked Finance Director Douylliez for her report and for doing so well in her projections.

Public Works Director Tredik advised that there is a project for parallel parking on Pope Road that the County did a conceptual plan which he sent to the Commission. He explained that there are 30 spaces east of Clipper and 17 additional parking spaces west of the YMCA, which he was concerned about because it is near a residential area. He asked for Commission guidance in case the County decides to build the parking spaces.

Mayor England asked to make this an agenda item if the County decides to move forward with it. She also commended the Public Works staff for picking up so much yard waste. She asked about the entrances and parkettes.

Public Works Director Tredik advised that he did not have any updates but could investigate that and bring it up at the next meeting.

Mayor England suggested to water the parkette where the two A1A highways.

Vice Mayor Kostka asked to place trash cans where there are benches in the parkettes and also placing trash cans at the crosswalks where there were flags during 4th of July and asked if they could be placed a week before and after 4th of July.

Public Works Director Tredik advised that he would do so.

City Manager Royle told Commissioner George that we have canned water for the meetings. He explained that on Zoom there was some problems with control over the meeting at the last night's meeting. He suggested that on the July 7th Special Commission meeting for the non-ad valorem assessment that there would be no zooming from the public. He asked that the public use the speaker cards or come to the meeting. He said if there are excess crowds, we would have the meeting room open for the public.

Discussion ensued regarding that the City only had 12 lines for parking calls; coordinating the muting on Zoom for the public if they get out of control or are not following the rules; not legal to mute people when they have their two or three minutes to address the Commission; allowed to mute a person if they are cursing after a warning; and coordinating the names for Vice Mayor Kostka with a list of those who Zoom in.

City Manager Royle advised that the Tourist Development Council (TDC) grant applications are open June 5th to July 4th. He explained that staff has discussed some modifications for Beach Blast Off or keep it as normal. He commented that he has asked the TDC Director if they will give the grant money for the fireworks; will the County allow us to use the pier because it was just refurbished, which the Assistant County Administrator is researching for him; Sheriff Shoar may not provide low or no cost police officers for the event, which would cost the City a lot of overtime pay for law enforcement; COVID-19 outcomes have not be reached, so the City doesn't know what that might entail; the Communications and Events Coordinator is looking for sponsorships, but may be hard to obtain due to businesses shutting down; not sure if TDC will give the City grant money for the advertising that is necessary for Beach Blast Off; commented that distancing due to COVID-19 may be enforced and so does the Commission want to have only who local people that can drive to the City; if the event is cancelled, there will be no reimbursement for the funds spent; if the event is modified this year, local food trucks were being discussed for the event; not having the kids zone due to COVID-19; only having one band instead of several; and not having buses because that costs approximately \$8,200. He explained that Port-o-Lets are still needed, light towers, overtime for employees, payment to the radio station and fees for licensing. He advised that staff is in a holding pattern because there are so many decision points not decided upon. There will be a budget hole if the TDC does not provide the grant money and if St. Johns

County does not allow the City to shoot the fireworks from the pier, there is no other place to shoot off the fireworks. He explained that there is a limited budget due to COVID-19 and that Beach Blast Off would cost the City \$30,000 to \$40,000. He remarked that he is not asking for answers from the Commission at this point but will need to have other agencies' decisions soon.

Finance Director Douylliez advised that this list (Exhibit 1) is a general concept of what the staff is looking at right now. Staff is submitting to the TDC just like other years and see what the City obtains and try to fund the rest of the event. Once the final decision is made by the TDC, the City staff will move forward if it is granted. Half of the fireworks payment is needed to be given to the contractor for the fireworks on October 1st, so cancelling the event would mean that the City would lose \$12,500. The production company would require half of their costs up front in October as well. She explained that there are very limited refunds with those cash outlays. She explained that Police Chief Hardwick suggested to work with the City of St. Augustine as a joint event, but that would be a Commission decision.

Vice Mayor Kostka advised that the most important deadline is from TDC because it is before the Commission next meeting. She asked if we apply and get the money but don't want to hold the event, do we just give the money back to the TDC.

Finance Director Douylliez advised that staff will be discussing this with the TDC on Friday to find out any penalties if we cancel now and if there are any penalties in the future for grants. She commented that she wants to move forward on the application; however, she was not certain what penalties there might be for the future.

Mayor England asked staff to move forward and ask all the appropriate questions of the TDC so there can be a determination. She said that she would work with City Manager Royle to reach out to the City of Jacksonville and the City of St. Augustine to see what their plans are. She explained that this would be a very difficult year to hold Beach Blast Off due to limitations on the budget and restrictions from COVID-19.

Commissioner George asked to bring this back for an agenda item. She explained that she had never seen the TDC give out penalties if an event did not take place, especially currently. She suggested that staff move forward with the application to TDC, but she was not prepared to answer whether to have the event now without having the figures of the event in advance.

Commissioner Samora thanked staff for the update, but too early to decide yet. He explained that the deadline date would be in October and things could change with the COVID-19 situation between now and then.

Commissioner Rumrell asked if the fireworks were cancelled would it go towards the following year's event. He suggested to work with the City of St. Augustine if that is an opportunity as well. He asked to find out if the TDC grant money could be used for the following year.

Mayor England asked staff to research this further and to have a Special Commission meeting if necessary, to inform the Commission.

Police Chief Hardwick advised that his concern is that other cities are pushing their fireworks shows off to New Year's Eve and if the City of St. Augustine does the event on New Year's Eve, there is no way law enforcement could do two events in the same county. He suggested to piggyback on the City of St. Augustine's event.

XV. ADJOURNMENT

Motion: to adjourn. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

Commissioner Samora Yes

Commissioner George Yes

Mayor England Yes

Vice Mayor Kostka Yes

Commissioner Rumrell Yes

Motion passed unanimously.

The meeting was adjourned at 6:49 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

EMERGENCY COMMISSION MEETING

TUESDAY, JUNE 9, 2020 AT 5:30 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England asked Vice Mayor Kostka to lead the Pledge of Allegiance.

III. ROLL CALL

Mayor England asked City Clerk Raddatz for roll call.

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

Also present were: City Manager Royle, City Attorney Douglas, Assistant City Attorney Lex Taylor, Police Commander Ashlock, and City Clerk Raddatz.

After roll call, Mayor England advised that this meeting is to consider one agenda item and the first order of business is to vote on allowing this as an emergency meeting because this Proclamation is time sensitive and it was not discussed at the June 1st and 2nd Commission meetings.

Motion: to approve or confirm that this meeting is an emergency in order to conduct necessary business during the month of June and that the only topic on the agenda is consideration of the attached proclamation before the Commission relating to Gay Pride Month for the month of June and is time sensitive. **Moved by** Mayor England, **Seconded by** Commissioner George.

MAYOR ENGLAND	Yes
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VICE MAYOR KOSTKA	Yes
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COMMISSIONER GEORGE	Yes
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COMMISSIONER RUMRELL	Yes
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COMMISSIONER SAMORA	No
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Motion passes 4 to 1.

Mayor England asked if four votes or super majority were required.

City Manager Royle advised yes.

IV. CONSIDERATION OF PROCLAMATION TO DECLARE JUNE 2020 AS GAY PRIDE MONTH

Mayor England introduced Item IV and asked Mary Cobb (virtually), Women's March Alliance of North Florida, to come to the podium.

Mary Cobb, 258 Wisteria Road, St. Augustine, FL, advised that last year she presented proclamation for Gay Pride Month and wanted to put forward another proclamation for Gay Pride Month for 2020. She explained that she has been working Equality Florida as well as Women's March Alliance of North Florida and is very supportive of LBGTQ. She requested the proclamation to be approved and the Gay Pride fly to be flown at the City of St. Augustine Beach.

Mayor England advised that the City of St. Augustine Beach is a very welcoming, diverse community. She explained that this came to the Commission after their Regular Commission meeting and complied with Resolution 19-10. She advised that the Commission accommodated with an emergency meeting, which it may not be able to do again in the future.

Mayor England asked for Commission discussion. Being none, Mayor England then opened the Public Comments section. The following addressed the Commission:

Trish Becker, 120 Stokes Landing Road, St. Augustine, FL, advised she is a member of Women's March Alliance of North Florida and thanked the Commission for being so accommodating; she wants the safety, health and wellbeing for the visitors and residents coming to the City. She explained that kids are being made homeless because they came out to their parents and this should not be happening. She commented seeing the flag flown over city hall can make a big difference to those children.

Mayor England closed the Public Comments section and asked the Commission for any discussion. Being none, Commissioner George made a motion.

Motion: to approve the Proclamation for Gay Pride Month for June 2020. **Moved by** Commissioner George.

Commissioner Rumrell stated that he is concerned about having proclamations with different flags flying and asked for a ruling from the City Attorney. He explained that he has a cousin that is LGBTQIA and is in support of the proclamation; however, he did not want to set a precedent for flying different flags at city hall. He requested to the Commission to only fly the American flag at city hall. He commented that if the Commission agrees with some flags and not others, could there be a lawsuit against the City.

Commissioner Samora is a big advocate of the proclamation as well as other proclamations that are done. He asked those who want proclamations to be approved, to get it to the Commission in a timely manner because he objects to holding an emergency meeting for a proclamation especially when we had two meetings already last week. He agrees with

Commissioner Rumrell's concerns, which he expressed last year as well. He does not want the City's flagpole to be a lightning rod of these types of issues, especially in the times that we are in and is very uncomfortable with the Commission picking winners and losers on these groups. The Commission does not know what other groups will request their flags to be flown and feels that it is not the Commission's place to pick who the winners and losers are.

Vice Mayor Kostka commented that we are living in unprecedented times and she wondered sometimes that something that appears innocuously as flying a flag that represents who we are as individuals can create a different scenario with the best intentions. She explained that she has a huge family and its members have a variety of colors, variety of religions, and a variety of sexual orientation. Her family members have a variety of jobs and one is on welfare, which is okay. All of those differences does not make us a family and when we talk about flags and we have the flag of our country, and in the Pledge of Allegiance, it says "one nation... with liberty and justice for all." She explained that especially in these times with such a great divide, why are we not looking for ideas to bring us more together, than separate. She explained that she is not opposed to the proclamation at all but wants inclusiveness and agrees with the other Commissioners' comments not to pick winners and losers but allow the American flag to represent all of us. She advised that she is for the proclamation and would like the City Attorney's opinion on Resolution 19-10.

Mayor England asked City Attorney Douglas his opinion on Resolution 19-10 regarding legal issues.

City Attorney Douglas advised that he started with whether Commission action on this would be illegal or cause exposure and found that it would not. He explained that they could not find any cause not to do Resolution 19-10 and is in the preview of the Commission to decide whether to fly a flag on the pole or not. He commented that Commissioner Rumrell asked to bring back an ordinance that no flag should be flown other than the American flag within the City. He explained that that would be content neutral and would not expose the City to any type of potential liability or litigation.

Mayor England advised that if the Commission wants to bring an ordinance back, it would be decided at another time. She then asked Commissioner George to restate the motion to as is. She explained that if it does not carry the motion, then an alternative motion could be done.

Commissioner George advised that the way she sees the flag is that because it is a rainbow flag, it is inclusive of everybody, including those who are not a part of the LGBTQIA community. She advised that that was why she was in support of it. She commented that by Presidential Proclamation the rainbow flag was directed to be flown at most federal agencies and mentioned several cities in Florida who flew the rainbow flag. She explained that the City Attorney researched the legalities last year and it could be done again, but she wanted to know that the rainbow flag is inclusive of everyone not just that community.

Motion: to approve the proclamation for June 2020 as presented. **Moved by** Commissioner George, **Seconded by** Mayor England.

Roll Call was as followed:

Commissioner George	Yes
Mayor England	Yes
Vice Mayor Kostka	No
Commissioner Rumrell	No
Commissioner Samora	No

Motion did not pass.

Mayor England asked for another motion.

Motion: approve the proclamation but leave out the second to the last paragraph that starts with moreover. **Moved by** Commissioner George, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

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

Motion passed unanimously.

V. ADJOURNMENT

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

Roll Call was as followed:

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

Motion passed unanimously.

The meeting was adjourned at 5:57 p.m.


Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 9, 2020

SUBJECT: Ordinance 20-XX, Public Hearing and Final Reading, to Change Sections 2-103 and 2-104 of the General City Code Regarding Transfers of Money Between Accounts in the Annual Budget

PLEASE NOTE: We've not assigned a number to the ordinance. Ms. Raddatz says it will be less confusing not to assign a number to an ordinance until you have approved it on first reading. Sometimes ordinances aren't passed on first reading, or their passage is postponed to have changes made to them. Ordinance numbers can then get out of sequence. The same will be done for resolutions: no number will be assigned until you have approved them.

The County uses the post-first reading ordinance numbering system.

INTRODUCTION

The budget that's prepared during the summer before the start of a fiscal year has the Finance Director's and the department heads' best estimates of expenditures for upcoming fiscal year. Often, as the year progresses, more money than expected is spent from an account in a department's budget. For example, there may be the unanticipated (and expensive) repair of a critical vehicle; or fuel prices may increase causing more money than estimated to be spent from a department's fuel account. To keep department accounts in the black, the City Commission in 1990 approved Ordinance 90-24, which provided regulations for the transferring of money between accounts in a single department and between departments. Those regulations have been codified in the general City Code as Sections 2-103 and 2-104.

These sections concern who has the authority to transfer money between expenditure accounts during the fiscal year. Section 2-103 allows the City Manager to approve transfers of up to \$1,500 between accounts in a department's budget. The City Manager must report transfers between \$501 and \$1,500 to the City Commission. A transfer over \$1,500 can only be done by a resolution that's been approved by the City Commission.

Section 2-104 requires that a transfer of any amount BETWEEN departments can only be done by a Commission-approved resolution. The City Manager has no authority to approve such transfers.

Sections 2-103 and 2-104 are attached.

AUDITOR'S RECOMMENDATION

At your March 2nd meeting, Mr. James Halleran of James Moore, the City's auditing firm, presented the audit report for Fiscal Year 2019. On pages 43-44 of the report is the Auditors' Management letter. On page 44, the auditors provided two recommendations. One is 2019-004, Budgetary Legal Level of Control. It states:

"During our audit of the City's budgetary compliance, we noted the budgetary legal level of control is \$1,500 for the City Manager to make intradepartmental transfers and transfers of appropriations between departments require approval of the City Commission. To increase efficiency of staff and Commission time, we recommend the City consider amending the City Ordinances to increase the legal level of control to allow City Manager approval of any interdepartmental transfers of appropriation and City Commission approval for any changes in the total budget for a fund."

In summary, what the auditors' recommendation means is this:

- That the City Manager be allowed to transfer any amount of money between accounts in any single department and as well as between departments, so long as the total appropriation approved by the Commission for the fund for the entire fiscal year is not exceeded.
- Transfers that exceed the total appropriation for a fund would require City Commission approval.

For example, the total appropriation approved last September by the City Commission for the General Fund for FY 2020 is \$7,273,278. Any transfers of money by the City Manager during the fiscal year could not change that amount. If the amount needed would change that "bottom line," then the transfer could be done only by a Commission-approved resolution. Usually such a change to a fund's total appropriation means a transfer is required from a reserve or the unassigned fund balance and such transfers have always been brought to the Commission for approval.

REASONS FOR THIS REQUEST

There are two:

1. To lessen the time during your meetings that you spend on matters that could be handled administratively. This will help you focus your attention and time on matters that are legislative/policy making in nature, such as changes to the Land Development Regulations, approval of final development plans, ordinances and contracts, awarding bids, increasing fees, and so on.
2. Because often there is no choice regarding the budget transfers you now approve: money must be transferred to repair a sanitation truck or police car, or to get accounts in the black because unforeseen circumstances have required more spending from them than expected.

You can still be kept informed of the transfers the City Manager makes by requiring a report from him. As noted above, Section 2-103 already requires that he inform you of transfers between \$501 and \$1,500. He now does this routinely as part of the financial report that's provided to you each month. You could require him to report to you transfers in excess of \$15,000, \$20,000, \$25,000, or a higher amount.

At your April 29th meeting you reviewed this request and approved the City Attorney preparing an ordinance that would allow the City Manager to transfer up to \$15,000 between accounts within a department or between departments.

You reviewed the Ordinance at your June 1st meeting, when you passed it on first reading without any changes.

ACTION REQUESTED

It is that you hold the public hearing and pass the Ordinance on its second and final reading.

ORDINANCE 20-____

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT RELATING TO THE AUDITOR'S REPORT FROM FISCAL YEAR 2019; AMENDING THE CITY'S CODE OF ORDINANCES SECTION 2-103 TO REGULATE TRANSFER OF FUNDS BETWEEN ACCOUNTS IN INDIVIDUAL DEPARTMENTS AND SECTION 2-1.04 TRANSFER OF FUNDS BETWEEN DEPARTMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in 1990 the City Commission approved Ordinance 90-24, which provided regulations for the transferring of money between accounts in a single department and between departments. Those regulations have been codified in the general City Code as Sections 2-103 and 2-104.

WHEREAS, at the March 2, 2020, meeting of the City Commission, Mr. James Halleran of James Moore, the City's auditing firm, presented the audit report for Fiscal Year 2019. On pages 43-44 of the report is the Auditor's Management letter where the auditor made this recommendation:

"During our audit of the City's budgetary compliance, we noted the budgetary legal level of control is \$1,500.00 for the City Manager to make intradepartmental transfers and transfers of appropriations between departments require approval of the City Commission. To increase efficiency of staff and Commission time, we recommend the City consider amending the City Ordinances to increase the legal level of control to allow City Manager approval of any interdepartmental transfers of appropriation and City Commission approval for any changes in the total budget for a fund."

WHEREAS, the City Commission seeks to lessen the time during meetings spent on matters that would be handled administratively.

WHEREAS, the City Commission will still be kept informed of the transfers the City Manager makes by requiring a report from him or her.

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAINT AUGUSTINE BEACH:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance, Chapter 2 - ADMINISTRATION, Article II, Section 2-103 and Section 2-104 of the Code of Ordinances of the City is amended as follows:

Sec. 2-103. - Transfer of funds between accounts in individual departments.

- (a) The city manager may approve transfers of fifteen hundred--thousand dollars (~~\$1,500.00~~\$15,000.00) or less between accounts in a department. A transfer over fifteen hundred thousand dollars (~~\$1,500.00~~\$15,000.00) between accounts in a department may be made with the approval of the city commission. All transfers in excess of five hundred dollars (\$500.00) shall be reported to the city commission.
- (b) A transfer in excess of fifteen hundred thousand dollars (~~\$1,500.00~~\$15,000.00) shall be done only by resolution approved by the city commission at regular or special meetings.

(c) The resolution shall be prepared in accordance with the format below:

(d) Resolution shall be labeled BR (Budget Resolution).

(e) Format shall be as follows:

1. The City Commission does hereby approve the transfer of funds within the _____ Department as follows:
2. From Account No. _____ the amount of \$_____ which will decrease the appropriation in this account to \$_____. To Account No. _____, which will increase the appropriation to this account to \$_____.

Sec. 2-104. - Transfer of funds between departments.

- (a) ~~Funds may be moved with city commission approval from one (1) department to another department. The city manager may approve transfers from one (1) department to another department of fifteen thousand dollars (\$15,000.00) or less. A transfer over fifteen thousand dollars (\$15,000.00) between a department may be made with the approval of the city commission. All transfers in excess of five hundred dollars (\$500.00) shall be reported to the city commission.~~
- (b) This transfer shall be done only by resolution approved by the city commission at a regular or special meeting.
- (c) The format shall be the same as for the transfer of funds between accounts in one (1) department.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish in electronic format the provisions of this Ordinance within the City of Saint Augustine Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage

PASSED, APPROVED, AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida, this _____ day of _____, 2020.

By: _____

Mayor

ATTEST: _____

City Manager

First Reading: June 1, 2020

Second Reading:

MEMORANDUM

TO: Max Royle, City Manager

FROM: William Tredik, P.E. Public Works Director

DATE: July 6, 2020

SUBJECT: Ordinance 20-XX, Public Hearing and Second Reading, to amend, revise and restate Chapter 10 – Garbage and Trash of the City code

DISCUSSION

Chapter 10, Article II – Solid Waste Non-Ad Valorem Special Assessment of the City Code includes language specific to the current non-ad valorem assessment, and only provides assessment for disposal of solid waste. The new non-ad valorem assessment will include fees for collection and recycling in addition to disposal. Section II of Chapter 10 must therefore be modified to provide for these additional services to be funded through the non-ad valorem assessment.

In addition to the modifications related to the non-ad valorem portion of the ordinance, several other changes to the ordinance were included at first reading on June 1, 2020. These changes included:

- Included a definition for townhouses and clarified their classification as residential service premises.
- Included garden trash in the definition of solid waste.
- Required waste cart/container areas to meet same placement criteria as dumpsters and commercial trash areas.
- Added requirement that condominiums and apartment complex consisting of 6 or more dwelling units secure private solid waste services.
- Added a provision for townhouse complexes to opt out of city provided services.
- Clarified that City recycling for commercial service premises was limited to those premises that use City solid waste services
- Provided a path via petition for commercial services premises to continue City service beyond September 30, 2020
- Added a provision allowing the city manager to exempt commercial services premises from City collection if they conformed with Sec. 10-3 Placement
- Clarification limiting construction debris from commercial service premises to those which receive solid waste collection services from the City.

During the first public hearing, the City commission expressed a preference to not specifically define townhouses, and instead craft the ordinance revisions to create specific requirements for residential and commercial service premises of six (6) or more units. The following changes have been made to address the Commission comments.

- Specific references to, and definition of, townhouses were removed
- Added language to require residential services premises of six (6) or more dwelling units to secure private haulers unless they demonstrate hardship related to converting to dumpster service or securing a private hauler.
- Added language to specifically state that condominiums or apartment complexes are deemed commercial services premises.
- Eliminated obsolete provision allowing townhouse complexes to opt out of City provided services.
- Added language stating that commercial service premises having six (6) or more dwelling units are not eligible for City solid waste services unless they demonstrate hardship associated with converting to dumpster service or securing a private hauler.
- Added language setting solid waste and recycling services for dwelling units in condominiums and apartments to match that provided to residential service premises
- Exempted dwelling units in condominiums and apartments from the commercial requirement to purchase waste carts from the City
- Added language stating that the fee structure for dwelling units in condominium and apartment complexes shall be set by resolution, thus providing the flexibility to have their fee consistent with the non-ad valorem assessment to residential services premises

ACTION REQUESTED

Hold a public meeting and approve Ordinance 20-XX on second reading.

ORDINANCE NO: 20-~~XX~~

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO GARBAGE AND TRASH; AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE BEACH, CHAPTER 10, GARBAGE AND TRASH, TO AMEND, REVISE AND RESTATE THE ENTIRE CHAPTER 10 OF THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA:

Section 1. Chapter 10 of the Code of the City of St. Augustine Beach

be, and the same is, hereby amended, revised and restated to read:

Chapter 10 - GARBAGE AND TRASH

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, transient rentals, and any property owned by any governmental entity.

Commented [BT1]: 2nd Reading 7/6/20 – Removed number limit so that all apartments and condos are deemed commercial service premises

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 wheeled waste cart purchased from the City with a volume between sixty-four (64) and ninety-six (96) 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.

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, leak proof, 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.

Mixed use building: A structure containing a mix of commercial and residential uses, one (1) floor devoted for commercial use, the other floor devoted to residential use.

Owner means a person owning, occupying or leasing (not including transient leasees/lessees) 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 buildings, or complexes having more than five (5) dwelling

~~units(excluding townhouses), condominiums having more than five (5) dwelling units, motels and hotels, nor transient rentals. Townhouse properties are considered individual residential services premises.~~

Commented [BT2]: 1st Reading 6/1/20 - Added Language deeming townhouses as residential services premises

Commented [BT3]: 2nd Reading 7/6/20 - Removed 1st reading townhouse language. Removed language which had number limits on condos and apartments

Rubbish means every accumulation of waste material of a relatively small or light weight 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, ~~garden trash~~, 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.

Commented [BT4]: 1st Reading 6/1/20 - ordinance clarification

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.

Transient Lodging Establishments Any unit, group of units, dwelling,

building, group of buildings within a single complex of buildings, or any similar place, as defined in the City Code, Appendix A – Land Development Regulations, Article II. -Definitions, Section 2.00.00.

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.

~~Townhouse means a single-family dwelling unit not exceeding three stories in height constructed in a group of two or more attached units with property lines separating such units in which each unit extends from the foundation to roof and with a yard or public way on not less than two sides.~~

Commented [BT5]: 1st Reading 6/1/20 - Added definition of townhouse per the Chapter 2 of the Florida Building Code

Commented [BT6]: 2nd Reading 7/6/20 – Deleted townhouse definition

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 between sixty-four (64) and ninety-six (96) 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.

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 and shall be subject to inspection and approval of condition by the city manager or designee. The city manager or designee 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.

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 or 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) Wastereceptacles 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 as set by resolution of the City Commission. 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, waste cart/container area, 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,

Commented [BT7]: 1st Reading 6/1/20 - ordinance

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, waste cart/container area, 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, waste cart/container area or commercial trash area shall be fifteen (15) feet from the boundary of any adjacent residential or multi-family zoned property. Dumpster, waste cart/container areas ~~or and~~ commercial trash areas shall be constructed of impervious materials and shall be of sufficient size to fully contain the volume of solid waste generated from a commercial service premises, and to prevent any waste from being transported to outside the enclosure area via wind, water or other natural occurrences. Runoff from dumpsters, waste cart/container areas and commercial trash areas shall be conveyed to on-site stormwater treatment areas and shall not be allowed to leave the site untreated.

- (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 one ~~hundred dollar~~hundred-dollar (\$100.00) charge for continued trash and garbage

Commented [BT8]: 1st Reading 6/1/20 – ordinance clarification

Commented [BT9]: 1st Reading 6/1/20 – ordinance clarification

Commented [BT10]: 1st Reading 6/1/20 – ordinance clarification

Commented [BT11]: 1st Reading 6/1/20 – ordinance clarification

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 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.

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~~single-family residence may place for collection by the city shall be subject to the following maximum limits:
- (1) Once a week pickup of up to four (4) thirty-two (32) gallon waste receptacles of garbage and rubbish with a maximum weight limit of forty (40) pounds per receptacle, or once a week pickup of up to two (2) sixty-four (64) gallon through ninety-six (96) gallon waste carts of garbage and rubbish for once a week pickup.
 - (2) Two (2) cubic yards of oncontainerized 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, mailboxes, electrical transformers or communication risers (pedestals)

- (3) 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;
 - (4) 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.
 - (5) 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
 - (6) Two (2) recycling containers holding recyclable material for each once a week pickup.
 - (7) Two (2) cubic yards of residential construction debris or trash, 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 residential service premises having six (6) or more dwelling units are not eligible for City solid waste collection, disposal and recycling services after September 30, 2020, unless they successfully petition the City to continue such services due to hardship associated with the infeasibility to convert to dumpster service or obtain private collection. Hardship petitions will be reviewed and processed by the City Manager. Denied petitions may be appealed to the City Commission. The owner or owner of a residential service premises having six (6) or more dwelling units that successfully petition to continue City service beyond September 30, 2020 shall be allowed to place for collection the maximum quantities

provided in subsection (a) for each dwelling unit. Residential service premises which do not receive solid waste collection, disposal and recycling services from the city must secure private collection and disposal services from a City licensed private solid waste management company.

Commented [BT12]: 2nd Reading 7/6/20 – Section added to allow residential service premises consisting of more than five dwelling units to continue City service

- (d) The owner or owners of a residential service premises contained within a mixed-use building may utilize the commercial dumpster or commercial trash area associated with the mixed-use building, upon filing of permission from the commercial services premises in the mixed-use building. When a residential service premises within a mixed-use building elects to utilize the commercial dumpster or commercial trash area associated with the mixed-use building, the residential service premises may request exemption from the solid waste non-ad valorem special assessment, and all solid waste collection and disposal fees for the mixed-use building will be the responsibility of the commercial services premises. The owner or owners of the commercial service premises in the mixed use building must provide a notarized affidavit indicating their authority and agreement to allow the residential services premises within the mixed-use building to utilize the commercial dumpster or commercial trash area on the mixed-use building property.

- ~~(b)(c) After September 30, 2020, condominium and apartment complexes shall be deemed commercial services premises.~~

Commented [BT13]: 2nd Reading 7/6/20 - Deems condos and apartments as commercial service premises.

- ~~(c) Beginning October 1, 2020, 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 not be eligible for solid waste collection and disposal nor recycling services by the city as residential services premises and must secure private collection and disposal services, unless specifically allowed in Section 10-13 Commercial waste.~~

Commented [BT14]: 1st Reading 6/1/20 – ordinance clarifications

- ~~(d) Townhouse complexes may opt out of city solid waste collection and disposal services, provided they secure private hauler for solid waste collection, disposal and recycling services. The private hauler must be duly franchised and authorized to collect solid waste within the city. Individual residential services premises within a townhouse complex which opts out of city service shall not be eligible for city provided solid waste collection,~~

Commented [BT15]: 1st Reading 6/1/20 - Provided path for exemption (see commercial)

Commented [BT16]: 2nd Reading 7/6/20 – Deleted subsection

~~disposal and recycling services.~~

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

Commented [BT17]: 1st Reading 6/1/20 - Designed to allow some townhouse communities to use private haulers

Commented [BT18]: 2nd Reading 7/6/20 – Removed added townhouse language

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.

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.

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.

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.

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.

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.

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.

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 building and zoning department shall have the authority to enforce

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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 for which the city provides solid waste collection and disposal services shall be entitled to a single eighteen (18) gallon recycling 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 (18) 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 ensuing fiscal year.

Commented [BT19]: 1st Reading 6.1.20 – ordinance clarifications

Sec. 10-13. - Commercial waste.

- (a) Every commercial service premises, including but not limited to hotels and motels and transient rentals, shall pay to the city for the collection and disposal of waste collected by the city, or the availability of such service, the service charges provided in this section.
- (b) After September 30, 2020, commercial service premises having six (6) or more dwelling units are not eligible for City solid waste collection, disposal and recycling services, except as provided in subsection (c) below, and must secure private collection and disposal services from a City licensed private solid waste management company.
- (c) Commercial service premises having six (6) or more dwelling units which receive solid waste collection, disposal and recycling service from the City, as of the date of adoption of this ordinance, may petition the City to continue City service for all of its dwelling units beyond September 30, 2020 due to hardship associated with the infeasibility to convert to dumpster service or obtain private collection. Hardship petitions will be reviewed and processed by the City Manager. Denied petitions may be appealed to the City Commission.
- (d) Dwelling units within condominium or apartment complexes which continue to receive solid waste collection, disposal and recycling services from the City after September 30, 2020 are not required to purchase waste carts from the city and shall be allowed to place for collection the maximum

quantities per dwelling unit provided in Section 10-04 – Residential Waste

(e) Condominium or apartment complexes which continue to receive City provided solid waste collection, disposal and recycling services for its dwelling units after September 30, 2020 shall be billed the commercial rate for condominiums and apartment complexes as established by resolution.

Commented [BT20]: 2nd Reading 7/6/20 – Created hardship petition process for commercial service premises of 6 or more units

Commented [BT21]: Added language which allows condos and apartments which receive service to have same benefits and cost as residential service premises.

~~(a)(f) Condominium or apartment buildings having six (6) or more dwelling units receiving solid waste collection, disposal and recycling service from the city as of the date of adoption of this ordinance may petition the city to continue such service after October 1, 2020, provided they demonstrate hardship. Hardship requests will be reviewed and approved or denied by the City Manager and may include, but are not necessarily limited to, lack of space for dumpster enclosure, inability to contract with a private hauler, or economic or physical hardship. Denied petitions may appeal to the City Commission. Condominium or apartment buildings which successfully petition to continue city service will be deemed a commercial service premises, and shall purchase and be billed for an initial minimum of one 64-gallon waste cart per dwelling unit, subject to all other applicable provisions of Section 10-13 – Commercial waste.~~

Commented [BT22]: 1st Reading 6/1/20 - Added to allow condos and apartments which have existing service to continue if they demonstrate hardship

Commented [BT23]: 2nd Reading 7/6/20 – Deleted subsection in favor of new language above.

~~(b)(g) Commercial services premises which generate, or have historically generated more than an average of ten (10) 32-gallon waste receptacles (or equivalent volume) of solid waste per week will not be eligible for city solid waste collection services and must secure private hauler for solid waste collection and disposal services, provided the hauler is duly franchised and authorized to collect solid waste within the city.~~

~~(e)(h) Authorized commercial containers; collection.~~

- (1) Commercial service premises shall purchase, from the city, waste carts with a volume between sixty-four (64) and ninety-six (96) gallons for use in city solid waste collection. The number / total volume of waste carts to be purchased shall be based upon historic can count information for each commercial services premises. In cases where historic can count information is unavailable, the business owner will coordinate with the public works director to determine the appropriate “starting solid waste volume” based upon similar businesses. Carts purchased from the city will be uniquely

identified, and ~~identified~~ and will be picked up during normal solid waste collection schedules without the assessment of additional fees, provided the carts are placed appropriately per Sec. 10-3. – Placement, are in proper working order, and are not overfilled so that the lids do not completely close. Cart purchase prices will be adjusted annually by the City Manager, based upon actual material and labor costs.

- (2) For the disposal of garbage, rubbish, and trash contained in sixty-four (64) through ninety-six (96) gallon waste carts as designated pursuant to subsection (2) hereof, excluding garden trash, each commercial service premises shall pay a monthly charge for each authorized waste cart purchased from the city. Monthly charges for waste carts will be established by resolution.
- (3) Unauthorized receptacles. Solid waste in unauthorized cans, carts, bags or other containers will be logged and assessed additional pickup fees as established by resolution. The volume of any solid waste collected from unauthorized receptacles will be measured and logged. If a commercial service premises utilizes unauthorized receptacles more than six (6) times in a twelve (12) month period, the commercial service premise will be required to purchase additional waste carts of sufficient volume so as to avoid future solid waste overages. An authorized receptacle which is overstuffed so that the lid does not completely close, or not placed per Sec. 10-3. – Placement, will be deemed an unauthorized receptacle, and will be logged and assessed an additional pickup fee.
- (4) Uncontainerized solid waste. Uncontainerized solid waste will be charged additional pickup fees, depending upon the quantity, volume and type of material collected. A fee schedule for uncontainerized solid waste will be set by resolution.
- (5) Change in commercial solid waste volume. If a business undergoes changes resulting in the reduction of solid waste generation, they may request an adjustment of the mandated number / volume of solid waste carts. The business must submit, in writing, to the City Manager's office, a request for a revaluation of solid waste fee. Upon receipt, the Public Works Department will conduct a random audit of the business's solid waste volume, to determine if a fee reduction is warranted. The random audit will be conducted within a six (6) month period to account for seasonal variation. If it is determined that a fee reduction is warranted, the business must return the appropriate number of waste carts to the city, and the monthly cart fee will be adjusted accordingly. A business may request a reduction of the mandated number / volume of solid waste carts a maximum of once per 12-month time period.

(6) 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 thea commercial garbage dumpster, waste receptacle storage area, waste cart storage area or commercial trash area is usedmeets the requirements of Sec. 10-3. Placement (d).

Commented [BT24]: 1st Reading 6/1/20 Ordinance clarifications

- (c) The quantity of garbage and rubbish which a commercial services premises may place for collection is limited to that which will fit within the business's purchased authorized commercial receptacles. The quantity of 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).
- (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. Quantities in excess of the maximum quantities will be assessed an additional pickup fee as set by resolution.
- (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 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) ~~Up to Two~~ (2) cubic yards of commercial construction debris ~~per week~~, 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 ~~that receives solid waste collection and disposal services from the city 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 one (1) 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, —weekends~~ Wednesdays, weekends or City holidays. Fees for the additional collection services shall be set from time to time by resolution of the city commission.
- (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

Commented [BT25]: 1st Reading 6/1/20 -- Ordinance clarifications

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~~ 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 ~~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 the to 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.

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.

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 a comprehensive, coordinated, economical and efficient program for the collection and disposal of solid waste and recyclables 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 ~~that 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 ~~program~~ operations, including collection, disposal 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.

Commented [BT26]: 1st Reading 6/1/20 - Expanded non-ad valorem to include collection and recycling.

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.

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.

Sec. 10-103. - Interlocal agreement.

The city commission is authorized to ~~enter into~~enter an interlocal agreement with St. Johns County in connection herewith.

Sec. 10-104. - Franchise required for businesses conducting private collection and disposal of commercial, construction and demolition debris.

- (a) It shall be unlawful for any person or other legal entity not holding a valid and appropriate franchise issued by the city and which allows such person or entity to engage in the business of, or to receive compensation or consideration for, the performance of the following: collecting, hauling or transporting commercial, construction and demolition debris by containerized motor vehicles, roll-offs, compactor containers or dumpsters from any property within the city. These provisions shall not apply to (1) the collection, hauling or transporting of land clearing debris; hazardous, radiological and biohazardous waste; wrecked, scrapped, ruined or dismantled motor vehicles, boats or motor vehicle parts; or garden trash or (2) when the collecting, hauling or transporting of commercial, construction and demolition debris is clearly subordinate and incidental to the services for which compensation is paid.
- (b) The city manager, or his or her designee, may enter into a franchise agreement with qualified applicants for the non-exclusive right to collect and transport commercial, construction and demolition debris from any property within the city limits when the city manager, or his or her designee, has received satisfactory evidence of the following and when the applicant covenants as follows:
- (1) The application is made in good faith
 - (2) The applicant has the means and resources to carry out the collection and transportation service required by the franchise.
 - (3) The applicant demonstrates the ability to maintain insurance in the form and amount prescribed by the city, including liability coverage, and to indemnify the city.
 - (4) The applicant has complied, or demonstrates its capacity and willingness to comply, with all applicable federal, state and local laws and ordinances,

rules and regulations, including required permitting.

- (5) The applicant demonstrates the ability to provide a bond in the amount of five thousand dollars (\$5,000.00) or other surety for the applicant's faithful payment under this ordinance and the franchise.
 - (6) The applicant shall maintain an office located in St. Johns County.
- (c) The city manager shall prescribe forms for franchise applications, and said forms may require (i) certified copies of all corporate, partnership or other documents reflecting the applicant's owners, shareholders, partners, officers or agents; (ii) bonds; (iii) insurance; (iv) a proposed schedule of rates, fees and charges and (v) any other relevant information deemed necessary to fully advise the city commission of the applicant's qualifications and ability to perform under a franchise agreement. The city manager shall not require submittal of proprietary information if such information is exempt or confidential as defined by the Florida Public Records Act, F.S. Ch. 119.
- (1) Initial application for non-exclusive franchise for the collection, transportation and disposal of construction and demolition debris shall be submitted on a form provided by the city.
 - (2) Any non-exclusive franchise granted shall be for a three (3) year period beginning November 1 and ending October 31st of the third year.
 - (3) Thereafter, renewal applications shall be submitted between July 1 and August 1 of the third year, unless otherwise provided by resolution of the city commission.
 - (4) Failure to submit applications as provided above shall result in a forfeiture of an applicant's ability to obtain a non-exclusive franchise.
- (d) The following franchise fees shall be paid to the city for non-exclusive franchises:
- (1) The franchisee or authorized collector shall pay franchise fees to the city for the privilege of using the public rights-of-way and other thoroughfares of the city for the collection and transportation of construction and demolition debris which originates within the city limits.
 - (2) The franchise fee schedule is as follows:
 - a. The franchisee's fee for commercial, construction and demolition debris shall be equal to ten (10) percent of the franchisee's gross revenue collected for collection, transportation, processing and/or disposal of commercial, construction and demolition debris.

- b. Haulers shall pay three hundred dollars (\$300.00) fee for the term of the franchise and for each subsequent renewal.
- (3) Franchise fees shall be paid to the city on a time schedule as determined in the franchise agreement, or if not provided in the franchise agreement, as determined in writing by the city manager or his or her designee.
- (4) The franchise fee amount or percentage may be amended by resolution of the city commission following public hearing.
- (e) *Regulations applicable to franchise holders.* Non-exclusive franchisees collecting, transporting and/or disposing of commercial, construction and demolition debris shall comply with the following requirements:
 - (1) When collecting, transporting and/or disposing of commercial, construction and demolition debris, each of the franchisee's employees shall wear a company shirt or uniform which shall have the franchisee's name or logo on a conspicuous place.
 - (2) All trucks used by the franchisee for the collection of commercial, construction and demolition debris shall be marked with the name and telephone number of the franchisee in plainly visible letters. Each container placed on a commercial site shall be labeled with the name of the franchisee on the side.
 - (3) All franchisee containers for hauling shall be totally enclosed or securely covered when transporting within the city.
 - (4) All vehicles used by the franchisee for transporting shall be maintained in good, clean and safe operating condition. Each franchisee shall have all vehicles used as part of the franchise agreement inspected at least once a year by a properly licensed professional mechanic and shall provide a written inspection report to the city public works department solid waste division.
 - (5) The franchisee shall provide the city with a current list of vehicles used under the franchise agreement and shall further provide the vehicle identification number and current license plate number of each vehicle.
 - (6) The franchisee immediately shall clean and properly dispose of any waste materials or products dropped or spilled by the franchisee. Upon completion of the clean-up, the franchisee shall timely report to the city solid waste division in writing the location, type of drop or spill and the corrective procedure conducted.
 - (7) All commercial, construction and demolition debris collected by the

franchisee or collector shall be processed or disposed of at a properly permitted or licensed facility.

- (8) For the purpose of verifying the amount of any franchise fee payable to the city pursuant to this ordinance, or for the purpose of verifying the items, reports and information provided by the franchisee pursuant to this ordinance, the city shall have access at all reasonable hours to the franchisee's places of business and its statistical, customer service and other records relating to the accumulation, collection, transportation and disposal of commercial, construction and demolition debris from properties within the city during the preceding year and such other information as the city may require in support of same.
 - (9) All reports, audits and payments shall be timely made by each franchisee and failure therein shall be a default in the franchise agreement. Any late payments of franchise fees due under the franchise shall bear interest at the maximum rate allowed by law.
- (f) If the city manager deems a franchisee to be in violation of its franchise agreement, or in violation of this ordinance or resolutions, rules or regulations promulgated hereunder, the city manager shall notify the franchisee by certified mail of the reasons why the franchisee is considered to be in violation and shall provide ten (10) days for the franchisee to review the violation and to comply with the terms of the franchise agreement. Failure by the franchisee to comply in the specified time may result in termination of the franchise.

Section 2. Any Section or Sections of the Code of the City of St. Augustine Beach not specifically modified herein shall survive in full force and effect and remain unchanged unless a conflict arises in which case this Ordinance shall control.

Section 3. Other than Section 1 hereof, this Ordinance shall not be codified, but a copy of this Ordinance shall be maintained in the offices of the City Manager and the Director of Public Works.

Section 4. This ordinance shall take effect ten days following

passage.

PASSED by the City Commission of the City of St. Augustine Beach,
Florida, upon Second Reading this 3rd day of March, 2020.

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

ATTEST:—ATTEST:_____


By:

City Manager

Margaret England, Mayor

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 17, 2020

SUBJECT: Ordinance 20-xx, First Public Hearing and Second Reading: To Establish Mixed Use District Boundaries Along A1A Beach Boulevard

BACKGROUND

The "A1A Beach Boulevard Corridor Vision Plan", which was prepared in 2006, recommended that the following be designated Boulevard Mixed-Use: the commercial area 150 feet east of the Boulevard from 16th to F Street; the area west of the Boulevard between 2nd Avenue and the Boulevard from 11th to F Street; and the 300-foot wide commercial strip west of the Boulevard between 16th and 11th Streets. The Vision Plan on page 29 stated:

"Eliminating the interface of medium density residential and commercial-zoned districts along the west boundary of the corridor helps to minimize the likelihood of incompatibilities and encroachments by making 2nd Avenue the clear-cut transition between the two districts. It is recommended that standards for buffering between uses, for access and for traffic circulation within and around sites all be revisited to ensure that any weaknesses in these regulations are resolved. Moreover, the standards should prohibit the location of any stand-alone commercial use, or commercial uses that are part of a mixed-use development less than 200 feet from the right-of-way line of 2nd Avenue, to further minimize the possibility of conflicts."

Since 2006, the Commission has adopted several ordinances to regulate mixed-use developments. These ordinances have been consolidated in Section 3.02.02.01 of the Land Development Regulations. That Section is attached as pages 1-5.

However, despite the adoption of those detailed mixed-use regulations, the areas covered by them were never delineated or designated on the future land use map. It was assumed that the areas were those traditionally designated as commercial on the map: 150 east of the Boulevards centerline and 300 feet west of the centerline between 16th and F Street.

At your June 1st meeting, Mr. Law explained "that staff is recommending designating the entire commercially-zoned properties [along the Boulevard] in accordance with the Vision Plan Mixed Use and be subjected to the Mixed Use Overlay under the control of the Comprehensive Planning and Zoning Board" (from the minutes of your June 1st meeting).

At that meeting you passed the Ordinance on first reading.

The Comprehensive Planning and Zoning Board reviewed the Ordinance at its June 16th meeting and by a unanimous vote recommended that you approve it. The Board's recommendation is stated in the attached memo (page 8) from Ms. Bonnie Miller, the Building Department's Executive Assistant.

ACTION REQUESTED

It is that you hold the first public hearing and pass the Ordinance on second reading. It will then be scheduled for a final public hearing and reading at your August 3rd meeting.

Sec. 3.02.02.01. Mixed use districts.

A. *Purpose.* The purpose of a mixed use district is:

1. To accommodate a mixture of retail, service, residential, and other uses.
2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and
3. Promote the health and well being of residents by encouraging physical activity, alternative transportation and greater social interaction.
4. To site structures so their siting is compatible with the future vision of the city as well as city codes.
5. Ensure that the massing of the structure/structures are compatible with surrounding buildings.
6. Ensure that the proposed projects do not exceed the size and scale of other buildings in the vicinity and that a proportionate scale is maintained between height and width of structures.
7. Ensure that roof forms, detailing, textures, colors, and the rhythm of a

structure, wall space and doors and windows are compatible with city codes and the future vision for the city.

B. *Definitions.*

Commercial use: A structure used only for a commercial operation that is allowed by the land development regulations.

Floor area ratio: The ratio of the building gross floor area to the square footage of each lot a structure is located on.

Gross floor area: The sum of all horizontal floor areas for a structure measured from the outside faces of the exterior walls. Not included are second or third level balconies and porches and attic space. Where parking is provided under a structure, the footprint of the parking will be considered as the gross floor area.

Horizontal/vertical articulation: Architectural features that break the flat surface of a building wall. Minimum distance between any horizontal or vertical feature is ten (10) feet in any direction.

Horizontal and vertical articulation to the building facade is required for structures fronting A1A Beach Boulevard. The vertical articulation features shall be within the allowed setbacks.

areas dependent on the proposed use of the structure, the horizontal features ten (10) feet above finished grade will be allowed to encroach into the setback area no more than twelve (12) inches.

Mixed use building: A structure containing a mix of commercial and residential uses, one (1) floor devoted for commercial use, the other floor devoted to residential use.

Residential use: A structure used solely for a single-family residence.

C. Table of allowed uses.

P - Permitted C - Conditional Use N - Not Allowed

Household Living

Business live/work above the ground floor P

Business live/work on ground floor P

Dwellings above ground floor P

Detached house P

Multifamily residential C

Townhouse C

Group Living

Assisted living C

Group home P

Nursing home C

Public and Civic

School P

Parks and recreation P

Postal service P

Religious assembly P

Lodge or private club N

Day care P

Commercial

Retail/office P

Restaurant—Sit down/take-out P

Fast food drive-thru N

Vehicle service facilities N

Hotel/motel P

Parking for commercial uses P

Manufacturing/industrial N

Other

Wireless-towers, freestanding N

Architectural tower co-locate design on structure P

This use table should be refined to reflect local characteristics and planning objectives. The range

of uses should be as broad as possible fitting the character of the city and the locations. There may be instances where a drive-thru facility is needed due to the type of business such as a bank or pharmacies. Also, buildings with residential units, commercial uses, will be self-policing because possible owner associations may ensure that commercial uses within buildings will be comparable with upper story residential uses.

D. Mixed use size limits. The minimum lot area for mixed use is eight thousand five hundred (8,500) square feet unless approved by variance after application to the City of St. Augustine Beach Planning and Zoning Board. The minimum floor area for a mixed use structure is eight hundred (800) square feet or twenty-five (25) percent of the lot area (whichever is greater) for lots with street frontage of fifty (50) feet width or more. For fifty (50) feet or less, street frontage, the minimum floor area is twenty (20) percent of the lot area.

The gross first floor area for any Commercial establishment shall not exceed fifteen thousand (15,000) square feet.

For separate commercial or residential use, the minimum first floor area shall be one thousand (1,000) square feet.

E. Structure height for twenty-five-foot setbacks. Structure or building height shall be measured in accordance with Section 6.01.03.B.4. Thirty-five (35) feet to the roof ridge is the allowable height and an allowance for architectural detail to the forty-foot height is allowed. The forty-foot height shall not exceed forty (40) percent of the building perimeter on any side. This additional height allowance is allowed when being utilized for screening roof top mounted equipment.

F. Setbacks and height restrictions for mixed use. Setbacks for mixed use are variable dependent on the type of commercial use sought in the application and the projected structure height.

Retail Shops: Allowable setbacks are from zero (0) to twenty-five (25) feet or more. The minimum setback for a two-story structure with a second level porch/balcony, is five (5)

feet, the porch not exceeding five (5) feet in depth. Maximum height allowed to the roof ridge is twenty-seven (27) feet within the setback area from zero (0) to fifteen (15) feet. Between fifteen (15) feet to twenty-five (25) feet or more, the allowable height is thirty-five (35) feet to the roof ridge. Structure or building height shall be measured in accordance with Section 6.01.03.B.4. T

Business Use: Same allowance as retail use.

Restaurant Use: Minimum setback allowed is ten (10) feet if outside seating is proposed. A second level deck will be allowed a zero (0) foot setback for the front setback and a five-foot side setback. Restaurants having A1A Beach Boulevard and side street frontage, shall have an option for placing decks for outside seating facing either street meeting the following setback requirements. Fronting the Boulevard, a three-foot landscaped setback will be required. Side street setbacks for a wood deck shall be five (5) feet. Landscaping will be optional dependent upon existing site conditions. Decorative structural posts may be used for support elements for existing construction or porches may be cantilevered or supported by diagonal bracing.

Hotel/Motel Use: Minimum allowed setback is twenty-five (25) feet for those building facades exceeding twenty-seven (27) feet. The portion of a hotel/motel having a single story section, mainly a porte cochere, fronting a street will be allowed a five-foot front setback for that section providing the roof ridge does not exceed eighteen (18) feet. Structure or building height shall be measured in accordance with Section 6.01.03.B.4. T

Residential Use: All stand-alone residential uses are subject to approval by planning and zoning board for the City of St. Augustine Beach.

G. *Construction materials, exterior colors.* The roof and exterior finishes are those materials reflected in the catalog of recommended architectural and site features.

Exterior finishes for any structure fronting A1A Beach Boulevard shall be approved by the City of St. Augustine Beach in accordance with

approved color palettes maintained in the building department. These color finishes established by community appearance standards as established by ordinance.

H. *Mechanical and utility equipment location and screening.* Single or dual mechanical equipment (ac compressors) shall be located in the side or rear setback area. Multiple units, three (3) or more, shall be placed on rooftops and screened by architectural details to the roof line. Ground located equipment shall be screened by walls constructed from the same materials as the main structure exterior finish, then accented by landscaping.

Utility services shall be placed underground for all new construction and for any structure subject to remodel work. All structures located within the mixed use zoning classification shall be required to hook up to water and sewer from St. Johns County Utility Services.

I. *Catalog of recommended architectural and site features.*

Recommended Architectural Design:

Key West Style, Florida Vernacular, Cracker Design, Spanish Mediterranean Design Stepped Parapet Storefront, Classical Gable House, Classical Double Gallery House.

Recommended Architectural Features:

Accents to all structures by vertical and horizontal articulation.

Exterior finish materials shall be limited to masonry finishes, rock, brick, wood siding, concrete composite siding materials.

Roofing materials are limited to architectural grade shingles, metal roofing, and concrete composite roofing products.

Shutters, dormers, in scale with the structure's design, porches with gingerbread effects, patios with decorative fencing or guardrails, open soffits, cupolas.

Recommended Site Features:

Xeriscape landscaping for decorative gardens in place of grasses, use of stone or mulch for ground cover, Brick pavers for drives, sidewalks, parking areas.

J. Parking requirements. All parking for retail, business, restaurant uses and garage openings for residential use shall be placed in the rear or at the side. Parking located at the side of a structure shall be required to have landscape buffers, five (5) feet in width between the edge of the parking area and the right-of-way of the adjacent street. All plant materials used shall be three-gallon minimum container size. Landscape plans shall also be subject to approval by the St. Augustine Beach Beautification Committee. Access to the parking shall be from the numbered or lettered streets perpendicular to A1A Beach Boulevard. Hotel/motel parking can be placed in the front of the structure.

Curb cuts from A1A Beach Boulevard shall be allowed where a platted alleyway whether the alleyway is open or not opened.

Shared parking and shared access to parking is encouraged.

K. Signage. All signage, ground and wall signs shall be subject to approval from the planning and zoning board within the mixed use districts. Ground signs shall have ground lighting illumination or back lit illumination, wall signs will be allowed to be back lit with the proposed intensity of the illumination being subject to approval by the planning and zoning board. No exposed neon shall be allowed. The use of metal supports is discouraged with wood or masonry products being encouraged.

The maximum size for a ground sign shall be determined by the frontage on the A1A Beach Boulevard. For those lots with fifty-foot frontage or less, the maximum sign face shall be thirty-two (32) square feet; fifty-foot to one hundred fifty-foot frontage shall be allowed forty-eight (48) square feet; greater than one hundred fifty-foot frontage shall be allowed seventy (70) square feet sign face. This allowance does not include

the sign supports, which size and material shall be subject to planning and zoning board approvals.

The allowable heights are also dependent upon the frontage. Fifty (50) feet or less are allowed seven-foot height; fifty-foot to one hundred fifty-foot frontage are allowed eight-foot height; greater than one hundred fifty-foot frontage are allowed nine-foot height. This measurement taken from the existing finished grade to the top edge of the sign.

A seven-year amortization period is provided for those signs located along A1A Beach Boulevard that will be deemed as nonconforming by the requirements of this ordinance. All such signs shall either be brought into conformity or removed seven (7) years following the adoption of this section. All nonconforming signs as a result of ordinances passed prior to the passage of this section shall be brought into conformity or removed as provided in the respective ordinances rendering such signs as nonconforming or seven (7) years from the date of this ordinance, whichever is the earlier.

L. Compliance requirements. The comprehensive planning and zoning board shall review and either approve or deny any proposed development within the mixed use zoning. Upon a showing of economic hardship demonstrating a substantial reduction in value of the property subject to the application for review based on a reasonable investment-backed expectation the comprehensive planning and zoning board may grant a variance with or without conditions from the strict provisions of this section. Review by the city commission of a determination by the comprehensive planning and zoning board shall be in the same manner as other appeals from the comprehensive planning and zoning board.

M. Unless specifically allowed by the mixed use district land development regulations or incorporated into the written development order approval received from the comprehensive planning and zoning board or the city commission on appeal, all mixed use development shall comply with the other applicable land development regulations, including those regulations not specified

by the mixed use district and, in particular, those regulations that apply to the underlying zoning. (Ord. No. 18-07, § 1(Exh. 1), 5-7-18)

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH RELATING TO AND AMENDING SECTION 3.02.02.01.A OF APPENDIX A, LAND DEVELOPMENT REGULATIONS OF ST. AUGUSTINE BEACH CODE, BY DESIGNATING AS MIXED USE DISTRICTS ALL COMMERCIALY-ZONED LAND USE DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE BEACH FROM THE SOUTH SIDE OF F STREET TO THE NORTHERLY CITY LIMITS NORTH OF POPE ROAD, TO ACCOMMODATE A MIXTURE OF RETAIL, SERVICE, RESIDENTIAL, AND OTHER USES; CONTAINING FINDINGS, AND PROVIDING AN EFFECTIVE DATE.

THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA:

Section 1. Findings: The City Commission of the City of St. Augustine Beach having received the recommendations of the Comprehensive Planning and Zoning Board of the City and received the comments and testimony of residents and property owners of the City finds that the economic health, safety and general welfare of the City require that the areas of the City designated in the title hereof should be designated as mixed use districts, to accommodate a mixture of retail, service, residential, and other uses.

Section 2. Section 3.02.02.01, Appendix A, Land Development Regulations of St. Augustine Beach Code, shall be hereby amended by designating the following described areas to accommodate a mixture of retail, service, residential, and other uses under the category of “mixed use districts” as defined in Section 3.02.02.01:

SEC.02.02.01. – Mixed use districts.

All commercially zoned lands within the corporate limits of the City of St. Augustine Beach from the south side of F Street to the northerly City limits north of Pope Road shall be designated mixed use districts.

A. *Purpose.* The purpose of a mixed use district is: ...

Section 3. This Ordinance shall take effect as provided by law.

Passed on this _____ day of _____, 2020, by the City Commission, City of St. Augustine Beach, Florida.

Attest: _____
City Manager Max Royle

By: _____
Mayor Margaret England

Passed First Reading:

Passed Public Hearing and Second Reading:

Passed Public Hearing and Final Reading:

Sec. 3.02.02.01. - Mixed use districts.

All commercially-zoned lands within the corporate limits of the City of St. Augustine Beach from the south side of F Street to the northerly City limits north of Pope Road shall be designated mixed use districts.

A. *Purpose.* The purpose of a mixed use district is:

1. To accommodate a mixture of retail, service, residential, and other uses.
2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and
3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation and greater social interaction.
4. To site structures so their siting is compatible with the future vision of the city as well as city codes.
5. Ensure that the massing of the structure/structures are compatible with surrounding buildings.
6. Ensure that the proposed projects do not exceed the size and scale of other buildings in the vicinity and that a proportionate scale is maintained between height and width of structures.
7. Ensure that roof forms, detailing, textures, colors, and the rhythm of a structure, wall space and doors and windows are compatible with city codes and the future vision for the city.

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Ordinance No. 20-__
Date: Wednesday, June 17, 2020

Please be advised at its regular monthly meeting held Tuesday, June 16, 2020, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve passage of Ordinance No. 20-__ on final reading.

Passed on first reading by the City Commission at its regular monthly meeting held Monday, June 1, 2020, this proposed ordinance amends Section 3.02.02.01.A of the City of St. Augustine Beach Land Development Regulations to establish boundary designations for the mixed use district as all commercially zoned lands within the corporate limits of the City of St. Augustine Beach from the south side of F Street to the northerly City limits north of Pope Road.

The motion to recommend the City Commission approve passage of Ordinance No. 20-__ was made by Ms. Odom, seconded by Mr. King, and passed 7-0 by the Board by unanimous voice-vote.

RESOLUTION 20-

CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY
FLORIDA

RE: HAVING CANVASSING AND
CERTIFICATION OF VOTE-BY-MAIL BALLOTS
CAST IN THE AUGUST 2020 PRIMARY
ELECTION DONE BY SUPERVISOR OF
ELECTIONS AND COUNTY CANVASSING
BOARD

The City Commission of St. Augustine Beach, St. Johns County, Florida, in regular meeting duly assembled on Monday, July 6, 2020, resolves as follows:

WHEREAS, the primary election for 2020 is scheduled for August 18, 2020; and

WHEREAS, Section 2-2 of the City Charter requires the City Commission to designate who is to canvass and certify the vote-by-mail ballots for each election.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of St. Augustine Beach, St. Johns County, Florida, designates the St. Johns County Supervisor of Elections and the County Canvassing Board to canvass and certify the vote-by-mail ballots cast in the August, 2020, primary election.

RESOLVED AND DONE, this 6th day of July, 2020, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

Mayor Margaret England

ATTEST:

City Manager Max Royle

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: BUDGET RESOLUTION 20-_____
DATE: 6/8/2020

As noted in the FY19 Audit report, the Road and Bridge Fund ended with a negative reserve balance in the amount of \$539,894. This Budget Resolution corrects the Road and Bridge Fund budget allowing the receipt of funds from General Fund to correct this negative status.

Please let me know if more information is needed.

BUDGET RESOLUTION 20-

**CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2020
ROAD & BRIDGE FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2019-2020 General Fund Budget as follows:

INCREASE: Account 101-381-000 (Intra Fund Transfer – Road & Bridge Fund) in the amount of \$539,894 which will increase the appropriation in this account to \$1,332,029.

INCREASE: Account 101-4100-541-9130 (Fund Balance – Stabilization: Road & Bridge Fund) in the amount of \$539,894 which will increase the appropriation in this account to \$539,894.

RESOLVED AND DONE, this 6th day of July 2020 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: BUDGET RESOLUTION 20-____
DATE: 6/12/2020

This budget resolution is related to the Law Enforcement Department, specifically the use of Forfeiture & Seizure Funds. Florida Statutes allows the use of these funds for training and education, as well as to support an organization with a written request. The Police Department is requesting to contribute to the St. Johns County PAL to assist them with bringing essential programs to the youth of St. Johns County.

Please let me know if more information is needed.

BUDGET RESOLUTION 20-_____

**CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2020
GENERAL FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2019-2020 General Fund Budget as follows:

INCREASE: Account 001-381-900 (Transfer from Forfeiture & Seizures) in the amount of \$1,500 which will increase the appropriation in this account to \$2,700.

INCREASE: Account 001-2100-521-5240 (Law Enforcement-Crime Prevention/Community) in the amount of \$1,500 which will increase the appropriation in this account to \$9,700.

RESOLVED AND DONE, this 6th day of July 2020 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager



St. Augustine Beach Police Department


Robert A. Hardwick, Chief of Police



TO: Patty Douylliez, CFO
RE: Memorandum for Record
FROM: Robert Hardwick, Chief of Police
DATE: 06/15/2020

I approve the transfer of funds to assist the St. Johns County Police Athletic League (PAL) with establishing a community boxing program. This donation will allow PAL to make the necessary upgrades to the current building and purchase the required equipment.

This program will positively impact our county by providing a safe space for children to learn and grow.


Chief of Police
Robert A. Hardwick

2300 A1A South, St. Augustine Beach, FL 32080
(904) 471-3600 Fax (904) 471-0737



Historic St. Johns County Police Athletic League

"More than a Game"

June 8, 2020

Attention: Chief R. Hardwick
St. Augustine Beach Police Department
2300 A1A S, St. Augustine FL 32080

Subject: Request for Financial Contribution

Dear Sir,

The St. Johns County Sheriff's Police Athletic League (PAL) is in the early stages of establishing a boxing program for the community. The current training facility is located at the WE Harris Center in Hastings, and due to the age of the building, the facility requires improvements.

To continue to bring these essential programs to the youth of St. Johns County, PAL is requesting funds to assist with the necessary upgrades and equipment that is needed. The recent pandemic suspended all PAL activities and therefore halted needed revenue that is used to support the youth programs.

To move forward with the PAL boxing program, we are requesting an amount of \$2,000.00 to assist with painting, gym flooring and signs. Thank you for your consideration with this matter.

Regards,

A handwritten signature in black ink, appearing to read "Sheldon York", followed by the number "3399".

Sgt. Sheldon York
PAL Executive Director

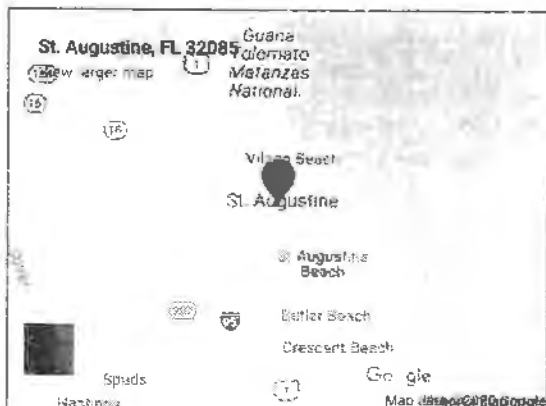
The Historic St Johns County Police Athletic League Inc St Johns County Pal

ST AUGUSTINE, FL 32085

EIN: 59-3169967

Youth Development

DEMOGRAPHIC



[View Larger Map](#)

ADDRESS
PO BOX 2240
32085-2240

IN CARE OF NAME
N/A

TELEPHONE / FAX
N/A

WEBSITE / EMAIL
N/A

DBA NAME(S)
N/A

FACEBOOK PAGE
N/A

GOOGLE+ PAGE
N/A

TWITTER PAGE
N/A

CLASSIFICATION

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HEADLINES

Direct service nonprofits, those serving
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ORGANIZATION CODE

1: Corporation

DEDUCTIBILITY CODE

1: Contributions are deductible

AFFILIATION CODE

3: Independent

SUBSECTION/CLASSIFICATION CODES

Educational Organization

ACTIVITY CODES

Other sports or athletic activities

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FINANCIALS

TAX PERIOD

09/2018

ACCOUNTING PERIOD

09

INCOME CODE

4: \$100,000 to \$499,999

INCOME AMOUNT

\$215,166.00

FORM 990 REVENUE AMOUNT

\$192,235.00

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NTEE COMMON CODE

0: Youth Development

NTEE CODE

N/A

FOUNDATION CODE

15: Organization which receives a substantial part of its support from a governmental unit or the general public 170(b)(1)(A)(vi)

EXEMPT ORGANIZATION STATUS CODE

1: Unconditional Exemption

African-American foundation leaders call for action on racism

U.S. Bank commits millions in support of racial equity initiatives

Reuben Foundation awards \$101 million to Oxford University

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MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: July 6, 2020

SUBJECT: Face Covering Ordinance

The City Attorney prepared it today and we sent it to you by email. A paper copy is attached. You can add the ordinance to the agenda as the first item under Old Business.

Also, attached is Resolution 20-13 that Lex wrote after your Thursday night meeting. You may want to review its language to be certain it's what you approved last Thursday.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; ADDING TO THE CITY'S CODE OF ORDINANCES SECTION 13-6 TO REQUIRE THE USE OF FACE COVERINGS; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") has expressly found that: "COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths) the CDC therefore specifically recommends that as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly "in public settings where other social distancing measures are difficult to maintain"; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and entered into an agreement for the "Pledge St. Johns County" which promotes following the CDC guidelines; and

WHEREAS, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

WHEREAS, the City Commission for the City of St. Augustine Beach recognizes that face coverings are only a component of reducing the spread of COVID-19 and other infectious diseases, other components include frequent hand washing, proper social distancing, and any other components the CDC has implemented for the reducing the spread of COVID-19 and other infectious diseases; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance, Chapter 13 – MISCELLANEOUS PROVISIONS, Article I, Section 13-6 of the Code of Ordinances of the City is added as follows:

Sec. 13-6. – Requirement to Wear Facial Coverings during a declared epidemic emergency.

a) Definitions:

- i. Epidemic Emergency shall mean a state of emergency declared at the Federal, State of Florida, or County of Saint Johns level in response to an amount of disease in the community above what is normally expected in that population.
- ii. Face Covering shall mean a uniform piece of material that securely covers a person's nose and mouth which remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or shields (which may be made of plastic, polymer, or other similar materials).
- iii. Social Distancing shall mean keeping space between yourself and other people by staying at least six (6) feet (about 2 arms' length) from other people.
- iv. Companion shall mean a person by whom you are accompanied.

- b) Whenever an epidemic emergency is declared at either the Federal, State, or County level for the City of Saint Augustine Beach, the City Commission may adopt by resolution requirements to wear facial coverings. The resolution may make reasonable regulation as to when and where facial coverings shall be worn.
- c) Nothing herein shall require or allow a person to wear a face covering to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.
- d) Enforcement. Pursuant to Sec. 252.46, Florida Statutes, this Resolution shall have the full force and effect of law, and pursuant to Chapter 1, Section 1-9 of the Code of the City of Saint Augustine Beach, a violation of this Resolution shall be a non-criminal civil infraction, enforceable under Chapter 1, Section 1-9, of the City Code, which carries a penalty of up to a \$500.00 fine. The City Commission may set by resolution a scale of the penalties which may include warnings.

(Ord. No. 20-____, § _____)

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Saint Augustine Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____, 2020.

ATTEST:

CITY CLERK

MAYOR

EXAMINED AND APPROVED by me this ____ day of _____, 2020.

MAYOR

Published in the _____ on the _____ day of _____, 2020. Posted on www.staugbch.com on the _____ day of _____, 2020.

RESOLUTION NO. 2020-13

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA PROVIDING FOR
STRONGLY RECOMMENDED INDOOR USE OF FACE
COVERINGS IN RESPONSE TO CONTINUED SPREAD OF
CORONAVIRUS DISEASE 2019.**

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) has expressly found that: “COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths) the CDC therefore specifically recommends that as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly “in public settings where other social distancing measures are difficult to maintain”; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and entered into an agreement for the “Pledge St. Johns County” which promotes following the CDC guidelines; and

WHEREAS, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

WHEREAS, pursuant to Sec. 252.38, Florida Statutes, power is vested in both municipalities and counties and the City of Saint Augustine Beach is required to coordinate with Saint Johns County to enact emergency orders; and

WHEREAS, the City Commission for the City of St. Augustine Beach recognizes that face coverings are only a component of reducing the spread of COVID-19, other components include frequent hand washing, proper social distancing, and any other components the CDC has implemented for the reducing the spread of COVID-19; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA:

Section 1. Definitions.

Face Covering shall mean a uniform piece of material that securely covers a person's nose and mouth which remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or shields (which may be made of plastic, polymer, or other similar materials).

Social Distancing shall mean keeping space between yourself and other people by staying at least six (6) feet (about 2 arms' length) from other people.

Companion shall mean a person by whom you are accompanied.

Section 2. Face Coverings Strongly Recommended.

a. Every person working, living, visiting, or doing business in the City of St. Augustine Beach should wear a face covering in any indoor location, other than their home or residence, when not maintaining social distancing from another person(s), excluding family members or companions.

b. Nothing herein should require or allow a person to wear a face covering to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

c. All businesses are encouraged to prohibit entry of any person who is not wearing a face covering with the exception of those below listed persons.

d. If a permit is issued for an outdoor event by the City of Saint Augustine Beach greater than or equal to fifty (50) persons, that permit shall require wearing the face coverings as condition of issuance of the permit and those that attend are required to conform to this resolution.

Section 3. **Exceptions.**

Nothing herein shall require the wearing of face coverings by the following people:

- a. Persons under the age of five years; and
- b. Persons observing social distancing in accordance with CDC guidelines; and
- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
- d. Persons working in a business or profession who do not have interactions with other persons; and
- e. Persons working in a business or profession who maintain social distancing from another person; and
- f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession, especially if the wearing of a face covering may present a health hazard such as excessive heat; and
- g. Persons exercising, while maintaining social distancing; and
- h. Persons eating or drinking; and
- i. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
- j. The requirement shall not apply when a person who is hearing impaired needs to see the mouth of someone wearing a face covering to communicate; and
- k. The requirement does not apply to any outdoor activity allowed under City, County, or State order, but face coverings should be readily available when coming within six (6) feet of an individual not part of a person's immediate family or cohabitating living unit.

Section 4. **Effective Date; Expiration Date.**

- a. This Resolution shall become effective on July 3, 2020, at 12:01 AM.

- b. This Resolution shall remain in effect in the City of St. Augustine Beach for so long as a state of emergency is in effect or unless otherwise modified or repealed.

ADOPTED in Emergency Session of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____, 2020.

ATTEST

Max Royle
City Manager

Margaret England
Mayor-Commissioner

(SEAL)

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 26, 2020

SUBJECT: City Building West of Former City Hall: Consideration of Leasing Part of It

INTRODUCTION

The building is the former police garage. For years, the Civic Association leased it from the City for storage and an office. The current lease expires on August 3, 2020. At your May 4, 2020, meeting, you approved a motion to let the lease with the Civic Association expire.

ATTACHMENTS

Attached for your information is the following:

- a. Pages 1-4, the minutes of that part of your May 4th meeting when you discussed the Civic Association's request that the lease be renewed.
- b. Pages 5-9, the lease with the Civic Association that expires this coming August 3rd.

USE OF THE BUILDING

The interior space of the former police garage is approximately 800 square feet. The Police Department and the County Fire and Marine Rescue want to use half of it for their needs. This would be 400 square feet on the east side of the building.

The land use district where the building is located is Institutional. The permitted uses in an Institutional land use district are city offices, farmers' markets, school, churches, museums, recreational facilities, medical clinics, hospitals, public utilities, and parking lots. Office use is not listed as a permitted use. Whether storage facilities are a permitted or not a permitted use is not shown in the Table of Uses in the Land Development Regulations for an Institutional Land Use District.

Despite that lack of clarity about storage as a permitted use, it is reasonable to conclude that since half of the building will be used for storage by the Police Department and the County, the remaining half could be used for storage by another organization.

The Civic Association has told the City Manager that it is interested in using the remaining space for storage. The Association would make some of that space available to the Bocce League for its storage needs. The Association would put in a door so that the space would be accessible.

ACTION REQUESTED

It is that the Commission decide whether the City should have a new lease with the Civic Association for it to use the remaining 400 square feet of the former police garage for storage and, if so, the rent that should be charged.

Another possibility is for the City to advertise for proposals from non-profit, civic, charitable organizations that need storage space. The rent for it could be based on what the private market in the area charges for storage space or what the Commission decides should be charged.

However, consideration should be given to the fact that there may not be any non-profit organizations other than the Civic Association interested in the space, which is small and will be inaccessible unless the organization is willing to put in a door.

4. Former Police Department Garage at Former City Hall: Request by Civic Association to Renew Lease (Presenter: Mr. Bill Jones, Civic Association President)

Mayor England introduced Item 1 and then asked City Manager Royle for a staff report.

Mr. Merrill Roland asked for a copy of what was being handed out, Exhibit 2.

Mayor England advised staff to give a copy to the public.

City Manager Royle advised that the Police Department moved to the new police station in 1999, then the Civic Association asked for a year to year lease for the garage after the police moved. He said that the Civic Association wanted to use it for the farmers market and other events. In 2006 the lease changed from a garage to office use. Every five-years the lease has been renewed at a cost of \$1 per year. The lease expires in August 2020. He advised that on February 19, 2020, Mr. Jones, President of the Civic Association, asked to renew the lease via email and then gave a formal request with what the building would be used for.

After an interruption from the public regarding Exhibit 3 not being given to the virtual Commissioners, Mayor England asked the Commission to not look at Exhibit 3 until Mr. Jones speaks.

Mr. Bill Jones, President of Civic Association, advised that Exhibit 3 is a script of what he is saying to the Commission, but appreciated Mr. Roland's concern for transparency of the meeting. He explained that the Civic Association rented the garage and painted a beach mural on the outside of the building to enhance Pier Park. He commented that the Civic Association has allowed other non-profits in the community use the facility as well. He explained that the Civic Association does not have the farmers market anymore due to St. Johns County bidding it out. He commented that the Civic Association operates the Music by the Sea concerts, City's Christmas Tree event, gives free WiFi for Pier Park, and always promotes the City. He commented that the Police Department has a need for housing their four-wheel vehicles in the garage and explained that the Civic Association would be willing to change the layout of the garage to fit the Police Department needs and could do so immediately. He commented that St. Johns County expressed an interest in the garage as well for rescue vehicles to be on the beach and suggested that St. Johns County could use the Mosquito Control property, which is less than a mile away. The Civic Association recommended forming a think tank consisting of citizens and interested parties to develop the whole property and to find funding. He requested to renew the lease for five-years at a \$1 per year with an escape clause if a need arises from the City.

Mayor England noted that the emails have been received from the members of the Civic Association to the Commission. She then asked if the Commission had any questions at this time. Being none, Mayor England asked Commander Ashlock to give his presentation.

Commander Ashlock advised that the City's Police Department and St. Johns County would like to use the garage for rescue vehicles, to shelter the vehicles from the elements, and to save time coming from the Police Department to the beach. He explained two different options and showed a presentation, (Exhibit 4).

Mayor England asked Commander Ashlock if the Police Department wants to take over the garage or if the Police Department wants to share the space with the Civic Association.

Commander Ashlock advised that the Police Department would need more space than the Civic Association has suggested. He commented that the Police Department would like the entire building because the space is not conducive to put multi vehicles in the space suggested by the Civic Association.

Police Chief Hardwick advised that he does not want air conditioning or office space and is looking for a place to store at least two ATV's in the summertime. He explained that St. Johns County rescue vehicles are bigger because they carry patients. He commented that all the local agencies around us do not have storage either and explained that the Police Department's ATV's were in the elements under the parking garage at Embassy Suites for two to three years. He explained that he has three ATV's that need protection, which are stored at Embassy Suites and the Police Department. One of the ATV's was unserviceable and is now at Public Works.

Discussion ensued regarding storing the vehicles closer to the beach and service calls at night are handled by police officers.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, wanted the garage to be a police substation and not just for storage. He asked the Commission not to renew the lease.

Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL, advised that the Civic Association has a sponsor that owns a storage facility; the Civic Association did not get a permit or inspections for their construction in 2006; Civic Association has been subletting and is against the contract; Civic Association came in last place in the bidding process for the farmers market; the Civic Association does not provide WiFi; and is not a good security risk to take.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the insurance rates will not be the same with the Police Department and the Civic Association sharing the same building; and Police Department needs to be on the beach because of the COVID-19. He requested that the Police Department take over the building.

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

Vice Mayor Kostka explained that at the time the lease was made, there was no need for the garage. She advised that the City needs to take care of their resources and it takes time for the Police Department to go to calls on the beach because they have no storage at the beach, which could make a difference to someone's life. She agrees with sharing the space with St. Johns County and believes that the Police Department does have a need and should take the garage over. She explained that City should rent facilities at fair market value and advised that her storage unit 10 x 25 feet is \$125 a month.

Commissioner Samora advised that the garage is sought after and agreed with Vice Mayor Kostka that times have changed and there is a need for the Police Department. He commented that we need to take care of the City's needs first, St. Johns County needs second and if something can be worked out with the Civic Association that would be fine. He advised that it could be for the Police Department only if they need it, but if they want to share with St. Johns County it's fine.

Commissioner George commended the Civic Association for their community involvement and their teamwork on problem solving this issue. She agreed with the other Commissioners and advised that public safety is the City's number one priority, especially now and preservation of City assets are important as well. She pointed out that the City's Land Use Regulations do not allow storage facilities or office spaces and because the Civic Association does not have the farmers market, it might be illegal to allow them to lease the property. She agreed with public safety first but thanked the Civic Association for all they do in the community.

Commissioner Rumrell agreed with all the Commissioners regarding public safety. He thought that it was great that St. Johns County could utilize the space as well and would like to build bridges with them. He commented that if the City and St. Johns County does not need all the space, then a discussion could be done with the Civic Association.

Mayor England explained that the City needs should come first; however, the Civic Association has worked and has been a benefit to the City for years and so if the City takes back the garage, the City should help them out month to month if they are going to share space. She wanted to give more time to the Civic Association to find another location.

Vice Mayor Kostka disagreed with Mayor England. She advised that the City is not able to put stipulations on what the Police Department should use the space for. She explained that the lease does not expire until August 2020 and for 15 years they have had the building for free. She commented that the Commission must put the City's needs first. She suggested giving the building to the Police Department and letting the lease expire.

Commissioner Samora said that the City's needs come first, County second and the Civic Association third. He commented that there are three months for the them to work it out, which is enough time. He said if the Civic Association needs more time, the Commission could discuss it then.

Commissioner George advised that the Police Department and Civic Association have time to work out the details. She commented that safety must come first and the concerts and other events that the Civic Association put on are not essential. She agreed with the lease being terminated.

Commissioner Rumrell agreed with Commissioners Samora and George, which is a good compromise for everyone. He asked if the Police Department takes the lease over, do they have sole discretion of who they allow to use the building.

Vice Mayor Kostka advised that the Police Department does not need a lease but wanted that confirmed by the City Attorney.

Assistant City Attorney Douglas advised that it would not be a lease to the Police Department because it was an asset of the City.

Police Chief Hardwick asked the Commission to allow the Police Department and St. Johns County lay out the footprint of the building and see if there is any space left over. He explained that he does not want to sublease the building.

Mayor England asked for a motion.

Motion: to allow the lease between the Civic Association and the City of St. Augustine Beach

to expire at the end of the term and turn the use and control of the building over to the Police Department to prioritize shared use with County Fire and Rescue, Marine Rescue, the Public Works Department, and Beach Services. **Moved by** Vice Mayor Kostka.

Commissioner George advised that she would second the motion if Vice Mayor Kostka would amend the motion to allow the lease to expire. She asked for clarification if the use must be determined.

City Attorney Douglas advised that the motion does not have to include the use.

Vice Mayor Kostka agreed and amended her motion.

Motion: to allow the lease to expire between the Civic Association and the City of St. Augustine Beach. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner George.

Roll call as follows:

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

Motion passed unanimously.

LEASE

THIS LEASE agreement made and entered into this 3rd day of August, 2015, by and between the City of St. Augustine Beach, a Florida municipal corporation (the "City"), and the Augustine Beach Civic Association, Inc., a Florida non-profit corporation, (the "Tenant"), whose address is 2200 A1A Beach Blvd, St. Augustine Florida, 32080.

WITNESSETH:

That for and in consideration of the mutual covenants herein after contained, the parties mutually agree as follows:

1. Recitals. The following recitals are true and constitute a material inducement to the City to enter into this Lease Agreement: The City is the owner in fee simple absolute of certain property located adjacent to the County Pier Parking Lot, said property being formerly used by the City as the Police Garage (the "Garage"). The City is agreeable to leasing the Garage to the Tenant to enable it to provide storage space for the operation of Tenant's Farmers' Market and for other civic activities. The City does not have an immediate need for the Garage. The City finds that such activities serve a public purpose for the betterment of the citizens of the City.

2. Consideration. The Tenant agrees that during the term of this lease that it will continue to provide civic related activities and services of the nature currently provided to the citizens of the City and will pay the City the sum of \$1.00 a year and provide insurance as hereinafter provided. Additionally the Tenant shall maintain all glass and non-structural elements of the building and its mechanical and electrical systems in a good and workmanlike manner. It will paint the exterior and interior of the building. The City will maintain structural elements of the building including the roof. Any alterations to the building will require the advance approval of the City Commission

3. Term of Lease. The term of the lease shall be for five (5) years unless sooner terminated by the City Commission as herein provided. The City Commission in the event that the lands leased to the Tenant shall be required for another public use, in its sole discretion, upon ninety (90) day notice elect to terminate this Lease. The Lease shall also be terminated without notice in the event of the filing of a petition for bankruptcy by the Tenant or the Tenant's filing of an assignment for the benefit of creditors. It is understood that upon application the Association shall have the right to renew this lease for one additional term of five (5) years upon the same terms and conditions. Upon termination of this Lease, whether by expiration of the term hereof or early termination as above provided, the Tenant shall in a good and workmanlike manner, remove any of its improvements from the land. In the event that the Tenant shall fail or refuse to remove such improvements, the City may cause such improvements to be removed and may recover from the Tenant the cost of such demolition.

4. Insurance. For so long as this Lease shall remain in full force and effect, the Tenant shall maintain a general liability policy, naming the City as an additional insured, such policy to be in form, content, and amount satisfactory to the City. Certificates of such insurance shall be filed with the City Manager at such intervals, as the City Manager shall prescribe.

5. Assignment and Subletting of Lease. This lease is non-assignable. The demised premises shall be not be used for any commercial purposes or for any purpose primarily for the benefit of private individuals. Tenant's unique composition is the sole reason for City procuring this Agreement. Tenant shall not sublet the property.

6. Recording of this Instrument. This instrument shall be not be recorded. Recordation of this lease by the Tenant or by anyone acting on its behalf shall act as an automatic termination of this lease.

7. Tenant Improvements. Tenant shall not make any improvements, alterations, or modifications to the property without the approval of City.

8. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to only the parties to this Agreement. This Agreement is made for the sole benefit and protection of the parties no other persons shall have any right of action hereunder.

9. Applicable Law; Jurisdiction of Venue. This Agreement, and the rights and obligations of the parties hereto as they may appear herein, shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in state court in St. Johns City, Florida. The parties waive trial by jury. If any provision of this Agreement, or the application thereof to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restrictions that must be satisfied to complete the development contemplated by this Agreement shall not relieve any party, or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms, and restrictions.

10. Joint Preparation. Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

11. Exhibits. All exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

12. Captions or Paragraph Headings. Captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision hereof.

13. Counterparts. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Agreement.

14. Effective Date. This Agreement shall become effective as of the date signed by all parties.

15. Amendment. This Agreement may only be amended by written instrument signed by the parties.

16. Limitation on City's Damages. City's liability under this Agreement shall be solely and exclusively limited to the amount to be paid to City by Tenant and Tenant shall have no other remedy at law or in equity for any breach of contract or other action related to the matters herein.

17. Notice to Third Parties. Tenant shall notify each of its contractors, subcontractors, suppliers, vendors, invitees, guests and others that Tenant acts on its own account and not for the City and that the City assumes no responsibility for the payment or protection thereof

18. Waste and Damage. Tenant agrees to neither permit or commit waste or damage to the City's Property, facilities, equipment, furnishings, structures and space that are the subject of this Agreement and further agrees to comply with all applicable federal, state, county and city laws and rules and regulations, including payment of all applicable taxes and compliance with all laws and regulations pertaining to its operations. Upon termination of this Agreement by lapse of time or otherwise, Tenant agrees that its right to use the facilities, structures and space which are the subject of this Agreement shall be terminated and that Tenant shall leave same in at least as good a condition as received, reasonable wear and tear excepted.

19. Hazards and Chemicals. Tenant represents and warrants that no Hazardous Materials will be generated, stored, disposed of or are present on or within any part of the City's Property. Tenant shall indemnify, defend, protect and hold City harmless from and against any and all claims, costs, fines, judgments, liability, actions, causes of action, liens and expenses; including, without limitation, penalties and reasonable attorney's fees, incurred or suffered by or asserted against City, arising out of or in any way relating to any one or more of the following which are not caused by Tenant: (a) the presence of any Hazardous Materials in, on, or under the City's Property, (b) any past, present or threatened release of Hazardous Materials in, on, under or from the City's Property; and (c) any activity by Tenant in connection with any actual, proposed or threatened use, treatment, storage, existence, disposition or other release, production, manufacturing, management, abatement, removal, handling, transfer or other means in connection with the City's Property.

20. Maintenance, Utilities and Trash Collection. The Tenant shall be responsible for the maintenance and cleaning of the City's Property. The Tenant shall be responsible for water, sewer, electric and any other utilities. Tenant shall be responsible for regular cleaning of the City's Property and shall maintain the City's Property in a clean and safe condition.

21. No Discrimination. Tenant shall operate in a fair and reasonable manner and shall not discriminate against any person on the basis of race, color, religion, sex, familial status, national origin, handicap, sexual orientation, gender identity or expression, or any other reason prohibited by law.

22. Other Regulations. Tenant is also required to fully comply with all federal, state, and local laws pertaining to their use of the Garage.

23. Indemnity. Tenant agrees to indemnify and save City harmless from any liability, claim or demand by any third party resulting from or arising out of the Tenant's actions under this Agreement or its use or occupancy of the City's Property that is the subject of this Agreement. The indemnity provisions of this section shall survive the termination of this Agreement

24. Severability. If any provision of this Agreement or the application of this Agreement to any entity or circumstances becomes invalid or unenforceable to any extent, then the remainder of this Agreement or the application of such provisions to such other entity or circumstance will not be affected by such invalidity or unenforceability and will be enforced to the greatest extent permitted by law.

25. Waiver. No consent or waiver, expressed or implied, by any Party to or of any breach or default by the other Party in the performance by such other Party of the obligations under this Agreement will be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other Party of the same or any other obligations of such other Party under this Agreement. Failure on the part of a Party to complain of any act or failure to act of the other Party or to declare such other Party in default, irrespective of how long such failure continues, will not constitute a waiver by such Party of its rights under this Agreement

26. Notices. All notices, demands, requests and other communications required or permitted under this Agreement (a "Notice") must be in writing and will be deemed to have been duly given (a) upon the date of the Notice if delivered personally, or (b) by facsimile or electronic mail provided that a duplicate copy is promptly mailed by U.S. Mail, certified, return receipt requested, or (c) upon the date following the date of the Notice if delivered by overnight courier which provides a receipt, such as Federal Express. In each case the Notice must have adequate postage prepaid, addressed to the appropriate Party and marked to a particular individual's attention as provided in this Section. The Notice will be effective upon being so deposited, but the time period in which a response to any Notice must be given or any action taken with respect to the Notice will commence to run from the date of receipt of the Notice by the addressee as evidenced by the return receipt. Rejection or other refusal by the addressee to accept or the inability of the United States Postal Service or air courier service to deliver because of a changed address of which no Notice was given will be deemed to be the receipt of the Notice sent as of the Business Day following deposit. If either Party to this Agreement changes their address, that Party must notify the other Party of such change by Notice delivered in accordance with this Section. Any person acquiring any interest in the Property will be entitled to receive copies of Notices upon giving Notice to the other Party of its name and address and the nature of its interest. The initial addresses of the Parties will be as set forth below:

27. For the City: City Manager

City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, Florida 32080

For Tenant:

207 Woodland Ave
St Augustine, FL 32080

IN WITNESS WHEREOF, the Parties have hereunto caused these presents to be executed,
this the day and year first above written.

ATTEST: [Signature]
Secretary

ST. AUGUSTINE BEACH
CIVIC ASSOCIATION, INC.
BY: [Signature]
President

ATTEST: [Signature]
City Manager

CITY OF ST. AUGUSTINE BEACH
BY: [Signature]
Mayor-Commissioner

MEMORANDUM

TO: Max Royle, City Manager

FROM: William Tredik, P.E. Public Works Director

DATE: July 6, 2020

SUBJECT: Amendment #32 to Contract with CMT (formerly Stone Engineering)
Engineering Services - City of St. Augustine Beach Vulnerability
Assessment and Adaptation Plan

DISCUSSION

In 2019, the City applied to the Florida Resilient Coastlines Program (FRCP) for financial assistance to conduct a Vulnerability Assessment and Adaptation Plan (the Plan). The purpose of the Plan is to identify and analyze the City's vulnerability to flooding due to storm surge and sea level rise and develop an adaptation plan to guide the City in future decision making. On March 3, 2020 the FRCP notified the City of the anticipated award of \$72,500 for the subject project in the State of Florida 2020-2021 fiscal year, beginning July 1, 2020. The grant does not require a City match.

The Plan will include the following three major work elements:

1. Update the City GIS system with Drainage and Topographic Mapping to determine areas vulnerable to sea level rise and storm surge.
2. Update the City Master stormwater model to include new data within the stormwater master plan area. An informational public workshop partnering with the Northeast Florida Regional Council will be conducted at the completion of the modeling update.
3. Synthesize the results from the first two phases with the results of the analysis of the sea level rise scenarios evaluated based on implementation feasibility, public acceptance, effective sustainability, and cost.

The Plan will be used in development of future capital improvement programs and will be reviewed and presented to the City Commission for approval at a public meeting. Following this second public meeting, policy strategies may be developed to reduce flood risk from sea level rise and storm surge. These strategies may include policy objectives, land use policies, land acquisition, regulatory strategies, and incentive-based programs

The City's continuing contract engineering consultant, CMT, is uniquely qualified to develop the Plan due to their detailed knowledge of the City's Master Drainage Plan and their past development and possession of a citywide stormwater model. The existing stormwater model will be updated – rather than being developed from scratch – thus saving significant time and expense. Per the terms of the grant agreement, the Plan must be complete by April 30, 2021. The time savings associated with utilizing and updating the existing CMT citywide stormwater model is essential to the completion of the Plan within the required timeframe and available funding.

ACTION REQUESTED

Approve Amendment #32, Engineering Services, City of St. Augustine Beach Vulnerability Assessment and Adaptation Plan.

City of St. Augustine Vulnerability Assessment

THIS AMENDMENT is made as of _____, 2020, by and between CITY OF ST. AUGUSTINE BEACH (City) and, Crawford, Murphy & Tilly (CMT) (formerly STONE ENGINEERING GROUP). This Amendment to the City / CMT Agreement for Professional Engineering Services is in connection with the City's efforts to complete the assessment evaluation of the above referenced project.

SECTION 1: PROJECT DESCRIPTION:

St. Augustine Beach has received a grant from the Florida Department of Environmental Protection (FDEP) Florida Resilient Coastlines Program (FRCP) to conduct a Coastal Vulnerability Assessment and Adaptation Plan (the Plan). The grant contract is scheduled to be in effect on July 1, 2020. The Plan will include analysis of City vulnerabilities to sea level rise, extreme tides, and storm surge, and propose adaptation measures to mitigate the effects. Strategies implemented will support resiliency planning efforts and guide future capital improvement plan development. Plan development will include a level of coordination with the Northeast Florida Regional Council (NEFRC) and a level of engagement with the citizenry in considering the need to invest in a sustainable future mitigation against sea level rise. The findings in the Plan will be used to evaluate and prioritize future capital improvements and resiliency measures. The Plan will consist of the following three primary tasks:

1. Updating City GIS system with Drainage and Topographic Mapping to determine areas vulnerable to sea level rise and storm surge, including:
 - Analyze the City's coastal dune system to find vulnerabilities to storm surge
 - Update and analyze public and private drainage conveyances to determine vulnerability to backflow from the Matanzas River and Salt Run
 - Mapping of all low-lying lands which may provide overland conveyance of storm surge into the City of St. Augustine Beach
2. Updating the City Master stormwater model to include new data within the stormwater master plan area, including:
 - Running the updated model for high tide conditions during two sea level rise scenarios with current 25-year and 100-year rainfall events.
 - Develop GIS maps showing inundation associated with various model runs. This process will yield a comprehensive set of maps and an interactive GIS data base to allow for the results to be displayed dynamically at public workshops and public hearings and using the NEFRC's Regional Resilience Exposure Tool. will be utilized to further public engagement by summarizing the results through a PowerPoint presentation and other appropriate graphic methods.

Synthesize the results from the first two phases with the results of the analysis of the sea level rise scenarios evaluated based on implementation feasibility, public acceptance, effective sustainability, and cost. The final prioritized implementation plan to be used in development of future capital

improvement programs and will be reviewed and acted upon by the City Commission and presented at a public meeting. Following this second public meeting, policy strategies may be developed to reduce flood risk from sea level rise and storm surge. These strategies may include policy objectives, land use policies, land acquisition, regulatory strategies, and incentive-based programs.

SECTION 2: SCOPE OF SERVICES:

CMT will provide services and deliverables to the City as described in the following three tasks:

Task 1 – Existing Information, Field Evaluation and Update Existing GIS layers

Existing Information Use- Determine, using available County Lidar data, County property data, existing City Stormwater master plan, recent design improvement projects and field reconnaissance to identify areas within the City of St. Augustine Beach matching the available geographic data, vulnerable to sea level rise, extreme tides and storm surge.

Data Input Into GIS- CMT will gather, compile, and assist the City in the input of available existing/ most recent survey, lidar, and other topographical information to be used in populating/updating GIS layers in the City's GIS database. CMT field reconnaissance will attempt to confirm conflicting available data to further identify and represent within the GIS system a pathway in which storm surge and coastal flooding could inundate the City.

Presentation and Report Based Graphics- Using this supplemental data incorporated into the City GIS system, CMT will create a graphic representation of the identified areas within the City vulnerable to flooding due to their elevation and connection to receiving waters. These maps intended to be of sufficient resolution to identify specific parcels subject to flooding.

Deliverables - CMT will submit to the City the following digital deliverables on or before the Task/Deliverable Due Date listed in the Project Timeline:

- Mapping showing the City's coastal dune system, highlighting areas vulnerable to penetration or over-wash from storm surge.
- Mapping showing identified public/private drainage connections to receiving waters, including internal low-lying areas subject to coastal flooding through backflow of drainage conveyances
- Copy of any survey, field investigation data and other raw data collected or used during Task 1

Task 2 – Update with New input Data/ Rerun the Stormwater Model for Sea Level Rise Impacts

Update the Master ICPR Model - CMT will incorporate within the existing boundaries of the City Stormwater Master Plan ICPR stormwater model, any new differing information gathered in Task 1. The updated model will be run for two pre-established St. Johns County EMS sea level rise scenarios and in conjunction with established current 25 year-24-hour storm events and a 100 year-24-hour storm events. The inundation data associated with the various model runs will be compared and

coordinated within the relevant GIS data. This process will yield the capabilities for a comprehensive set of maps and an interactive GIS data base.

Public Workshop-An informational public workshop will be conducted at the completion of the modeling update to present maps and graphics and to summarize the results through a PowerPoint presentation

Deliverables - CMT will submit to the City the following deliverables on or before the Task/Deliverable Due Date listed in the Project Timeline:

- Summary report describing the methods and results of updating the stormwater model
- All model input files as well as link-node diagram(s).
- Existing Conditions model results associated with the two rainfall events and two predicted sea level rise scenarios.
- A version of the maps developed from the GIS system in Task 1 refined with modified flood inundation results from the ICPR model runs.
- Public workshop and associated presentations and exhibits.

Task 3 – Incorporate Results & Finalize the Coastal Vulnerability Assessment Plan.

Comprehensive Report - The results of the Tasks 1 and 2 will be incorporated into a comprehensive report identifying the City's vulnerabilities to extreme tides from sea level rise and storm surge. The final report shall include exhibits of areas vulnerable to coastal flooding for the various selected storm events. The final report shall also make recommendations as to how the vulnerable areas may be made more resilient and protected in the future. The Plan will identify key strategies and options which could be implemented in future capital improvements programs.

Public Meeting/ City Commission Presentation-A final public meeting will be conducted at the completion of the plan, presenting the results through a PowerPoint presentation. The meeting to be coordinated with the City Commission's normally scheduled meeting to act on the report.

Deliverables - CMT will submit to the City the following deliverables on or before the Task/Deliverable Due Date listed in the Project Timeline:

- Report on the updated stormwater model with strategies included to determine effectiveness of proposed solutions.
- Final Coastal Vulnerability Assessment Plan with exhibits.
- Attend second public meeting/City Commission meeting and prepare associated presentations and exhibits.

SECTION 3: PROFESSIONAL FEES

Tasks 1 through 3 will be paid as fixed fee tasks not to exceed the following:

Task 1	\$	17,500
Task 2	\$	35,000
Task 3	\$	20,000
Total Fee:	\$	72,500

SECTION 4: SCHEDULE

The schedule is predicated on a contract date and NTP of no later than July 1, 2020. The deliverables of this agreement are established based upon NTP of the same date. Deliverables for Tasks 1 through 3 will be provided on or before the following dates:

Task 1	September 30, 2020
Task 2	December 31, 2020
Task 3	March 31, 2021

IN WITNESS WHEREOF, the parties have made and executed this Amendment, the day month and year first above written.

CITY OF ST. AUGUSTINE BEACH, FLORIDA

By: _____
Margaret England, Mayor

ATTEST:

By: _____
Max Royle, City Manager

CMT

By: _____
It's Florida Manager: Gary L. Sneddon

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 25, 2020

SUBJECT: Accessing Private Property from Dead-End Streets: Review of Proposal

Pyrus Street, east of State Road A1A, is a short street that dead ends at the western boundary of a home at 240 Bluebird Lane in the Island Hammock subdivision. At your June 1st meeting, some Pyrus Street residents complained to you about the 240 Bluebird Lane residents using the end of Pyrus for access to their property. The outcome of the discussion was that Mayor England would meet with the residents and Commander Ashlock of the Police Department to work on a solution. The Mayor asked the City staff for a City policy on accessing private property from dead-end streets. The minutes of the discussion are attached as pages 1-4.

Attached as page 5 is a brief memo from the Building Official, in which he proposes that Section 6.02.03 (page 6 attached) of the Land Development Code be amended to provide for a fee and a permit approved by the Public Works Director to access private property from a public right-of-way.

ACTION REQUESTED

It's that you discuss Mr. Law's proposal with him. If you agree with it, then the City Attorney can draft an ordinance for first reading at your August 3rd meeting.

NEW BUSINESS

4. Access to City Street from Private Property: Consideration of Pyrus Street Barricade Proposal (Presenters: Christopher Cygul and Kristy Lee Wilson, 493 Pyrus Street)

Mayor England introduced Item 6 and then asked Christopher Cygul and Kristy Lee Wilson to the podium.

Christopher Cygul, 493 Pyrus Street, St. Augustine Beach, FL, thanked everyone for being here physically and through Zoom. He explained that on his street there is a construction problem, but not a dispute with the neighbors. An issue came up regarding the use of the right-of-way on Pyrus Street, which is a dead end. He requested the Commission consider the proposal to make a barricade on the right-of-way, which has been done on other streets facing the beach side within the City. He explained that Pyrus Street is not a major thoroughfare and wants to promote safety and not allow trucks, trailers, and heavy equipment to go through the barricade. He requested only pedestrian traffic. He said there is a lack of a fence bordering Bluebird Street. He explained that the owners removed the fence approximately in August 2019, which causes a lack of privacy for the homeowners on Bluebird Street. He advised that the Bluebird Street owners advised that the owners on Pyrus Street do not allow the owners of Bluebird Street privacy. The homeowners on Bluebird Street have four-wheel vehicles, a pickup truck, and a trailer. The Pyrus Street homeowners have noticed safety concerns that the Bluebird Street owners are doing on their property in regard to tree removal and had an arborist come to the property who said there were several widow-maker trees that could fall. He explained that since the fencing has been removed, cameras have been installed facing the Pyrus Street residents. He commented that the Pyrus Street homeowners want a peaceful solution. He requested the Commission to have the City install barricades to protect the people on Pyrus Street and other streets that face Island Hammock. He explained that the tree surgeon does not advise running over the roots of a very large magnolia tree with trucks. He advised that his goal is have a pedestrian entrance to the property and if the City cannot install barricades, how long will it take the owner on Bluebird Street to put her fence back up and explained that it has been down for nine months.

Mayor England asked what exactly Mr. Cygul wanted.

Mr. Cygul advised that he wants a barricade to be installed by the City with a gate for pedestrian walkway as other streets within the City have.

Mayor England asked if the City ever installed fences previously.

City Manager Royle advised that on streets the City has installed two posts with two crossbeams on dead end streets. He explained that if the homeowners want a gate, the homeowners will have to provide that.

Commissioner Rumrell spoke with Building Official Law regarding installing a horse fence that would be on the right-of-way and asked City Attorney Douglas if the City has a right to do that.

Building Official Law agreed with Commissioner Rumrell and advised by doing this it would show that the City did not take sides between the neighbors. He suggested a gate if the Commission wanted so people could access the public right-of-way; however, what is done

on one street must be done on all streets. He explained that each street would cost approximately \$100.

City Attorney Douglas advised that the Commission could install what they want on their right-of-way.

Commissioner Samora asked Building Official Law about 10th, 9th, 13th, 14th and 15th Streets that have the same type of dead-end streets.

Building Official Law advised that yes, they have two horizontal rails, but he would ask for a two by four cap to help steady the rails, especially if a gate is installed.

Mayor England recapped that what was requested is to construct fencing at all dead-end streets in the City's as the budget allows.

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

Fiona Godfrey, 240 Bluebird Lane, St. Augustine Beach, FL, read a statement into the record (Exhibit 5).

City Attorney Douglas advised that the Commission does not have to vote tonight on the recommendation staff made. He encouraged the Commission to strive for consistency throughout the City.

Mayor England asked for more research and to get the information to the Commission.

Commissioner Rumrell spoke with Commander Ashlock and Assistant City Attorney Taylor. He advised that the City does not want to get involved in a civil dispute and explained that the City could install a barricade on the City's right-of-way. He also advised that if the homeowners want in the future to get a special use permit for a pool, they could apply for it and the City could take the barricade down and then reinstall it.

Commissioner George has seen similar disputes to remove barricades from the private right-of-way when a neighbor did not want access. There is a section in the code that requires a permit to put anything in a right-of-way that could block access. She explained that she is withholding on voting on this issue because she has a perceived conflict of interest with regard to one of the property owners involved so she recused herself on voting.

Vice Mayor Kostka asked when the fencing on Bluebird Lane would be completed.

Mr. Godfrey, 240 Bluebird Lane, St. Augustine Beach, FL, disputed the comments by Mr. Cygul. He explained that he has been following the law by using his truck and trailer, but Pyrus residents barricaded them for using the right-of-way by putting wood, tables, etc. in their way and he could not get his truck and trailer out. The police have been called several times by Pyrus residents. He wants to clean up the backyard and put up the fencing. He explained that there is no need for a barricade and advised that he has a construction fence there in the meantime.

Vice Mayor Kostka asked when it will be done.

Mr. Godfrey advised it would take one month for the trees and another month for the fence. He advised about 2 ½ months. He has been stopped for 1 ½ months due to altercations.

Mayor England asked City Attorney Douglas what the City should do without getting involved in the neighborhood dispute.

City Attorney Douglas recommended that the City does not get involved in civil disputes between neighbors. Staff has come up with a recommendation that has been given to the Commission for a barricade and he does not see any legal obstacle in doing that if the Commission agrees. The Commission is not required to vote on it tonight.

Mayor England asked if it is a City's decision on when the City or if the City should put up a barricade. She asked if it would be a Commission decision.

City Attorney Douglas advised that he would have to research that and feels it would be more of a staff level decision.

Mayor England suggested that staff bring back a policy to the Commission regarding this issue at a future date.

Vice Mayor Kostka advised that the City does not need a policy on what to do with the City's rights-of-way. It is the City's decision but wants more information on this before voting.

Carol Freudenberger, 244 Bluebird Lane, St. Augustine Beach, FL, explained that Pyrus Street is directly behind her and she has a fence and a pool on her property, which has a gate on Pyrus Street. She explained that her gate has been boarded and nailed shut without her permission and she cannot go out the back gate if she chooses to. She explained that the gate was used for gas for the pool heater. She asked if a barricade were erected, would the gate remain open. She advised that the street seems to be a public party place also.

Police Chief Hardwick advised that he reached out to the experts in the City, Building Official Law and Public Works Director Tredik. Law enforcement does not get involved in civil disputes; however, he wanted to not let it escalate. Commander Ashlock reached out to the neighbors and educated them on the laws that the police enforce on the street. No criminal actions have been taken by the neighbors. The problem is that the streets are not consistent throughout the City and this issue will be coming up again with other streets.

Mayor England asked the staff to inform the Commission on what the City does on dead-end streets and whether vehicle access is allowed. She also requested to find out if special permits are needed for construction. She advised that she did not have enough information to make solid decisions on this street.

Kristy Wilson, 493 Pyrus Street, St. Augustine Beach, FL, wanted a dead-end street for safety reasons for their four-year-old girl. Police have been called by Mr. and Mrs. Godfrey. Mrs. Godfrey has filmed her child. She wants them to access the front of their property like everyone else. She also runs over the roots of trees in other neighbors' yards.

Jennifer Pessina, 91 Pyrus Street, St. Augustine Beach, FL, objected to cameras pointed to her house with her small child.

Kevin Pessina, 491 Pyrus Street, St. Augustine Beach, FL, explained that there are unprofessionally cut trees that pose a danger to his house; fence panel that they took down because the improperly moved their fence; not allowing filming of children; he would be willing to place a fence on his property to stop this; and can use the gate at the end of the street for non-vehicular access only.

Ed Swift, 2591 Hydrangea Street, (owner of duplex 490 & 492 Pyrus Street), St. Augustine, FL, he talked with the neighbors on Pyrus Street who seemed to be united and Bluebird neighbors seem to have angered everyone. The trees and fencing have been down for months and the staging area for the vehicles is on Pyrus Street. He advised that they live in a PUD in Island Hammock and should use their street to remove trees and do construction.

Nick Ortiz, 492 Pyrus Street, St. Augustine Beach, FL, agreed with Mr. Swift and over the last five to six months this has been a problem and there seems to be no end in sight. The access point being used was never accessed before after 40 years of trimming. He is in support of the barricade.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that city staff presented this item in a disorganize way and requested mediation and requested to table this matter.

Mayor England closed the Public Comments section and advised that she would sit down with the residents with Commander Ashlock to get a reasonable resolution. She asked staff for a policy on dead-end streets regarding vehicle access or not. She suggested not taking any action tonight but to come up with a City policy on dead-end streets.

Commissioner Samora agreed because he said this will not be the last time this issue comes up. He suggested a policy with procedures and time constraints.

Mayor England advised that the two issues are vehicle access and pedestrian access and, in the meantime, to work with the neighbors to get their construction done.

Commissioner George advised that it is great to work with a policy; however, the universal policy needs to be very clear because lot access is a complicated issue, especially on the ocean side and the side of the property. She said that a consistent policy might not be obtainable.



City of St. Augustine Beach Building and Zoning Department

TO: Max Royle
FROM: Brian Law
SUBJECT: Right of ways access and permitting
DATE: 6-19-2020

Max

As a result of the ongoing neighboring disputes between residents at Pyrus street and Bluebird Ln, I am proposing a code change to section 6.02.03 Rights-of-way of the City of St. Augustine Beach Land Development Regulations as directed by the City Commission. This proposed modification should provide another mechanism for the City to regulate its Rights-of-way. This permitting process will be approved by the Public Works Director and the fee shall be placed in the appropriate account as determined by the Finance Director. The current software, MCSJ, used by City Staff will have no problem handling this new transaction.

Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-8758
blaw@cityofsab.org

Sec. 6.02.03. - Rights-of-way.

- A. *Right-of-way widths.* Right-of-way requirements for road construction shall be as specified in Table 6.02.02A of this Code. The right-of-way shall be measured from lot line to lot line.
- B. *Protection and use of rights-of-way.*
1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the St. Augustine Beach City Commission.
 2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in any applicable St. Augustine Beach regulations.
 3. Sidewalks and bikeways shall be placed within the right-of-way.
- C. *Vacation of rights-of-ways.* Applications to vacate a right-of-way shall be approved by ordinance upon a finding that all of the following requirements are met:
1. The requested vacation is consistent with the Transportation Circulation Element of the St. Augustine Beach Comprehensive Plan.
 2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
 3. The vacation would not jeopardize the current or future location of any utility.
 4. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to St. Augustine Beach.
 5. The proposed vacation was not acquired or dedicated for state, county or federal highway purposes.
 6. The proposed vacation was not acquired or dedicated for utility purposes;
 7. The proposed vacation does not provide access to the ocean and/or beach, or other recreational resource;
 8. The proposed vacation does not provide access to public drainage facilities.
 9. No portion of a street or alley lying between two (2) intersecting streets shall be vacated unless the entire portion of the street or alley between such intersecting streets is vacated.
- D. Residential driveways in the city rights-of-way shall be limited to a maximum of eighteen (18) feet in width with a maximum five (5) by five (5) foot apron flair on either side. The city shall not be responsible for the repair and maintenance of residential driveways in city rights-of-way.
- E. Vehicular traffic through City Rights-of-Ways at the end of dead end no access streets shall be prohibited except by :
1. All governmental vehicles
 2. With a Rights-of-way permit as authorized by the Public Works Director, not to exceed 30days for a fee of \$250.00 dollars

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18; Ord. No. 18-18, § 1, 1-7-19)

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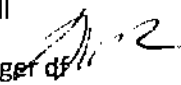
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MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 25, 2020

SUBJECT: City Manager's Response to Vice Mayor Kostka's Demand That He Resign

INTRODUCTION

Fifty minutes before your regular meeting on June 1, 2020, Vice Mayor Kostka emailed to each of you and to me her demand that I resign immediately. (A copy of that email is attached as pages 1-3. Also, attached as pages 4-5 are the minutes of that part of your June 1st meeting when the email was discussed.) I had no advanced warning of the email and I am certain none of you did.

In it, she provided a number of reasons for her demand. Broadly, the reasons seem to be centered on three topics:

1. My failure to communicate with you and the public from when the effects of the pandemic first appeared in the state and the County.
2. My failure to attend COVID-19 briefings at the County's Emergency Operations Center
3. My failure to provide plans in response to the Governor's Executive Orders

Below is my response to each of these topics. I have added a fourth, which concerns certain comments the Vice Mayor made in her email about expectations.

1. Communication

Vice Mayor Kostka wrote in the first full paragraph on page 2 of her resignation demand: "There is an increased concern about the lack of effective communication with the Commission, other intergovernmental agencies, and the public, especially during the recent COVID pandemic our city and the entire nation experienced."

Response: Because effective communication is so essential, I am going to put my communications with the Commission, residents and other governmental agencies in the much larger context of the nearly 31 years that I have been employed by the City rather than just the two months that the Vice Mayor has focused on. You can then judge from the record whether a lack of effective communication in the past and the present has occurred or occurred often enough to form a pattern that has been detrimental to the City. You can also decide whether any action or lack of action by me prevented the Commission and the public from receiving information from the Governor, Emergency Operations Center, County Health Department, and so on as the pandemic affected the state and our County during those two months.

Here is the context by which to evaluate the Vice Mayor's allegation about my lack of effective communication.

- a. City newsletter. During the early 1990s, the Commission allowed me to start a quarterly City newsletter. I took the photos for it, wrote all the copy for it, and often with the then-Deputy City Clerk, Sharon Widdifield, prepared several thousand individual copies for mailing. The Record printed the newsletter, which featured City government events, developments, City employees, and other topics related to City matters that might be of interest to City residents. It was sent to every residential address in the City other than large condominium complexes and was published for 17 years. No resident or Commissioner ever complained that my communication in the newsletter was lacking.
- b. Monthly articles. Around 2009, a local monthly newspaper was purchased by Ms. Merriam Weeks. Because she asked me to provide written material for it, the City discontinued the quarterly newsletter. Each month for 11 years I wrote a main article and a City Hall Update report about the decisions the Commission had made at its meeting. The newspaper was later purchased by Mr. Cliff Logsdon and later by Mr. Michael Pounds. Because of his need for advertising space, Mr. Pounds used the material I submitted only intermittently. When the City began its monthly e-newsletter under Hala Laquidara, the former Events Coordinator, my Update Report and article were included in it. That has continued to the present.
- c. Agenda Items and Reports. Since July 24, 1989, when I started with the City, I have prepared thousands of pages of written material for agenda items and for reports to the Commission as well as the original Beautification Advisory Committee. I have attended from that date to the present every Commission regular, special and workshop meeting to communicate orally with the Commission. From all that written material and what I orally presented at the meetings, the Commission has made or changed policies, approved ordinances, resolutions, and conditional use permits, and on the basis of the material I wrote made other decisions. From July 24, 1989, to June 1, 2020, no Commissioner has ever stated on the public record or to me personally that there was a lack of effective communication from me. Could some reports have been improved? Absolutely. Did I sometimes make mistakes? Most certainly. Did the Commission sometimes want more information about a particular topic? Definitely, because I can't read five different minds and know in advance the questions individual Commissioners will ask and what additional information a Commissioner may want.

Also, I have provided the following information for many years: a) the report about City activities at the end of the agenda books for each Commission regular meeting; b) the Pending Report in the agenda books; c) the explanatory memo that I write to accompany the report on the City's budget that the Commission receives each month; and d) the budget message I have prepared for the Commission's first meeting on the budget for nearly three decades.

It needs to be noted here that all of the information in the agenda books has been available online for years, so the residents can easily review it and tell me if there has been a lack of effective communication.

- d. Communications with the media. From 1977 when I first held a city management position to the present, I have been responsive to the media. If a reporter calls me and I can answer the call immediately, I talk to him or her. If a phone message is left, I return the call. This has been a consistent pattern for over 40 years in public management as I believe my role with the media is to help reporters get information about City matters to the public. It should be noted that I have not been on TV much because I believe the Mayor should be the “face” for the City.
- e. Communications with residents. In addition to the articles I have written over many years to provide information to the residents, I have had other forms of communication with residents, which I have made as hassle-free as possible. Telephone calls, emails, regular letters are answered. Sometimes a resident wants to talk in person at the office. If I am not in a meeting, I see the resident. No appointment is needed. During my frequent walks and bicycle rides around the City, I say hello to people and am very approachable. Some people stop to talk, sometimes with questions about City matters. Also, I have on occasion been the guest speaker about City matters at Rotary Club and Civic Association meetings.
- f. Communications with other governmental agencies. Since 1992, I have been secretary/treasurer of the Northeast Florida League of Cities and have regularly talked with elected and appointed officials of other area cities at the organization’s monthly meetings about matters of mutual concern. During the 1990s, when the City was intensely involved in getting the beach restored, I communicated regularly with the U.S. Army Corps of Engineers, St. Johns County elected officials and staff, and on occasion with Tillie Fowler, the U.S. House Representative for St. Johns County. With Mayor Pacetti, I attended numerous meetings in Jacksonville at the Corps’ regional office. I have spoken on our City’s behalf to the Tourist Development Council, the St. Augustine Port, Waterway, and Beach Commission, and in Tallahassee to the Florida Communities Trust, when we were seeking grant funds for Hammock Dunes Park. I have accompanied previous Mayors or Commissioners to meetings with the persons who are the State Senator and State Representative for our district. I have attending meetings with County Administrators going back to Dan Castle in the early 1990s and then his successors: Nicholas Meisner, Ben Adams, Michael Wanchick, and, earlier this year, Hunter Conrad; and I’ve communicated City needs, problems and projects with such County staff persons as past and current Public Works Directors, Parks and Recreation Directors, Utility Department Directors, the head of the County Land Planning Division and subordinate staff, the County Attorney, and those employees responsible for beach services and the habitat conservation plan. When there are matters of mutual concern, I have communicated with and met past St. Augustine City Managers, such as Joe Pomar and Bill Harris, and the present one, John Regan, and certain staff persons of that city.
- g. Communications during emergencies. In the second paragraph on page 2 of her resignation demand, Vice Mayor Kostka states: “It is also imperative the City Manager provide regular, up to date information and reports to the Commission and the public in a timely matter that addresses the seriousness of any issues surrounding an emergency, especially during this COVID-19 pandemic.” It is puzzling to find any reality underlying this criticism. I looked back in my email records and find that Chief Hardwick forwarded the first report about the pandemic from the

Emergency Operations Center on March 2, 2020. For the following six weeks, there are numerous, and I mean, literally dozens of reports and communiques from the EOC, the Florida Department of Health, the Florida League of Cities, the Florida Municipal Insurance Trust, the Chamber of Commerce, the Visitors and Convention Bureau, and other sources to the Commission and the public. Some Chief Hardwick forwarded to the Commission; some were sent by me to our Communications Coordinator for posting for the public on our webpage and social media site. This information was provided regularly and timely. Was all of it provided by me? No. As noted early, the EOC reports were forwarded by Chief Hardwick, who also provided reports to the Commission concerning hotel occupancy and actions taken by his department to notify businesses of the details of certain Executive Orders. (I will have more to say later about Chief Hardwick's and my respective roles concerning the pandemic.) Besides what I forwarded to the Communications Coordinator, information was forwarded to the Commission by other City employees, such as the City Clerk and the Deputy City Clerk. Therefore, I do not see any basis for Vice Mayor Kostka's criticism that up to date information and reports weren't submitted in a timely way to the Commission and the public. Was I to duplicate and send as information from myself the same information sent by Chief Hardwick, other City employees and all the other organizations and agencies? Of course not. That would be redundant and therefore unnecessary. Redundancy is also a topic I will have more to say about later.

Concerning communications during past emergencies, such as tropical storms and hurricanes: Before we had a Communications Coordinator, I forwarded information from the Emergency Operations Center and other sources to the Commission. When we hired the Coordinator, she forwarded the information that I sent to her by email to tell the public about conditions in the City, especially after an evacuation. This information was posted on the website and social media, as residents were very concerned about the conditions in the City. During every tropical storm and hurricane since I was hired, I have been at city hall to work with City staff and to answer telephone calls and provide information to anxious residents who have evacuated or remained in the City. During and after the storms I have inspected the City with either the Public Works Director or the Building Official to check for flooding and damage for damage assessment reports.

IN SUMMARY: The above record on communication from me shows:

- No pattern that there's been a lack of communication from me over the many years that I have worked for the City.
- No demonstrated, verifiable instances during the COVID-19 pandemic to date that any action or lack of action by myself resulted in information from authorities, such as the Governor's Office, the Emergency Operations Center, the Florida and County Health Department, Florida League of Cities, etc., not being provided in a timely manner to the Commission and through the Communications Coordinator and other City employees, such as the Police Chief, City Clerk, Deputy City Clerk and myself to the public. In fact, Vice Mayor Kostka herself from time to time sent information to me for posting. I appreciate her doing this. I forwarded that information to the Communications Coordinator for posting and often followed up with the Coordinator to make certain it was posted.

2. Emergency Operations Center

Vice Mayor Kostka wrote in the second paragraph on page 2 of her resignation demand: “Additionally, effective leadership is expected to provide decisive action as well as be able to participate in all/any joint policy making meetings with the other intergovernmental entities, especially the EOC policy committee.”

Response: Let’s begin with a pandemic from the past: the 2009 H1N1, or swine flu, pandemic. With the Police Chief at that time, Richard Hedges, I attended a meeting at the County Health Department to develop plans for a vaccination program. Yes, I learned about H1N1, but could I contribute to the discussion? No, because I had no expertise in medical matters and no knowledge about how to prepare a vaccination plan. I thought the plan was best developed and disseminated by health experts, i.e., persons with the technical knowledge and experience. The City would follow that plan and certainly not develop its own, which could have subjected the City to considerable liability if it were not based on the required expertise. Thus, the memory of how little I contributed at the 2009 H1N1 meeting was one of the reasons I thought there was no reason for me to attend the meetings at the Emergency Operations Center in early 2020 but to defer to persons who have the needed expertise and experience.

There are two other reasons: First, my presence would have been redundant. The City has a highly competent Police Chief, one of the best I’ve met, and I know something about the qualifications of police chiefs because in another Florida city where I previously worked, I hired four chiefs. In my judgment, Chief Hardwick would ably represent the City at the EOC briefings, because he knows the City as well as I do and because some of the topics were likely to be ones concerning public safety, which the Chief also knows a great deal about. While I might have contributed to discussion of, for example, the closing of the beach, it is questionable whether my contributions would have been as significant as Chief Hardwick’s because his officers regularly patrol the beach and know what’s possible concerning the enforcement of regulations on it. Why have the City’s two senior administrators at the EOC briefings when one, Chief Hardwick, was sufficient? Redundancy of effort is not a best practice, especially because a city as small as ours needs to use its personnel resources efficiently.

Which brings us to the second reason for my not attending: the limited administrative personnel on the non-law enforcement side of the City’s government. Since I was hired in 1989, one of my major and consistent goals has been to keep the bureaucracy lean so that the City could use its financial resources to provide services that directly benefit the residents, such as law enforcement, solid waste collection, building permitting, code enforcement, and streets/drainage facilities maintenance, i.e., for pay and equipment for the employees who work “in the field” directly serving the residents. This goal has meant that the City’s administrative support staff is few in number and those few wear many hats, such as the City Clerk who is also manages human resources and risk management, and the Finance Director who is also the City’s budget director and internal auditor.

The lean staff also means that I must use my time efficiently because if I do not, then the workload of the staff in my office is increased. This was especially true during the first month of the pandemic in the County, when most of my staff worked from home and were fearful of being out in public. I could not in good conscience have any of them attend the EOC briefings in my absence when I had to be at city hall to do my work. Fortunately, Chief Hardwick has an assistant, Commander Ashlock, who could attend the EOC

briefings if the Chief had to be away, thus providing continuity for the discussion of the County's efforts to cope with the pandemic.

I should note here that Vice Mayor Kostka has mentioned she attended the EOC policy meetings. She is to be commended for doing so.

IN SUMMARY: My attending briefings at the Emergency Operations Center would have been redundant because Chief Hardwick and his staff could ably represent the City and because the Chief could in my judgment make contributions to the discussion concerning the issues related to the County's and St. Augustine Beach's response to the pandemic, and that whatever he decided on the City's behalf I would fully support and help implement because of my trust and confidence in his abilities.

I should note here that the Building Department responded to Chief Hardwick's request for help with the monitoring of vacation rentals. The providing of such help fulfilled another one of my enduring goals, which is to flatten the bureaucracy so the City's non-law enforcement departments can quickly work with each other and the Police Department without the delay of having to get prior approval from me to do so.

3. Plans

In her demand for my resignation, Vice Mayor Kostka referred to plans and faulted me for not preparing them. In particular, in the second full paragraph on page 2, she wrote: "Furthermore, when Executive Orders are created and passed down from the Governor's office, it is expected that a plan be created and implemented so that the order can be locally executed immediately as stated in every Executive Order, with an effective local plan communication to the Commission and the public."

I am not certain who, exactly, is expecting "that a plan be created and implemented." That matter of "expecting" is one I discuss below.

A review of the Executive Orders issued in connection with the pandemic shows that there were only two that applied to directly to counties outside of south Florida and none that applied to cities.

- a. Executive Order 20-123 asked for counties to submit a vacation rental re-opening safety plan, which St. Johns County has done, and for amusement parks to submit re-opening plans.
- b. Executive Order 20-139 allows casinos and betting facilities to re-open after the submission of a written request from the County Administrator or her/her equivalent to the Florida Department of Business and Professional Regulation.

If the Vice Mayor meant that the City should both prepare plans and enforce them, a review of the Executive Orders from the very beginning shows only one that required enforcement by local governments. That was Executive Order 20-86, noted below. Here are some examples of Executive Orders and who is to enforce them:

- Executive Order 20-52 declares a state of Emergency and names the Florida Division of Emergency Management as the coordinating agency, and among other provisions allows governmental agencies to close buildings.

- Executive Order 20-68 closes bars, pubs, nightclubs; restaurants limited to 50% capacity of its current building occupancy and 10 persons per six feet. Enforced by the Department of Business and Professional Regulation.
- Executive Order 20-71, suspends alcohol sales on premises, allows to-go alcohol in sealed containers, suspends inside dining with take-out only, closes gyms. Enforced by the Department of Business and Professional Regulation
- Executive Order 20-80 requires visitors from the New York area arriving by air to quarantine for 14 days. Enforced by the Florida Department of Health.
- Executive Order 20-82 requires visitors from the New York area to quarantine for 14 days. Enforced by the Florida Department of Health.
- Executive Order 20-86 requires visitors from New York and Louisiana to quarantine for 14 days; establishes checkpoints at entrances to Florida. Enforced by the Florida Departments of Health and Transportation and by local law enforcement officers.

The above list is just a sample. I do need to point out that under Executive Order 20-52, I closed the public meeting rooms and my office, and agreed with the Building Official's request to keep his department open on a limited basis. Also, I agreed with the Public Works Director to close Splash Park. No plan was needed for those simple steps, just as no plan was needed to remove nearly all the chairs from the Commission meeting room and to follow social distancing guidelines by positioning six feet apart a few chairs in the room and the public meeting room. Nor was a plan needed to arrange for Commissioners and others to attend meetings via Zoom.

Possibly, the Vice Mayor meant that the City should have its own plan for whatever Executive Orders could be interpreted as applying to it, such as a plan to enforce the state's mandate to close bars and vacation rentals, to allow restaurants to provide only take-out meals, and so forth. But should the City's plan be different from what the Governor promulgated? If so, by what authority did the City have to create such a plan and how were its requirements to be enforced by the City's limited staff?

Or, Vice Mayor Kostka may have meant that the City should have its own pandemic plan, though why and how such a plan would be different from, or superior to, whatever plan was prepared by the state or County is unclear. If the City had its own plan, which City department would be responsible for implementing it? And with its own plan, wouldn't the City incur liability if the plan were not correctly followed and persons became infected by the virus?

Perhaps most illustrative of the difference in how the Vice Mayor and I viewed the preparation of plans is when in early May she asked me to send her the City's COVID-19 Infrastructure Response Plan. I checked the guidelines for such a plan and learned that the Cybersecurity and Infrastructure Security Agency listed 16 critical infrastructure sectors: Chemical, Commercial Facilities, Communications, Critical Manufacturing, Dams, Defense Industrial Base, Emergency Services, Energy, Financial Services, Food and Agriculture, Government Facilities, Healthcare and Public Health, Information Technology, Nuclear Reactors, Materials and Waste, Transportation Systems, and Water and Wastewater Systems. The purpose of the plan was to prevent or slow the spread of the virus in the workplace.

I wrote to the Vice Mayor that our City did not have most if not all of the 16 critical infrastructure sectors. It has no chemical facilities, nuclear reactors, dams, transportation systems, critical manufacturing, water and wastewater systems, etc. She responded that it would not take long to make a plan for what the City did have: government facilities, and water/wastewater/dams. However, the City's facilities consist of a few buildings and it has no water and wastewater systems, and no dams.

I did not prepare an infrastructure response plan for the City's few buildings because a plan wasn't needed. Steps were taken by the department heads on the non-law enforcement side of the City government to prevent the spread of the virus in the workplace by limiting public access to city hall, closing my office, keeping closed the glass panels in the Building Department, having some employees work from home and others a flexible schedule, and sending home employees who felt sick with a fever. I'm sure Chief Hardwick took similar steps for his department.

IN SUMMARY: I did not prepare plans for the Executive Orders because a) the plans were not required by the Executive Orders or needed; the City has such a small work force that simple directives were best because they were simple to prepare and make known to the employees; and b) the City could follow the plans promulgated by the state and the County. It would be redundant for the City to have its own plan when the state's or County's would supersede it. Also, above all else I wanted to avoid any messaging that could confuse the public. I thought it better to follow a chain of plans: state to County EOC and Health Department, and then for our City to follow what was mandated by the Executive Orders and the County. At your June 2nd continuation meeting during the discussion about the Pledge for businesses to follow, Vice Mayor Kostka seemed to agree with this method, for she said that a consistent, unified approach in regard to the Pledge campaign was best. Substitute COVID-19 campaign for Pledge campaign, and the Vice Mayor and I would be in agreement.

4. Certain Comments

In four places in her resignation demand, Vice Mayor Kostka uses the word "expected":

- "Additionally, effective leadership is expected to provide decisive action as well as be able to participate in all/any joint policy making meetings with the other intergovernmental entities, especially the EOC policy committee."
- "Furthermore, when Executive Orders are created and passed down from the Governor's office, it is expected that a plan be created and implemented so that the order can be locally executed immediately as stated in every Executive order, with an effective local plan communicated to the Commission and the public."
- "It was expected by the City Commission and the public that the City Manager would address the issues and concerns as well as disseminate information in a timely matter."
- "It is expected by the Commission as well as the public that the City Manager would understand the urgency needed in responding to any crisis, especially the recent COVID-19 crisis."

Key question: Expected by whom? Is it just the Vice Mayor or the entire Commission? You will note that twice the Vice Mayor uses the words "expected by the City Commission." However, neither Mayor England nor any of the other three Commissioners has told me they were expecting me to do any of the

particular tasks the Vice Mayor mentions, such as attending meetings at the EOC, creating a plan, addressing issues (in connection with the pandemic), understanding the urgency in responding to a crisis, etc.

There are two possible conclusions to be drawn from what Vice Mayor Kostka wrote concerning expectations: First, that she is the only member of the Commission who was expecting I do certain actions and she assumed for herself the role of directing me on behalf of the entire Commission; or, second, that she was in communication with other Commissioners and thus knew their expectations before she wrote the email, though such communication would have been a violation of the Sunshine Law. As I refuse to believe that any Commissioner has violated the Sunshine Law, I can only conclude that the Vice Mayor's expectations were solely hers and that for some reason she put in her email, which is a public record, language that could lead the public to assume her comments were written with the Commission's knowledge and concurrence. As she cannot speak for the entire Commission without the Commission's prior approval, she should have written: "I expect or expected that the City Manager would or should do...." Such wording would provide full transparency so that there would be no possibility of the public thinking the Commission had knowledge of and agreed in advance with Vice Mayor Kostka's conclusions and demand that I resign immediately at the Commission's June 1st meeting.

WILL I RESIGN?

No. Vice Mayor Kostka has provided no compelling reasons for me to resign. What she has provided is her judgment of what I did or did not do concerning my communication skills and other matters related to the pandemic. She certainly is entitled to her opinions. I disagree with them.

Much more important than a mere difference of opinions is for the Commission to consider is this: Should the City's senior most non-law enforcement administrator abruptly resign at a time when the City is facing several significant challenges: the 2020 Atlantic hurricane season, which weather experts have forecast to be busier than normal; the need to prepare the budget for the next fiscal year when the City may face a significant decline in revenues; a possible resurgence of the pandemic in the fall and the effect on City operations and personnel that will have; and, finally, when the Commission in a few months must make a crucial decision: deciding the process to select the person who will be the City's next Chief of Police when Chief Hardwick leaves the position.

Equally as important, a captain doesn't abandon his or her ship; a city manager who cares deeply about the city that employs him or her, its residents and the people, elected and staff, with whom he or she works, doesn't desert the city during a time of significant challenges. For me to resign now would be a repudiation of 43 years of practicing servant leadership in city management and would be an act against my most fundamental and strongest beliefs.

WHERE TO GO FROM HERE?

Vice Mayor Kostka has her opinions about what constitutes effective communication and leadership. I have mine. She and I have jostled long enough over those differences. It is time for the Commission to move both of us along to work as a team and help the City meet the challenges it is facing. I have and will

always welcome suggestions from the Vice Mayor as well as from the Mayor and other Commissioners as to how I can improve my work performance.

You have decided that your performance evaluation of me is to be done later this year. I suggest that that is the time for the Vice Mayor to bring up her concerns about my communication skills and leadership so that the entire Commission can collectively discuss those concerns as well as any that they may have. All five members of the Commission can then agree on positive, constructive guidance to help me better serve this beautiful City that we all care for.

In the meantime, if the pandemic resurges and if the Commission decides that I should attend the EOC briefings and I can safely do so, I will.

Max Royle

From: Comm Kostka
Sent: Monday, June 1, 2020 5:10 PM
To: Max Royle
Subject: Lack of Confidence

Mr. Royle,

This letter is to serve as my official notification to you, the St. Augustine Beach Commission and the citizens of St. Augustine Beach that I, Vice Mayor Maggie Kostka, have no confidence in your ability to serve St. Augustine Beach as City Manager for the reasons set forth below:

Our City of St. Augustine Beach is a Commission-Manager form of government. Pursuant to the Charter of St. Augustine Beach which states in "Sec. 1-4. – Elective officers: (f) All powers of the city shall be vested in the city commission except as otherwise provided by law and this Charter. The city commission shall be responsible for the reasonable exercise of those powers and shall be required to provide for the performance of all duties and obligations imposed on the city by law."

Additionally, "Sec. 1-8. - City manager: The city manager shall be the chief executive officer of the city, responsible to the city commission for the management of all city affairs placed in the manager's charge by or under the charter. The city manager shall: (5) See that all laws, provisions of this Charter, and acts of the city commission, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed; (8) Make reports as the city Commission may require concerning operations, (9) Keep the city Commission fully advised as to the financial condition and future needs of the city, (12) Make recommendations to the city commission concerning the affairs of the city and facilitate the work of the city commission in developing policy; (13) Provide staff support services for the mayor and commissioners; (14) Assist the commission to develop long term goals for the city and strategies to implement these goals; (15) Encourage and provide staff support for regional and intergovernmental cooperation; (16) Promote partnerships among the commission, staff, and citizens in developing public policy and building a sense of community; and (17) Perform such other duties as are specified in this Charter or may be required by the city commission."

The Preamble to our City Charter clearly states "We The people of the City of St. Augustine Beach, Florida, under the constitution and laws of the United States of America and the State of Florida, in order to provide the benefits of local government responsive to the will and values of our citizens, do hereby adopt this Charter to define the powers and structure of our government. **By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation,**

and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards, operates as a careful steward of the human, fiscal, and natural resources of our city; that allows for fair and equitable participation of all persons in the affairs of the city; that provides for transparency, accountability, and ethics in governance; that fosters fiscal responsibility; and that meets the needs of a healthy, progressive city."

To effectively serve as a City Manager, excellent communication and leadership skills are necessary. There is an increased concern about the lack of effective communication with the Commission, other intergovernmental agencies, and the public, especially during the recent COVID pandemic our city and entire nation experienced.

During any emergency or crisis, citizens look toward leadership for continued assurances, answers, and guidance to help navigate through the issue. It is an opportunity to put our best efforts forward and lead our community. It is also imperative the City Manager provide regular, up to date information and reports to the Commission and the public in a timely manner that addresses the seriousness of the issues surrounding any emergency, especially during this COVID-19 pandemic. Additionally, effective leadership is expected to provide decisive action as well as be able to participate in all/any joint policy making meetings with the other intergovernmental entities, especially the EOC policy committee. These meetings were held at minimum, weekly, which you chose not to attend even one of these important meetings. Furthermore, when Executive Orders are created and passed down from the Governor's office, it is expected that a plan be created and implemented so the order can be locally executed immediately as stated in every Executive Order, with an effective local plan communicated to the Commission and public.

Many in our community have been seriously concerned about the pandemic since the Presidential declaration of a National State of Emergency on March 17th. It was expected by the Commission and the public that the City Manager would address the issues and concerns as well as disseminate information in a timely manner. Messaging by you Mr. Royle, to the Commission and to the public has been poor at best, and your actions in response to Governor DeSantis' Executive Orders slow. It is expected by the Commission as well as the public that the City Manager would understand the urgency needed in responding to any crisis, especially the recent COVID-19 crisis. It was only due to the daily communication and actions taken by our chief of police that the commission was made aware of important information, ongoing actions, and planned direction during the crisis. He was also instrumental in taking action to comply with the Executive Orders with an immediate response and plan. Your absence at EOC policy meetings is inexcusable as the purpose of these meetings is to establish consistent communication and create policies between both cities and the county. It is your obligation to provide important information and insight to the committee during decision making and then back to the Commission and the public.

You have not demonstrated the leadership or communication skills necessary to effectively serve as city manager. I therefore, respectfully request your immediate resignation.

Respectfully,

Maggie Kostka
Vice Mayor
City of St. Augustine Beach

It is with great reluctance that I present the letter above, however, the seriousness of this past crisis combined with the important current and future critical issues facing our city and county, warrants this action.

VIII. COMMISSIONER COMMENTS

Mayor England opened Commissioner Comments.

Commissioner George attended a Tourist Development Council (TDC) meeting and advised that the tourist development tax revenues have declined by 36.2% on top of the 12% projected increase. The projection of revenues is now \$7.5 million, which is a huge impact due to the COVID-19 crisis for St. Johns County. She explained that TDC is not expecting revenues to normalized until 2021.

Commissioner Rumrell had no update at this time.

Vice Mayor Kostka gave an update on the Economic Recovery Task Force. The Small Business Emergency Assistance Grant has finished and received 66 applications and out of those 33 were awarded. The ones that were not awarded were because they did not meet the criteria. She explained that those were not awarded were directed to apply for the CDBG Back to Business Grant, which was opened on May 26th and ended today. She commented that more than 186 applications were received and explained that this grant was established by St. Johns County. She explained that this grant was ranked according to needs. It is an important step to get our economy back and she thanked the County Commission for establishing this grant. She remarked that Richard Goldman was instrumental in helping the committee and putting forth ideas to get back to business.

Commissioner Samora attended the VCB meeting and commented that they received \$2 million for the County to do local advertising for those tourists that can drive to St. Augustine Beach. Richard Goldman did a lot of work on the communications plan for the County to accommodate all the COVID-19 concerns. He advised that he would share the monthly hotel statistics with the Commission.

Mayor England advised that the Communications and Event Coordinator has written two articles on the City's program of Mask Up St. Augustine Beach. She explained that residents have been making masks and they are available at Ace Hardware and Love You Mean It. She encouraged residents to use a mask when they are in public.

City Manager Royle advised Melinda Conlon does a lot of outreach to stay in contact with the other Public Information Officers at the County level. He advised that she has forwarded a lot of information from the Health Department and County Emergency Operations Center regarding COVID-19 efforts. She and he are highlighting for profit and nonprofit businesses in our community. He explained that he is generating publicity by the City's newsletter and Facebook. There will be a tree giveaway by driving up to receive a tree instead of the Arbor Day event due to COVID-19.

Commissioner George advised that she received an email from Vice Mayor Kostka regarding City Manager Royle and asked if Vice Mayor Kostka would be bringing it up.

Vice Mayor Kostka read into the record (Exhibit 2) an email she sent regarding her lack of confidence in City Manager Royle.

Mayor England asked City Attorney Douglas whether it was proper to bring this item up at now. She explained that she did not see the email that was sent.

City Attorney Douglas agreed it was proper to read the information but need to have an analysis about the City Manager's contract, etc. before a vote. He explained that he has not seen the email.

Mayor England asked what Vice Mayor Kostka would like the Commission to do at this point. She asked if Vice Mayor Kostka would allow City Manager Royle to respond later to the Commission.

Discussion ensued regarding placing this item on the next agenda; having the City Manager and Police Chief who has been at the Emergency Operations Center a chance to respond; the performance evaluation reviews have been difficult because it is in a public form; and difficult conversation to have with the City Manager in public.

Mayor England advised that this will be brought up at the next Commission meeting and allow the City Manager to respond to all of Vice Mayor Kostka's points. She advised that the City Manager has discussed with her all the Governor's Executive Orders and advised that the City Manager has directed staff on these matters. She commented that it might have seen like a lot of things were not done, but they were done.

Vice Mayor Kostka commented not to put personalities into the conversation. She remarked that she thinks the City Manager was a wonderful person, but the job performance needs to be discussed and what the Commission expects of a City Manager.

Commissioner George explained to City Attorney Douglas that the City Charter does outline the hiring or firing of the City Manager. She explained that the City Manager does not have a contract and serves at the pleasure of the Commission.

City Attorney Douglas advised that he would be prepared at the next meeting.


Mayor England advised that this matter would be discussed in July at a Special Commission or Regular Commission meeting. She asked City Manager Royle if he had any comments.

City Manager Royle advised not at this time.

Commissioner Samora and Commissioner Rumrell had no comments.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 24, 2020

SUBJECT: Opening 2nd Street West of 2nd Avenue for Construction of Single-Family Residences:
Review of Proposal

INTRODUCTION

The opening of this section of 2nd Street is a topic that goes back nearly 20 years. Some of the owners of the undeveloped lots adjacent to it have requested that it be opened. However, City policy for decades was and still is that the owners of the lots along unopened streets who want the streets opened must pay the project's costs. This policy has been followed for the construction of such streets as 3rd, 4th, and 5th, west of 2nd Avenue, and 10th Street between 2nd Avenue and the Boulevard. Most recently, in 2016, the owners of the lots along the section of 8th Street between the Boulevard and 2nd Avenue were assessed the costs to open the section. The City's policy is based on the premise that the opening of unbuilt streets directly benefits the owners of the adjacent lots because the street increases the value of their lots by making them buildable.

CURRENT PROPOSAL

Attached as pages 1-4 is an excellent report from Mr. Tredik, in which he provides background about the opening of 2nd Street west of 2nd Avenue, as well as the current proposal from an owner of two lots west of 2nd Avenue, Mr. Eric Kenney, to build at his expense 2nd Street to the western boundary of the lots. Any owners of the lots west of Mr. Kenney's who want to develop their lots would have to pay the costs to continue 2nd Street to their lots.

THE QUESTION

It is whether the section of 2nd Street west of 2nd Avenue should be connected to the already built section of 2nd Street, which is east of 2nd Avenue.

In 2014, the City Commission discussed this question and decided that because the residents of 2nd Street east of 2nd Avenue did not want the section west of 2nd Avenue directly connected to their street, then access to 2nd Street west of 2nd Avenue would be by building a section of 2nd Avenue from 1st Street to 2nd Street. The minutes of two Commission meetings, July 7 and August 8, 2014, when connecting the streets was discussed, are attached as pages 5-8.

There are two options: To connect 2nd Street west of 2nd Avenue to the already existing section of 2nd Street east of 2nd Avenue, or to leave the two sections unconnected and to provide access to 2nd Street west of 2nd Avenue by means of opening 2nd Avenue between 1st and 2nd Streets.

Mr. Kenney would pay the costs of the first option: to connect the two sections of 2nd Street. For the second option, the City would have to pay the costs, estimated at \$75,000, to build 2nd Avenue between 1st and 2nd Streets.

PLEASE NOTE: We have informed the residents on 2nd Street east of 2nd Avenue of the options and invited them to your July 6th meeting, or to send comments to the City in advance of the meeting.

ACTION REQUESTED

As only Commissioner George was on the Commission in 2014, we are asking whether you want to uphold the decision made at the August 4, 2014, meeting to open 2nd Avenue to provide access to 2nd Street, and for the City to pay the costs to do so, or whether you will approve Mr. Kenney joining the two sections of 2nd Street and paying the costs to do so.

MEMORANDUM

TO: Max Royle, City Manager

FROM: William Tredik, P.E. Public Works Director

DATE: July 6, 2020

SUBJECT: Construction of a portion of 2nd Street west of 2nd Avenue

BACKGROUND

The unopened portion of 2nd Street in St. Augustine Beach lies between Sea Oaks Subdivision to the west and an unopened portion of Second Avenue right-of-way to the east (see Figure 1). This unopened right-of-way abuts sixteen (16) medium density residential lots which are not currently developable due to lack of access.

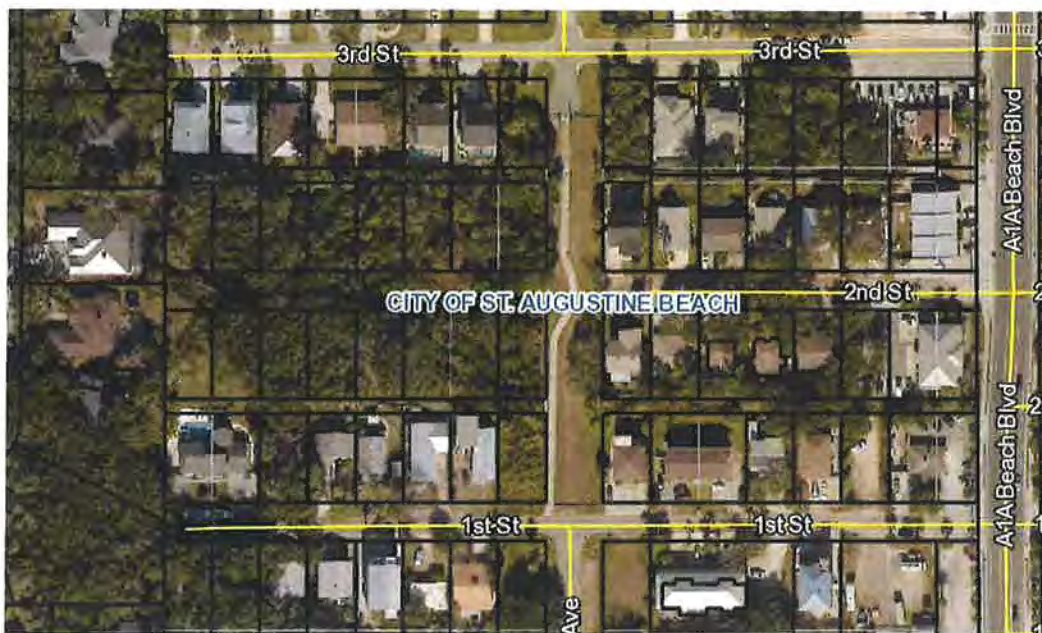


Figure 1 - Location of Unopened 2nd Street Right-of-Way

Over the years, discussions have occurred concerning the opening of the 2nd Street right-of-way, with the most recent in the summer of 2014. On August 4, 2014 the City Commission considered options for the opening of 2nd Street. The first option (Figure 2) involved extending 2nd Street westward to its terminus. The estimated cost for this option in 2014 dollars was \$188,000.

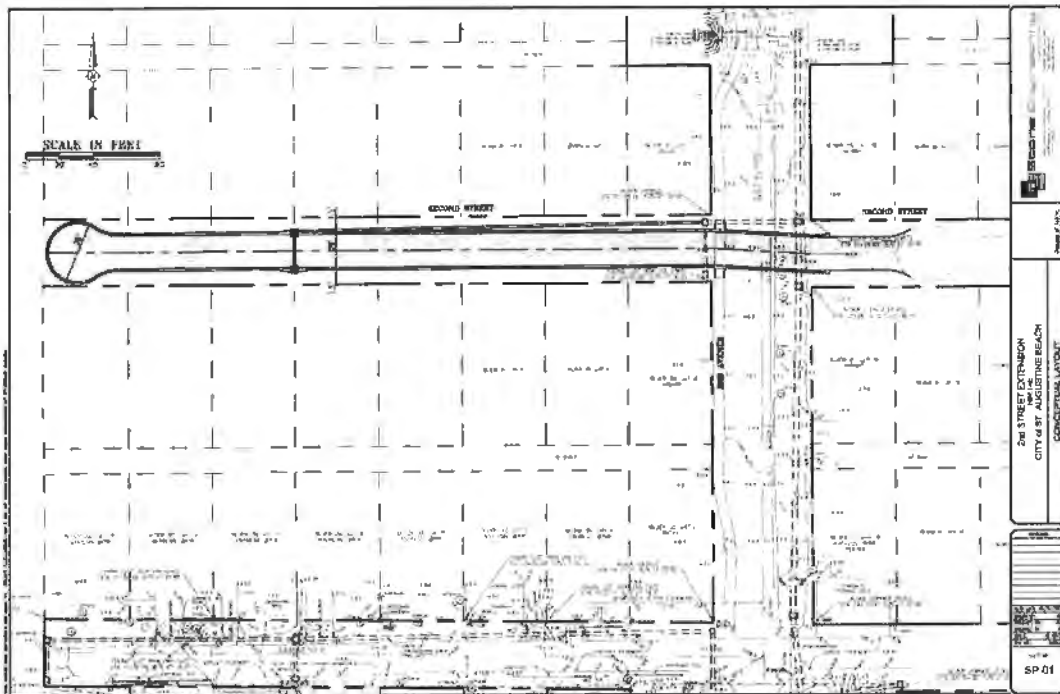


Figure 2 - 2nd Street Extension (2014 Option 1)

The second option considered was to extend 2nd Avenue north from 1st Street to access 2nd Street (Figure 3). The estimated cost for this option in 2014 dollars was \$244,000.

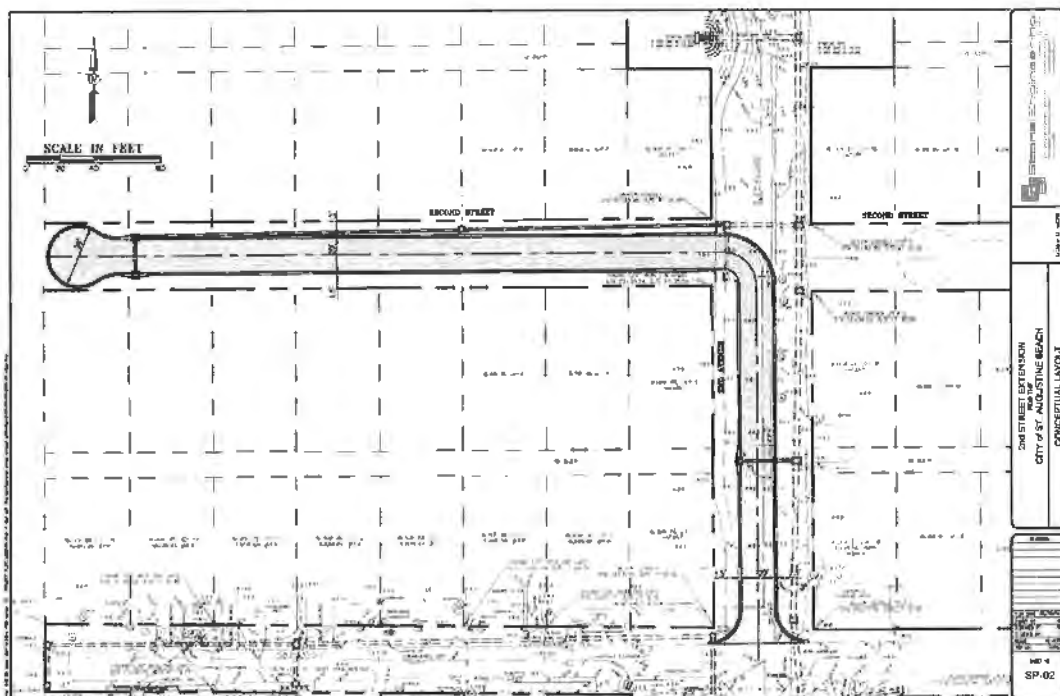


Figure 3 - 2nd Street Extension (2014 Option 2)

The above 2014 estimated costs did not include design and construction of residential utilities, service connection fees, etc. As recorded in the approved August 4, 2014 City Commission minutes, "It was the consensus of the City Commission to approve opening 2nd Street with

access from 1st Street via 2nd Avenue; St. Johns County Utility issues will be resolved by the lot owners, with assistance from City staff; and the funding of the construction will be determined later by the City Commission.” Subsequent to the August 4, 2014 City Commission meeting, St. Johns County Utilities provided an estimate of utility costs, bringing the total estimated cost for the consensus alignment to \$341,000.

A public meeting with property owners was held on Wednesday, November 12, 2014. Four (4) of the eight (8) property owners were present, with another unofficially represented. The 2nd Street survey, the conceptual designs and the preliminary conceptual cost estimates were presented and discussed. Potential means of financing and constructing the underground utilities, and eventually the improved road, were discussed, including the potential for the City to fund 2nd Avenue portion of the roadway and the property owners funding the 2nd Street portion of the roadway. No commitments were made, and no resolution was reached. The City sent out letters requesting support of the project from the property owners, realizing that they would be responsible for a significant portion of the cost, unfortunately there was not property owner consensus and the project did not move forward.

The issue resurfaced in 2019, when the City was contacted by a property owner requesting reconsideration. Letters were again mailed out and 11 of the 16 properties (68.75%) were in favor of opening the road, knowing they would be required to pay a significant portion of the overall expense, which would have increased significantly from the 2014 estimate. No further action has been taken at this time since the project is not in the current fiscal year budget. Additionally, without full participation of the property owners, the city would need to front design and construction costs and develop and approve an assessment mechanism for funding of the property owners’ portion of the construction.

DISCUSSION

In recent weeks, Mr. Eric Kenny – an interested party who desires to purchase the easternmost lots on the north side of the unopened 2nd Street right of way – has approached the City to discuss constructing roadway in a portion of the unopened 2nd Street right-of-way to serve 2 lots he would like to purchase. Mr. Kenny has offered to fund the design and construction of the extension of 2nd Street, meeting City standards, to the western property line of the lots he intends to purchase, as well as pay for design and construction of any utility extension necessary to serve these two lots. This would also include the paving of the dirt portion (approximately 50 feet) of 2nd Street just east of 2nd Avenue. Mr. Kenny understands that any design and construction must allow eventual tie in by the remaining properties to the west.

Mr. Kenny requests that he be permitted to construct the extension of 2nd Street directly westward approximately 250 feet to serve the properties he intends to purchase. Though it is typical for a developer to construct roadway within platted rights-of-way for the purpose of providing access, a previous City Commission indicated a preference for a different alignment. Staff is therefore bringing this item back to the Commission for discussion and reconsideration.

As mentioned earlier, discussions in 2014 included the possibility that the City pay the portion of the cost associated with constructing 2nd Avenue from 1st Street to 2nd Street. Based upon current dollars, the probable cost for this portion of the work would be at least \$75,000, and would make necessary the removal or relocation of approximately 240 linear feet of existing 8' wide concrete bike path. Extending 2nd Street directly westward to serve the 2 lots that Mr. Kenny desires to purchase would substantially reduce the total length of roadway constructed, eliminate the need to remove or relocate the bike path, eliminate City costs, and allow the development of 4 residential lots (Mr. Kenny's plus 2 on the south side of the street).

ACTION REQUESTED

Reconsider the preferred alignment for the construction of the unopened portion of 2nd Street.

FROM MINUTES OF CITY COMMISSION MEETING, JULY 7, 2014

OLD BUSINESS

4 Unopened Section of 2nd Street West of 2nd Avenue: Continuation of Discussion to Open

Public Works Director Joe Howell explained there were 16 platted lots on the street and one of the owners had asked the City to open the street on that block. Commissioner Helhoski disclosed that his sister lived in the subject area, but he had no interest in the property. Chief Hardwick was concerned with fire and rescue access in light of a narrow turning radius. He would prefer opening both intersections for easier access.

Regine DeToledo, 309 St. George Street, St. Augustine; Jeanie Fitzpatrick, 102 Anastasia Lodge Drive; Eric Kenney, 8 Versaggi Drive; and Paul Crage were owners of lots on the subject area. Ms. DeToledo and Ms. Fitzpatrick opposed opening the street. Mr. Kenney and Mr. Crage wanted to know who would pay the cost of the street before making a decision.

Jay Floyd, 111A 2nd Street, said the costs should be paid by the owners of the 16 lots.

Curt Lawrence 112B 2nd Street, said the lack of through traffic was an attractive feature and wanted it to stay quiet. Laura & Chris Barkett, 114 2nd Street, agreed.

Commissioner Pawlowski said there did not appear to be a consensus of the lot owners. She felt the road should go straight through as platted. She did not favor opening 2nd Avenue to provide access. She asked that the property owners reach an agreement on a proposal for the street.

City Manager Royle said that in the past, opening a street was paid by the property owners. Vice Mayor O'Brien said the people on 2nd Street purchased those lots based on the road not being open and the City should not open it. He favored access from 2nd Avenue to the lots.

Commissioner Snodgrass said he did not have enough information. He asked that representatives from all involved departments or agencies meet to discuss the street. He favored having the City

bear the cost of the project. Mayor Samuels agreed. The Commission agreed to schedule discussion at their August meeting.

Vacation of alley at 116 2nd Street.

Mr. Kenney, 8 Versaggi Drive, asked that the alley behind 116 2nd Street be vacated. The opposite side of the alley adjoins a City-owned parkette.

Mr. Burnett said when an alley is vacated, it was split evenly between the abutting properties. A survey and the plat would show how it would be addressed in this situation.

The Commission agreed to continue this request to allow a review of the plat.

FROM MINUTES OF AUGUST 4, 2014, CITY COMMISSION MEETING

OLD BUSINESS

5. Unopened Section of 2nd Street West of 2nd Avenue: Continuation of Discussion to Open

City Manager Royle explained that the City Commission should address two questions: do they want to open the street, and from which direction would the street be accessed, 2nd Avenue or 1st Street. The owners must decide how to pay for water and sewer lines before the City will open the street. The County would have to approve setting up the funding and the City can help the owners with arranging meetings with them. Mr. Cragg was disappointed in the delay again since this was brought up in 2005. Mayor Samuels recommended the City be an advocate with the County process.

Henry Ros, 102 Anastasia Lodge Drive, wanted clarification about the financing of the road. He opposed the many fees to property owners for opening the street.

Jeannie Fitzpatrick, 102 Anastasia Lodge Drive, brought a copy of documents showing the history from 1993 regarding opening the street. This was approved many years ago and it was still not opened.

Chris Barkett, 114 2nd Street, said he wanted to open access to his property. He wanted the City to pay the cost using interest from the Marriott project's impact fees. He asked if the City could open the road using crushed shell on 2nd Street and 2nd Avenue. He said he was never informed his street might not stay a dead end.

Commissioner Helhoski suggested the City could clear land, and discuss improvement options while assisting the lot owners in working with the County on permitting.

Commissioner Pawlowski recommended the street be accessed from 2nd Avenue, or whichever route the lot owners prefer. She wanted the owners to absorb the cost.

Vice Mayor O'Brien suggested the City mow and clear the platted road so the lot owners can have access. If possible, put down a temporary base. He favored access from 1st Street via 2nd Avenue.

Commissioner Snodgrass wanted a chronology of the history of the road and a list of the options on costs. He felt the City should help with County permit applications for this project. He

City Commission 08/04/14

supported access from the north/south. Commissioner Helhoski agreed and supported the precedent of splitting the costs by thirds. If the City clears the property there may be additional costs later, or we may save by doing it now instead of when costs increase later.

It was the consensus of the City Commission to approve opening 2nd Street with access from 1st Street via 2nd Avenue; St Johns County Utility issues will be resolved by the lot owners, with assistance from City staff; and the funding of the construction will be determined later by the City Commission.


Jeannie Fitzpatrick suggested building a park at the end of the street.

Mr. Burnett noted the Commission did not have a consensus to open a temporary road. Mayor Samuels said the City would clear it by mowing the overgrowth, but not install a base at this time.

Jay Floyd 11 2nd Street, asked if the issue would come up again, and was told the access route would not.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 19, 2020

SUBJECT: 2021 St. Johns County Legislative Action Plan: Request from County Administrator for Topics

Attached (page 1) is Mr. Hunter Conrad's request for your suggestions for the County's 2021 Legislative Action Plan. He also asked that all suggestions be submitted to his office by Friday, July 24, 2020.

Attached also (page 2) are the minutes from that part of your August 5, 2019, meeting when you discussed priorities for the County's 2020 Legislative Action Plan.

Page 3 is the letter that we sent in early August of 2019 to the County, listing the priorities that you had approved.

ACTION REQUESTED

We ask that you discuss Mr. Conrad's request and decide what issues or priorities, if any, you want the County to include in its 2021 Legislative Action Plan.



St. Johns County Board of County Commissioners

Office of the County Administrator
Hunter S. Conrad, County Administrator

June 9, 2020

Max Royle, City Manager
City of St. Augustine Beach
2200 SR A1A South
St. Augustine Beach, FL 32080

Dear Mr. Royle:

This letter is to solicit input from the City of St. Augustine Beach as we prepare recommended items to include in the 2021 St. Johns County Legislative Action Plan. The document is a focused list of St. Johns County issues for which we request financial or legislative assistance and other support from our state and/or federal legislative delegation members.

Topics of consideration could include regulatory issues, requests for financial assistance, legal requirements, or any other potential legislative action that would impact your organization or St. Johns County. I invite you to submit any items you feel should be included in the upcoming Legislative Action Plan. When submitting an item, please include the specific action(s) being requested from members of our delegation.

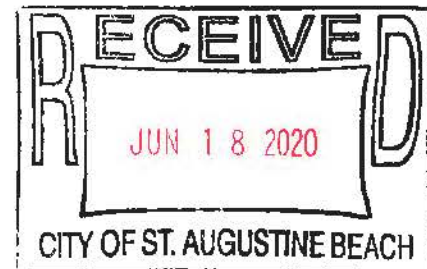
Please submit all items in writing to this office no later than Friday, July 24, 2020. If no response is received, we will presume you have no issues to include in the 2021 Legislative Action Plan.

Sincerely,

Hunter S. Conrad

Hunter S. Conrad
County Administrator

HC/sb



8. 2020 Legislative Priorities: Request from County and Northeast Florida Regional Council (Presenter: Max Royle, City Manager)

Mayor George introduced Item 16 and asked City Manager Royle for a staff report.

City Manager Royle advised that County Administrator Wanchick sent letter to him which asked to have the Commission to provide the 2020 legislative priorities action plan to him by August 7th. He said that he gave the Commission the Northeast Florida Regional Council legislation priorities for 2019 for guidance purposes and suggested to continue state funding for beach restoration project, to respect Home Rule for cities and counties, and allow the cities and counties to regulate short-term rentals instead of the State of Florida. He asked if the Commission wants to include others.

Mayor George agreed with all three suggestions and requested to add sustainability and sea level rise.

Vice Mayor England requested funding for conservation funding, like Fish Island.

City Manager Royle advised funding for the Florida Forever Program.

Commissioner Samora requested encouraging non-vehicular transportation such as the River to Sea Loop and to encourage Florida Tourism by Visit Florida and expanded use for TDC funds.

Mayor George advised that expanded use for TDC funds has already been addressed by legislation by giving it to St. Johns County. She advised that this seems like a long list.

Commissioner Rumrell suggested mental health.

It was the consensus of the Commission to give County Administrator Wanchick all the items listed.



City of St. Augustine Beach

2200 A1A South
St. Augustine Beach, FL 32080
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CITY MGR. (904) 471-2122
FAX (904) 471-4108

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

August 6, 2019

Mr. Michael Wanchick
County Administrator
500 San Sebastian View
St. Augustine, Florida 32084

Subject: Legislative Action Plan

Dear Mr. Wanchick:

In response to your July 9th letter requesting the City's list of items for the County's 2020 Legislative Action Plan, the St. Augustine Beach City Commission approved the following list at its August 5th meeting:

- Continue State funding for beach restoration projects
- Respect Home Rule for cities and counties
- Allow cities and counties to regulate short-term/vacation rentals
- Provide funding to cities and counties to make themselves sustainable and for planning to cope with sea level rise
- Provide more funding for the Florida Forever program to help cities and counties purchase environmentally sensitive land to protect it from development
- Encourage through funding and state leadership non-vehicular transportation, such as the River-to-Sea Loop
- Support Visit Florida so that the state remains competitive with other tourist destinations in the country
- Provide funding for mental health facilities to help distressed people and possibly prevent acts of mass violence

Sincerely,


Max Royle, City Manager

cc: Representative Cyndi Stevenson

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 11, 2020

SUBJECT: Florida League of Cities' Annual Conference: Section of Voting Delegate

Attached is the notice from the League about its scaled down 2020 conference and its request that cities designate a voting delegate for the business meeting that will be held on Friday, August 14th, at 2:00 p.m.

Please note that the conference itself can be attended in person or remotely, as can the business meeting. The League says the conference hotel will be in Orlando, though a particular hotel hasn't yet been designated.

In the past, the Mayor has usually been the City's voting delegate to the conference.



TO: Key Official

FROM: Michael Sittig, Executive Director

DATE: June 9, 2020

SUBJECT: 94th Annual FLC Conference – Required Business Meetings
VOTING DELEGATE INFORMATION

The Florida League of Cities' will hold a scaled down Annual Conference that will consist of the required business meetings on August 14, 2020. At this time, the meetings will be conducted in-person with remote access for those who do not wish to travel. The location will be in Orlando. The hotel will be announced soon.

The FLC Business Meeting is scheduled on Friday August 14, 2020 at 2:00 p.m. This meeting will likely be an in-person meeting with remote access. All voting will be conducted electronically. Due to the rapidly changing environment, a final decision will be made in early July.

It is important that each municipality designate one official to be the voting delegate for the FLC Business Meeting. Election of League leadership and adoption of resolutions are undertaken during the business meeting.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2019.

The chosen delegate will receive an email with further electronic voting instructions closer to conference.

If you have any questions on voting delegates, please email Eryn Russell at erussell@flcities.com. **Voting delegate forms (or any changes to the voting delegate) must be received by the League no later than August 7, 2020.**

Attachments: Form Designating Voting Delegate



94th FLC Annual Conference – Business Meetings
Florida League of Cities, Inc.
August 14, 2020

It is important that each member municipality designate one of their officials to cast their votes at the Annual Business Session. League By-Laws require that each municipality select one person to serve as the municipalities voting delegate. ***Municipalities do not need to adopt a resolution to designate a voting delegate.***

Please fill out this form and return it to the League office so that your voting delegate may be properly identified. The chosen delegate will receive an email with further electronic voting instructions closer to conference. For this reason, it is important that we have the correct email on file for the voting delegate. If the delegate changes, please notify us no later than August 7, 2020.

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Municipality of: _____

Email of Delegate: _____

AUTHORIZED BY:

Name


Title

Return this form to:

Eryn Russell
Florida League of Cities, Inc.
Fax: (850) 222-3806
Email: erussell@flcities.com

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 22, 2020

SUBJECT: Fiscal Year 2021 Budget: Scheduling Date in Late July to Set the Property Tax Millage and the Date for the First Public Hearing on the Budget

Because of the state-mandated Truth-in-Millage (TRIM) law, Florida cities and counties must submit their proposed property tax millage for the next fiscal year by the first week in August. The new fiscal year begins on October 1st of each year.

Usually, you schedule a special meeting on the last Monday in July. At that meeting you do the first public review of the budget and you decide the City's proposed General Fund property tax millage and the millage to pay the debt on the purchase of the final four acres of the former Maratea subdivision, now Ocean Hammock Park. You also decide at that meeting the date for the first public hearing on the budget in September.

That meeting is usually held on the second Monday in September because the first Monday is the Labor Day holiday. The Property Appraiser puts the proposed millages and date of the budget's first public hearing on the notice that in August is sent to every owner of private real estate in the City.

This year the last Monday in July will be July 27th. The second Monday in September will be September 14th.

ACTION REQUESTED

It is that you decide the date to hold the special meeting in late July to set the two property tax millages and to schedule the first public hearing on the budget in September.

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
JULY 6, 2020**

CODE ENFORCEMENT/BUILDING/ZONING

The report is attached as pages 1-5.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's May 19, 2020 are attached as pages 6-15.

SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE

The Committee did not meet in June.

POLICE DEPARTMENT

Please see page 16.

PUBLIC WORKS DEPARTMENT

Please see pages 17-21.

FINANCE/ADMINISTRATION

Please see page 22.

CITY MANAGER

1. Complaints

A. A1A Beach Boulevard Pedestrian Crossing at Ocean Hammock Park

A resident asks if the crosswalk could be made safer. We replied that possibly signs could be put north and south of the crosswalk, to alert drivers to it. The Public Works Director and City Manager will discuss that possibility and others.

B. Flooding West Side of Ocean Walk Subdivision

A resident of this subdivision, which is east of Mickler Boulevard, complained about recent flooding on the subdivision's west side. He claims the piping of the Mickler ditch is responsible. The Public Works Director has contacted the City's civil engineer who designed the project for the calculations on which the size of the pipe was based. In the meantime, the City is pumping down its retention pond in advance of the more common rain events that are occurring.

C. Flooding of Address in the Sea Oaks Subdivision

The Sea Oaks Homeowners' Association notified the City that runoff from a new house in the adjacent Ocean Ridge subdivision was flooding 46 Ocean Pines Drive. The Public Works Director has explained to the Association that the City in early June received in two days nearly eight inches of rain. He also described that the clearing of the 11th Street and Mickler ditches will help water flow faster out of the adjacent subdivisions.

D. Trimming Grass Along Sidewalk

A resident complained that the grass along the Mickler Boulevard sidewalk was growing over the sidewalk. He asked that the grass be trimmed. His request was forwarded to the Public Works Director.

2. Major Projects

A. Road/Sidewalk Improvements

1) Opening 2nd Street West of 2nd Avenue

There has been no action by the owners of the lots on 2nd Street west of 2nd Avenue to open that street. The owners would have to sign an agreement and pay in advance the costs to construct the utilities and the road, just as the owners of the lots adjacent to 8th Street between the Boulevard and 2nd Avenue did. The Public Works Director has sent a letter to the owners of the lots along this section of 2nd Street, asking them if they would support the opening of 2nd Street and providing the utilities, knowing that they would be assessed the costs for the project. Thus far, the owners of 11 out of 16 lots have agreed to pay the costs, the owners of two lots have said no, and the remaining three owners haven't responded. A possible solution may be for the City to construct the road, pay for it with road impact fees, and the charge the property owners a special assessment in accordance with the long-standing policy that adjacent property owners must pay the cost of a new road that will benefit their properties.

2) Sidewalk on A Street

A resident has suggested that a sidewalk is needed on A Street between the beach and the Boulevard because of the traffic and number of pedestrians and bicyclists along that section of A Street. However, because of the pandemic, the search for funding for this project will be suspended at this time.

B. Beach Matters

1) Off-Beach Parking

As the City Commission has decided not to have paid parking in the City, the focus concerning off-beach parking has shifted to improving the City's existing rights-of-way and plazas to improve the rights-of-way and areas where people can park. At its March 2, 2020, meeting, the Commission reviewed a report prepared by the Public Works Director of City-owned streets and plazas where parking improvements could be made. The Public Works Director and the City Manager asked the Tourist Development Council at its March 16th meeting for funding to improve three parking areas. However, as one TDC member said, revenue from the bed tax will likely decline significantly because of the coronavirus pandemic and the City is not likely to receive at this time any bed tax funds for the improvements.

C. Parks

1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and for where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000 and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in private ownership. In 2015, The Trust for Public Land purchased the 4.5 acres for the appraised value of \$4.5 million. The City gave the Trust a down payment of \$1,000,000. Thanks to a grant application prepared by the City's Chief Financial Officer, Ms. Melissa Burns, and to the presentation by then-Mayor Rich O'Brien at a Florida Communities Trust board meeting in February 2017, the City was awarded \$1.5 million from the state to help it pay for the remaining debt to The Trust for Public Land. The City received the check for \$1.5 million in October 2018. For the remaining amount owed to The Trust for Public Land, the Commission at public hearings in September 2018 raised the voter-approved property tax debt millage to half a mill. What remains to be done are improvements to the Park, such as restrooms. The Public Works Director is applying to the state for a Florida Recreation Development Assistance Program grant to pay half the costs of the restrooms. The deadline for the grant is October 31, 2019. The City will know in early summer of 2020 whether it has received the grant. In addition, the City requested money from the County's \$15.5 million surplus. However, the County Commission at its November 5th meeting decided to use the surplus money for County capital projects that have been delayed from previous fiscal years. For the improvements, the City has applied for funding from a state grant and from a Federal grant from the National Oceanic and Atmospheric Administration. The City was told in March that the latter grant application had been approved for submission.

2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. The County purchased the property in 2005 for \$2.5 million. By written agreement, the City reimbursed the County half the purchase price, or \$1,250,000, plus interest. At its July 26, 2016, meeting, the County Commission approved the transfer of the property's title to the City, with the condition that if the City ever decided to sell the property, it would revert back to the County. Such a sale is very unlikely, as the City Charter requires that the Commission by a vote of four members approve the sale, and then the voters in a referendum must approve it. At this time, the City does not have the money to develop any trails or other amenities in the Park.

D. Review of Land Development Regulations

The next change to the Regulations was an ordinance for dune protection, which was passed on first reading at the Commission's February 3rd meeting and had its first public hearing at the March 2nd meeting, when it was passed on second reading. Its second public hearing and final reading were held at the Commission's April 29th meeting, which the April 6th meeting that had to be postponed because of the pandemic.

Another change was to allow emotional support animals. It was reviewed by the Commission at its March 2nd meeting. At its May 4th regular meeting the Commission reviewed the Building Official's proposals to allow such animals by conditional use permit. However, as the Commission didn't approve the proposal, the current restrictions will remain in place.

Another change is to delineate the boundaries of the mixed-use district along A1A Beach Boulevard. At its June 1st meeting, the Commission passed on first reading the ordinance to delineate the boundaries. The ordinance will have its first public hearing at the Commission's July 6th meeting.

The Building Department staff is now development amendments to the Regulations to implement the policies in the Comprehensive Plan, which was accepted by the state two months ago.

3. Construction in the City

As of Wednesday June 24, 2020, there were 32 permits active for single-family residences in the City.

SUBDIVISION	ADDRESS	DATE PERMIT ISSUED	
Anastasia Dunes	409 Ocean Forest Drive	07/18/2019	Active permit #P1915009
	1012 Island Way	09/16/2019	Active permit #P1915157
	1004 Island Way	02/04/2020	Active permit #P2000359
Atlantic Beach	12 13 th Street	09/09/2019	Active permit #P1915242
Chautauqua Beach	6 6 th Street	01/30/2019	Active permit #14397
	15 6 th Street	12/24/2019	Active permit #P2000023
	4 12 th Street	04/25/2019	Active permit #P1914615
	206 7 th Street	07/03/2019	Active permit #P1914954
Coquina Gables	6 F Street	11/14/2018	Active permit #14270
	613 Mariposa Street	12/20/2019	Active permit #P2000091
Kings Quarry	613 Old Beach Road	01/16/2019	Active permit #14368
Ocean Oaks	504 A Street	11/26/2019	Active permit #P2000099
Ocean Walk	47 Lee Drive	2/19/2020	Active permit #P2000574
Overby & Gargan	27 Oceanside Circle	11/21/2019	Active permit #P2000096
Sandpiper West	103 Sandpiper Boulevard	02/04/2019	Active permit #14404

SUBDIVISION	ADDRESS	DATE PERMIT ISSUED	
Sea Colony	612 Ocean Palm Way	09/10/2018	Active permit #P1915252
	332 South Forest Dune Drive	01/17/2019	Active permit #14373
	892 Ocean Palm Way	02/07/2019	Active permit #14417
Sea Grove	1304 Smiling Fish Lane	02/24/2020	Active permit #P2000360
Spanish Oaks	104 Spanish Oaks Lane	04/02/2020	Active permit #P2000692
The Ridge	542 Ridgeway Road	04/25/2019	Active permit #P1914613
	23 High Dune Drive	06/21/2019	Active permit #P1914906
	43 High Dune Drive	07/17/2019	Active permit #P1915008
	462 Ridgeway Road	07/18/2019	Active permit #P1915020
	305 Ridgeway Road	07/31/2019	Active permit #P1915043
	420 Ridgeway Road	09/13/2019	Active permit #P1915279
	564 Ridgeway Road	11/13/2019	Active permit #P2000113
	196 Ridgeway Road	01/03/2020	Active permit #P2000430
	113 Ridgeway Road	01/27/2020	Active permit #P2000220
	352 Ridgeway Road	02/06/2020	Active permit #P2000586
	340 Ridgeway Road	02/24/2020	Active permit #P2000684
	77 High Dune Drive	02/27/2020	Active permit #P2000615
	378 Ridgeway road	05/21/2020	Active permit #P2000955

Underlined address is a result of inspections not being performed in a 180-day period contrary to Chapter 1 of the Florida Building Code, in this event further review and actions are to take place as per the Florida Building Code.

COMMERCIAL CONSTRUCTION

- a. Concerning the vacate property between 5th and 6th Streets on the east side of A1A Beach Boulevard: At its October 16, 2018, meeting, the Planning Board approved a variance to reduce the minimum lot size required for a mixed used development from 8,500 square feet to 6,195 square feet. A two-story building will be constructed on one lot. It will have commercial use on the ground floor and residential use on the second floor. The address will be 600 A1A Beach Boulevard.

- b. The Planning Board approved a similar commercial/residential building at its January 15, 2019, meeting. The building's address will be 610 A1A Beach Boulevard.
- c. At its March 20, 2018, meeting, the Planning Board held a concept review hearing on a proposal 4,960-foot commercial building on the east side of State Road A1A, between the Verizon and Savage Swimwear stores. The Planning Board reviewed the proposed final development plan at its November 20th meeting and recommended that the Commission approve the plan. The Commission approved the plan at its December 3, 2018, meeting. Preliminary plans have been submitted though building permit hasn't yet been issued.

4. Finance and Budget

A. Fiscal Year 2020 Budget

May 31, 2020, marked the end of the eighth month of the fiscal year. As of that date, for the General Fund, the City had received \$4,904,978 and spent \$4,271,565, for a surplus of \$633,413. That surplus will diminish during the remaining four months of the Fiscal Year. In terms of percentages, 63.2% of the projected General Fund revenues had been received by the end of May while 55% of the projected expenditures had been spent. Property taxes continue to be the City's chief revenue source. As of the end of May, \$3,110,403 had been received. The estimate of the total revenue to be received for the General Fund for the entire fiscal year is \$7,760,779. The current fiscal year will end on September 30, 2020.

ON A RELATED MATTER: It concerns the effect of the coronavirus pandemic on revenue, such as sales taxes, that the City receives from the State. Because money from sources will decline, the City is going to have to curtail spending and not undertake any new projects. The City staff is reviewing what expenditures can be reduced or deleted for Fiscal Year 2021.

B. Fiscal Year 2021 Budget

The Commission at its July 6th meeting will be asked to schedule a special meeting on Monday, July 27th, to review the proposed budget and set the tentative millage for FY 21.

C. Vendor Checks

Please see pages 23-40.

5. Miscellaneous

A. Permits for Upcoming Events

In June, the City Manager didn't approve any permits.

B. Strategic Plan

The Commission decided at its January 7, 2019, meeting that it and the City staff would update the plan. The Commission agreed with the City Manager's suggestions for goals at its June 10th meeting and asked that the Planning Board and the Sustainability and Environmental Planning Advisory Committee be asked

to provide their suggestions for the plan. The responses were reviewed by the Commission at its August 5th meeting. The Commission decided to have a mission statement developed. Suggestions for the statement were provided to the Commission for consideration at its September meeting. By consensus, the Commission asked the City Manager to develop a Mission Statement and provide it at a future meeting. This has been done along with a Vision Statement, a Values Statement and a list of tasks. The City Commission reviewed the proposed plan at its January 14th continuation meeting, provided comments and asked that the plan be submitted for another review at the City Commission's April 6th meeting. However, because of the need to shorten the Commission meetings because of the pandemic, review of the strategic plan will be postponed for the time being.



City of St. Augustine Beach Building and Zoning Department

TO: Max Royle
FROM: Brian Law
SUBJECT: Building and Zoning Department Monthly Report
DATE: 6-17-2020

Trees:

- 1) Removal of oak tree per ISA certified letter and mitigation fee at 40 Ocean Pines Drive, 5-29-2002
- 2) Removal of oak tree hazardous to City street and private residence at 1 Willow Drive, 6-9-2020

Planning and Zoning Board: Regular Monthly Meeting Held 6-16-2020

- 1) Planning and Zoning Board approved a variance application for a rear yard setback reduction from 25 feet to 19 feet for proposed new construction of a 224-square-foot addition to an existing single-family residence in a medium-low density residential land use district at 412 F Street
- 2) Planning and Zoning Board approved a variance application for a side yard setback reduction from 10 feet to 7 feet for proposed new construction of a 96-square-foot bathroom addition to an existing single-family residence at 115 15th Street
- 3) Planning and Zoning Board recommended the City Commission pass on final reading an ordinance passed by the Commission on first reading to establish boundary designations for the mixed use district along A1A Beach Boulevard as all commercial land use districts on the east and west side of A1A Beach Boulevard from the south side of F Street to the northerly City limits north of Pope Road
- 4) Planning and Zoning Board rescheduled the Board's August 18, 2020 regular monthly meeting to Tuesday, August 25, 2020, at 6:00 p.m. at City Hall, due to use of the City Hall meeting room on August 18, 2020 as a voting site for the primary election

Code Enforcement: Regular Monthly Meeting Held 5-27-2020

- 1) Code Enforcement Board addressed notice to appear issued to the property owner of 313 A Street for violation of Section 3.02.03, Prohibited Uses, of the City's Land Development Regulations, which prohibit the keeping of chickens, as the property owner has eight chickens (hens) on said property. The Board made a motion to allow the property owner to keep the chickens as assistance animals on the condition that no more chickens are acquired.

- 2) **Code Enforcement Board addressed citations issued to the property owner of 720 A1A Beach Boulevard for failure to obtain permits for deck and stairway repairs, for which the assessed fines are still accruing, and made a motion to file a lien for the \$22,500 fine imposed by the Board for roof repairs done without a reroof permit, which has since been obtained and inspected with fines pending**

Building:

- 1) **Redevelopment of new donut shop on the site of the former Carriage Realty building at 400 A1A Beach Boulevard is in the finishing stages of construction.**
- 2) **Corral Dental Facility at 2100 A1A South is currently in the sheet rock phase, however, interior work has been suspended by the contractor. Exterior site work continues.**
- 3) **The concrete slab has been placed at Jack's Barbeque located at 681 A1A Beach Boulevard as per the mixed use development order issued for the new micro-brewery.**
- 4) **Plan review has commenced on the lateral addition of the Savage Swimwear building at 3930 A1A South.**
- 5) **Plan review for the Embassy Suites has commenced with the plans at The St. Johns County Fire Department for review.**

Certificates issued in FY 20: 33 Certificates of Occupancy and 713 Certificates of Completion

CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PERMITS ISSUED

	FY 19	FY 20	FY 21
OCT	158	174	
NOV	140	127	
DEC	129	179	
JAN	167	134	
FEB	139	122	
MAR	129	126	
APR	195	98	
MAY	155	114	
JUN	120		
JUL	132		
AUG	143		
SEP	122		
TOTAL	3729	1624	

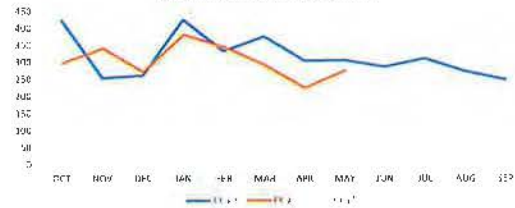
OF PERMITS ISSUED



OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21
OCT	474	298	
NOV	255	345	
DEC	262	772	
JAN	426	381	
FEB	334	345	
MAR	377	292	
APR	306	725	
MAY	308	776	
JUN	288		
JUL	312		
AUG	275		
SEP	250		
TOTAL	3817	2430	

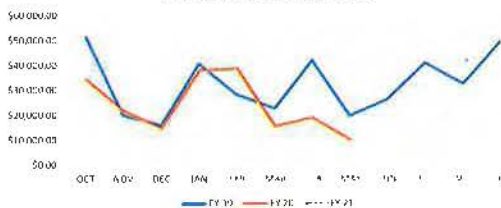
OF INSPECTIONS PERFORMED



BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$51,655.01	\$34,277.52	
NOV	\$20,192.47	\$21,844.58	
DEC	\$16,104.22	\$14,818.54	
JAN	\$40,915.21	\$37,093.58	
FEB	\$28,525.70	\$38,161.13	
MAR	\$22,978.53	\$15,655.80	
APR	\$42,292.91	\$19,092.61	
MAY	\$20,070.12	\$10,191.02	
JUN	\$26,445.26		
JUL	\$41,170.86		
AUG	\$32,714.82		
SEP	\$49,543.66		
TOTAL	\$392,509.42	\$192,648.98	

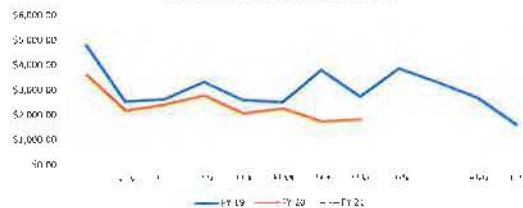
BUILDING PERMIT FEE GRAPH



MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$1,819.09	\$3,593.67	
NOV	\$2,541.44	\$2,160.00	
DEC	\$2,693.64	\$2,409.62	
JAN	\$3,338.69	\$2,768.47	
FEB	\$2,601.00	\$2,044.08	
MAR	\$2,515.13	\$2,217.73	
APR	\$3,801.76	\$1,716.00	
MAY	\$2,736.33	\$1,809.00	
JUN	\$3,844.54		
JUL	\$3,286.00		
AUG	\$2,663.49		
SEP	\$1,579.42		
TOTAL	\$36,360.23	\$18,738.57	

MECHANICAL PERMIT FEE GRAPH



ELECTRICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$1,860.32	\$1,765.00	
NOV	\$1,872.66	\$1,475.00	
DEC	\$1,622.32	\$1,485.00	
JAN	\$2,151.66	\$1,380.00	
FEB	\$1,425.32	\$1,375.00	
MAR	\$1,701.33	\$1,843.00	
APR	\$743.00	\$600.00	
MAY	\$1,805.00	\$1,215.00	
JUN	\$1,065.00		
JUL	\$690.00		
AUG	\$1,460.00		
SEP	\$1,330.00		
TOTAL	\$17,208.61	\$11,148.00	

ELECTRICAL PERMIT FEE GRAPH



PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$3,016.37	\$2,786.00	
NOV	\$3,867.43	\$2,221.00	
DEC	\$2,283.10	\$1,869.00	
JAN	\$3,081.40	\$3,735.00	
FEB	\$2,440.44	\$1,395.00	
MAR	\$2,037.24	\$1,125.00	
APR	\$3,015.00	\$1,430.00	
MAY	\$2,110.00	\$1,459.00	
JUN	\$1,580.00		
JUL	\$1,525.00		
AUG	\$1,550.00		
SEP	\$1,706.00		
TOTAL	\$26,671.36	\$15,541.00	

PLUMBING PERMIT FEE GRAPH



CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ALTERATION COST			
	FY 19	FY 20	FY 21
OCT		\$3,657,414.56	
NOV		\$2,242,421.52	
DEC		\$1,449,915.40	
JAN		\$3,789,363.81	
FEB		\$5,519,900.00	
MAR		\$1,321,570.04	
APR	\$6,318,517.15	\$1,803,157.19	
MAY	\$2,725,410.75	\$1,003,140.58	
JUN	\$2,792,442.43		
JUL	\$4,717,293.00		
AUG	\$3,393,250.74		
SEP	\$4,502,737.63		
TOTAL	\$24,469,751.80	\$20,786,883.10	



Application Id	Parcel Id	Property Location	Owner Name	Building Code	Activity Type	Date	Status
827	1748700030	4001 A1A S	LP & FOX HOLDINGS LLC ETAL	ZONING	Z-COND USE	10/17/2019	APPROVED
827	1748700030	4001 A1A S	LP & FOX HOLDINGS LLC ETAL	ZONING	Z-COND USE	11/4/2019	APPROVED
853	1698900180	16 5TH ST	COCHRANE JAMES,KIMBERLY	ZONING	Z-COND USE	11/5/2019	APPROVED
962	1674700000	451 A1A BEACH BLVD	SOMEWHERE ON A1A PARTNERS LLC	ZONING	Z-COND USE	11/19/2019	APPROVED
962	1674700000	451 A1A BEACH BLVD	SOMEWHERE ON A1A PARTNERS LLC	ZONING	Z-COND USE	12/2/2019	APPROVED
1034	1630000000	300 A1A BEACH BLVD	KEY BEACH NORTH LLC	ZONING	Z-CONCEPT REV	11/19/2019	APPROVED
1034	1630000000	300 A1A BEACH BLVD	KEY BEACH NORTH LLC	ZONING	Z-FINAL DEV	12/17/2019	APPROVED
1034	1630000000	300 A1A BEACH BLVD	KEY BEACH NORTH LLC	ZONING	Z-FINAL DEV	1/6/2020	APPROVED
1054	1723300120	613 MARIPOSA ST	MACKAY, MATTHEW J., OLIVIA BYLES	ZONING	Z-TREE REMOVAL	12/17/2019	APPROVED
1081	1709100000	A1A BEACH BLVD LOTS 1-8 BLK 43	TRINCA LEONARD,RENEE	ZONING	Z-COND USE	11/19/2019	DENIED
1081	1709100000	A1A BEACH BLVD LOTS 1-8 BLK 43	TRINCA LEONARD,RENEE	ZONING	Z-COND USE	12/2/2019	DENIED
1085	1713800000	313 A ST	WILDASIN, JENNIFER GRACE	ZONING	Z-VARIANCE	11/19/2019	DENIED
1085	1713800000	313 A ST	WILDASIN, JENNIFER GRACE	ZONING	Z-APPEAL	2/4/2020	APPROVED
1341	1724910470	1004 ISLAND WAY	MAGUIRE LINDSEY & DELLA SALA, DONAL	ZONING	Z-TREE REMOVAL	12/17/2019	APPROVED
1384	1629611480	1181 OVERDALE RD	LEVY RODNEY B,KELLY	ZONING	Z-VARIANCE	1/21/2020	APPROVED
1400	1680200000	129 14TH ST	WHIBEY G WAYNE,JEANINE SAPIA	ZONING	Z-VARIANCE	1/21/2020	APPROVED
1489	1741912010	184 SEA COLONY PKWY	ROBISON MATTHEW J,KERRI N	ZONING	Z-VARIANCE	2/18/2020	APPROVED
1553	1629611940	1349 SMILING FISH LN	STEIN DAVID J,LYNDSY H	ZONING	Z-VARIANCE	10/15/2019	APPROVED
1554	1629611950	1353 SMILING FISH LN	PINIARSKI WILLIAM J,JENNIFER A	ZONING	Z-VARIANCE	10/15/2019	APPROVED
1556	1631430216	47 LEE DR	LARSON KYLE, TAMMY	ZONING	Z-FLEX SETBACKS	11/19/2019	APPROVED
1556	1631430216	47 LEE DR	LARSON KYLE, TAMMY	ZONING	Z-TREE REMOVAL	11/19/2019	APPROVED
1617	1641610390	340 RIDGEWAY RD	RUNK PROPERTIES INC	ZONING	Z-TREE REMOVAL	2/18/2020	APPROVED
1696	1692400000	621 A1A BEACH BLVD	MSB HOTELS II LLC	ZONING	Z-MIXED USE	2/24/2020	APPROVED
1698	1629630070	134 SEA GROVE MAIN ST	L & L PIRTON INC	ZONING	Z-COND USE	2/25/2020	APPROVED
1698	1629630070	134 SEA GROVE MAIN ST	L & L PIRTON INC	ZONING	Z-COND USE	4/29/2020	APPROVED
1699	1631390110	104 SPANISH OAKS LN	DILLINGER TERESA CRR, TERRY LEE	ZONING	Z-TREE REMOVAL	3/24/2020	APPROVED
1701	1741910001	100 SEA COLONY PKWY	SEA COLONY NEIGHBORHOOD ASSOC	ZONING	Z-FINAL DEV	2/25/2020	APPROVED
1701	1741910001	100 SEA COLONY PKWY	SEA COLONY NEIGHBORHOOD ASSOC	ZONING	Z-FINAL DEV	4/29/2020	APPROVED
1899	1631440127	52 OCEAN WOODS DR E	TOONDER NOEL,LOIS C	ZONING	Z-VARIANCE	5/19/2020	APPROVED
1935	1686400000	570 A1A BEACH BLVD	GENESIS PROPERTY & MANAGEMENT GROUP	ZONING	Z-COND USE	5/19/2020	APPROVED
1935	1686400000	570 A1A BEACH BLVD	GENESIS PROPERTY & MANAGEMENT GROUP	ZONING	Z-COND USE	6/1/2020	APPROVED

Application Id Range: First to Last Range of Building Codes: ZONING to ZONING
Activity Date Range: 10/01/19 to 06/09/20 Activity Type Range: Z-APPEAL to Z-VARIANCE

Inspector Id Range: First to Last
Included Activity Types: Both

Sent Letter: Y



MINUTES
PLANNING AND ZONING BOARD MEETING
TUESDAY, MAY 19, 2020 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

I. CALL TO ORDER

Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Berta Odom, Larry Einheuser, Dennis King, Steve Mitherz, Chris Pranis, Senior Alternate Victor Sarris, Junior Alternate John Tisdall.

BOARD MEMBERS ABSENT: Hester Longstreet.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Executive Assistant Bonnie Miller, Recording Secretary Lacey Pierotti.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF MARCH 24, 2020

Motion: to approve the minutes of the March 24, 2020 meeting. **Moved** by Ms. Odom, **seconded** by Mr. Mitherz, **passed 7-0** by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment pertaining to anything not on the agenda.

VI. NEW BUSINESS

- A. Conditional Use File No. CU 2020-02, for renewal of a current conditional use permit to allow food and/or beverage service and consumption outside of an enclosed building on the premises of Cone Heads Ice Cream, in a commercial land use district on Lots 11 and 17, Block 4, Chautauqua Beach Subdivision, at 570 A1A Beach Boulevard, Genesis Property & Management Group LLC, Margaret Kostka, Applicant

Ms. Miller said this conditional use application is for renewal of a current conditional use permit for Cone Heads Ice Cream at 570 A1A Beach Boulevard, owned by Maggie Kostka since 2011. Ms. Kostka applied for her first conditional use permit for outside seating in 2012, and this was granted for three years. In 2015 she applied for renewal, which was granted for five years, so she's now here to renew this current conditional use permit, which expires June 1, 2020. The Building and Zoning Department has had absolutely no complaints or issues with the outside seating at Cone Heads Ice Cream since the original conditional use permit was granted in 2012. Staff recommends the renewal be granted for as long as Ms. Kostka owns and operates the business, but that it be granted as non-transferable to a new owner, as it is not known what a new owner would do with the business.

Maggie Kostka, 570 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, applicant, said as the inside seating at Cone Heads is limited to four to six chairs if you can squeeze them in, the outside seating is important because it provides space for her customers to sit and enjoy what they purchase at her ice cream shop.

Mr. Mitherz asked if the drive-thru window is still being used at Cone Heads, and if so, what the status is on the conditional use permit granted to allow the drive-thru.

Ms. Kostka said the drive-thru window is still being used at Cone Heads per a separate conditional use permit.

Ms. Miller said the conditional use permit for the drive-thru was renewed in 2017 for 10 years and expires in 2027.

Mr. Mitherz asked how many parking spaces are onsite, including parking for the residence above Cone Heads.

Ms. Kostka said Cone Heads has 22 available parking spaces. She lives in the upstairs residence and has two additional parking spaces reserved and designated as tenant parking only for her use.

Mr. Kincaid said he lives down the street from Cone Heads, which is a very welcoming place that always seems to have happy people hanging out front. During the past few months when they've all been living under different circumstances due to COVID-19, he noticed the tables for the outside seating were turned over. They are now in use and separated. He thanked Ms. Kostka for the efforts to comply with social distancing guidelines.

Motion: to recommend the City Commission approve the renewal of the current conditional use permit for food and/or beverage service and consumption outside of an enclosed building at Cone Heads Ice Cream, 570 A1A Beach Boulevard, subject to the condition that it be granted as non-transferable to the current property owner and applicant for as long as she owns the property and operates the business. **Moved by Ms. Odom, seconded by Mr. Mitherz, passed 7-0** by unanimous voice-vote.

- B. Land Use Variance File No. VAR 2020-04, for reduction of the minimum rear yard setback requirement of 25 (twenty-five) feet, per Section 6.01.03 of the City's Land Development Regulations (LDRs), to 10 (ten) feet, for proposed new construction of a 459-square-foot in-law suite addition to an existing single-family residence in a low density residential land use district on Lot 27, Block A, Ocean Woods Subdivision Unit 2, at 52 Ocean Woods Drive East, John S. Antonio, Agent for Noel and Lois C. Toonder, Applicants

Ms. Miller said this application is a variance request for a rear yard setback reduction from 25 feet to 10 feet for a 459-square-foot mother-in-law suite addition to an existing single-family residence at 52 Ocean Woods Drive East. The owners of this property, Mr. and Mrs. Toonder, are asking to build the addition for Ms. Toonder's mother, who has lived with them for the past several years and is dealing with several medical issues. Staff received just this afternoon four letters of support from neighboring property owners, hard copies of which have been provided to the Board members. The survey on the overhead screens shows the proposed mother-in-law suite located 10 feet off the rear property line, and two of the letters of support were signed by the owners of the two lots, Lots 28 and 29, Block A, at 577 and 575 16th Street, respectively, directly behind the applicants' lot. *[Recording Secretary's Note: Ms. Miller was interrupted at this point by the applicant's agent, John Antonio, who submitted a new survey and site plan for the proposed addition showing the requested rear yard setback to 12.5 feet, instead of 10 feet.]* With this new survey and site plan, Ms. Miller said the requested rear yard setback reduction is now from 25 feet to 12.5 feet, so this is good news. The property owners living at 575 and 577 16th Street, who will be most affected by the requested variance for the rear yard setback reduction, submitted letters of support for the variance for a rear yard setback reduction to 10 feet, which is a bigger setback reduction than what is now being requested. The owners of 575 16th Street have some concerns about drainage, which Mr. Antonio and Mr. Toonder can address. She displayed a location map on the overhead screens showing where the adjacent property owners who submitted letters of support live in relation to the applicant's property.

Mr. Mitherz asked if the City currently has any mother-in-law suites built on low density residential properties.

Ms. Miller said yes. Last year, the Board approved a variance for a mother-in-law suite on Poinsettia Street. The applicants built their house under the former minimum rear yard setback requirement of 20 feet and applied for a variance to build the in-law suite with a 20-foot rear yard setback to be in line with rest of the house. As was the case with this in-law suite addition, Mr. Toonder was asked to sign the letter of agreement stating the in-law suite shall not be rented as a separate unit, and as the property is zoned low density residential, short-term or transient vacation rentals of 30 days or less are prohibited. Low density residential only allows one residential unit per lot, so the in-law suite can't be rented as a separate unit for short-term or long-term use but can only be used for family members or guests staying with the family. If it is found that the in-law suite is being rented as a separate unit, the issue will be turned over to code enforcement and the property owners will be cited with a violation notice. The document signed by Mr. Toonder says the in-law suite shall not be rented as a separate unit at any time from now into infinity, so this applies to not only the current property owners, but any future owners.

Mr. Kincaid asked if, even without the letter signed by Mr. Toonder, the City will keep people from renting it through the current regulations for low density residential.

Ms. Miller said correct, if the City found out it was rented as a separate unit or this was reported by neighbors, code enforcement would contact the owners and initiate any code enforcement action necessary to shut down and further prohibit the in-law suite from being rented as a separate unit.

Mr. Mitherz asked if the in-law suite could be rented for six months or more as a separate unit.

Ms. Miller said no. It couldn't be used as a separate rental unit at all because the property is zoned low density residential and can only have one single-family unit per lot. The question was asked by a neighbor as to what would happen if the applicants wanted to subdivide their lot into two lots, with the existing house on one lot and the in-law suite on another, but the lot isn't big enough to subdivide it into two separate lots and a 459-square-foot unit doesn't comply with the minimum floor area for a single-family residence in low density residential.

Mr. Law said keep in mind, there will only be one electric service to the property, as a separate meter to the in-law suite won't be allowed at the same address. Also, the floor plans submitted with the application don't include a kitchen or a cooking appliance such as a stove. This doesn't mean it couldn't have a microwave or a hotplate. The letter signed by the applicants was something he brought with him from St. Johns County, as the County allows what they call accessory family units, which are essentially the same principle as mother-in-law suites. The applicant will be asked to have this letter recorded with the variance order, if the variance is granted, at the St. Johns County Clerk of Courts Office, so it will be transferred in the event of a sale, and the new owners won't be able to say they didn't know the unit could never be rented separately. Once it's recorded it should be part of the closing documents in the event of a sale of the property so it can be reviewed by any prospective or future owners.

Mr. Sarris asked if granting this variance will expose the City to other similar requests for variances to build mother-in-law suites in not just this neighborhood but in all the other neighborhoods in the City.

Mr. Law said with every variance, there is the risk of setting a precedent, which is why it's imperative for the Board to consider each variance application individually as to the conditions for applying for any variance to the LDRs. Without a variance, the applicants would have to build to the current setback requirements, as this City does not offer reduced setbacks for accessory structures, with the exception of small sheds, or anything of that magnitude.

Mr. Sarris said this seems like a very good and worthy cause, but if other applicants come before the Board in the future with similar requests for setback reductions for in-law suites because they know other people have been granted variances for the same, will the Board be able to turn down future applicants if they don't meet the same criteria? He asked if this is kind of like a moving target that will be hard to defend the next time it comes up.

Mr. Law said he'd say this is possible, but he'd like to defer these questions to the City Attorney.

Mr. Taylor said the Board has a lot of discretion in issuing variances, which is why the Board is supposed to look at each application on an individual, case-by-case basis. If the Board has twenty variances for setback reductions to 12.5 feet for in-law suites such as this one and approves them all but then turns down the twenty-first one, this would open up a little exposure, but the Board still has to individually look at each one because every case, even if they look similar from the outside, is going to be different. For example, this particular variance request includes letters of support from four neighboring property owners, while another application may have letters of support from property owners who are not so close. In issuing a variance, each approval is a tailored decision, even though there's always a danger that the more that are approved, the more of a precedent is built up, and this could cause a good challenge if one is turned down. As long as the Board is being fair and looking at each situation independently, however, the Board's decisions are going to be upheld and it is going to be very hard doable terms.

Mr. Kincaid said he has a number of questions, but he'd like to listen to the applicant's presentation and then have Board discussion afterward, because he thinks this will involve staff and the City Attorney weighing in again.

John Antonio, Ancient City Construction, 2614 Joe Ashton Road, St. Augustine, Florida, 32092, agent for applicant, said he's the contractor for this project, and has been hired by the applicants because Mrs. Toonder's mother, Nancy Hill, has some health issues and is having a hard time living the rest of her life in an eight-foot by-ten-foot bedroom with cans of soup and all her other possessions in it. The Toonders are trying to improve Ms. Hill's comfort and quality of living, whereas every request to build an in-law suite might not involve these medical issues. Regarding the neighbor's concerns about water running downhill to his property, the in-law suite building will be built with two gables, so the water will shed to the right and left and not to the rear, and not affect this neighbor's property. Also, the property is at a good elevation, so with water shedding to the right and left on either side, it won't affect either of the adjacent neighbors abutting the back of the Toonders' property.

Noel Toonder, 52 Ocean Woods Drive East, St. Augustine Beach, Florida, 32080, applicant, said he and his wife have lived in their house for about 17 years, and his mother-in-law, Nancy Hill, has lived with them intermittently over the years. In the past few past years, she's had total shoulder replacement surgery and has limited range of motion. Their family is small, as his wife is his mother-in-law's only living child, and their daughter is his mother-in-law's only grandchild, so they're trying to keep her close but also in an environment where she has freedom to do what she wants. They've looked at other options, such as assisted living, but due to financial constraints and other things, it's just not feasible. The neighbors who would be most impacted by the in-law suite are Bryan and Chandra Heifner, who live behind them at 575 16th Street. He's had extensive conversations with them regarding the three issues they have, the first and foremost of which has to do with the impact of water run-off, which Mr. Antonio addressed. He'll be putting gutters on the house post-construction to ensure the water run-off from the gutters flows to the south and is drained to the lawn area in front of his home, and not to the rear, or north side. His lot is elevated, and the water run-off will actually plane off onto his own lot like a bowl. Another issue has to do with renting the in-law suite through Airbnb and that sort of thing, but they have no intention of doing anything like that. He's worked from home for the last 20 years, so in the event his mother-in-law passes, he'll use the in-law suite for his personal office space. Also, now that their daughter is home due to COVID-19, any extra space in the house has kind of been absorbed by her, so with the configuration of their lot, the proposed addition is the best they can do with what they have available to work with. They've looked at adding different structures or levels to the house, but it just got to a cost structure that wasn't sustainable. The last of the Heifners' concerns was the proximity of the in-law suite window facing their bedroom window. He's communicated to them he's willing to move that window to either the north side or anywhere else where it's not facing their bedroom window.

Mr. King asked why the in-law suite is proposed to be built as a detached structure.

Mr. Toonder said they're working around a couple of factors, including having an artesian well on the east side of the house. He looked at the cost, which would be pretty substantial, of filling in this well and moving it, but the other issue is that a detached addition will save them a little money as it relates to connectivity and other things.

Mr. Pranis said the description of the hardship in the application doesn't really address the ongoing medical issues which are very important in this decision, so he's not sure the hardship is correct in the way it is stated.

Mr. Kincaid said he has similar concerns. Looking at the actual regulations for granting a variance, there are a number of references as to whether the requested variance is specific to the property, which in this case, it is, but it is also precedent-setting. If the condition is common to numerous sites, requests for similar variances might come in, so the Board needs to make a required finding based on the cumulative effect of granting the variance to all who may apply. This gives him a little bit of pause because the hardship as stated in this case is not created by the physical characteristics of the property or the house, or an inability to reasonably use that property to the applicant's benefit. He certainly understands the hardship and supports the sentiment behind it, he's just having a difficult time with it because the considerations for granting a variance specifically talk about self-created hardship, and this hardship is specific to the applicant's family and circumstances, it is not specific to the property or the use of the land. There probably needs to be more discussion about how the hardship is evaluated. One of the things he was questioning before the meeting was the effect of the variance on neighboring properties, and it's obvious the applicant has the support of the neighboring property owners. Another consideration for granting a variance says if this has been granted in the past, the Board could use that in favor of granting the variance. He asked if staff could tell them more about the similarities between this application and the variance Ms. Miller mentioned was granted by the Board last year also for a mother-in-law suite addition in low density residential.

Mr. Law said he'll answer this, as he was the plan reviewer for this addition, and is very familiar with it. The applicants asked for a variance for a rear yard setback reduction from 25 feet to 20 feet, because the entire street, including their house, had been built to the former 20-foot rear setbacks. The Board granted a variance to allow construction of the addition with the old setbacks at 20 feet, as the applicants didn't have enough room to build it with a 25-foot rear yard setback. This was a rather large lot, but it wasn't quite big enough to subdivide into two separate lots to build a new single-family residence for the mother-in-law, so they built an attached addition for which a variance was granted to allow it to be built at the former 20-foot rear setback. So, the circumstances for this variance, even though it was granted to allow a mother-in-law suite to be built, were completely different.

Ms. Odom asked if this has been the only variance granted to allow a mother-in-law suite that anyone can recall, to which staff responded with an affirmative nod. Her experience with variances is that the Board is always concerned about setting a precedent with every variance granted, and they're always trying to justify a hardship. This may not sound right, but she's seen the Board grant variances for less of a hardship than is shown here, and whether or not they've created the hardship, the in-law suite is for the applicant's family. While she understands the Board's concerns about the hardship and setting a precedent, she thinks there has to be some compassion.

Mr. Kincaid said his concern is that by allowing this, anybody could now apply for a variance to build an additional building on a lot, and the hardship doesn't really matter, because while it is a personal hardship, it is not a hardship created by topography or by the lot size or by any restrictions on the lot. This is a hardship specific to this family on this property, so he's having a hard time fitting that in the hardship definition without setting a precedent.

Mr. Pranis said in the past the Board has recommended the application be resubmitted without additional fees to enter in an amended demonstration of the hardship, so a precedent isn't set for what the current applicant is asking for. He asked if this is something they want to consider for this application.

Mr. Kincaid said the Board has also granted variances in the past for setback reductions to allow property owners to better utilize properties for current and future owners.

Mr. Law said the biggest variance recently granted by the Board was a rear yard setback reduction to five feet for a detached two-car garage. This property backed up to a stormwater tract and there were no adjacent residences behind it. Also, the location of the garage was moved to the rear of the lot to save two rather large oak trees. This detached garage was for a new single-family residence off Old Beach Road, across from Ron Parker Park.

Mr. Antonio said there are no other complaints or opposition from the neighbors, and the in-law suite will be built as a deed-restricted addition binding to any future owners. Mr. Toonder's mother-in-law, Ms. Hill, has been living a pretty tough life in a bedroom that's pretty small, and she really has no other place to go. His idea is, for future considerations, this would be a compassionate thing, for example, if someone just wanted to build an in-law suite without medical issues involved, this would be evaluated differently. Otherwise, just anybody could do it. Also, like most corner lots, the Toonders' lot isn't a regular-sized lot but is pie-shaped with a different configuration.

Mr. Kincaid said he understands and appreciates that, and also understands and appreciates the neighborhood support as well as the future use restrictions on the property, which he did drive by and look at. The proposed addition will be hidden in the back and won't be an eyesore, so he doesn't have a problem with any of that, but his concern is the precedent-setting they'll be doing by opening the door for other people to apply for variances to build additional structures on their properties with setbacks that don't meet the minimum requirements per the City's LDRs. The Board isn't asking the applicant to prove any medical issues, just as they wouldn't ask anybody to prove any medical difficulties. If somebody wanted to come in and say there are medical issues involved, the Board would take this at face value. The issue is whether that creates a hardship under the variance structure that gives the Board the ability and flexibility to evaluate properly without setting a precedent and without weakening the LDRs. It is not really about the medical at all. He asked for the City Attorney's advice on this.

Mr. Taylor said the Board doesn't have to worry about setting a precedent because, for example, say at one time, the Board allowed 12.5-foot setbacks and now every time someone else asks for 12.5-foot setbacks, the Board thinks they have to approve the same thing. Each lot location and each location of a structure or whatever the applicant is asking for is subject to its own separate evaluation. If the policy of the City Commission is that they don't want any variances approved for mother-in-law suites, this can be the Board's decision. But each variance application is by itself an independent evaluation of the situation, and he agrees that the medical is not really supposed to be the fundamental for what is decided. It could be a factor, but it should not be the fundamental factor, which should be the property, the structures, etc. The Board should make decisions based on what makes sense and what's coherent so when the logic is applied to something else, it makes sense in that case as well. If the Board decides that as a community, it's important to be able to take care of family members, and mother-in-law suites are something that should be allowed with a variance if it makes sense, once you step past that, you're just evaluating whether these particular setbacks work, and whether the Board needs to ask the applicant to do something different, for example, there might be a neighbor who has concerns about drainage or something else. Each variance application is separate, and if the Board has allowed mother-in-law structures in the past, that's where they're at, so the questions then are really whether the requested variance meets the conditions listed on the variance application and whether there are any neighbors' concerns that need to be addressed.

Mr. Kincaid asked what the Board would be doing to the City's variance process by allowing a compassionate consideration into the hardship process.

Mr. Taylor said without giving offense, he doesn't think that's exactly the test. If there's a community desire to keep families intact, regardless of whether there's a medical condition involved, that's usually the legislative reasoning behind having family out-building structures and allowing these kinds of things. Once the Board has taken the step of deciding they're going to allow these kinds of structures, it's not really all that important what the compassionate reasons for it are, as you then get to a set of circumstances pertaining to whether the variance is reasonable with the use of the property and whether it makes sense to grant it for the proposed use.

Mr. Kincaid said the variance process, however, requires a hardship, so at what point does the hardship become that the property owner bought too small of a house, and now needs a bigger one? If that is what they're opening this up to, anyone who moves to the City and buys a two-bedroom house can expect to be able to build onto it or add an out-building. He thinks the compassionate part almost has to be added if this variance is approved, as this separates it out from everyone else who applies for a variance because they bought too small of a house.

Mr. Taylor said not that he's trying to guide anything, because the Board can decide what it wants to decide, but the logic when you think about out-building structures is more looking at the square footage on the lot itself.

Mr. Law said residential properties are limited to 35 percent maximum lot coverage and low density residential is limited to 40 percent maximum impervious surface ratio (ISR) coverage, so the applicant won't be able to get a permit for the in-law suite if the lot coverage and ISR coverage exceeds this, unless he applies for another variance.

Mr. Taylor said this individual lot does have an irregular shape, so that might be a good reason to grant a variance, if the proposed new building does not go over the allowable lot coverage and ISR coverage percentages. If a variance is granted to allow the applicant to build the in-law suite, the analysis should really be focused on what's the best positioning of the out-building and if the variance requested is really the minimum needed to build it.

Ms. Odom said the additional square footage would increase the value of the property, in the case of a resale.

Mr. Kincaid said he agrees with all of that, and that's all fine, but everybody could make the argument that they could make their property worth more if they did this to it, and at some point, the LDRs become worthless if they don't follow them and don't have a reason, which is what he's looking for here, to go outside and around them.

Mr. Toonder said they've done probably three or four different drawings to fit within the configuration of their lot lines, and he wasn't thinking about this until it was brought up, but if he brought the in-law suite in five or ten feet from the rear, or north, property line, he'd need a variance to encroach into the setback on the east side, and if he tried to put it on the back of his house, where his porch is, he'd also need a variance. He's in a position where he really can't do anything else, and while he understands the point made that people should buy a bigger house, he bought a house 17 years ago, he and his wife had one child, and now their sentiment is to take care of another of their family members. They'd prefer not to have to move from the area to make this accommodation, and they're just trying to do everything they can. As to the hardship part of it, he'd say they're facing a bit of a hardship trying to work in the square footage of the proposed addition, as a result of the extreme pie-shape of their lot.

Mr. Kincaid said in driving by and looking at it, he thinks Mr. Toonder has done a good job putting it where it is. His problem is not with the applicant or where the in-law suite is located, as right now, he thinks the Board is looking for a way to help him. The Board's problem is that they have to sit here next month and the next month after that and listen to the next applicants applying to build a similar addition based on what they've approved.

Mr. Law said to answer the questions about square footage for lot coverage and ISR, per the information provided by St. Johns County Property Appraiser's Office, the lot size is approximately 10,890 square feet. If the screen porch has a hard roof, to which the applicant nodded assent that it does, the total square footage for existing lot coverage is at 25.675 percent, so they're allowed an additional 1,015 square feet, and the proposed in-law suite is less than that. In theory, what's proposed would comply and be less than the allowable maximum lot coverage of 35 percent. He recommended they go through the limitations on granting variances item by item, so the Board can discuss each one individually, and that way, they'll stick to the conditions required to grant the variance. He put Section 10.02.03.B, "Required considerations for the granting of a variance," of the LDRs up on the overhead screens, starting with Section 10.02.03.B.1, "The nature of the hardship, whether it is as a result of an inability to make reasonable economic use of the property consistent with the provisions of these land development regulations, circumstances in common with other property owners, or personal to the applicant, it being the intent of this provision that an inability to make reasonable economic use of the property acts in favor of the granting of the variance and personal hardship and hardship in common with others act against the granting of the variance."

Mr. Kincaid said he'd go out on a limb to venture that the conditions of this paragraph are not met, because the economic use of the property is not inhibited by not granting the variance.

Ms. Odom said she sees what Mr. Kincaid is saying, that the economic use of the property is not inhibited by not granting the variance, but on the other hand, if the variance is granted, it will give it increased economic value.

Mr. Kincaid said yes, granting the variance would increase the economic value of the property, but there's no inability to make reasonable economic use of the property if the variance is not granted.

Mr. Mitherz said he would agree.

Mr. Law displayed Section 10.02.03.B.2, which states, "The precedential effect of the variance, it being the intent of this provision that the prior granting of similar variances to persons similarly situated shall act in favor of the granting of the variance and the prior denial of similar variances shall act against to the granting of the variance."

Mr. Kincaid said the Board has discussed that they think it is precedential, and that the other variance that was granted for a mother-in-law suite and discussed by the Board is not really similar.

Mr. King said they would actually have to look further back to see what the Board has approved in past years to really get a good comparison.

Mr. Law displayed Section 10.02.03.B.3, which states, "Whether the granting of the variance will create a precedent. The creation of a precedent shall act against the granting of the variance."

Mr. Kincaid said they've already discussed this. He asked for any additional comments. There were none.

Mr. Law displayed Section 10.02.03.B.4, "Whether the hardship is self-created; that is, whether the applicant acquired the property following the adoption of the regulation from which the variance is sought or the hardship is as a result of construction or other activities undertaken by the applicant following the adoption of such regulation. Acquisition of the property following the adoption of the regulation shall act against the granting of the variance. Acquisition preceding the adoption of the regulation shall act in favor of the granting of the acquisition."

Mr. Kincaid said the applicant has owned his property for 17 years, and he thinks the setbacks have kind of moved back and forth over the years.

Mr. Law said yes, front and rear yard setbacks have gone from 25 feet to 20 feet then back to 25 feet each, but he doubts they've ever been 12 feet in this City. He next displayed Section 10.02.03.B.5, which states, "Whether the variance requested is the minimum variance that will permit the reasonable economic use of the property."

Mr. Kincaid said he thinks the requested variance clearly meets this.

Mr. Law displayed Section 10.02.03.B.6, "The effect of the variance on neighboring properties. The absence of an effect on neighboring properties will act in favor of the granting of the application. An adverse impact upon neighboring properties or the immediate neighborhood will act against the granting of the application."

Mr. Kincaid said this has been taken care of with neighbors supporting it. They've received no dissenting letters or opposing opinions on this, and the applicant addressed the concerns of the one neighbor about water run-off.

Mr. Law displayed the last paragraph, Section 10.02.03.B.7, which states, "Increases in congestion on surrounding streets, increases in the danger of fire or flooding will act against the granting of the application."

Mr. Kincaid said he doubts any of that is going to happen.

Mr. Taylor said he's a little concerned they may be analyzing the first consideration wrong, so he'd like to go back to Section 10.02.03.B.1, referring to the nature of the hardship. The reason he brought up the square footage usage was because if the lot were a different shape, the applicant would be allowed to build the addition regardless of the purpose, which in this case, is for his mother-in-law. That's not the problem, the problem is economically, he could build out bigger but for the shape of the lot. The applicant also stated there is an artesian well and other things causing issues with placing the in-law suite elsewhere. The Board has to make a decision based on consideration of all of these factors, but he thinks they may be analyzing this part a little too strictly.

Mr. Kincaid said reinterpreting that, the hardship is the applicant could build the in-law suite legally and in conformance with the LDRs without any problem if the lot were big enough and it could be built within the 25-foot rear yard setback line, but because the lot is shaped the way it is, and because of the position of the artesian well and different factors on this lot alone, the applicant is unable to build the addition without a variance.

Mr. Law said you could look at it that way, based on where the proposed location of the in-law suite is. The applicant also briefly touched on the cost aspect, saying it's much more cost-effective to build a detached building, but another option is to go into a full renovation of the house, and attach the proposed in-law suite to the rear of the house. However, the applicant would still need a variance, as there's only 26 feet from the wall of the house to the rear property line. They're just limited as to space, and honestly, if he were still a contractor, the way the applicant is proposing to build the addition in the location shown in the variance application is the route he'd take.

Mr. Kincaid said so this is the minimal variance that is being requested, which is another of the conditions to be considered for the granting of a variance.

Mr. Law said yes, he would say so.

Ms. Odom said in looking at the map showing the location of the neighboring property owners who wrote letters of support, it looks like most of the adjacent property owners could build what the applicant wants to do without a variance, due to the size of the lots in this neighborhood. However, the applicant is applying for this variance for the most part because of the pie-shaped dimensions of his lot, which isn't big enough to do what he wants to do without the requested variance. She thinks the applicant has positioned the addition in the best place possible.

Mr. Kincaid said if the applicant were to move the addition forward, it would encroach into the side setback.

Mr. Toonder said yes, they've pulled it in as close as they could so as not to encroach into the side setback on the east side, so they're only dealing with one setback reduction for the variance. Even if he filled in the artesian well to move the addition so it meets the 25-foot rear yard setback, it would encroach into the east side setback.

Mr. Law suggested they go through some conditions before a motion is made, and recommended the motion include verbiage stating it is based upon the configuration of the lot, support in favor of the variance from adjacent neighbors, demonstration by the applicant of the minimum variance necessary to construct whatever the square footage of the mother-in-law suite is, and as such, the variance is granted under the conditions that the mother-in-law suite shall not be rented and shall not violate any of the City's Land Development Regulations. The Board can also discuss whether they want to prohibit a stove or an oven in the in-law suite.

Mr. Kincaid asked if there is sentiment from the Board to prohibit cooking appliances or a stove in the addition.

Ms. Odom said in the City of St. Augustine, you can't have a stove in a mother-in-law suite.

Mr. Law said during the time he worked for St. Johns County, this wasn't allowed in the County either, except, he believes, in the special zoning district of Ponte Vedra.

Mr. Kincaid asked if this would be prohibited during the City's inspections of the in-law suite.

Mr. Law said he has no legal authority under the building code or zoning code to prohibit this, it would have to be listed as a condition of the motion to grant the variance.

Mr. King said he thinks this should be added as a condition of granting the variance. The Board agreed, by general consensus.

Motion: to approve Land Use Variance File No. VAR 2020-04 for a rear yard setback reduction from 25 feet to 12.5 feet for proposed construction of 459-square-foot in-law addition based on the hardship of the configuration of the lot; support in favor of the variance from adjacent neighbors; demonstration by the applicant of the

minimum variance necessary to construct said addition; and subject to the conditions that said addition shall not be rented as a separate unit, shall not violate any of the City's Land Development Regulations, and a stove and/or oven shall be prohibited in the 459-square-foot mother-in-law suite addition. **Moved** by Mr. Kincaid, **seconded** by Mr. Einheuser, **passed 7-0** by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Ms. Odom said she knows the paperwork was submitted today or maybe tomorrow to reopen vacation rentals, and she heard it may be three or four weeks before it's approved. She asked what the City's stance is on people violating the still-in-effect ban on vacation rentals.

Mr. Law said the City is enforcing this through code enforcement. Staff has probably investigated at least five or six complaints and he believes some people have left as a result. Code enforcement is complaint-driven, so if staff receives a complaint or it's just obvious, the City's Code Enforcement Officer is sent out to make contact with the tenants, and if nobody answers the door, the property owner or property management company is contacted.

Ms. Odom said you hate to tattle on people, but if one person is doing what they're supposed to and another is reaping a profit because they're not, it's hard not to say something.

Mr. Law said that's exactly what's happening, as most of the complaints they've gotten are from people who are doing what they're supposed to and seeing a transient vacation rental going on two doors down from them.

Mr. Kincaid asked what's being built behind Jack's Bar-B-Que.

Mr. Law said this is a microbrewery addition to Jack's Bar-B-Que, which was approved as a mixed use application by this Board last year with a variance to reduce the front setback from 10 feet to 5 feet. The concrete for the microbrewery was just poured this morning.

IX. ADJOURNMENT

The meeting was adjourned at 6:57 p.m.

Kevin Kincaid, Chairperson

Lacey Pierotti, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)

COMMISSION REPORT

June 2020

TO: MAYOR/COMMISSIONERS

FROM: ROBERT A. HARDWICK, CHIEF OF POLICE

DEPARTMENT STATISTICS –May 14- June 21

CALLS FOR SERVICE 1435

OFFENSE REPORTS 104

CITATIONS ISSUED 140

LOCAL ORDINANCE CITATIONS 65

DUI 2

TRAFFIC WARNINGS 494

TRESSPASS WARNINGS 50

ANIMAL COMPLAINTS 11

ARRESTS 31

- 1 Violation of Injunction Protection
- 2 DUI
- 5 Trespassing
- 2 Disorderly Intoxication
- 1 Possession of Marijuana over 20 grams
- 2 Possession of Methamphetamine
- 1 Possession of Cocaine
- 1 Liquor Possession- Under 21
- 5 Indecent Exposure
- 2 Driving while License Suspended/Revoked
- 1 Driving while License Suspended- Habitual Offender
- 2 Operate Vehicle W/O License
- 3 Battery
- 1 Damage Property-Criminal Mischief
- 1 Grand Theft of Motor Vehicle
- 1 Resisting Officer- Obstruct W/O Violence

ANIMAL CONTROL:

- St. Johns County Animal Control handled 11 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES:

Most activities canceled/limited due to COVID-19

- Blood Mobile

MEMORANDUM

Date: June 25, 2020
To: Max Royle, City Manager
From: Bill Tredik, P.E., Public Works Director
Subject: Monthly Report – June 2020

Hurricane Preparedness

Public Works is undertaking seasonal preparations for the 2020 hurricane season, including:

- Checking small tools and equipment to ensure operation
- Keeping fuel tanks full
- Testing emergency generators
- Stockpiling beach quality sand to ensure adequate quantity for closing of beach ramps
- Ensuring availability of lease equipment for pre and post hurricane activities
- Identifying trees or other potential objects in public spaces which may require trimming or removal due to vulnerability to high winds and risk to the public
- Coordinating with St. Johns County regarding emergency operations
- Updating emergency contact lists

Funding Opportunities

Public Works has received notice of anticipated award for the following grant applications:

- **City of St. Augustine Beach Vulnerability Assessment**
Florida Resilient Coastlines Program - Resilience Planning Grant
Grant amount - \$72,500; no match required
Status – Awaiting State budget approval at time of this report
- **Ocean Hammock Park Phase 3 Design**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$25,000; \$25,000 match required

Status – Awaiting State budget approval at time of this report

- **Mizell Pond Weir and Stormwater Pump Station**
Districtwide Cost Share – St. Johns River Water Management District
Grant amount \$632,000; FEMA HMGP money counts as match
Status – Awaiting SJRWMD budget approval at time of this report

Additionally, the following grant has been included in the budget passed by the Florida Legislature and is awaiting action by the Governor.

- **Ocean Hammock Park Phase 2 Construction**
Florida Recreation Development Assistance Program (FRDAP)
Grant amount - \$106,500; \$35,500 match required
Status – Awaiting budget approval at time of this report

Maintenance Activities

Rights-of-way and Parkettes – Public Works continues to provide essential maintenance services on rights-of-way and parkettes. Restrooms on 10th St. and A St. are open all day and are regularly cleaned and disinfected to help reduce spread of COVID-19. Mowing and litter collection efforts for rights-of-way and parkettes have been increased in frequency during the growing season.

Splash Park – Splash Park and the adjacent children's play area remain closed until further notice to reduce the potential for transmission of the COVID-19 virus.

Mickler Boulevard Landscaping – Construction of these improvements was originally planned for Spring 2020 but is currently on hold due to potential financial impacts of the COVID-19 virus.

Buildings – Enhanced sanitization operations continue at City buildings and public restrooms to minimize the risk of spread of COVID-19. Essential maintenance activities at city buildings continue.

Fleet – The Public Works Department continues to do minor fleet maintenance on our larger trucks, heavy equipment and regular work trucks, to reduce outside repair costs.

Capital Improvements

Mizell Pond Outfall Improvements (HMGP Project No. 4283-88-R) [FINAL PLAN APPROVAL] – The project includes repairing and improving the damaged weir, replacing

stormwater pumps and improving the downstream conveyance. The City has received required permits and submitted the final design (Phase 1 of the HMGP) to the Florida Division of Emergency Management (FDEM) and is awaiting final approval and authorization from FDEM to proceed to Phase 2 (construction). Staff anticipates FEMA reimbursement of 75% of the total construction cost. The remaining 25% of the construction cost will be funded by a grant from the St. Johns River Water Management District (SJRWMD) FY2021 districtwide cost-share program. The SJRWMD funding is contingent upon district final budget approval in September 2020. The City intends to bid the project in Summer 2020 and commence construction in the Fall 2020.

3rd Lane Drainage Improvements [CONSTRUCTION – ON HOLD] – The 3rd Lane Ditch Drainage Improvements was intended to pipe approximately 450 feet of existing ditch west of the 2nd Avenue right-of-way and east of Sea Oaks Subdivision. This project addresses localized stormwater flooding and eliminate potential for damage to adjacent properties, while reducing long-term drainage maintenance requirements. Due to the Covid-19 pandemic, the Contractor suspended company operations prior to City execution of the contract. Staff issued a letter to the Contractor informing them that the project was being placed on-hold and would need to be rescoped to reduce cost. The contractor was instructed to not incur any costs on the project until a path forward was approved by both parties. As of June 24, 2020, the contractor has not responded to the letter and the City will send a letter formally notifying the contractor of the cancellation of the bid. As an interim measure Public Works installed 120 linear feet of new pipe to mitigate the worst of the ditch bank erosion. This installation will allow the remainder of the project to be completed at a later date for a reduced cost when funding is available.

Ocean Hammock Park [DESIGN] –Public Works is beginning formal design of the site improvements in the vicinity of the proposed restroom. Construction is anticipated to commence in 2020, pending funding availability.

11th Street Pipe Repair and resurfacing [DESIGN]– 11th Street is experiencing subsidence in several locations due to leaks in existing pipe joints. Public Works procured geotechnical investigation on the roadway to ascertain the severity of the problem and determine the appropriate solution. The geotechnical investigation did not reveal any voids which pose and imminent danger to vehicular traffic. Public works has installed temporary patches to level and improve the safety and drivability of the roadway, however, these patches will continue to subside and are a temporary remedy until the project is constructed.

The City Engineer's engineering consultant has reviewed the stormwater model and determined that, due to the installation of the large diameter pipe along 10th Street roughly 10 years ago, the pipe under 11th Street is no longer needed. The project is thus being rescoped to remove the failing pipe under 11th Street (rather than slip-lining) and make

minor modifications to reroute the drainage. This change will reduce the project cost significantly and will be budgeted in FY21.

Mickler Boulevard Paving [ON-HOLD] – Geotechnical investigation indicates that due to the severe cracking of the soil cement base, a traditional mill /overlay is not sufficient to prevent reflective cracking in the new pavement. The soil cement roadway base will either require replacement or rejuvenation. Rejuvenation techniques would include crushing and recompacting, in place, the existing soil cement base prior to overlay. Without base rejuvenation (or replacement), cracks will reflect through a new overlay very quickly, leading to an undesirable roadway surface.

The project was budgeted construction in FY 2020, however, its commencement is being re-evaluated due to the potential financial impacts of the COVID-19 virus. The roadway, though heavily cracked, is structurally sound and its condition is not expected to change significantly over the next year. Due to the severity of the existing cracking, a delay is not likely to change the methodology of repair, nor increase the anticipated cost. This project may need to be re-budgeted in FY2021 if work cannot be initiated in FY2020.

Tides End Drive Paving [PROJECT DEVELOPMENT] – The Public Works Department procured geotechnical investigation on Tides End Drive to investigate the cause of recent pavement failure on the roadway. The evaluation determined that the pavement failure was due to insufficient asphaltic concrete thickness in several areas. In order to properly repair the roadway, the pavement and a portion of the roadway base must be milled and resurfaced to a sufficient thickness to bring the pavement into conformance with City standards. Project development of this resurfacing project is underway and the project will be scheduled for construction in FY 2021, pending budget approval.

Streets / Rights of Way / Drainage

11th Street Ditch Cleaning – The 11th Street Ditch is vital to the City's drainage and receives runoff from a large watershed spanning from north of 16th Street south to Hammock Dunes Park. Public Works and St. Johns County have completed the cleaning of the ditch, substantially improving its ability to convey storm flows to the Mizell Pond. The cleaning of this ditch is one of the short-term solutions identified after recent extreme rainfalls in early June. The City thanks St. Johns County for its prompt action on this item.

Mickler Boulevard Ditch Cleaning (16th Street to 11th Street) - Public Works is currently cleaning the Mickler Boulevard Ditch between 16th Street and 11th Street to provide improved flow to the 11th Street Ditch. This ditch cleaning will provide improved drainage of areas north of 16th Street, including the Lee Drive area. The cleaning of this ditch is one of the short-term solutions identified after the recent extreme rainfalls in early June.

Mickler Boulevard Ditch Cleaning (11th Street to A Street) - Public Works will commence cleaning of the Mickler Boulevard Ditch between 11th Street and A Street upon completion of the 16th Street to 11th Street segment. The cleaning of this portion of the ditch will provide improved flow from areas south of 11th Street. The cleaning of this ditch is one of the short-term solutions identified after the recent extreme rainfalls in early June.

Ocean Walk Drainage Study – Public Works will be working with the City engineering consultant to evaluate the drainage within the Ocean Walk subdivision. The roadway in Ocean Walk (Lee Drive) is extremely low in places and has insufficient drainage infrastructure. Public Works will develop stormwater improvement options for the subdivision which can be incorporated into the City Capital Improvement Program. The development of drainage improvements in Ocean Walk is one of the long-term solutions identified after the recent extreme rainfalls in early June.

Lighting – Public Works is moving forward with the new streetlights along S.R. A1A and A1A Beach Boulevard. The city-wide conversion to LED streetlights and will be considered at a future City commission meeting. This item has been temporarily delayed due to the COVID-19 pandemic.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: MONTHLY REPORT
DATE: 6/25/2020

Finance

May financials have been reviewed and our expenditures Citywide are 49.3% with approximately 66.67% of the year complete. Revenue is currently the largest concern for FY 20. As of the date of this memo, we are still awaiting State revenue checks for the month of April. The revenue shortfall for the State of Florida in April was \$848 Million. At this point we have received no indication how this will impact our share, apart from the loss of one full month of State Revenue Share which is approximately \$15,847.

Communications and Events

Arbor Day is moving forward with a tree give away and information packet to be distributed at the pier Farmers Market in late July or early August. Melinda will be hosting a booth, along with our Public Works Department and some volunteers, to distribute the trees and speak with residents who visit.

Beach Blast Off is also underway. Melinda has submitted the TDC Grant application for our event and we expect to hear from them sometime in August. She is also contacting vendors, sponsors, and entertainment to begin putting together the schedule of events.

Technology

The IT Staff has no updates currently.

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CITY OF ST. AUGUSTINE BEACH
Check Register By Check Date

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Range of Checking Accts: First to Last Range of Check Dates: 05/01/20 to 05/31/20
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void	Ref Num
PO #	Item	Description				Contract	Ref Seq Acct
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43274	05/08/20	ADVAP010 ADVANCED DISPOSAL SERVICES				05/31/20	1529
20-01426	1	RECYCLE FEES APR-20	11,082.28	001-3400-534-3400 GARBAGE	Expenditure		56 1
43275	05/08/20	ADVAP010 ADVANCED AUTO PARTS					1529
20-01407	1	CLEANING SUPPLIES	20.01	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		25 1
43276	05/08/20	AFLAC005 AFLAC				05/31/20	1529
20-01405	1	PREMIUMS	339.96	001-229-2100 Insurance-Other Employee Paid	G/L		23 1
43277	05/08/20	BOZAR010 BOZARD FORD COMPANY				05/31/20	1529
20-01406	1	VEHICLE #103 REPAIRS	149.98	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		24 1
20-01464	1	VEHICLE #134 REPAIRS	568.59	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		89 1
20-01465	1	VEHICLE #123 REPAIR	839.43	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		90 1
			1,558.00				
43278	05/08/20	CEDST005 CED-ST AUGUSTINE				05/31/20	1529
20-01438	1	CITY HALL PARKING LOT LIGHTS	249.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		67 1
43279	05/08/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC					1529
20-01443	1	AWARD	98.00	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		74 1
43280	05/08/20	CSAB-030 CSAB - POLICE EDUCATION FUND				05/31/20	1529
20-01429	1	PE FROM FINES	137.80	001-351-500 Court Fines	Revenue		58 1
43281	05/08/20	DOUGL005 DOUGLAS LAW FIRM				05/31/20	1529
20-01403	1	LEGAL APR-20	6,000.00	001-1300-513-3100 FINANCE	Expenditure		18 1
43282	05/08/20	DRTOW010 DR TOWNSEND & ASSOCIATES P.A.				05/31/20	1529
20-01442	1	NEW HIRE EVAL-MCNETT	225.00	001-2100-521-4930 LAW ENFORCEMENT	Expenditure		73 1
43283	05/08/20	ELITE005 ELITE SUPPLY & INSTALL'S LLC				05/31/20	1529
20-01345	1	VEHICLE #108 K9 EQUIPMENT	1,240.00	001-2100-521-4640 LAW ENFORCEMENT	Expenditure		12 1
20-01466	1	VEHICLE #111 EQUIP INSTALL	475.00	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		91 1
			1,715.00				

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CITY OF ST. AUGUSTINE BEACH
Check Register By Check Date

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Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
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43284	05/08/20	EVIDE010 EVIDENT INC				05/31/20	1529		
20-01463	1	EVIDENCE BOXES	80.31	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		88	1	
43285	05/08/20	FEDER005 FEDERAL EASTERN INTERNATIONAL				05/31/20	1529		
20-01398	1	VEST	2,724.28	001-2100-521-5210 LAW ENFORCEMENT	Expenditure		13	1	
43286	05/08/20	FIRST070 FIRST BANKCARD				05/08/20 VOID		0	
43287	05/08/20	FIRST070 FIRST BANKCARD				05/08/20 VOID		0	
43288	05/08/20	FIRST070 FIRST BANKCARD				05/08/20 VOID		0	
43289	05/08/20	FIRST070 FIRST BANKCARD				05/31/20	1529		
20-01315	1	FRT COUNTER RENOV SUPPLIES	66.67	001-2400-524-6200 PROT INSPECTIONS	Expenditure		1	1	
20-01317	1	AMAZON-PD KITCHEN SUPPLIES	18.08	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		2	1	
20-01318	1	AMAZON-PD KITCHEN SUPPLIES	23.94	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		3	1	
20-01319	1	AXON-PD TASER	151.75	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		4	1	
20-01320	1	CHEWY-PD K9 KILO FOOD	55.09	001-2100-521-4640 LAW ENFORCEMENT	Expenditure		5	1	
20-01321	1	ZOOM-FILM MEETINGS	14.99	001-1100-511-5290 LEGISLATIVE	Expenditure		6	1	
20-01326	1	AMAZON-BLDG OFFICE RENOVATION	745.28	001-2400-524-6200 PROT INSPECTIONS	Expenditure		10	1	
20-01339	1	OTIS-PD COVID-19 HAND SANIT	215.40	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		11	1	
20-01414	1	ICC-BLDG TRAINING	79.00	001-2400-524-5430 PROT INSPECTIONS	Expenditure		37	1	
20-01415	1	SAFE SHIP-PD POSTAGE	25.08	001-2100-521-4200 LAW ENFORCEMENT	Expenditure		38	1	
20-01416	1	ULINE-PD FIRE EXT MOUNTS	60.02	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		39	1	
20-01417	1	AMAZON-PD LAPTOP CHARGER	60.00	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		40	1	
20-01418	1	AMAZON-BLDG PAPER	62.76	001-2400-524-5100 PROT INSPECTIONS	Expenditure		41	1	
20-01419	1	AMAZON-PD MICROPHONE SET	37.99	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		42	1	
20-01420	1	AMAZON-PD RESCUE ROPE	73.08	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		43	1	
20-01421	1	OTC BRANDS-PD NNO SUPPLIES	225.35	001-2100-521-5240 LAW ENFORCEMENT	Expenditure		44	1	
20-01422	1	HALLOWEEN WS-PD SANTA SUIT	266.60	001-2100-521-5240 LAW ENFORCEMENT	Expenditure		45	1	
20-01451	1	PRIME MEMBERSHIP	12.99	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		76	1	

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CITY OF ST. AUGUSTINE BEACH
Check Register By Check Date

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Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
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43289	FIRST	BANKCARD						
	20-01452	1 AMAZON-PD MICROPHONE ATTCHMNTS	39.95	001-2100-521-5290	Expenditure		77	1
				LAW ENFORCEMENT				
	20-01453	1 AMAZON-BLDG SCANNER	795.95	001-2400-524-5230	Expenditure		78	1
				PROT INSPECTIONS				
	20-01454	1 EXPEDIA-PD REFUND	1,395.96	001-2100-521-4000	Expenditure		79	1
				LAW ENFORCEMENT				
	20-01455	1 ESTY.COM-PD BANQUET GIFTS	211.26	001-2100-521-5290	Expenditure		80	1
				LAW ENFORCEMENT				
	20-01456	1 CVS-PD SUPPLIES	16.12	001-2100-521-5240	Expenditure		81	1
				LAW ENFORCEMENT				
			1,861.39					
43290	05/08/20	FLAGL030 FLAGLER CARE CENTER				05/31/20		1529
	20-01409	1 DRUG SCREENS	220.00	001-2100-521-5250	Expenditure		27	1
				LAW ENFORCEMENT				
43291	05/08/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY				05/31/20		1529
	20-01436	1 JANITORIAL SUPPLIES	107.96	001-1900-519-5290	Expenditure		65	1
				OTHER GOVERNMENTAL				
	20-01437	1 JANITORIAL SUPPLIES	119.34	001-1900-519-5290	Expenditure		66	1
				OTHER GOVERNMENTAL				
			227.30					
43292	05/08/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				05/31/20		1529
	20-01411	1 ELECTRICITY	691.99	001-2100-521-4310	Expenditure		31	1
				LAW ENFORCEMENT				
	20-01411	2 ELECTRICITY	449.73	001-1900-519-4310	Expenditure		32	1
				OTHER GOVERNMENTAL				
	20-01411	3 ELECTRICITY	299.83	001-2400-524-4310	Expenditure		33	1
				PROT INSPECTIONS				
	20-01411	4 ELECTRICITY	33.27	001-7200-572-4310	Expenditure		34	1
				PARKS AND REC				
	20-01411	6 ELECTRICITY	16.02	001-7200-572-4310	Expenditure		35	1
				PARKS AND REC				
	20-01440	1 ELECTRICITY	83.72	001-1900-519-4310	Expenditure		69	1
				OTHER GOVERNMENTAL				
	20-01440	2 ELECTRICITY	93.38	001-3400-534-4310	Expenditure		70	1
				GARBAGE				
	20-01440	3 ELECTRICITY	144.93	001-131-1000	G/L		71	1
				Due From Road & Bridge Fund				
			1,812.87					
43293	05/08/20	FOPLO005 FOP LODGE 113						1529
	20-01431	1 FOP MEMBERSHIP DUES	16.68	001-229-1000	G/L		60	1
				Miscellaneous Deductions				
43294	05/08/20	GALLS010 GALLS LLC				05/31/20		1529
	20-01459	1 UNIFORMS-WRIGHT	13.68	001-2100-521-5210	Expenditure		84	1
				LAW ENFORCEMENT				
	20-01460	1 UNIFORMS-MCNETT	249.80	001-2100-521-5210	Expenditure		85	1
				LAW ENFORCEMENT				

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	
PO #	Item	Description					Seq	Acct
001TDO	OPERATING							
43294	GALLS LLC	Continued						
20-01461	1	UNIFORM PANTS-WRIGHT	105.73	001-2100-521-5210	Expenditure		86	1
				LAW ENFORCEMENT				
			369.21					
43295	05/08/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				05/31/20	1529	
20-01432	1	CITY HALL PODIUM SPLASH GUARD	10.99	001-1900-519-5290	Expenditure		61	1
				OTHER GOVERNMENTAL				
20-01433	1	TEST KITS	9.99	001-7200-572-5290	Expenditure		62	1
				PARKS AND REC				
20-01434	1	10th STREET REPAIR SUPPLIES	5.32	001-1900-519-4610	Expenditure		63	1
				OTHER GOVERNMENTAL				
			26.30					
43296	05/08/20	HOMED010 HOME DEPOT				05/31/20	1529	
20-01435	1	BARRIER FOR COMMISSION CHAMBERS	36.76	001-1900-519-4610	Expenditure		64	1
				OTHER GOVERNMENTAL				
43297	05/08/20	INNOV015 INNOVATIVE CREDIT SOLUTIONS				05/31/20	1529	
20-01470	1	CREDIT CHECKS	34.00	001-2100-521-4930	Expenditure		98	1
				LAW ENFORCEMENT				
43298	05/08/20	KELLY005 KELLY ELECTRIC				05/31/20	1529	
20-01401	1	REFUND - OVERPAYMENT	59.00	001-202-4000	G/L		16	1
				Accounts Payable - Other				
43299	05/08/20	LVHIE010 L.V. HIERS INC.				05/31/20	1529	
20-01399	1	249 GAL DIESEL BULK FUEL	334.00	001-141-0000	G/L		14	1
				Inventories - Fuel				
20-01399	2	521 GAL REG 87 OCTANE FUEL	671.41	001-141-0000	G/L		15	1
				Inventories - Fuel				
20-01467	1	700 GAL REG GAS 87 OCTANE	1,000.93	001-141-0000	G/L		92	1
				Inventories - Fuel				
20-01467	2	415 GAL DIESEL FUEL	608.20	001-141-0000	G/L		93	1
				Inventories - Fuel				
			2,614.54					
43300	05/08/20	MARIN015 MARINE RESCUE PRODUCTS, INC				05/31/20	1529	
20-01410	1	RACK FOR 105 CAN	32.00	001-2100-521-5230	Expenditure		28	1
				LAW ENFORCEMENT				
20-01410	2	RACK FOR 105 CAN	96.00	001-2100-521-5230	Expenditure		29	1
				LAW ENFORCEMENT				
20-01410	3	SHIPPING & HANDLING	23.70	001-2100-521-5230	Expenditure		30	1
				LAW ENFORCEMENT				
20-01441	1	BP VEHICLE EQUIPMENT	321.35	001-2100-521-5230	Expenditure		72	1
				LAW ENFORCEMENT				
			473.05					
43301	05/08/20	MIKES005 MIKE'S COLLISION CENTER				05/31/20	1529	
20-01427	1	VEHICLE #130 REPAIRS	233.86	001-2100-521-4630	Expenditure		57	1
				LAW ENFORCEMENT				

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001TDOPERATING			Continued				
43302	05/08/20	MORET010 MORE THAN INK				05/31/20	1529
20-01413	1	ENVELOPES	149.00	001-1300-513-5100 FINANCE	Expenditure		36 1
43303	05/08/20	NATIO020 NATIONAL ASSOC OF TOWN WATCH				05/31/20	1529
20-01462	1	NNO BANNERS	193.80	001-2100-521-4700 LAW ENFORCEMENT	Expenditure		87 1
43304	05/08/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				05/31/20	1529
20-01430	1	DEFERRED COMPENSATION	1,714.52	001-235-0000 Deferred Compensation	G/L		59 1
43305	05/08/20	NATIO100 NATIONAL BUSINESS FURNITURE				05/31/20	1529
20-01324	1	66 L DESK AMERICAN ESPRESSO	969.00	001-2400-524-6200 PROT INSPECTIONS	Expenditure		7 1
20-01324	2	KEYBOARD TRAY	69.00	001-2400-524-6200 PROT INSPECTIONS	Expenditure		8 1
20-01324	3	SHIPPING & HANDLING	176.90	001-2400-524-6200 PROT INSPECTIONS	Expenditure		9 1
			1,214.90				
43306	05/08/20	OHLIN005 OHLIN SALES INC/OSI BATTERIES				05/31/20	1529
20-01408	1	BATTERIES	70.69	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		26 1
43307	05/08/20	PACKS005 PACK'S PLUMBING INC				05/31/20	1529
20-01457	1	PD LOCKER ROOM PLUMBING REPAIR	301.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		82 1
43308	05/08/20	PINC005 PINCH A PENNY				05/31/20	1529
20-01439	1	CITY HALL SIDEWALK CLEANING	49.73	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		68 1
43309	05/08/20	POWER020 POWERDETAILS LLC				05/31/20	1529
20-01424	1	PowerDetails SUBSCRIPTION	1,836.40	001-2100-521-5420 LAW ENFORCEMENT	Expenditure		46 1
43310	05/08/20	SIRCH005 SIRCHIE FINGERPRINT LABS				05/31/20	1529
20-01444	1	TEST KITS	49.36	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		75 1
43311	05/08/20	SUNLI010 SUN LIFE FINANCIAL				05/31/20	1529
20-01425	1	LIFE INS PREM JUN-20	4.56	001-1200-512-2300 EXECUTIVE	Expenditure		47 1
20-01425	2	LIFE INS PREM JUN-20	63.91	001-1300-513-2300 FINANCE	Expenditure		48 1
20-01425	3	LIFE INS PREM JUN-20	14.15	001-1500-515-2300 COMP PLANNING	Expenditure		49 1
20-01425	4	LIFE INS PREM JUN-20	45.10	001-1900-519-2300 OTHER GOVERNMENTAL	Expenditure		50 1
20-01425	5	LIFE INS PREM JUN-20	209.99	001-2100-521-2300 LAW ENFORCEMENT	Expenditure		51 1

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001TDOOPERATING								
			Continued					
43311		SUN LIFE FINANCIAL						
20-01425	6	LIFE INS PREM JUN-20	40.63	001-2400-524-2300	Expenditure		52	1
				PROT INSPECTIONS				
20-01425	7	LIFE INS PREM JUN-20	50.31	001-3400-534-2300	Expenditure		53	1
				GARBAGE				
20-01425	8	LIFE INS PREM JUN-20	78.06	001-131-1000	G/L		54	1
				Due From Road & Bridge Fund				
20-01425	9	LIFE INS PREM JUN-20	400.15	001-229-2100	G/L		55	1
				Insurance-Other Employee Paid				
			906.86					
43312	05/08/20	THEBA005 THE BANCORP BANK				05/31/20	1529	
20-01468	1	VEHICLE LEASE #128	389.49	001-2100-521-4431	Expenditure		94	1
				LAW ENFORCEMENT				
20-01468	2	VEHICLE LEASE #114	425.00	001-2100-521-4431	Expenditure		95	1
				LAW ENFORCEMENT				
20-01468	3	VEHICLE LEASE #114	425.00	001-2100-521-4431	Expenditure		96	1
				LAW ENFORCEMENT				
			1,239.49					
43313	05/08/20	USPS0010 US POSTAL SERVICE (HASLER)				05/31/20	1529	
20-01469	1	POSTAGE	1,500.00	001-155-0000	G/L		97	1
				Prepaid Items				
43314	05/08/20	VERIZ010 VERIZON WIRELESS				05/31/20	1529	
20-01458	1	PD CELL PHONES	835.27	001-2100-521-4100	Expenditure		83	1
				LAW ENFORCEMENT				
43315	05/08/20	WILSO015 WILSON HEATING & ATR				05/31/20	1529	
20-01402	1	REFUND - OVERPAYMENT	53.00	001-202-4000	G/L		17	1
				Accounts Payable - Other				
43316	05/08/20	WRIGH010 WRIGHT NATIONAL FLOOD				05/31/20	1529	
20-01404	1	FLOOD INSURANCE BUILDING C	556.75	001-1900-519-4520	Expenditure		19	1
				OTHER GOVERNMENTAL				
20-01404	2	FLOOD INSURANCE BUILDING C	1,670.25	001-155-0000	G/L		20	1
				Prepaid Items				
20-01404	3	FLOOD INSURANCE CITY HALL	643.50	001-1900-519-4520	Expenditure		21	1
				OTHER GOVERNMENTAL				
20-01404	4	FLOOD INSURANCE CITY HALL	1,930.50	001-155-0000	G/L		22	1
				Prepaid Items				
			4,801.00					
43317	05/22/20	A1AAL005 A1A ALTERATIONS LLC					1531	
20-01549	1	UNIFORM ALTERATION-MCNETT	24.00	001-2100-521-5210	Expenditure		109	1
				LAW ENFORCEMENT				
43318	05/22/20	ADORA005 ADORAMA					1531	
20-01076	1	LARGE FORMAT SCANNER-BLDG DEPT	16,301.25	001-2400-524-6430	Expenditure		1	1
				PROT INSPECTIONS				

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PO #	Item	Description						Acct
001TD	OPERATING		Continued					
43319	05/22/20	AMERI145 AMERI-FAX				05/31/20		1531
20-01550	1	THERMAL PAPER	230.00	001-2100-521-5100 LAW ENFORCEMENT	Expenditure		110	1
43320	05/22/20	ASFPM005 ASFPM						1531
20-01496	1	CFM RENEWAL - B LAW	80.00	001-2400-524-5420 PROT INSPECTIONS	Expenditure		14	1
43321	05/22/20	ATTUV010 AT&T				05/31/20		1531
20-01490	1	INTERNET	50.10	001-1300-513-4100 FINANCE	Expenditure		8	1
20-01490	2	INTERNET	50.10	001-2400-524-4100 PROT INSPECTIONS	Expenditure		9	1
			<u>100.20</u>					
43322	05/22/20	BOZAR010 BOZARD FORD COMPANY				05/31/20		1531
20-01528	1	VEHICLE #129 MAINTENANCE	83.68	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		78	1
20-01529	1	VEHICLE #133 MAINTENANCE	83.90	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		79	1
			<u>167.58</u>					
43323	05/22/20	CANON010 CANON FINANCIAL SERVICES				05/31/20		1531
20-01523	1	COPIER LEASE & USAGE	47.84	001-1900-519-4430 OTHER GOVERNMENTAL	Expenditure		61	1
20-01523	2	COPIER LEASE & USAGE	53.36	001-3400-534-4430 GARBAGE	Expenditure		62	1
20-01523	3	COPIER LEASE & USAGE	82.80	001-131-1000 Due From Road & Bridge Fund	G/L		63	1
20-01523	4	COPIER LEASE & USAGE	1.57	001-1900-519-5100 OTHER GOVERNMENTAL	Expenditure		64	1
20-01523	5	COPIER LEASE & USAGE	1.75	001-3400-534-5100 GARBAGE	Expenditure		65	1
20-01523	6	COPIER LEASE & USAGE	2.73	001-131-1000 Due From Road & Bridge Fund	G/L		66	1
20-01524	1	COPIER LEASE & USAGE	125.00	001-2400-524-4430 PROT INSPECTIONS	Expenditure		67	1
20-01524	2	COPIER LEASE & USAGE	89.20	001-2400-524-4700 PROT INSPECTIONS	Expenditure		68	1
20-01524	3	COPIER LEASE & USAGE	125.00	001-2100-521-4430 LAW ENFORCEMENT	Expenditure		69	1
20-01524	4	COPIER LEASE & USAGE	53.95	001-2100-521-4700 LAW ENFORCEMENT	Expenditure		70	1
20-01524	5	COPIER LEASE & USAGE	125.00	001-1300-513-4430 FINANCE	Expenditure		71	1
20-01524	6	COPIER LEASE & USAGE	40.24	001-1300-513-4700 FINANCE	Expenditure		72	1
			<u>748.44</u>					
43324	05/22/20	CDWGO010 CDW GOVERNMENT INC.				05/31/20		1531
20-01542	1	LIVE STREAMER CAM	81.07	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		102	1

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PO #	Item	Description					Ref Seq Acct
001TD	OPERATING			Continued			
43325	05/22/20	COLON010 COLONIAL SUPPLEMENTAL INSURANC				05/31/20	1531
20-01494	1	SUPPLEMENTAL INSURANCE	572.28	001-229-2100	G/L		12 1
				Insurance-Other Employee Paid			
43326	05/22/20	COMCA015 COMCAST				05/31/20	1531
20-01534	1	CABLE TV-NEWS	65.40	001-2100-521-5290	Expenditure		84 1
				LAW ENFORCEMENT			
43327	05/22/20	COMMI010 COMMISSION FOR FLORIDA LAW					1531
20-01525	1	ACCREDITATION UNIFORM PINS	62.50	001-2100-521-5210	Expenditure		73 1
				LAW ENFORCEMENT			
43328	05/22/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC					1531
20-01535	1	SUPPLIES	50.00	001-2100-521-4700	Expenditure		85 1
				LAW ENFORCEMENT			
20-01535	2	SUPPLIES	7.00	001-2100-521-4700	Expenditure		86 1
				LAW ENFORCEMENT			
			<u>57.00</u>				
43329	05/22/20	EVIDE010 EVIDENT INC					1531
20-01533	1	CRIME SCENE TAPE	76.00	001-2100-521-5230	Expenditure		83 1
				LAW ENFORCEMENT			
43330	05/22/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY				05/31/20	1531
20-01513	1	JANITORIAL SUPPLIES	176.68	001-1900-519-5290	Expenditure		47 1
				OTHER GOVERNMENTAL			
20-01513	2	JANITORIAL SUPPLIES	186.47	001-1900-519-5290	Expenditure		48 1
				OTHER GOVERNMENTAL			
20-01514	1	JANITORIAL SUPPLIES	103.66	001-1900-519-5290	Expenditure		49 1
				OTHER GOVERNMENTAL			
			<u>466.81</u>				
43331	05/22/20	FOPLO005 FOP LODGE 113					1531
20-01545	1	MEMBERSHIP DUES	16.68	001-229-1000	G/L		105 1
				Miscellaneous Deductions			
43332	05/22/20	FRANK020 FRANKIE HAMMONDS					1531
20-01547	1	REIMBURSE COLLEGE TUITION	689.00	001-2100-521-5430	Expenditure		107 1
				LAW ENFORCEMENT			
43333	05/22/20	GOODY020 GOODYEAR COMMERCIAL TIRE				05/31/20	1531
20-01506	1	SANITATION TIRES	4,533.69	001-3400-534-4630	Expenditure		43 1
				GARBAGE			
20-01506	2	SANITATION TIRES	210.00	001-3400-534-4630	Expenditure		44 1
				GARBAGE			
			<u>4,323.69</u>				
43334	05/22/20	HAGAN020 HAGAN ACE MANAGEMENT CORP					1531
20-01516	1	10TH STREET SUPPLIES	37.56	001-1900-519-4610	Expenditure		50 1
				OTHER GOVERNMENTAL			

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001TD	OPERATING		Continued				
43335	05/22/20	HEATH010 HEATH ELECTRIC					1531
20-01473	1	POWER FOR MONITOR	202.24	001-2400-524-6200	Expenditure		6 1
				PROT INSPECTIONS			
43336	05/22/20	IIMC0010 IIMC					1531
20-01488	1	CMC CERT - D FITZGERALD	125.00	001-1300-513-5430	Expenditure		7 1
				FINANCE			
43337	05/22/20	INDIA010 INDIANHEAD BIOMASS SERVICES				05/31/20	1531
20-01492	1	SW DISPOSAL FEES APR-20	4,055.52	001-3400-534-4940	Expenditure		11 1
				GARBAGE			
43338	05/22/20	JACKI005 JACKIE PARRISH				05/31/20	1531
20-01543	1	REIMBURSE COLLEGE TUITION	690.00	001-2100-521-5430	Expenditure		103 1
				LAW ENFORCEMENT			
43339	05/22/20	JENNI005 JENNIFER THOMPSON				05/31/20	1531
20-01495	1	REIMBURSE TUITION-J THOMPSON	690.00	001-2400-524-5430	Expenditure		13 1
				PROT INSPECTIONS			
43340	05/22/20	JOHNH005 JOHN H. RUTHERFORD OFFICE					1531
20-01500	1	RETIREMENT FLAG - T SMITH	44.55	001-2100-521-5290	Expenditure		30 1
				LAW ENFORCEMENT			
43341	05/22/20	KELLY005 KELLY ELECTRIC				05/31/20	1531
20-01527	1	REFUND-OVERPAYMENT	59.00	001-202-4000	G/L		77 1
				Accounts Payable - Other			
43342	05/22/20	LVHIE010 L.V. HIERS INC.				05/31/20	1531
20-01538	1	750 GAL REG 87 OCTANE	1,133.04	001-141-0000	G/L		93 1
				Inventories - Fuel			
43343	05/22/20	MIKES005 MIKE'S COLLISION CENTER				05/31/20	1531
20-01530	1	VEHICLE #111 UNDERCOATING	350.00	001-2100-521-4630	Expenditure		80 1
				LAW ENFORCEMENT			
20-01531	1	VEHICLE #116 UNDERCOATING	750.00	001-2100-521-4630	Expenditure		81 1
				LAW ENFORCEMENT			
20-01532	1	VEHICLE #129 SEAT REPAIR	233.86	001-2100-521-4630	Expenditure		82 1
				LAW ENFORCEMENT			
			1,333.86				
43344	05/22/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				05/31/20	1531
20-01544	1	DEFERRED COMPENSATION	1,714.52	001-235-0000	G/L		104 1
				Deferred Compensation			
43345	05/22/20	NEXTR005 NEXTRAN				05/31/20	1531
20-01519	1	VEHICLE SUPPLIES	87.00	001-3400-534-4630	Expenditure		52 1
				GARBAGE			
43346	05/22/20	NORTH050 NORTH AMERICAN RESCUE LLC				05/31/20	1531
20-01548	1	MEDICAL SUPPLIES	13.84	001-2100-521-5250	Expenditure		108 1
				LAW ENFORCEMENT			

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001TDOPERATING				Continued			
43347	05/22/20	OHLIN005 OHLIN SALES INC/OSI BATTERIES				05/31/20	1531
20-01536	1	BATTERIES	34.38	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		87 1
43348	05/22/20	PUBLI020 PUBLIX				05/31/20	1531
20-01511	1	PWD SUPPLIES	24.59	001-1900-519-5100 OTHER GOVERNMENTAL	Expenditure		45 1
43349	05/22/20	QUILL010 QUILL LLC					1531
20-01521	1	COVID 19 SUPPLIES	6.62	001-1900-519-5100 OTHER GOVERNMENTAL	Expenditure		53 1
20-01521	2	COVID 19 SUPPLIES	7.39	001-3400-534-5100 GARBAGE	Expenditure		54 1
20-01521	3	COVID 19 SUPPLIES	11.47	001-131-1000 Due From Road & Bridge Fund	G/L		55 1
20-01521	4	OFFICE SUPPLIES	19.91	001-2100-521-5100 LAW ENFORCEMENT	Expenditure		56 1
20-01521	5	OFFICE SUPPLIES	26.13	001-1300-513-5100 FINANCE	Expenditure		57 1
20-01521	6	OFFICE SUPPLIES	25.68	001-2400-524-5100 PROT INSPECTIONS	Expenditure		58 1
20-01521	7	OFFICE SUPPLIES	143.99	001-2100-521-5100 LAW ENFORCEMENT	Expenditure		59 1
20-01522	1	OFFICE SUPPLIES	9.54	001-2100-521-5100 LAW ENFORCEMENT	Expenditure		60 1
			<u>250.73</u>				
43350	05/22/20	SAFET010 SAFETY KLEEN CORP.				05/31/20	1531
20-01512	1	PARTS WASHER SERVICE	158.00	001-3400-534-5290 GARBAGE	Expenditure		46 1
43351	05/22/20	SMITH010 SMITH BROS. PEST CONTROL					1531
20-01498	1	PEST CONTROL	25.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		25 1
20-01498	2	PEST CONTROL	30.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		26 1
20-01498	3	PEST CONTROL	52.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		27 1
20-01498	4	PEST CONTROL	52.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		28 1
20-01498	5	PEST CONTROL	25.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		29 1
			<u>184.00</u>				
43352	05/22/20	STADV010 STAPLES				05/31/20	1531
20-01526	1	OFFICE SUPPLIES	253.22	001-1300-513-5100 FINANCE	Expenditure		74 1
20-01526	2	OFFICE SUPPLIES	101.33	001-2400-524-5100 PROT INSPECTIONS	Expenditure		75 1

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PO #		Item Description					Seq	Acct
001TD	OPERATING							
43352	STAPLES	Continued						
20-01526	3	OFFICE SUPPLIES	28.51	001-1500-515-5100	Expenditure		76	1
				COMP PLANNING				
			383.06					
43353	05/22/20	STAUG110 ST AUGUSTINE RECORD				05/31/20	1531	
20-01283	1	CANCEL PUBLIC HEARINGS	170.53	001-1300-513-4810	Expenditure		2	1
				FINANCE				
20-01397	1	LEGAL AD	152.58	001-1300-513-4810	Expenditure		3	1
				FINANCE				
20-01400	1	LEGAL AD	71.80	001-1300-513-4810	Expenditure		4	1
				FINANCE				
20-01472	1	PZB MEETING - LEGAL AD	116.68	001-1500-515-4810	Expenditure		5	1
				COMP PLANNING				
			511.59					
43354	05/22/20	STJOH110 ST. JOHNS COUNTY SOLID WASTE					1531	
20-01491	1	DISPOSAL FEES APR-20	13,580.32	001-3400-534-4940	Expenditure		10	1
				GARBAGE				
43355	05/22/20	STJOH140 ST. JOHNS COUNTY UTILITY DEPAR				05/31/20	1531	
20-01497	1	WATER SERVICE APR-20	105.91	001-2100-521-4320	Expenditure		15	1
				LAW ENFORCEMENT				
20-01497	2	WATER SERVICE APR-20	346.55	001-1900-519-4320	Expenditure		16	1
				OTHER GOVERNMENTAL				
20-01497	3	WATER SERVICE APR-20	231.04	001-2400-524-4320	Expenditure		17	1
				PROT INSPECTIONS				
20-01497	4	WATER SERVICE APR-20	71.04	001-7200-572-4320	Expenditure		18	1
				PARKS AND REC				
20-01497	5	WATER SERVICE APR-20	61.35	001-7200-572-4320	Expenditure		19	1
				PARKS AND REC				
20-01497	6	WATER SERVICE APR-20	194.19	001-7200-572-4320	Expenditure		20	1
				PARKS AND REC				
20-01497	7	WATER SERVICE APR-20	138.68	001-7200-572-4320	Expenditure		21	1
				PARKS AND REC				
20-01497	8	WATER SERVICE APR-20	59.01	001-1900-519-4320	Expenditure		22	1
				OTHER GOVERNMENTAL				
20-01497	9	WATER SERVICE APR-20	65.82	001-3400-534-4320	Expenditure		23	1
				GARBAGE				
20-01497	10	WATER SERVICE APR-20	102.16	001-131-1000	G/L		24	1
				Due From Road & Bridge Fund				
			1,375.75					
43356	05/22/20	STJOH245 ST JOHNS SALES & SERVICE					1531	
20-01540	1	SCAG REPAIR	574.98	001-1900-519-4620	Expenditure		100	1
				OTHER GOVERNMENTAL				
43357	05/22/20	STJOH260 ST JOHNS FOOD SERVICE, INC				05/31/20	1531	
20-01541	1	HURRICANE SUPPLIES	321.30	001-3400-534-5290	Expenditure		101	1
				GARBAGE				

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PO #	Item	Description							
001TD	OPERATING			Continued					
43358	05/22/20	TOMLA010 TOM LARGE				05/31/20	1531		
20-01518	1	REIMBURSE LICENSE FEE	88.25	001-3400-534-5290 GARBAGE	Expenditure		51		1
43359	05/22/20	ULINE005 ULINE				05/31/20	1531		
20-01502	1	BRACKET MOUNTS	23.28	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		31		1
43360	05/22/20	UNITE020 UNITED HEALTHCARE INSURANCE CO				05/31/20	1531		
20-01505	1	INSURANCE PREMIUM JUN-20	7,668.78	001-229-2000 Health Insurance-Employee Portion	G/L		33		1
20-01505	2	INSURANCE PREMIUM JUN-20	3,109.20	001-229-2100 Insurance-Other Employee Paid	G/L		34		1
20-01505	3	INSURANCE PREMIUM JUN-20	706.25	001-1200-512-2300 EXECUTIVE	Expenditure		35		1
20-01505	4	INSURANCE PREMIUM JUN-20	6,456.23	001-1300-513-2300 FINANCE	Expenditure		36		1
20-01505	5	INSURANCE PREMIUM JUN-20	1,060.50	001-1500-515-2300 COMP PLANNING	Expenditure		37		1
20-01505	6	INSURANCE PREMIUM JUN-20	5,065.13	001-1900-519-2300 OTHER GOVERNMENTAL	Expenditure		38		1
20-01505	7	INSURANCE PREMIUM JUN-20	20,166.86	001-2100-521-2300 LAW ENFORCEMENT	Expenditure		39		1
20-01505	8	INSURANCE PREMIUM JUN-20	2,448.33	001-2400-524-2300 PROT INSPECTIONS	Expenditure		40		1
20-01505	9	INSURANCE PREMIUM JUN-20	5,649.57	001-3400-534-2300 GARBAGE	Expenditure		41		1
20-01505	10	INSURANCE PREMIUM JUN-20	8,766.57	001-131-1000 Due From Road & Bridge Fund	G/L		42		1
			<u>61,097.42</u>						
43361	05/22/20	USBAN005 US BANK VOYAGER FLEET SYS				05/31/20	1531		
20-01503	1	FUEL 4/8 - 5/8/20	1,395.15	001-2100-521-5220 LAW ENFORCEMENT	Expenditure		32		1
43362	05/22/20	USPS0010 US POSTAL SERVICE (HASLER)				05/31/20	1531		
20-01546	1	POSTAGE-NON AD VALOREM MAILING	1,000.00	001-155-0000 Prepaid Items	G/L		106		1
43363	05/22/20	VERIZ010 VERIZON WIRELESS				05/31/20	1531		
20-01537	1	CELL PHONES	130.20	001-2400-524-4100 PROT INSPECTIONS	Expenditure		88		1
20-01537	2	CELL PHONES	47.31	001-1300-513-4100 FINANCE	Expenditure		89		1
20-01537	3	CELL PHONES	108.21	001-2100-521-4100 LAW ENFORCEMENT	Expenditure		90		1
20-01537	4	CELL PHONES	243.03	001-3400-534-4100 GARBAGE	Expenditure		91		1
20-01537	5	CELL PHONES	243.03	001-131-1000 Due From Road & Bridge Fund	G/L		92		1
			<u>771.78</u>						

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Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Ref Num
PO #	Item	Description						Acct
001TDOPERATING			Continued					
43364	05/22/20	WINDS005 WINDSTREAM						1531
20-01539	1	PHONE/INTERNET	677.55	001-1300-513-4100	Expenditure		94	1
				FINANCE				
20-01539	2	PHONE/INTERNET	1,411.57	001-2100-521-4100	Expenditure		95	1
				LAW ENFORCEMENT				
20-01539	3	PHONE/INTERNET	310.54	001-2400-524-4100	Expenditure		96	1
				PROT INSPECTIONS				
20-01539	4	PHONE/INTERNET	84.69	001-1900-519-4100	Expenditure		97	1
				OTHER GOVERNMENTAL				
20-01539	5	PHONE/INTERNET	141.16	001-3400-534-4100	Expenditure		98	1
				GARBAGE				
20-01539	6	PHONE/INTERNET	197.62	001-131-1000	G/L		99	1
				Due From Road & Bridge Fund				
			2,823.13					
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	88	3	165,975.36	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	88	3	165,975.36	0.00		
002IMPACTFEES								
1580	05/29/20	STJOH020 ST JOHNS COUNTY FINANCE DEPT						1532
20-01563	1	IMPACT FEES-MAY 2020	109,391.15	001-208-0000	G/L		1	1
				Due to Other Governments				
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
		Checks:	1	0	109,391.15	0.00		
		Direct Deposit:	0	0	0.00	0.00		
		Total:	1	0	109,391.15	0.00		
101TDBANKRDBRG								
20673	05/08/20	ADVAP010 ADVANCED AUTO PARTS						1528
20-01448	1	REPLACEMENT BLADES	24.10	101-4100-541-4630	Expenditure		19	1
				ROADS & BRIDGES				
20674	05/08/20	ALANJ015 ALAN JAY FLEET SALES				05/31/20		1528
20-00075	1	2020 chevy silverado 2500	34,812.00	101-4100-541-6410	Expenditure		1	1
				ROADS & BRIDGES				
20675	05/08/20	EVANS010 EVANS AUTOMOTIVE				05/31/20		1528
20-01450	1	VEH #63 REPAIR	42.90	101-4100-541-4630	Expenditure		21	1
				ROADS & BRIDGES				
20676	05/08/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				05/08/20 VOID		0
20677	05/08/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				05/31/20		1528
20-01412	1	ELECTRICITY	13.16	101-4100-541-4310	Expenditure		2	1
				ROADS & BRIDGES				
20-01412	2	ELECTRICITY	11.46	101-4100-541-4310	Expenditure		3	1
				ROADS & BRIDGES				
20-01412	3	-ELECTRICITY	194.39	101-4100-541-4310	Expenditure		4	1
				ROADS & BRIDGES				

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Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
101TDBANKRDBRG			Continued				
20677	FLORIDA	POWER & LIGHT COMPANY	Continued				
20-01412	4	ELECTRICITY	10.81	101-4100-541-4310	Expenditure		5 1
				ROADS & BRIDGES			
20-01412	5	ELECTRICITY	11.46	101-4100-541-4310	Expenditure		6 1
				ROADS & BRIDGES			
20-01412	6	ELECTRICITY	13.84	101-4100-541-4310	Expenditure		7 1
				ROADS & BRIDGES			
20-01412	7	ELECTRICITY	14.22	101-4100-541-4310	Expenditure		8 1
				ROADS & BRIDGES			
20-01412	8	ELECTRICITY	38.75	101-4100-541-4310	Expenditure		9 1
				ROADS & BRIDGES			
20-01412	9	ELECTRICITY	11.94	101-4100-541-4310	Expenditure		10 1
				ROADS & BRIDGES			
20-01412	10	ELECTRICITY	4,319.71	101-4100-541-5320	Expenditure		11 1
				ROADS & BRIDGES			
20-01412	11	ELECTRICITY	93.42	101-4100-541-5320	Expenditure		12 1
				ROADS & BRIDGES			
20-01446	1	ELECTRICITY	326.82	101-4100-541-4310	Expenditure		14 1
				ROADS & BRIDGES			
20-01446	2	ELECTRICITY	11.63	101-4100-541-4310	Expenditure		15 1
				ROADS & BRIDGES			
20-01446	3	ELECTRICITY	27.87	101-4100-541-4310	Expenditure		16 1
				ROADS & BRIDGES			
20-01446	4	ELECTRICITY	23.70	101-4100-541-4310	Expenditure		17 1
				ROADS & BRIDGES			
			5,123.18				
20678	05/08/20	MELVI010 MELVIN'S REPAIR SHOP				05/31/20	1528
20-01449	1	VEH #71 WATER PUMP REPAIR	24.78	101-4100-541-4630	Expenditure		20 1
				ROADS & BRIDGES			
20679	05/08/20	MUNIC020 MUNICIPAL SUPPLY & SIGN CO.				05/31/20	1528
20-01447	1	STREET SIGNS	824.30	101-4100-541-5310	Expenditure		18 1
				ROADS & BRIDGES			
20680	05/08/20	THELA020 THE LAKE DOCTORS				05/31/20	1528
20-01445	1	WATER MANAGEMENT SERVICE	595.00	101-4100-541-3400	Expenditure		13 1
				ROADS & BRIDGES			
20681	05/22/20	CMT00005 CMT				05/31/20	1530
20-00956	1	11th STREET DRAINAGE	2,200.00	101-4100-541-3140	Expenditure		1 1
				ROADS & BRIDGES			
20682	05/22/20	HAGAN020 HAGAN ACE MANAGEMENT CORP					1530
20-01515	1	3RD LANE DRAINAGE SUPPLIES	27.96	101-4100-541-6380	Expenditure		4 1
				ROADS & BRIDGES			
20683	05/22/20	HOMED010 HOME DEPOT				05/31/20	1530
20-01510	1	3RD LANE DRAINAGE SUPPLIES	30.16	101-4100-541-6380	Expenditure		3 1
				ROADS & BRIDGES			

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Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Seq Acct
101TDBANKRDBRG				Continued			
20684	05/22/20	MUNIC020 MUNICIPAL SUPPLY & SIGN CO.				05/31/20	1530
20-01517	1	STREET SIGNS	525.00	101-4100-541-5310	Expenditure		5 1
				ROADS & BRIDGES			
20685	05/22/20	TAYLO020 TAYLOR RENTAL				05/31/20	1530
20-01471	1	3rd LANE DRAINAGE-SKID STEER	1,054.00	101-4100-541-6380	Expenditure		2 1
				ROADS & BRIDGES			
20-01520	1	3RD LANE DRAINAGE	354.00	101-4100-541-6380	Expenditure		6 1
				ROADS & BRIDGES			
			1,408.00				
Checking Account Totals							
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
	Checks:	12	1	45,637.38	0.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	12	1	45,637.38	0.00		
Report Totals							
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
	Checks:	101	4	321,003.89	0.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	101	4	321,003.89	0.00		

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Totals by Year-Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	0-001	130,636.09	137.80	144,592.62	275,366.51
ROAD & BRIDGE FUND	0-101	45,637.38	0.00	0.00	45,637.38
Total of All Funds:		176,273.47	137.80	144,592.62	321,003.89

Totals by Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	130,636.09	137.80	144,592.62	275,366.51
ROAD & BRIDGE FUND	101	45,637.38	0.00	0.00	45,637.38
Total Of All Funds:		176,273.47	137.80	144,592.62	321,003.89

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CITY OF ST. AUGUSTINE BEACH
Breakdown of Expenditure Account Current/Prior Received/Prior Open

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Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	0-001	130,636.09	0.00	0.00	0.00	130,636.09
ROAD & BRIDGE FUND	0-101	45,637.38	0.00	0.00	0.00	45,637.38
Total of All Funds:		<u>176,273.47</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>176,273.47</u>

PENDING ACTIVITIES AND PROJECTS

Revised June 25, 2020

PLEASE NOTE: Some parts of this report have been shortened by the removal of outdated information.

1. **PERFORMANCE REVIEW OF POLICE CHIEF AND THE CITY MANAGER.** The reviews were discussed by the Commission at its January 14, 2020, continuation meeting. The Commission directed that that it be reminded in October 2020 to begin the reviews for the calendar year, with the reviews to be discussed at the Commission's December 7, 2020, meeting.
2. **LAND DEVELOPMENT REGULATIONS.** At its June 1st meeting, the Commission reviewed an ordinance from the Building Official to delineate the boundaries of the mixed-use district along the Boulevard and passed it on first reading. The ordinance will have its first public hearing and second reading at the Commission's July 6th meeting.

The Building Department staff is now preparing revisions to the Regulations to implement the new policies in the Comprehensive Plan that was approved by the state in February.

3. **UPDATING STRATEGIC PLAN.** As its January 7, 2019, meeting, the City Commission decided to do the update itself with the City staff. At later meetings in 2019, the Planning Board and the Sustainability and Environmental Planning Advisory Committee provided suggestions for the plan. The Commission agreed with the City Manager's suggestions for items in the plan and asked him to include in it parking infrastructure. The City Manager has prepared a Mission Statement, a Vision Statement, a Values Statement and a list of goals and the tasks each. The Commission reviewed the plan and provided comments at its January 14, 2020, continuation meeting. The City Manager will revise the plan it back to the Commission at a future meeting.
4. **PARKING PLAN.** The City Commission has changed the focus of the parking plan from paid parking to improvements for parking on City-owned plazas and streets. The staff will draft a five-year plan and the Police Department is to determine the most effective parking regulations for the streets west of A1A Beach Boulevard. The parking plan will be provided to the Commission at a future meeting.
5. **JOINT MEETINGS:**
 - a. With the County Commission. No date has yet been proposed by either Commission for a joint meeting.
 - b. On February 10, 2020, the City Commission and Planning Board held a joint meeting. The topics discussed included communications, training for Board members, hiring a planner and providing more information to the Board. It was agreed to have a joint meeting every six months. At its March 2nd meeting, the Commission asked that the Code Enforcement Board and the Sustainability and Environmental Planning Advisory Committee be asked for dates for a workshop meeting with the Commission. At its August 3rd meeting, the Commission will be asked when it wants to schedule a joint meeting with the Planning Board and SEPAC.
6. **UPDATING PERSONNEL MANUAL.** At the City Commission's February 3, 2020, meeting, the City Clerk proposed two amendments to the Manual: to designate Christmas Eve and Good Friday as holidays

for the City employees; and policies for to provide compensation to the employees during emergencies. The Commission approved the additional holidays but asked the City Clerk to provide revised policies for compensation for the employees during declared emergencies. At its June 1st meeting, the City Commission approved revisions to provisions in the Manual concerning equal employment opportunity, educational assistance program, Americans with Disabilities Act coordinators, records, interpretations, and conflicts of interest.

7. **NEW REVENUE SOURCES: NON-AD VALOREM ASSESSMENT FOR COLLECTION OF HOUSEHOLD WASTE, RECYCLING AND YARD TRASH.** For several years, the City has levied a yearly assessment of \$74 per residence that is on the property tax bill residents receive each November. The \$74 pays the costs to disposal of household wastes, etc. The proposed additional assessment will pay the costs to collect the wastes. The Commission at its June 17th meeting discussed the proposal and asked for more information. At its August 5th meeting, the City Commission postponed the topic to the September 9th meeting. By majority vote it authorized the City Manager to do the next step in the process, which is to contact the Tax Collector for the date or dates when the public hearing must be held on a resolution to adopt the assessment. At its October 7th meeting, the Commission approved continuing the steps to implement the non-ad valorem assessment in 2020 and agreed to continue the discussion to its November 4th meeting of changes to the commercial solid waste service fees. The Commission had length discussion at that meeting as well as the continuation meeting on November 6th without any decisions being reached. At its December 3rd continuation meeting, the Commission by a 3-2 vote approved a resolution to inform the Tax Collector of the City's intent to levy the non-ad valorem assessment for the collection of solid waste later in 2020. The signed resolution was sent to the Tax Collector, the Property Appraiser, and the Florida Department of Revenue.

At its May 4th meeting, the Commission set the ranges for various categories of solid waste for the non-ad valorem assessment for residential property in the City and scheduled a public hearing on the ranges for Monday, June 15th. However, because the Tax Collectors said specific fees as well as ranges have to be advertised, the Commission at its June 1st meeting agreed to have the public hearing on Tuesday, July 7th, with the following proposed fees: \$87 for the collection of solid waste, \$67 for disposal, and \$24 for recycling. The July 7th meeting will begin at 6 p.m. and can be attended virtually or in person. Virtual attendance is recommended because of limited seating in the meeting room due to the physical distancing guidelines.

8. **STREETLIGHTS ALONG STATE ROAD A1A.** The City's Public Works Director, Bill Tredik, has taken the lead on this project. He is working with Florida and Light and the Florida Department of Transportation to have lights put at seven locations between the city hall and Madrid Street, opposite the entrance to the Marsh Creek subdivision. DOT has approved the lights. At its January 13th continuation meeting, the Commission approved the agreement with FPL to have 19 new lights erected. The City Manager has approved the agreement.
9. **STREETLIGHT FOR ENTRANCE TO BEACH ACCESS WALKWAY.** A resident has requested that a light be put at the entrance on A1A Beach Boulevard. On January 29th, City personnel met with representatives from Florida Power and Light. The company will change the lighting as part of the conversion of the Boulevard streetlighting to LED lights.

10. LED STREETLIGHTS. FPL representatives presented a proposal to the Commission at its June 10, 2019, meeting to change the lights throughout the City to LED lights. The Commission decided it needed more information from FPL. Chief Hardwick has worked with FPL on a complete review of the lighting along the Boulevard. As its January 13, 2020, continuation meeting, the Commission approved the agreement for lighting changes subject to the following conditions: 1) to verify that the City must pay for the additional lights along the Boulevard; 2) that the City Attorney review the interlocal agreement with the County and the state; 3) that the Public Works Director and Police Chief review FPL's recommendations and be judicious about the number of lights along the Boulevard and hold off on changing any lights that might be converted to LEDs soon. The agreement with FPL for the conversion will be on the agenda for a future Commission meeting.
11. GRANTS. The Public Works Director has prepared and or will prepare applications for grants from the following agencies:
 - a. Florida Recreation Development Assistance Program, \$106,500, for restrooms at Ocean Hammock Park. City match would be \$35,500. Total project cost: \$142,000. The City is waiting for the Governor to approve the budget.
 - b. Coastal Partnership Initiative: \$25,000, to fund planning for other improvements to Ocean Hammock Park: picnic pavilion, observation platform, playscape for children, more trails. City match would be \$25,000. Total project cost: \$50,000. Though it is federal money, the grant is provided through the state. The City is waiting for the Governor to approve.
 - c. Florida Resilient Coastlines Programs: to do a Vulnerability Assessment and Adaptability Plan. Total amount requested \$72,000. No match required. This will involve updating the City's stormwater model, identifying vulnerabilities, and recommending options for inclusion in a future Public Works Capital Improvements Plan. The Governor will need to approve the funding.
 - d. St. Johns River Water Management District Cost Share Program: Grant applied for in February to provide funds for the new weir at the City's Mizell Road retention pond. The amount requested is \$600,000. In April, the City was notified that its project was in line for funding. However, whether the money will be provided depends on the District appropriating it in the District's Fiscal Year 2021 budget. Approval may approve the funding for this program in September 2020.
12. REQUEST TO ST. AUGUSTINE PORT, WATERWAY AND BEACH COMMISSION FOR FUNDING FOR PROJECTS. The Public Works Director presented a list of projects to the Commission at its November 19th meeting. The Commission said one, the 5th Street dune walkover, might be eligible with the City paying part of the costs. The Director will present a funding request to the Port Commission at one of its future meetings for walkovers at 4th and 5th Streets.
13. REQUEST FOR FUNDING FROM TOURIST DEVELOPMENT COUNCIL FOR BEACH-RELATED PROJECTS. The Public Works Director prepared a proposal to the TDC for funding for improvements to the rights-of-way of certain City-owned streets for beach visitor parking. He and the City Manager presented it to the TDC at its March 16th meeting for money to provide parking at 16th Street and the Boulevard and 4th Street and the Boulevard. TDC members said that it was unlikely the City would receive money because of the decline in revenue from the bed tax due to the coronavirus pandemic.

14. NON-CONFORMING BUSINESS SIGNS. The City's sign code has a height limit of 12 feet for business signs. A number of businesses have signs that exceed that height. According to the code, these signs must be made conforming by August 2023. The Building Official and his staff will notify the businesses of this requirement and will work with them to bring these signs into conformity.
15. CHARGING STATION FOR ELECTRIC VEHICLES. The Public Works Director is working with the staff of the North Florida Regional Transportation Organization to have a charging station for the public at city hall.