



## AGENDA

### REGULAR CITY COMMISSION MEETING

MONDAY, AUGUST 3, 2020 AT 6:00 P.M.

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

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#### **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 EMERGENCY MEETING JULY 2, 2020, REGULAR COMMISSION MEETING OF JULY 6, 2020, THE REGULAR CONTINUATION MEETING OF JULY 7, 2020, AND SPECIAL COMMISSION MEETING JULY 7, 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 20-XX, Public Hearing and Final Reading: to Amend Section 10 of the City Code re: Solid Waste Collection Regulations (Presenter: Bill Tredik, Public Works Director)
2. Ordinance 20-XX, Second Public Hearing and Final Reading: to Establish Mixed Use District Boundaries Along A1A Beach Boulevard (Presenter: Brian Law, Building Official)

XI. CONSENT

None

XII. OLD BUSINESS

3. Opening of 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue: Review of Options and Costs (Presenter: Bill Tredik, Public Works Director)
4. Former Police Garage West of Former City Hall: Review of Lease with St. Augustine Beach Civic Association (Presenter: Max Royle, City Manager)
5. Solid Waste Non-Ad Valorem Assessment: Request for Approval of Interlocal Agreement with the Tax Collector (Presenter: Max Royle, City Manager)
6. Ordinance 20-XX, First Reading: to Amend Section 6.02.03 of the Land Development Code for Provisions to Permit the Access of Private Property from Dead-End Streets (Presenter: Brian Law, Building Official)

XIII. NEW BUSINESS

7. Use of City Property Adjacent to Mizell Road Retention Pond: Review of Requests to Lease Parts for Injured Bird Recovering Facility and for Honeybee Hives (Presenter: Max Royle, City Manager)
8. Resolution 20-XX: Establishing Fees Related to Commercial Solid Waste Collection, Disposal and Recycling (Presenter: Bill Tredik, Public Works Director)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

**NOTICES TO THE PUBLIC**

1. **EARLY VOTING AND PRIMARY ELECTION.** Early voting will begin on Thursday, August 6, 2020, and will end on Saturday, August 15<sup>th</sup>. Voting hours will be 9 a.m. to 6 p.m.

The primary election will be held on Tuesday, August 18, 2020, from 7 a.m. to 7 p.m.

The polling site for both early voting and the primary election is the Commission meeting room at city hall.

2. **COMPREHENSIVE PLANNING AND ZONING BOARD.** Because of early voting and the primary elections, the Board will meet on Tuesday, August 25, 2020, at 6:00 p.m. in the Commission meeting

room at city hall. Topics on the agenda may include: a. request to remove 60-inch Oak tree for construction of a house at 2 Quail Court; b. review of ordinance amending the Land Development Regulations to permit access to private property from public streets.

3. **CITY HOLIDAY.** It will be Labor Day, September 7, 2020. CITY OFFICES CLOSED. There will be no pickup of household waste. Residents scheduled for pickup on Monday will have pickup on Tuesday, September 8<sup>th</sup>, there will be no changes to the pickup of yard trash/special wastes during the week of September 7-11<sup>th</sup>.
4. **SEPTEMBER REGULAR COMMISSION MEETING.** Because of the Labor Day holiday on the first Monday, the Commission will meet on the second Monday, September 14, 2020, 6 p.m.

**NOTE:**

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

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

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



## MINUTES

### EMERGENCY COMMISSION MEETING

THURSDAY, JULY 2, 2020 AT 5:30 P.M.

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

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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.

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

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

Mayor England introduced Item IV and advised that this meeting is to consider one agenda item to consider wearing facemask while physical distancing is not possible. She advised that there was a 500% increase in COVID-19 cases since Phase II.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked to have an emergency meeting on stopping the Republic National Convention and police officers and hazmat pay but not just for masks. Private business needs to regulate themselves.

**Motion:** approve the emergency meeting. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

Commissioner Samora

Yes

**Motion passes 4 to 1.**

V. CONSIDERATION OF PROPOSED RESOLUTION TO REQUIRE FACEMASKS WHEN MAINTAINING PHYSICAL DISTANCE IN BUSINESSES NOT POSSIBLE

Mayor England introduced Item V and then asked Flagler Hospital representative to the podium.

Ms. Nangela Pulsfus, Chief Clinical Officer for Flagler Hospital, 314 Marsh Point Lane, St. Augustine, FL, advised that the COVID-19 has transmission of 40% within homes and suggested everyone stay six feet away from each other and advised that there are currently 23 hospitalization of COVID-19 cases in the hospital and a few needed ventilators.

Commissioner George asked about an article that said that facemasks do not help reduce COVID-19.

Ms. Pulsfus advised that she could not comment on anything she did not read but believes that mask coverings would help reduce the spread.

Commissioner Samora asked about Flagler Hospital's capacity.

Ms. Pulsfus advised that there are 18 COVID patients and 8 are critical.

Vice Mayor Kostka asked about the types of face coverings.

Ms. Pulsfus would not comment on the types of face coverings that are available but advised face coverings are beneficial. Testing is available at Care Fast, CVS, and Flagler Hospital. She explained that on Wednesday Flagler Hospital will start testing again but did not know the costs involved and commented that there are higher numbers now than previous months.

Mayor England asked with the rise in cases, do we have sources for contact tracing.

Ms. Pulsfus said that the Department of Health and the CDC could help with that. Flagler Hospital has an app for contact tracing, which should help.

Vice Mayor Kostka asked if they are short on Personal Protection Equipment (PPE).

Ms. Pulsfus advised no.

City Clerk Raddatz, at Mayor England's request, advised there were 77 who wanted mandatory facemasks and 11 who did not want mandatory facemasks.

Assistant City Attorney Taylor advised that in the City's Charter, emergency orders can be adopted but advised that to have more of a legal foundation St. Johns County should approve the City's resolution. He explained that Florida Statutes 252 says that an Emergency

Management Director should be hired for the City if they wanted to do emergency orders. The City's emergency management plan follows St. Johns County, so there is a conflict between the City, county, and state regulations. He explained that if the City approves this resolution it could be legally challenged on whether it is constitutional and passes the test of scrutiny. He commented that there are several legal challenges regarding mandating masks across the State of Florida, but because the lawsuit is so new no judgement has been taken.

Commissioner George asked if we have an emergency order instead of a resolution would that limit the concern.

Assistant City Attorney Taylor advised that an emergency order would be better if the City did have their own Emergency Management Director.

Commissioner Rumrell asked if this resolution has enforcement and whether it conflicts with the Constitution of the United States.

Assistant City Attorney Taylor remarked that logistically there could be a problem with the Police Department and Code Enforcement keeping up with enforcement of the resolution.

Mayor England explained that she would like to have businesses require facemasks and if the individual refuses to wear a mask, then the businesses could identify the person refusing and give their name to the City's Code Enforcement Officer. She remarked that wearing the masks would help to reduce the spread and advised that enforcement is not her number one priority.

Assistant City Attorney Taylor commented that in Duval County Sheriff's Department did not arrest individuals for not wearing facemasks but if the person did not leave when the business owner asked them to the Sheriff's Office would site them for trespassing.

Commissioner Rumrell asked if this would be a law.

Assistant City Attorney Taylor advised that the resolution would not have a foundation if the County does not want to ratify it, but it might not be challenged. He explained that if St. Johns County did not ratify the City's resolution, it would put the resolution in limbo.

Commissioner Samora asked whether ratification could be done by the St. Johns County Administrator or by the St. Johns County Board of Commissioners.

Assistant City Attorney Taylor advised either authority could do it.

Mayor England advised that she is increasingly alarmed by the number of COVID-19 cases. She explained that she did not want tourists or residents to get sick and since the City links more with the City of St. Augustine than St. Johns County it makes sense to have similar regulations. Publix Manager is encouraging their clients to wear facemasks. She agreed with the CDC that facemasks are important along with other components to stop the spread of

COVID-19. There are several exceptions for people who have medical conditions and restaurant's cooks who are in hot kitchens may not wear facemasks, but all others should to stop the spread of the coronavirus. Police will not enforce the resolution, but the businesses would be the first line of defense and could identify the individual(s) who are not wearing masks and then tell the Code Enforcement Officer. The City has the authority to reduce the number of new COVID-19 cases and keep the community safe. Stopping the spread would eliminate hospitalization and deaths.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, urged the Commission to vote no and not to interfere with business regulations and said that the new Assistant City Attorney should be able to answer a question regarding emergency authority.

Joslyn Soto, 354 Ocean Forest Drive, St. Augustine Beach, FL, explained that she was a geriatric doctor at Flagler Hospital but was speaking for herself. In the last five days COVID-19 hospitalizations have increased by two to three cases a day at Flagler Hospital. She explained that there was a dedicated COVID-19 unit at Flagler Hospital with 24 patients currently. She recommended facemasks to be worn because they help.

Janine Rainville, 10 Coquina Blvd., St. Augustine Beach, FL, explained that she does not feel safe in the grocery store and has walked to work with signs to support people to wear facemasks because of the public health crisis.

Hester Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, FL, thanked the Commissioners for voting for this and explained that enforcement should be done with it. She commented that she has lost many friends to COVID-19.

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

Commissioner George advised that she supports wearing facemasks if it helps and thinks it would be constitutional under this emergency. Businesses are struggling and there might be another shutdown if the number of COVID-19 cases increase. She commented that the resolution does have ADA compliance.

Commissioner Rumrell explained that he believes everyone should wear a facemask; however, he does not agree with enforcement. He wanted the businesses be talked to first. People are wearing facemasks more because of the transmission. He commented that the City can make a law, but an individual could go across the street out of the City's jurisdiction and not wear it.

Mayor England advised that the businesses would agree to the resolution and need this resolution to back the businesses up. They can post a sign at the business just like “No Shoes, No Shirt, No Facemask, No Service.” The business could allow non-facemask wearing individuals to enter their business if they refuse to wear a facemask, but then try to identify them and give it to Code Enforcement to discuss it with them. The Police Department will not get involved. She repeated that this is not about enforcement as much as mandating the facemasks because most people will comply.

Commissioner George said businesses do not have to enforce it and the market can control it. The point would be well received and there would be no liability to the City. There may or not be a challenge and it would not make the resolution a moot point.

Commissioner Rumrell explained without enforcement it gives people false hope. Businesses should be held more responsible for their own business. He remarked that he is an advocate for property rights and does not like regulating without enforcement and the City is not setup to enforce it.

Mayor England asked Commissioner Rumrell if he would do nothing if there was no enforcement even if it would help the businesses to feel like they have the City behind them.

Commissioner Rumrell said that the City could implore that all businesses, residents, and tourists to wear masks but should not regulate without enforcement.

Commissioner George advised people want to protect their health, but tourists do not wear the masks while on vacation. She asked if the City could do an ordinance after this and then repeal the resolution.

Commissioner Samora advised that the CDC has a strong recommendation and why would they override them with a City law. He recommended educating the public, businesses, and tourists.

Commander Ashlock advised that Police Officers educate sometimes instead of enforcing a violation or arresting an individual depending on what the violation is.

Commissioner Samora advised having a law on the books can promote education and messaging and explained that there are tons of comments on this issue. He agreed that no one likes wearing a facemask, but this is a global pandemic and has shut down countries around the world. Facemasks will slow the spread of the pandemic. Having a resolution would give a strong message but is not overbearing. A resolution is flexible and will give an opportunity for messaging. He suggested if someone cannot socially distance, wear a facemask. He requested to modify the penalty to \$50, not \$500 and asked why exception K in the resolution was removed.



Mayor England advised exception K in the resolution was removed in case someone applied for a special permit of 50 or more people in a confined space, for example the Farmers Market at the pier.

Commissioner Samora advised that permitting could be allowed when socially distancing and facemasks can be worn. He asked whether the Commission wants to keep this resolution going for 30 or 60 days.

Mayor England suggested to keep the resolution in effect as long as the state of emergency is in effect. That way it does not have to be revisited every few months.

Commander Ashlock explained that there is a mechanism in place for trespassing if an individual will not leave after the business owner tells them to because they are not wearing a facemask.

Vice Mayor Kostka remarked that she has received more emails on this topic than any other and could not respond to all the emails personally but has been in touch with the residents. She agrees with wearing facemasks and agrees with the CDC that facemasks help. There has been an increase in COVID-19 infections and explained that she felt it was because most of Florida has come out from Phase I to Phase II. She commented that there was no easy fix and said the Governor DeSantis said there will be more cases from the July 4<sup>th</sup> celebrations. Socially distancing and facemasks are already encouraged, and people should be personally responsible for their actions. Deaths have not sufficiently increased, but people will get sick. She remarked that without St. Johns County ratifying the City's resolution, it will not be legal and can be challenged. She explained that the challenges have not gone to court yet, so the outcomes are not known. This might be an overreach of government regulations and the Constitution as well as our rights and advised that under Section III.C it could violate HIPPA regulations to identify persons. She said that this would be an enforcement nightmare and feels that the community should work together to educate. Building Official Law advised that his department only has one Code Enforcement Officer and his department would not be able to enforcement this regulation with no resources. She mentioned that she has seen people arguing in Publix about not wearing facemasks and if regulations are made, people might take enforcement in their own hands. Six businesses that she knows have gone back to take out only service because people are not wearing facemasks. She explained that the Department of Business and Professional Regulations (DBP), CDC, and the Health Department already regulates this. Sometimes the public misinterprets language and it can bring worse fighting amongst the community. Governor DeSantis suggested that if the cases increase to go back to Phase I. She suggested more messaging and the City and businesses need more resources. She asked if this would start on for July 4<sup>th</sup> and asked if the businesses would have enough supplies on hand to give facemasks to everyone. She explained that there should be a list created on when to wear facemasks and when it is not appropriate to wear facemasks and give it to our local businesses, communicate it with the residents, and the tourists.

Commander Ashlock commented that he was not aware of any physical altercations from people not wearing facemasks; however, he has received quarantine complaints from out-of-town visitors.

Vice Mayor Kostka asked how this affects the businesses and our economy.

Mayor England advised that the Communications and Events Coordinator is doing a frequently asked questions listing for the businesses and will get the communication out tomorrow.

Vice Mayor Kostka asked how the tourists will know.

Mayor England advised that the hotels would tell their guests and will answer questions.

Vice Mayor Kostka explained that all the agencies have already done these regulations and they are already in place. She mentioned that there were only three COVID-19 cases in the City boundaries. She requested that on page 14, Paragraph 5, of the resolution be removed because it is misleading and to change facemasks to "facecoverings or polymer shields."

Assistant City Attorney Taylor advised that this motion requires a supermajority vote.

Commissioner George suggested changing the penalties to \$50 for first offense, \$250 for second offense, and \$500 for three or more offenses.

Commissioner Samora agreed.

**Motion:** to approve the resolution with the following changes: to further articulate the penalty to \$50 for first offense, \$250 for second offense, and \$500 for third or more offense, to remove the fifth whereas paragraph, and to remove paragraph K in Section 3. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Discussion ensued regarding changing the vote to a warning for the first offense, \$50 for second offense, and \$250 for three or more offenses; whether to wait to vote on this resolution and bring it to St. Johns County Emergency Commission meeting on Tuesday and have them ratify it before voting on it; keeping the penalty at \$500; Texas now is mandating all facemasks to be worn in public; whether to use messaging instead of having this resolution and revisit the resolution at a later date if it does not work.

Mayor England asked for a Roll Call was as followed:

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

**Motion did not pass because it is not a supermajority vote. Vote 3 to 2.**

Discussion ensued regarding mandating employees to wear facemasks; all public buildings and employees have six feet of space while working and do not have to wear facemasks because they comply.

Assistant City Attorney Taylor advised that that the Commission could pass the resolution tonight, but table it until the Commission has reviewed it at Monday's Regular Commission meeting in case there is any changes necessary.

**Motion:** to approve the resolution with the following amendments: removing the word "mandatory" from the title, remove "shall" and replace it with "should" in Section 2, removing Section 4 of the enforcement provision and to be ratified by St. Johns County. **Moved by** Commissioner George, **Seconded by** Mayor England.

Vice Mayor Kostka asked if St. Johns County still must ratify the City's resolution.

Assistant City Attorney Taylor advised no, not if there is no enforcement.

Commissioner George amended her motion for the need for ratification.

Mayor England seconded the amendment.

Assistant City Attorney Taylor asked Commissioner George to restate her motion.

**Motion:** to approve the resolution with the following amendments: 1) removing the word "mandatory" from the title, 2) in Section in its entirety remove "shall" and replace it with "should" 3) removing Section 4 of the enforcement provision and 4) removing Section 5 in regards to ratification. **Moved by** Commissioner George, **Seconded by** Mayor England.

Discussion ensued what should replace the word mandatory in the title.

Mayor England asked to redraft the resolution and give a copy of the redrafted resolution to the Commission on July 6<sup>th</sup> Regular Commission meeting.

Assistant City Attorney Taylor advised that he would.

Commissioner Rumrell requested the words "strongly recommends" in the resolution. He requested to read the resolution where it says strongly recommends.

Assistant City Attorney Taylor read the sections of the resolution that were changed. He asked to leave the matter tabled in case there were any changes to the resolution due to the notice.

Commissioner George asked why this resolution must be tabled. She asked that the City Attorney prepare an ordinance for first reading with the penalties and it be read at the July 6<sup>th</sup> Commission meeting.

Mayor England asked for roll call.

Roll Call was as followed:

Mayor England	Yes
Vice Mayor Kostka	Yes
Commissioner George	Yes

Commissioner Rumrell	Yes
Commissioner Samora	Yes

**Motion passes unanimously.**

Commissioner George requested that the agenda item for an ordinance for first reading be heard on July 6<sup>th</sup> Regular Commission meeting but asked the Commission if they object or support it.

The Commission supported the ordinance to be drafted for first reading and be brought to the July 6<sup>th</sup> Commission meeting.

VI. PUBLIC COMMENTS

Done in Section V.

VII. ADJOURNMENT

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

Roll Call was as followed:

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

**Motion passed unanimously.**

The meeting was adjourned at 8:35 p.m.

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Margaret England, Mayor

ATTEST:

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Beverly Raddatz, City Clerk



## MINUTES

### 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

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I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor England asked Commissioner Samora 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.

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

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETINGS OF JUNE 1, 2020, THE REGULAR CONTINUATION MEETING OF JUNE 2, 2020 AND EMERGENCY MEETING JUNE 9, 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 June 1, 2020, Regular Commission continuation meeting of June 2, 2020 and Emergency meeting of June 9, 2020. **Moved by** Commissioner Rumrell, **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

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked if there were any additions or deletions of the agenda or changes to the order of topics.

City Attorney Douglas advised the Commission asked for the first reading of the ordinance for facemasks, which he has disbursed to the Commission.

Mayor England advised that she would assign this new topic as Item 6 under Old Business.

Vice Mayor Kostka request a Special Commission meeting for Item 10 instead of discussing this at this meeting.

The Commission agreed to have a Special Commission meeting regarding Item 10, which is shown on the current agenda.

City Manager Royle requested to remove Item 2 and reschedule the item for the August Regular Commission 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

None

VIII. PUBLIC COMMENTS

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, said Mayor England was not civil to Vice Mayor Kostka at the last meeting, but wants civility from the public; requested police officers to have body and dashboard cameras; wants a letter from the Commission to stop the Republican National Convention in Jacksonville; asked for lighted crosswalks to be done; and advised that he will be making complaints against Mayor England and Commissioner George at St. Johns County meeting tomorrow.

Rafael Saler, 27 Lee Drive, St. Augustine Beach, FL, complained about drainage ditch on Mickler Boulevard being covered because it floods Ocean Walk's neighborhood.

Christopher Allen, 4 Lee Drive, St. Augustine Beach, FL, complained that the ditch on Mickler Boulevard does not move or receive water, which causes flooding in Ocean Walk neighborhood.

Clint Stoeve, 43 Lee Drive, St. Augustine Beach, FL, complained Mickler Boulevard ditch causes flooding.

Robert Vignato, 8 Lee Drive, St. Augustine Beach, FL, showed pictures of the flooding and standing water during rain events and advised that water is not going into the inlets and is affecting wildlife (Exhibit 1).

Sorrell Mercoglan, 113 Serenity Bay Blvd., St. Augustine Beach, FL, wants to defund police for mental health patients in the community; requested police officers wear body cameras; wants

accountability for police officers; stated there was a lack of trust between black residents and the police.

Rowan Maris, 111 13<sup>th</sup> Street, St. Augustine Beach, FL, requested accountability for police officers; requested to defund the police for social programs, education and invest in the communities; advised that St. Augustine Beach has lower crime rates by 28% than the national average and proves that the City's limited budget is spending too much for the Police Department; requested the Commission to justify the disproportionate use of funds being spent by the Police Department; explained that communities across the nation have already pledged to defund Police Departments; advised that in St. Johns County a petition has been started that all police officers wear body cameras and request that the City do the same; explained that the community was disappointed in not flying the rainbow flag this year; wants all minorities to feel included in the City; and address the inclusivity in the City.

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, complained about the drainage problem at Ocean Walk and explained that the drains are too high, which causes flooding in the neighborhood.

Hester Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, FL, advocated for police body cameras because young adults or teens have problems with the City's police officers and gave two examples.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, had a concern about the non-ad valorem tax costs for this year and future years and asked to consider those with small homes or only one person in the home.

Adam Morley, 1205 E State Road 206, St. Augustine, FL, requested to use a portion of the space at the beach garage for the Friends of A1A, St. Augustine Civic Association, Art Studio, and A1A Scenic & Historic Coastal Byway.

Mayor England closed the Public Comments section and asked Public Works Director Tredik to address the Lee Drive complaints.

Public Works Director Tredik advised that the issue is being addressed and wants to solve the neighborhood problem and he is trying to resolve the issue by starting the design work in the next budget.

Mayor England advised that the Police Chief Hardwick will address the public concerns on an upcoming agenda.

#### IX. COMMISSIONER COMMENTS

Mayor England opened Commissioner Comments.

Vice Mayor Kostka had no comments.

Commissioner George had no comments.

Commissioner Rumrell thanked Public Works Director Tredik for doing a great job and is advised that he is making the drainage issue a priority.

Commissioner Samora had no comments.

Mayor England advised she had no comments and moved on to Item 1.

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)

Mayor England introduced Item 1 and asked City Manager Royle to give his staff report.

City Manager Royle advised that this ordinance would allow the City Manager to transfer moneys between accounts within the annual budget and stated that this was the final reading.

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 ordinance. **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

**Motion passes unanimously.**

Mayor England moved on to Item 3.

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)

Rescheduled for August Regular Commission meeting.

3. Ordinance, First Public Hearing and Second Reading: to Establish Mixed Use District Boundaries Along A1A Beach Boulevard (Presenter: Brian Law, Building Official)

Mayor England introduced Item 3 and asked Building Official Law to give his staff report.

Building Official Law advised that the Comprehensive Planning and Zoning Board approved unanimously and that no changes have been made since last reading.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked for any further discussion.

Commissioner Samora advised that there was a typo on the section number.

Building Official Law advised that he would fix before the final reading

Mayor England 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 ordinance with the correction. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

Roll Call was as followed:

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

**Motion passes unanimously.**

Mayor England moved on to Item 4.

#### 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

Mayor England asked City Manager Royle to speak on the Consent Agenda.

City Manager Royle advised that normally there is only one vote for the Consent Agenda. He explained that the Supervisor of Elections counts the mail in ballots and according to the City's Charter a resolution must be passed. He explained that the budget resolution was to transfer money from the General Fund to the Road / Bridge Fund and the second budget resolution was to take money from fines and forfeitures to St. Johns County Athletic League.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked to vote no for St. Johns County Athletic League and give the money to the YMCA for recreation.

Mayor England closed the Public Comments section.

Vice Mayor Kostka asked if Police Chief Hardwick had any comments.

Police Chief Hardwick advised that this money is only allowed to go to a training education program according to Florida Statutes and is being used for a boxing program in St. Johns County.

**Motion:** to approve the Consent Agenda. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

Commissioner George	Yes
Commissioner Rumrell	Yes
Commissioner Samora	Yes

Mayor England Yes  
Vice Mayor Kostka Yes  
**Motion passes unanimously.**

Mayor England moved on to Item 6.

XII. OLD BUSINESS

Resolution Regarding Wearing Facemasks (Added Item to Agenda)

Mayor England explained that this item has been added to the agenda and advised that City Attorney Douglas has disseminated the resolution that was passed on July 2, 2020 at an emergency meeting. She asked the Commission if there were any changes that need to be made.

Commissioner Samora advised that the resolution approved on July 2<sup>nd</sup> was correct; however, he would revisit the resolution to make it mandatory to wear facemasks instead of strongly encouraging people to wear facemasks.

Commissioner George had no comments.

Commissioner Rumrell had no comments.

Vice Mayor Kostka had no comments.

Mayor agreed that the final resolution from July 2<sup>nd</sup> was agreed to by the Commission. She then went back to the original resolution regarding facemasks being mandatory to see if the Commission would like to vote on the original resolution again and then asked the Commission to comment.

Commissioner Rumrell advised that he spent 17 hours calling and going to businesses in St. Augustine Beach from Friday through Monday. He explained that he spoke with other people who were upset that the City did not pass a facemask ordinance. He said that Resolution 20-13 made a difference in 75% of the 97% of the people he spoke to on the phone thought that the City passed a mandatory facemasks resolution. He explained that the people he spoke with did not know who he was and asked them if their businesses require facemasks for their visitors and employees. All but four businesses that he reached out to, which was 97% said that all employees wear facemasks and urge their visitors to wear facemasks. He commented that the businesses said that they did not enforce it because they were afraid to cause a problem within their own business and have people upset. He requested to get the message out of what we have and if the City changes the message to be mandatory, it will be very confusing to the public. He remarked that he called Neptune Beach, Atlantic Beach and Jacksonville Beach which have mandatory facemasks, they are only seeing 60% compliance. He showed a slide (Exhibit 2) for a campaign regarding messaging and education. He advised that Publix is urging their clients to wear facemasks, follow the directional pathways, and stay six feet apart over the loudspeakers. He explained that Publix is not carrying masks to give to people who do not have facemasks or forgot them at home. He suggested to purchase 5,000 masks in order to give 50 facemasks to each business in the City as a starter kit through the CARES Act, which St. Johns County received from the federal government to help with these types of purchases.

Mayor England advised that it was a good suggestion. She commented that the City has done four articles on wearing facemasks in the City's newsletter and numerous postings on

Facebook and social media. She agreed that the City should do more, but up until now the facemask usage has not been as high as what Commissioner Rumrell has indicated.

Commissioner Rumrell suggested that City Manager Royle send to all businesses a sign that says the City supports the public in wearing facemasks. He explained that the City is more compliant than the other mandated cities and the resolution cannot be enforced anyways. He asked for more education.

Commissioner George explained that there would be no point in voting on the original resolution, given what Commissioner Rumrell said, unless Vice Mayor Kostka changes her vote. The public has voiced an overwhelming support to wear facemasks and the Commission is supposed to balance what the citizens want against objective rational thought and data. She said in this case nine out of ten people want a stronger message and that facemasks would be mandated. She commented that she has no data to overrule the people's well-expressed preference on this issue. She asked the objectors in the Commission what principle do they have to not give the people what they want. She remarked to use the phrase it is unenforceable is a buzz phrase to justify another reason for not wanting to pass it. She explained that this is about public health and will not be permanent.

Commissioner Samora likes Commissioner Rumrell's idea of the posters being given to all the businesses and to make copies of them if additional ones are needed. He disagreed that the public thought the Commission mandated wearing facemasks because everything he saw in the media and community was that the City did not mandate wearing facemasks but believed that businesses and citizens complied. He commented that the visitors coming from all over the country are not complying and they need to receive the message.

Vice Mayor Kostka explained that it was unfortunate what the headlines were in the media. She suggested to consider removing both strongly encourage or mandate. She asked what the City's goal is because 100% compliance can not be achieved. She agreed with Commissioner Rumrell's suggestion regarding education, especially to the visitors. She applauded Mayor England for always reminding the public to wear masks at each meeting. She suggested that Mayor England's picture should be taken with all her different facemasks and post it in the inside of all the hotels, businesses, etc. She explained that she is having a problem with the strong arm of mandating and then not being able to enforce it. She advised that what complicates it more is that the City needs to get the County's blessing on the resolution. She wants to increase messaging.

Mayor England thanked Commissioner Rumrell for his outreach to the businesses. She advised that the intensity after two weeks will disappear, and it will not be followed. She quoted a news article News For Jaxs and said that major cities in Florida have passed mandate facemasks by resolution or ordinances. She explained that St. Augustine and Jacksonville have passed a mandatory resolution or ordinance.

Discussion ensued that public comments would have to be given at this meeting if a new resolution would be voted on and why a new resolution was being done if a resolution were passed at an emergency meeting.

Assistant City Attorney Taylor advised that the item will be tabled from the emergency meeting so that the Commission could vote on it again or to discuss any changes. He requested that if a new resolution is passed the Commission will have to take public comments. The ordinance would need public comments too. He advised that the Commission would have to vote if the Commission wants to bring another resolution to be

voted on. He explained that the vote would be different at this meeting than at the emergency meeting and explained that it would be better to vote on an ordinance than a resolution. He explained that enforcement should not be in resolutions.

Mayor England asked for a motion.

**Motion:** to bring the original resolution back up for consideration to have a formal vote.  
**Moved by** Commissioner George, **Seconded by** Mayor England.

Roll Call was as followed:

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

**Motion passes 3 to 2.**

Mayor England advised that next the original resolution will be voted on and asked Commissioner Samora what was agreed to on the original resolution that failed. She explained that what the Commission will vote on next would be the amended original resolution. She then opened the Public Comments section. The following addressed the Commission:

Janine Rainville, 1015 Coquina Blvd., St. Augustine Beach, FL, walked this weekend and there were a lot of businesses who were confused about what had passed and advised that many were not wearing masks. She advised that wearing a facemask makes a difference.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to vote no and believes everyone is smart enough to wear a facemask.

Hester Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, FL, advised that Commissioner Rumrell is wrong and a mandate is needed.

Jo Ellen Parkey, 3 Coquina Blvd., St. Augustine Beach, FL, advised that wearing a facemask supports the people who work in St. Augustine Beach and if a mandate is not done, they will not wear facemasks. She explained that employees will not ask people to wear masks because they are afraid of losing their jobs.

Mayor England closed the Public Comments section.

Commissioner Rumrell clarified that messaging should go to the Airbnb as well. He explained that there were posters in the hotels that the City requires people to wear facemasks. He advised that the businesses are not enforcing the rule because they do not want to be the authority. He asked who is going to be the enforcer.

Mayor England advised that the first line of defense would be the businesses. She said that there are exceptions to the resolutions for those who can not wear facemasks. She explained that this is not a criminal act so the Police Department would not be writing citations.

Commissioner Rumrell advised that the businesses have told him that they are not enforcing it and explained that that is what we have now. Businesses are scared to make people without facemasks to leave because they are trying to stay open and if they make people leave, they might not be able to feed their families tomorrow. Publix advised that they do not enforce wear facemasks now. He asked where the enforcement is because businesses are not enforcing it now. He explained that Miami has a mandatory facemask ordinance but has no enforcement, so they still have high numbers of infected people. He explained that if the City is not going to enforce it, it is nothing better than a strong recommendation.

Commissioner George advised that the City would enforce it and it empowers shoppers, employees, etc. She remarked that people are begging for wearing facemasks to be mandatory. Former Mayor Snodgrass advised that this is a matter of public health and it should be enforced.

Mayor England agreed with Commissioner George.

Commissioner Samora explained that the businesses are not afraid of asking people who are not wearing facemasks to leave but are afraid of having their businesses close because of an increase in the coronavirus. If they close again some will never reopen. He remarked that the City does not need to follow the County because we are different. St. Johns County has more agriculture space and the City has more hotel rooms and restaurants than them.

Mayor England advised that the City does not want businesses to be closed temporarily and the costs to disinfect is high. She explained that in Section 1 Definitions to add "polymer shield," add in Section 3 (k), the fine in Section 4 would scale at \$50 for first offense, \$250 for second offense, and \$500 for third offense, Section 5 effective date would be July 6, 2020.

**Motion:** to approve the original resolution. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll Call was as followed:

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

**Motion passes 3 to 2.**

Assistant City Attorney Taylor advised that an ordinance would be more effective and if the Commission did a first reading tonight it could be passed on final reading on July 27, 2020 Special Commission meeting. He advised that an ordinance would reduce challenges.

Mayor England advised that the Commission now would consider an ordinance to mandate wearing facemasks indoors. She advised that the effective date would be changed.

Discussion ensued regarding 20-13 Resolution on strongly encouraging people to wear facemasks would be obsolete, since 20-14 Resolution mandatory wearing of facemasks was passed tonight.

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

Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked to vote no on the ordinance and advised that people are smart enough to wear facemasks if they need to as well as gloves and safety glasses.

Discussion ensued regarding noticing of the ordinance for final reading; noticing the ordinance for second and final reading on July 27, 2020 at the Special Budget meeting; whether to have a Special Commission meeting before July 27, 2020; a resolution being created by second reading of the ordinance for the fines associated with not wearing facemasks; leaving the emergency declaration from St. Johns County under the Definition Section in order have an ordinance if there were any future pandemics; add language that specifies communicable disease or viral disease; pandemic language was from the CDC website; adding language regarding a measurement of positive cases; adding language for who enforces it; add language that the City would purchase masks for the businesses; and add an educational component for the businesses to the ordinance.

Mayor England advised that all the specific language for the type of pandemic would be in the resolution not a general ordinance.

Commissioner George that the ordinance is well written and is in support of Commissioner Rumrell's suggestion of purchasing facemasks. She agreed with the enforcement language is appropriate for the Land Development Regulations (LDRs).

Mayor England advised that the Commission can direct City Manager Royle to do communications regarding this ordinance and do Commissioner Rumrell's suggestions of purchasing facemasks for the businesses, education of the ordinance, a measurement clause, and who would enforce the ordinance.

Commissioner George asked about the measurement language if it should be temporary.

Assistant City Attorney Taylor advised that the temporary language already exists in the ordinance by saying it would only be effective when the county, state, or federal governments state there is an emergency. He asked if the Commission wanted to sunset the ordinance at the end of the year or do that by resolution.

Mayor England advised that instead of putting a date certain that the Commission would revisit it if any Commissioner wants to sunset the ordinance.

Commissioner Rumrell thanked the Commission for adding his suggestions when creating the resolution.

Vice Mayor Kostka advised that the Pledge cited in the ordinance is not through St. Johns County, but has their support.

Mayor England changed the language to "enter an agreement to support." She then 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 ordinance with the amendment that the fifth whereas clause change the wording to “enter an agreement to support the Pledge for St. Johns County.” **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

**Motion passes 4 to 1.**

Assistant City Attorney Taylor asked the Commission to give staff direction on advertising.

Mayor England asked Commissioner Rumrell to discuss with City Manager Royle and the Communications / Event Coordinator the educational component and other items that Commissioner Rumrell wanted to address. She explained that the Communications / Event Coordinator has posted information on Facebook.

Commissioner Rumrell asked the City to purchase 5,000 facemasks for the businesses.

Mayor England asked City Manager Royle to ask the City of St. Augustine if the City could purchase some of their masks. Also, she advised that her friend has masks that could be sold at Ace Hardware and she could put facemasks at city hall for a donation if anyone wants them.

Commissioner Rumrell suggested City Manager Royle check with St. Johns County Emergency Management for facemasks for businesses.

Commissioner George advised that city hall must comply with the resolution and ordinance and to give staff direction to make sure they comply. She requested Mayor England to send a letter on letterhead to St. Johns County and to the State of Florida Representative and Governor to encourage any measures to put an end to COVID-19 and if Mayor England wanted to she could reference facemasks.

City Clerk Raddatz asked Commissioner George if all employees must wear facemasks.

Commissioner George advised that all employees must wear facemasks indoors if they cannot be six feet apart from another person. She commented for the record that the government who is making this ordinance is not exempt from this ordinance. She advised the public that they can go outside or indoors without a facemask if there is social distancing.

Mayor England advised that the Communications / Event Coordinator will be creating a Frequent Asked Question list for the public regarding the resolution and the ordinance.

The Commission agreed to using the letterhead but asked that Mayor England send the letter to the Commission through City Manager Royle.

6. City Building West of Former City Hall: Consideration of Leasing Part of It (Presenter: Max Royle, City Manager)

Mayor England introduced Item 6 and asked City Manager Royle to give his staff report.

City Manager Royle advised that the current lease expires in a month and the Police Department only needs half of the building, which leaves 400 square feet for others to use and asked the Commission for guidance.

Discussion ensued regarding that there was a consortium of non-profits that would like to use the space available; to use the current lease and have all the non-profit consortiums listed; the Police Chief determined what space was needed in the garage and they would use the door and the garage door for access; St. Johns Fire Rescue Division and the City's Police Department would be using half the garage space.

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

Rich Gallik, 471 High Tide Drive, St. Augustine Beach, FL, explained that he is an officer for St. Augustine Beach Civic Association who is part of the consortium of non-profits and would like to request storage space at the garage for events the Civic Association has.

Marge Rooyakkers, 9 Madera Court, Palm Coast, FL, represents the Friends of Historic A1A Coastal Byway and handed out maps and tour guides for the Commission (Exhibit 3) and would like to store the maps at the garage.

Michael Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, FL, explained that he is a member of the Civic Association and has contributed for many years to the City. He advised that he would do the renovations for the garage at no costs to the City.

Michael Castagno, 35103 Harbour Vista Circle, St. Augustine, FL, thanked the Commission for allowing St. Auggie Bocce League to use the garage for storage of their materials for the bocce courts.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to vote no because the Civic Association is a political organization and is under the designation of 501 (C) 4.

Bill Jones, P.O. Box 341, St. Augustine Beach Civic Association President, St. Augustine Beach, FL, discussed what the City has received a return on investments for allowing the Civic Association to use the garage by contributing to the City events approximately \$40,000 and helped local businesses by \$4,000,000.

Jocelyn Soto, 354 Ocean Forest Drive, St. Augustine Beach, apologized for her behavior at last night's meeting.

Mayor England closed the Public Comments section and then asked if there were any further Commission discuss.

Commissioner Rumrell advised had no comments.

Commissioner George had no comments.



Commissioner Samora had no comments.

Vice Mayor Kostka asked if the same lease would be use and what the costs are for the facility to the City.

City Manager Royle advised that is would be minimum costs since it is a storage facility and there would be no air conditioning and there is no restroom.

Vice Mayor Kostka asked who insures the building.

City Manager Royle advised that the City pays for ensuring the building, but the consortium would have to insure their contents. He explained that the City has a general insurance policy to cover our contents and liability.

City Attorney Douglas asked if the consortium was provided the declarations of insurances to the City.

City Manager Royle advised yes.

City Attorney Douglas asked the Commission to discuss the dollar amount of that the consortium would have to have for their contents.

Mayor England asked that City Manager Royle, City Attorney Douglas and the consortium discuss the lease and bring the lease back to the Commission in August.

Commissioner Samora advised that the current lease would expire on August 3<sup>rd</sup> and asked if the Commission would like to extend the lease.

Discussion ensued regarding the 30 day extension; before voting on the lease it should be advertised to all non-profits; whether charitable organizations should be considered instead of the Civic Association as a 501 (C ) 4; requesting more information on the item before voting on the lease; the lease is only temporary; who should sign the lease document; should this be publicly noticed; and who would be responsible for what.

City Manager Royle advised that the City would advertise if it were for commercial use, but this is not. He explained that the land use is institutional, and the uses are restrictive.

Mayor England advised that there are no guarantees that the building could be used for any length of time since it could be taken back if the City needs it. She listed the organizations requesting to lease the space.

Commissioner Rumrell advised that if the Commission put it out to bid other local non-profits may not qualify for the lease. He asked if it is the coalition asking for the lease, not the Civic Association.

Mayor England advised yes.

Commissioner George advised that there is not a legal entity for the consortium or coalition and asked City Attorney Douglas his thoughts.

City Attorney Douglas advised that one entity would have to be responsible for the lease and that the coalition would not be able to get insurance if they are not a legal entity.

Mr. Jones advised that the four non-profits have done a memorandum of understanding. He explained that the Civic Associations started as a 501 (C ) 3 and was told that they had to change to a 501 (c ) 4 because if it had the word civic in the title the IRS reclassified them to

a 501 (c ) 4. He explained that electrical costs were under .05 cents per kilowatt for the City and the County and would cost less than \$50 a year. He commented that the Civic Association always insures the property for liability and the carrier has had no problem sharing space with other non-profits. The Civic Association took the lead because they started using the garage and because they are in a better financial situation than others. He will send a listing of all four non-profits using the space.

Commissioner George advised that the Commission could look at the lease agreement at the August Regular Commission meeting; however, it does not address the bidding issue and feels that it should be noticed to give others an opportunity.

Mayor England asked for a motion.

**Motion:** to extend the lease another 30 days until the next Regular Commission meeting and ask that the attorneys work on the lease agreement with the consortium with the Civic Association being the lead. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

**Motion passes unanimously.**

Mayor England asked Commissioner George to make a motion about advertising if she wanted to.

Commissioner George requested that notice be sent as it has been done at the old city hall. She felt that others should be able to utilize the garage.

City Manager Royle advised that the City could advertise in the local newspaper.

Mayor England asked if City Manager Royle could work with Commissioner George to see if any other entities would be interested in the space. She advised that the limitations need to be stated.

Commissioner George advised that instead of a formal advertisement, the City could contact the Chamber of Commerce and local non-profits. She commented that she would be happy to work with City Manager Royle on this.

**Motion:** that the City advertise the availability of this space to other non-profit organizations ten days in advance of the Regular Commission meeting that this item appears on the agenda. **Moved by** Commissioner George, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

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

**Motion fails 3 to 2.**

**Motion:** to extend the meeting until 10:00 p.m. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

Roll Call was as followed:

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

**Motion passes unanimously.**

Commissioner Samora asked to hear Item 10 since several people in the audience have been waiting since the beginning of the meeting.

The Commission agreed to move to Item 10.

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)  
Continued this Item until July 7, 2020 at 6:00 p.m.

8. Accessing Private Property from Dead-End Streets: Review of Proposal (Presenter: Brian Law, Building Official)  
Continued this Item until July 7, 2020 at 6:00 p.m.

9. City Manager's Response to Vice Mayor Kostka's Demand That He Resign  
This will be rescheduled to a Special Commission meeting, time and date to be determined.

### XIII. NEW BUSINESS

10. Opening 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue for Construction of Single-Family Residences: Review of Proposal (Presenters: Bill Tredik, Public Works Director; Brian Law, Building Official)

Mayor England introduced Item 10 and asked Public Works Director Tredik to give his response.

Public Works Director Tredik showed a slide of the area (Exhibit 4). He then gave the history of this item dating back from 1998 to present. He advised that Mr. Kenney told staff that he would pay for the road to go straight through on 2<sup>nd</sup> Street. He explained that the costs for the City to do it would be approximately \$50,000 according to former Public Works Director Howell and he advised that now it would be \$75,000 or more. He commented that funding is a problem due to the budget for this project. He explained the three options that would work.

Mayor England asked Mr. Kenney to come to the podium.

Eric Kenny, 6 Oceanside Drive, St. Augustine Beach, FL, advised that he would like to pay for the road, so the City does not pay for anything. He requested this in order to complete the two homes he has built and to build two more homes that have no access to the property.

Commissioner Samora asked if there was a cost issue to go through 2<sup>nd</sup> Avenue.

Mr. Kenney advised it would be cost prohibitive.

Commissioner Samora asked if Mr. Kenney would be willing to contribute the cost to do the paving he wants and asked if he would agree to go straight through and the City would pay for the rest of the paving.

Mr. Kenney advised yes if the City can get it done quickly.

Mayor England asked if the paving is done straight through would sidewalks be done.

Mr. Kenney advised that he is not sure because he has not contacted an engineer; however, he believes that the sidewalks and handicap ramps would be done on both sides where the two sides connects.

Mayor England advised that the neighbors have expressed safety concerns if the road goes through.

Commissioner George asked what streets would this be done on.

Mr. Kenney advised on 115 and 117 2<sup>nd</sup> Street.

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

Chris Bartket, 114 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that he wants the least impact for the current residents. He advised that no neighbors were notified of this paving and the former public works director said it was his job pave to those undeveloped lots. He commented that the Commission said that they would not go through to these lots in 2014.

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, advised that the neighborhood has never been approached about paving. He explained that the alternate route is from 1<sup>st</sup> Street. The minutes reflected that this access route would not be done, and the neighbors want a dead-end street. He commented that Mr. Kenney just wants a lower cost option and asked the Commission not to revisit this.

Jay Floyd, 111 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that this issue would not come up again and the same concerns remain. He advised that there is no room for sidewalks because the street is so narrow. He complained that this is quality of life issue for the neighbors.

Attorney James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine, FL, explained that he represents several property owners on the western section in the area. He explained that his clients did not reach the 65% threshold that needs to be accomplished and want an alternative from 2<sup>nd</sup> Street.

Mayor England closed the Public Comments section and asked Attorney Whitehouse if he was representing the owners of the undeveloped lots where the street does not go through.

Attorney Whitehouse advised yes. He explained that he has not spoken to all the owners but advised that they want this to move forward quickly and whichever is quickest they would be in favor of.

Public Works Director Tredik advised that there were 11 in favor of the paving, which is 69%. He advised that if the City wants to go from the south there are two owners who are dead set

against it. If there is alternative path, there needs to be enough contributions upfront and the budget would have to reflect the project.

Mayor England suggested that the meeting be continued in order to complete this item tomorrow.

11. 2021 St. Johns County Legislative Action Plan: Request from County Administrator for Topics (Presenter: Max Royle, City Manager)

Continued until July 7, 2020 at 6:00 p.m.

12. Florida League of Cities Annual Conference: Selection of Voting Delegate (Presenter: Max Royle, City Manager)

Continued until July 7, 2020 at 6:00 p.m.

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)

Continued until July 7, 2020 at 6:00 p.m.

XIV. STAFF COMMENTS

Continued until July 7, 2020 at 6:00 p.m.

XV. ADJOURNMENT

**Motion:** continue the meeting on July 7<sup>th</sup> at 6:00 p.m. **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.

**Motion:** to adjourn. **Moved by** Mayor England, **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.

The meeting was adjourned at 10:00 p.m.

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Margaret England, Mayor

ATTEST:

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Beverly Raddatz, City Clerk



**MINUTES**  
**CONTINUATION OF THE REGULAR**  
**CITY COMMISSION MEETING OF JULY 6, 2020**  
**TUESDAY, JULY 7, 2020 AT 6:00 P.M.**  
**CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080**

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I. CALL TO ORDER

Mayor England called the continuation of the Regular Commission meeting to order at 6:41 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was done at the Special Commission meeting.

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 Taylor, Police Chief Hardwick, City Clerk Raddatz, Finance Director Douylliez, Building Official Law, and Public Works Director Tredik.

XIII. NEW BUSINESS CONTINUED FROM JULY 6, 2020

10. Opening 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue for Construction of Single-Family Residences: Review of Proposal (Presenters: Bill Tredik, Public Works Director; Brian Law, Building Official)

Mayor England continued Item 10.

City Attorney Douglas advised that public comments should be done again because the vote will be done today.

Commissioner Rumrell asked to table the item to give notice to everyone and reschedule the date to August Regular Commission meeting.

Mayor England suggested that since people were in the audience for public comments, she would like to give them a chance to speak. She then opened the Public Comments section. The following addressed the Commission:

Chris Barkett, 114 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that the neighbors are thinking of safety as their number one priority in finding an alternative route. He explained that 2<sup>nd</sup> Street is very narrow and there is no widening of the street available. Sidewalks cannot be put in either. He explained that if Mr. Kenney is willing to give a portion of the alternate route,

then no one opposes it. He requested that Public Works Director Tredik advise how many times Mr. Kenney has asked to pave 2<sup>nd</sup> Street and when was the last time he did so.

Eric Kenney, 6 Oceanside Drive, St. Augustine Beach, FL, clarified that he has not agreed to put his money towards an alternate route because then he would be paying more than anyone else for the same access. He would pay for the access coming off 2<sup>nd</sup> Street to facilitate the building of the homes he has under contract and finish the two homes right now. He commented that he would provide Mr. Howell's emails to everybody and those emails said not to do 2<sup>nd</sup> Street and 7<sup>th</sup> Street because Mr. Howell and Mr. Larson told him he was not responsible for that paving, they were. He advised that there are some zoning violations and will file them with the St. Augustine Beach Zoning Department tomorrow.

Commissioner George asked when the purchase was on 2<sup>nd</sup> Street.

Mr. Kenney advised that he is still under contract and will purchase them when this issue is resolved. He explained that he has been waiting for six years with properties under contract for something to happen. He advised that he is not the current owner.

Jay Floyd, 111 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that he has access, which has been approved already but he does not want to pay for that access because it would cost him more money. He explained that his bamboo will be damaged.

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, he thanked the Commission for what they do; advised that a lot of the neighbors were not here tonight or last night; Mr. Kenney is not the property owner; neighbors were not properly notified about this issue; and 2<sup>nd</sup> Street is only 20 feet wide and is not compliant to regulations; he requested a traffic and environmental study and a green space analysis.

Mayor England closed the Public Comments section and advised that since all the neighborhood was not notified and the Commission does not have all the costs yet for this type of project, she would like to get more information. She then asked staff for their comments.

Public Works Director Tredik explained that coming from the north would be a problem for fire trucks.

Building Official Law advised that he asked the Fire Department off the record what they would prefer, and they said that they prefer straight access.

Mayor England asked staff to put in writing the three options with the positives and negatives and the costs for all three options. She explained that safety is number one and quality of life is number 2. She requested the costs of sidewalks and underground utilities as well.

Public Works Director Tredik advised that there will be a cost to getting those answers.

Mayor England said that maybe it should be done in stages, but we need the options in writing.

Commissioner Rumrell advised that he has multi concerns such as denying the right of access to a property and whether the City must pay for that or not. He wants options laid out and advised that he does not want this issue to be some government takeover or legal battle. He asked that this be a priority so that Mr. Kenney does not lose the contract and sue the City. He requested proper notices to the residents and a traffic study to be done.



Commissioner George advised that there was a clear policy on how to open a street. She gave the example of 8<sup>th</sup> Street. She explained that the lot owners must pay for it and the universal policy was adopted in 2016 for any street. She requested that the details of that policy should be given to the Commission. She said that majority of the neighbors wanted the west block of 2<sup>nd</sup> Street and the egress and ingress south onto 2<sup>nd</sup> Avenue, which would take a little traffic off A1A Beach Boulevard. She recalled discussion regarding access for emergency vehicles and that option would accommodate the turn. She requested staff provide what the preference would be for the Fire Department so that it can be reasonably accommodated. She explained that there is no liability on the City because the lots are undervalued but believes that the Commission should follow the policy that was set in 2016. The policy asks how many property owners agree to do the project and how the costs gets distributed. She explained that the City has an ordinance that show traffic patterns already instead of doing a traffic study.

Mayor England advised that the policy was that the owners would have to pay for the pavement.

Commissioner Samora asked to reevaluate all three routes in a timely manner. He commented that the policy that was made six years ago may not apply today because of the parking and traffic. This must be done quickly and if there was a precedence, then research it. He suggested notifying all the neighborhood including 1<sup>st</sup> Street and 3<sup>rd</sup> Street.

Vice Mayor Kostka advised that she remembers this issue on 8<sup>th</sup> Street and agreed with Commissioner George. She explained that it did not move forward because all the owners did not agree with putting in the road. She asked that all the property owners be noticed. She said that the City has a record that the City does not have to pay for the road, but the property owners are obligated to pay the expense.

Assistant City Attorney Taylor advised that the 2014 decision is not binding, and this would be a separate issue. The City has protection to do what it wants, but this issue should be resolve in an accelerated manner.

Mayor England was concerned that Public Works Director Tredik has a lot to do with the recent flooding and weir, etc. She asked what the Commission could do to help him with this.

Public Works Director Tredik advised that he would make some sketches on the three options and give the cost and time it would be completed. He advised that he was not a traffic engineer, which is a specialty field, and he would have to get a traffic study completed which would cost money.

Mayor England asked if the Commission feels a traffic study right now would be necessary.

Commissioner George advised that she trusted staff to give their opinion and feels that they are trained in this area, so no traffic study is needed. She said that they have other County colleagues that they can check with as well.

Commissioner Rumrell agreed with Commissioner George that no formal traffic study is needed, especially when time is of the essence.

Mayor England advised then no traffic study would be done at this point.

Public Works Director Tredik advised that he would bring this back to the Commission at the next meeting.

Mayor England asked the Commission to help Public Works Director Tredik as they can because streets and accesses is one of the basics for the City.

Vice Mayor Kostka asked to have proper notice as well.

Mayor England gave direction to staff to bring this item back in August.

XII. OLD BUSINESS CONTINUED FROM JULY 6, 2020

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)

Mayor England introduced Item 6 and asked Public Works Director Tredik to give his staff report.

Public Works Director Tredik advised he did not have the final letter for the grant but did get an email from them that it should be coming shortly, but do not initiate work until the grant money is received. The grant was for \$72,500, with no City match, to update the GIS system for drainage and stormwater model. He advised that this would help with improvements staff can do for the Adaptation Plan and improve the City's resistance to sea level rise and storm surge. CMT has detailed knowledge of the City so they will be doing the contracting and it should be done by April 30, 2021. He explained that he would be working with the North Florida Regional Council, which will include public workshops. This will be very useful for Lee Drive problem.

Discussion ensued regarding CMT being the same company that is involved in the weir; the work has been reviewed and costs \$72,500, which CMT agreed to; no change orders are allowed; the City Attorney has reviewed it; insert a clause that would stipulate if CMT does not complete the work on time there would be penalties; do not start until the money is received;

**Motion:** to approve the contract with CMT and insert the clause that there would be penalties if the work is not done on time, there would be no change orders, and to not start the project until the grant monies are received. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George.

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

Roll Call was as followed:

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

**Motion passes unanimously.**

Mayor England moved on to Item 8.

8. Accessing Private Property from Dead-End Streets: Review of Proposal (Presenter: Brian Law, Building Official)

Mayor England introduced Item 8 and explained that she met with people on Blueberry Street and Pyrus Street and then asked Building Official Law to give his staff report.

Building Official Law advised there is a neighbor dispute will pass last year. He explained that the rights-of-ways are under the Public Works Director purview and it would cost approximately a \$250 fee and any fees would go to the Bridge and Road Fund. He commented that the application will be created.

Discussion ensued regarding whether to create another resolution for the fee schedule or keeping the fee in the ordinance; did staff analyze all the rights-of-ways that this apply to; on Pyrus Street make a horse type fence; and Police Department having a call every day on Pyrus Street.

Commissioner George asked if she should be recused because the Commission mentioned Pyrus Street. She said that creating an ordinance for the City she should be a part of because that is not one particular location.

Building Official Law advised that the Commission advised staff to build a barricade in a previous meeting.

Mayor England agreed and said that this was an administrative staff action and they could place barricades on the City's rights-of-way where needed. She explained that the ordinance would go through the general process.

Building Official Law asked if the City Attorneys could draft the ordinance and bring it to the Comprehensive Planning and Zoning Board first and then to the Commission for three more meetings.

Commissioner Samora asked since the permit has a 30-day time limit; what would they do if they pass the 30 days.

Building Official Law advised that the property owner would have to reapply for another permit and pay for another permit.

**Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked staff to moved forward with the ordinance procedures.**

XIII. NEW BUSINESS CONTINUED FROM JULY 6, 2020

10. 2021 St. Johns County Legislative Action Plan: Request from County Administrator for Topics (Presenter: Max Royle, City Manager)

Mayor England introduced Item 11 and asked City Manager Royle to give his response.

City Manager Royle advised annually St. Johns County ask for a Legislative Action Plan from our City and advised that he needs to submit our Legislative Action Plan by July 24, 2020 and he needs approval from the Commission on what items the Commission want to give to St. Johns County.

Vice Mayor Kostka asked if any items on the list have been funded by the County.

City Manager Royle advised that not from the County; however, the beach restoration is funded by Tourist Development Council funds. Governor DeSantis has been asking the legislature to fund The Florida Forever Program and heard that The Florida Forever Program is purchasing Fish Island property with the City of St. Augustine.

Vice Mayor Kostka requested that beach restoration be on the list.

Mayor England asked to have Home Rule with Short-term rentals as one item. She asked to add to the list water quality, stormwater management, and sea level rise as a one item.

Commissioner Rumrell suggested putting the action plan with the County, but also go to the State Representatives ourselves and lobby for what we really need for the City.

Mayor England asked if Commissioner Rumrell was volunteering his time to put the list together and go to the State Representatives for other action items.

Commissioner Rumrell advised that he would work with City Manager Royle and have City Manager Royle circulate the list to the Commission before it is due on July 24<sup>th</sup>.

Commissioner George agreed that lobbying is important and can be done by the City. She suggested that all the Commissioners should utilize their contacts. She wanted to add to the list a reference to a municipal tourist development tax. She commented that she did not feel it would be done in a year or two, but the City could ask for it on the state level. There is a need for it. Other states charge for it and she hopes that the Commission would support it.

Mayor England suggested that both City of St. Augustine and our City lobby for it.

Commissioner George believed that she spoke with Mayor Shaver of the City of St. Augustine before and she agreed with it.

Mayor England asked City Manager Royle to call the City of St. Augustine and see if they would agree with that.

Commissioner Samora liked all the suggestions.

Vice Mayor Kostka had no comments.

Mayor England opened the Public Comments section. Being none, Mayor England moved on to Item 11.

11. Florida League of Cities Annual Conference: Selection of Voting Delegate (Presenter: Max Royle, City Manager)

Mayor England introduced Item 12 and asked City Manager Royle to give his response.

City Manager Royle advised due to COVID-19 there will be no conference this year. He explained that there will be a virtual business meeting and he needs to know who the voting delegate for the City will be.

After discussion, the Commission by consensus Vice Mayor Kostka as the voting delegate.

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

12. 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)

Mayor England introduced Item 13 and asked City Manager Royle to give his response.

City Manager Royle suggested that the budget hearing for the tentative property tax be Monday, July 27<sup>th</sup> at 5:30.

Mayor England opened the Public Comments section. Being none, Mayor England closed the public comments section.

After discussion, the Commission agreed to set the tentative property tax millage on Monday, July 27<sup>th</sup> at 5:30 p.m.

Mayor England moved on to Item XIV.

#### XIV. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle thanked the Commission for the last two meetings and getting so much accomplished and getting clear direction from the Commission.

Finance Director Douylliez advised she is working on the budget. She explained that April's revenues had a \$20,000 decrease and the projected revenues for May and June will be late. She commented that budget spending has been frozen, and expenses have been curtailed. She received a statement that Florida's May's revenues were \$653 million. She explained that Communications / Events Coordinator applied for the Beach Blast Off grant.

City Clerk Raddatz advised that the Request for Proposal bids for the medical insurance have been received on July 1, 2020. She explained that the Evaluation Commission will meet on July 15<sup>th</sup> and they will be brought to the Commission on July 27<sup>th</sup> Budget meeting. She advised that there might be a decrease in costs from the prior year.

Public Works Director Tredik advised that he is working on Ocean Walk and did well on other grant applications. He has not heard yet on the Florida Recreation Development Assistance Program (FRDAP) yet but expected to and when that happens, he can move forward with Ocean Hammock Park. The Coastal Partnership grant is \$25,000, which would be used to design the interior phase of Ocean Hammock Park. The Mizell weir grant is subject to the final Water Management budget in September, but he has not heard anything that would lead him to believe that that was in jeopardy. He explained that he is still waiting on monies with FEMA for the weir construction.

Building Official Law advised he had no comments.

Police Chief Hardwick commented that the City had a presentation today regarding a life-saving event of a woman who was saved by a 14-year old boy and two nurses who helped bring the woman back to life and she was saved. He also spoke regarding national civil unrest; six years of accreditation and the policy review process for the accreditation; only one-third of the nation has an accreditation and the City of St. Augustine Beach has an unblemished record; Police Department does sensitivity training, but mostly does on-the-job training; in 2018 the Police Department had researched body cameras and had cost restraints and suggested the Smart Cop program; Police Officers in the City of St. Augustine Beach takes their jobs personally and are

dedicated to the City; the City has two female sergeants; Police Department is customer service based; gave examples of training; doing an internal affairs investigation on the two incidents in past years that were mentioned at last night's meeting and will be a public record with completed.

Mayor England advised that the Police Department is working and is efficient.

Commissioner George thanked Police Chief Hardwick and said that he has answered her questions.

Commissioner Rumrell applauded Police Chief Hardwick and his staff and said that it starts at the top and to take time to meet to help his officers understand how to deal with autism is wonderful. The Police Department is very well respected and appreciate the relationships that they have with the residents and the County. He has done an outstanding job with the Police Department and the response time is amazing. Usually they are first on the scene and applauded all the Police Department.

Police Chief Hardwick thanked his staff for being so dedicated to their profession.

Vice Mayor Kostka agreed with Commissioner Rumrell and advised that she has a great admiration for the Police Department and thanked them for everything they do.

Mayor England advised that she covered a lot of topics with Police Chief Hardwick.

Commissioner Samora gave accolades for the Police Department and advised that Police Chief Hardwick built an agency that is to be looked up to by all agencies state and countywide. He explained that when the Commission does his evaluations to speak to his officers not to him. He thanked all the Police Officers on his staff and said they are the best officers around.

XV. ADJOURNMENT

**Motion:** to adjourn. **Moved by** Mayor England, **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.

The meeting was adjourned at 8:21 p.m.

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Margaret England, Mayor

ATTEST:

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Beverly Raddatz, City Clerk



## MINUTES

### SPECIAL COMMISSION MEETING

TUESDAY, JULY 7, 2020 AT 5:30 P.M.

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

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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.

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. PUBLIC HEARING CONCERNING THE SETTING OF FEES FOR THE NON-AD VALOREM ASSESSMENT FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD WASTE, YARD TRASH/SPECIAL WASTE AND RECYCLABLES

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

1. Introduction and Explanation by Bill Tredik, Public Works Director

Public Works Director Tredik showed a PowerPoint (Exhibit 1) of the history of this item. The current non-ad valorem tax was established in 2012 at \$74 per year, which only pays for a portion of the costs. The rest of the costs are paid out the General Fund. In September 2019, the costs were \$460 per year. On April 29, 2020, he did a reanalysis of the City costs and found the total rate was \$330. He explained that the St. Johns County Tax Collector did not tell the City that the non-ad valorem tax could go into effect in 2021, if the City decides that. He said if the Commission wants to decrease the tax by 2.5% to start the non-ad valorem in 2021, that could be an option. He then stated the corrected costs.



Commissioner George asked if the revenues would be collected this year would that be for FY 20-21 budget. She asked if this would be a one-year acceleration.

Finance Director Douylliez advised yes, that the non-ad valorem taxes would be billed in November 2020.

Commissioner Rumrell had no comments.

Commissioner Samora had no comments.

Vice Mayor Kostka had no comments.

Mayor England explained that the reason for the non-ad valorem tax is to right size our customers by reworking the fees, moving the large scale customers to dumpsters, moving short-term rentals and transient rentals to commercial rates, and reducing the costs from \$480 to \$330. She advised that the Commission has received and read the emails.

City Clerk Raddatz advised there were only a few and they were mostly about the size of the recyclable containers.

## 2. Public Comment

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

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that the \$74 tax assessment was what the County was asking for in 2012; explained that smaller homes will be paying less ad valorem tax than non-ad valorem tax; renters already have contracted rates will go up in 2021 for an average of \$100 for the year; containers fees will eventually increase to \$375; and he previously requested a table on ad valorem versus non-ad valorem if costs were going to be increased.

Mayor England closed the Public Comments section and moved on to Item 3.

## 3. Discussion by the Commission and Setting Rates for Fiscal Year 2021

Mayor England introduced Item 3 and asked the Commission to discuss the rate setting for Fiscal Year 2021.

Commissioner Samora thanked and appreciated the staff for working so hard on this item. He said that this is the correct structure, even if this is not a perfect system. This gets the City closer to paying fees on services that are being provided. The notice covers half the costs this year and will increase each year. A \$200,000 home would be assessed approximately \$35 a year more in non-ad valorem tax and only is half the costs for the services being provided. He advised that he supports starting the tax in 2021 and not decreasing the non-ad valorem total rate of \$178. He commented that one of the reasons why the City is in this situation was because the tax was never changed in eight years, which the City codes says that the fees were to keep up with the services provided.

Mayor England asked Commission if the Commission wants \$178 or \$165.

Commissioner Rumrell agreed with Commissioner Samora's comments. He explained that if the City residents were charged for the last eight years the City would not be in the same situation. He advised that he could not quantify how much trash each house puts out and the methodology that staff presented makes more sense than counting the trash. He believes that the City staff can do a more efficient service and at a cheaper rate than Advanced Disposal regarding recycling and will be looking to have the City's staff do the recycling as well in the future.

Commissioner George opposed to adding a non-ad valorem fee on principle but supports the methodology. Staff has done a lot of good work on this methodology. She commented that the Commission did get some public comments against this going into effect this year because of COVID-19 and the economic hardships.

Vice Mayor Kostka shared Commissioner George and Mr. Binder's comments. She did not agree that one size fits all with fees and would like this tax to be an ad valorem tax instead of non-ad valorem tax. She was concerned about the economic effect of COVID-19 and would like to cut back the amount for 2021 to \$165. She thanked staff for all their hard work.

Mayor England commented that the Commission has worked hard on the methodology and having the commercial fees not being less than residential fees. She explained that the millage rate has not increased in a few years and supports the non-ad valorem tax starting this year and the fee to be \$178. She asked staff to investigate creating a procedure for hardship cases.

Finance Director Douylliez advised that there is nothing in the code to allow for hardship cases and that due to HIPPA the Health Department would have to research the claims as they do for the County. She advised that a committee would have to be developed to vote on whether to grant them or not.

Mayor England requested staff to investigate how the County does their hardship cases and report back to the Commission.

**Motion:** to correct an error of the ranges to effect the Commission's intent more accurately. The ranges on the non-ad valorem collections would be a minimum of \$75 and maximum of \$175, the range of the non-ad valorem disposal would be a minimum of \$50 and maximum of \$150, and the range of the non-ad valorem recycling would be a minimum of \$0 to a maximum of \$50. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

Roll Call was as followed:

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

Commissioner Samora            Yes

**Motion passed 4 to 1.**

**Motion:** to assess the non-ad valorem taxes as noticed this year in the amount of collection non-ad valorem at \$87, disposal non-ad valorem at \$67 and recycling non-ad valorem at \$24 for a total of \$178. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

Roll Call was as followed:

Mayor England                      Yes

Vice Mayor Kostka                No

Commissioner George            No

Commissioner Rumrell            Yes

Commissioner Samora            Yes

**Motion passed 3 to 2.**

V.     ADJOURNMENT

**Motion:** to adjourn.   **Moved by** Mayor England, **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.

The meeting was adjourned at 6:40 p.m.

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Margaret England, Mayor

ATTEST:

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Beverly Raddatz, City Clerk

**MEMORANDUM**

**TO:** Max Royle, City Manager

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

**DATE:** August 3, 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 definition for townhouses
- 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 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.
- Modified language to clarify that all condominiums and apartment complexes are 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.
- Added language setting solid waste and recycling services for dwelling units in condominiums and apartments to match those 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 allowing the fee structure for dwelling units within condominium and apartment complexes to be set by resolution, thus providing consistency with fees for residential services premises

In addition to the commission requested changes, a paragraph was added establishing penalties for entities operating within the city which do not possess a valid and appropriate franchise.

#### **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 1. - 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]: 2<sup>nd</sup> Reading 8/3/20 – 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 8/3/20 – Removed 1<sup>st</sup> 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 11. –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]:** 2<sup>nd</sup> Reading 8/3/20 – 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]: 11 Reading 6 1:20 -- guidance clarification

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.

**Commented [BT8]:** 1<sup>st</sup> Reading 6/1/20 -- ordinance clarification

**Commented [BT9]:** 1<sup>st</sup> Reading 6/1/20 -- ordinance clarification

**Commented [BT10]:** 1<sup>st</sup> Reading 6/1/20 -- ordinance clarification

**Commented [BT11]:** 1<sup>st</sup> Reading 6/1/20 -- ordinance clarification

- (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

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 familysingle-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 uncontainerized garden trash with no item over forty (40) pounds or a length greater than four (4) feet, for each once a week pickup. Such waste shall be neatly stacked in an area accessible for collection with no overhead obstructions, not placed on top of storm drains, and/or adjacent to or on top of fire hydrants, 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]:** 2<sup>nd</sup> Reading 8/3/20 – 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)(e) After September 30, 2020, condominium and apartment complexes shall be deemed commercial services premises.~~

**Commented [BT13]:** 2<sup>nd</sup> Reading 8/3/20 – 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]:** 1<sup>st</sup> 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]:** 1<sup>st</sup> Reading 6/1/20 – Provided path for exemption (see commercial)

**Commented [BT16]:** 2<sup>nd</sup> Reading 8/3/20 – Deleted subsection



~~disposal and recycling services.~~

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

(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.

Commented [BT18]: 2<sup>nd</sup> Reading 8/3/20 - Removed added townhouse language

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

#### **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

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]: 1<sup>st</sup> 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]:** 2<sup>nd</sup> Reading 8/3/20 – Created hardship petition process for commercial service premises of 6 or more units

**Commented [BT21]:** 2<sup>nd</sup> reading 8/3/20 – 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]:** 1<sup>st</sup> Reading 6/1/20 – Added to allow condos and apartments which have existing service to continue if they demonstrate hardship

**Commented [BT23]:** 2<sup>nd</sup> Reading 8/3/20 – 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 a 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]: 1<sup>st</sup> 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~~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]: 1<sup>st</sup> 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 to the city the fees charged by the office of the clerk of the court for recording the notice of lien and a satisfaction of the lien.

**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]:** 1<sup>st</sup> 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.

~~(a)(b)~~ Any person or legal entity in violation of subsection (a) above shall be subject to a penalty of \$30 per day; from the date of issuance of the notice of violation through the date the violation is corrected. Partial days in violation shall be deemed a full day in violation for the purposes of determining penalties.

- ~~(b)(c)~~ 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.

Commented [BT27]: 2<sup>nd</sup> Reading 8/3/20 -- Established penalty for entities not having a valid and appropriate 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.

~~(e)~~(d) \_\_\_\_\_ 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)~~(e) \_\_\_\_\_ 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)~~(f) *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)~~(g) \_\_\_\_ 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 3<sup>rd</sup> day of ~~August~~ March, 2020.

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

~~ATTEST:~~ ATTEST: \_\_\_\_\_

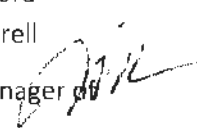
By:

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

Margaret England, Mayor

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** July 7, 2020

**SUBJECT:** Ordinance 20-xx, Second Public Hearing and Final 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 16<sup>th</sup> to F Street; the area west of the Boulevard between 2<sup>nd</sup> Avenue and the Boulevard from 11<sup>th</sup> to F Street; and the 300-foot wide commercial strip west of the Boulevard between 16<sup>th</sup> and 11<sup>th</sup> 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 2<sup>nd</sup> 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 16<sup>th</sup> and F Street.

At your June 1<sup>st</sup> 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 1<sup>st</sup> meeting).

At that meeting you passed the Ordinance on first reading.

The Comprehensive Planning and Zoning Board reviewed the Ordinance at its June 16<sup>th</sup> 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.

The ordinance has its first public hearing at your July 6<sup>th</sup> meeting, when you passed it without any changes on second reading.

ACTION REQUESTED

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

**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 setback.

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 on 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.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** July 27, 2020

**SUBJECT:** Opening of 2nd Street West of 2nd Avenue: Review of Options and Costs

**BACKGROUND**

The section of 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue isn't accessible. Off and on since 1992, there has been discussion of opening the section. However, the section wasn't built because not all the owners of the adjacent lots would agree to pay the costs to open the street. City policy was and still is that those who want to build on platted but unbuilt streets must pay the costs to build the street. In the past, this policy has been followed for the opening of 10<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue and, more recently, for the opening of 8<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue.

Mr. Eric Kenney, who owns two lots on 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue, wants to develop those lots for residential use. He is willing to pay the costs to build 2<sup>nd</sup> Street from where it currently ends east of 2<sup>nd</sup> Avenue westward across the 2<sup>nd</sup> Avenue right of way to his lots. However, the residents of the existing homes along 2<sup>nd</sup> Street east of 2<sup>nd</sup> Avenue oppose connecting the two sections of 2<sup>nd</sup> Street. At its July 7 and August 4, 2014, meetings, the City Commission discussed connecting the two sections and the residents' opposition to the connection and decided by consensus to approve having the access to 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue from 1<sup>st</sup> Street.

More recently, at the continuation of your July 6<sup>th</sup> meeting on July 7, 2020, you asked the Public Works Director to provide options and costs for accessing 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue.

**ATTACHMENTS**

They are:

- a. Pages 1-2, the minutes of that part of your July 7, 2014, meeting, when you discussed the unopened section of 2<sup>nd</sup> Street
- b. Pages 3-4, the minutes of that part of your August 4, 2014, meeting, when the discussion was continued.
- c. Pages 5-5, the minutes of that part of your July 6, 2020, meeting.
- d. Pages 7-9, the minutes of that part of your July 7<sup>th</sup> continuation meeting.
- e. Pages 10-15, the report from the Public Works Director, Mr. Tredik, concerning accessing 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue.

## OPTIONS

Mr. Tredik notes there are three options:

1. From the existing, paved section of 2<sup>nd</sup> Street westward across the 2<sup>nd</sup> Avenue right-of way.
2. From 1<sup>st</sup> Street north along the 2<sup>nd</sup> Avenue right-of-way.
3. From 3<sup>rd</sup> Street south along the 2<sup>nd</sup> Avenue right-of-way.

For each option, Mr. Tredik provides pros and cons. However, he hasn't provided costs. It's been estimated that building a road in the 2<sup>nd</sup> Avenue right-of-way, either from 1<sup>st</sup> or 3<sup>rd</sup> Streets, could cost \$75,000 or more. At this time, the money for this project is not in the proposed Fiscal Year 2021 budget.

Mr. Kenney has said he will pay the cost to pave and connect the two sections of 2<sup>nd</sup> Street and to open 2<sup>nd</sup> Street to his lots. He will not pay the costs to open 2<sup>nd</sup> Avenue from either 1<sup>st</sup> or 3<sup>rd</sup> Streets.

## ACTION REQUESTED

There are three. First, as Mr. Tredik notes on page 10, it is that you discuss what alignment you prefer for accessing 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue, so that Mr. Kenney can build on his two lots.

Second, if you decide that 2<sup>nd</sup> Street is to be accessed from either 1<sup>st</sup> or 3<sup>rd</sup> Streets on the 2<sup>nd</sup> Avenue right-of-way, who is to pay the cost, the City, Mr. Kenney, or all the owners of the lots along 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue.

Third, whether you want the City staff to begin proceedings for a special assessment so that all the lot owners will pay the costs to build the road on 2<sup>nd</sup> Avenue and the costs to open 2<sup>nd</sup> Street from 2<sup>nd</sup> Avenue west to where it ends at the Sea Oaks subdivision. The process to levy the assessment will take several months.

FROM MINUTES OF CITY COMMISSION MEETING, JULY 7, 2014

OLD BUSINESS

4 Unopened Section of 2<sup>nd</sup> Street West of 2<sup>nd</sup> 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 2<sup>nd</sup> Street, said the costs should be paid by the owners of the 16 lots.

Curt Lawrence 112B 2<sup>nd</sup> Street, said the lack of through traffic was an attractive feature and wanted it to stay quiet. Laura & Chris Barkett, 114 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Street purchased those lots based on the road not being open and the City should not open it. He favored access from 2<sup>nd</sup> 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 2<sup>nd</sup> Street.

Mr. Kenney, 8 Versaggi Drive, asked that the alley behind 116 2<sup>nd</sup> 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 2<sup>nd</sup> Street West of 2<sup>nd</sup> 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, 2<sup>nd</sup> Avenue or 1<sup>st</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Street and 2<sup>nd</sup> 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 2<sup>nd</sup> 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 1<sup>st</sup> Street via 2<sup>nd</sup> 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 2<sup>nd</sup> Street with access from 1<sup>st</sup> Street via 2<sup>nd</sup> 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 2<sup>nd</sup> Street, asked if the issue would come up again, and was told the access route would not.

FROM MINUTES OF JULY 6, 2020, CITY COMMISSION MEETING

NEW BUSINESS

10. Opening 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue for Construction of Single-Family Residences: Review of Proposal (Presenters: Bill Tredik, Public Works Director; Brian Law, Building Official)

Mayor England introduced Item 10 and asked Public Works Director Tredik to give his response.

Public Works Director Tredik showed a slide of the area (Exhibit 4). He then gave the history of this item dating back from 1998 to present. He advised that Mr. Kenney told staff that he would pay for the road to go straight through on 2<sup>nd</sup> Street. He explained that the costs for the City to do it would be approximately \$50,000 according to former Public Works Director Howell and he advised that now it would be \$75,000 or more. He commented that funding is a problem due to the budget for this project. He explained the three options that would work.

Mayor England asked Mr. Kenney to come to the podium.

Eric Kenny, 6 Oceanside Drive, St. Augustine Beach, FL, advised that he would like to pay for the road, so the City does not pay for anything. He requested this in order to complete the two homes he has built and to build two more homes that have no access to the property.

Commissioner Samora asked if there was a cost issue to go through 2<sup>nd</sup> Avenue.

Mr. Kenney advised it would be cost prohibitive.

Commissioner Samora asked if Mr. Kenney would be willing to contribute the cost to do the paving he wants and asked if he would agree to go straight through and the City would pay for the rest of the paving.

Mr. Kenney advised yes if the City can get it done quickly.

Mayor England asked if the paving is done straight through would sidewalks be done.

Mr. Kenney advised that he is not sure because he has not contacted an engineer; however, he believes that the sidewalks and handicap ramps would be done on both sides where the two sides connects.

Mayor England advised that the neighbors have expressed safety concerns if the road goes through.

Commissioner George asked what streets would this be done on.

Mr. Kenney advised on 115 and 117 2<sup>nd</sup> Street.

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

Chris Bartket, 114 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that he wants the least impact for the current residents. He advised that no neighbors were notified of this paving and the former public works director said it was his job pave to those undeveloped lots. He commented that the Commission said that they would not go through to these lots in 2014.

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, advised that the neighborhood has never been approached about paving. He explained that the alternate route is from 1<sup>st</sup> Street. The minutes reflected that this access route would not be done, and the neighbors want a

dead-end street. He commented that Mr. Kenney just wants a lower cost option and asked the Commission not to revisit this.

Jade Floyd, 111 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that this issue would not come up again and the same concerns remain. He advised that there is no room for sidewalks because the street is so narrow. He complained that this is quality of life issue for the neighbors.

Attorney James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine, FL, explained that he represents several property owners on the western section in the area. He explained that his clients did not reach the 65% threshold that needs to be accomplished and want an alternative from 2<sup>nd</sup> Street.

Mayor England closed the Public Comments section and asked Attorney Whitehouse if he was representing the owners of the undeveloped lots where the street does not go through.

Attorney Whitehouse advised yes. He explained that he has not spoken to all the owners but advised that they want this to move forward quickly and whichever is quickest they would be in favor of.

Public Works Director Tredik advised that there were 11 in favor of the paving, which is 69%. He advised that if the City wants to go from the south there are two owners who are dead set against it. If there is alternative path, there needs to be enough contributions upfront and the budget would have to reflect the project.

Mayor England suggested that the meeting be continued in order to complete this item tomorrow.

10. Opening 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue for Construction of Single-Family Residences: Review of Proposal (Presenters: Bill Tredik, Public Works Director; Brian Law, Building Official)

Mayor England continued Item 10.

City Attorney Douglas advised that public comments should be done again because the vote will be done today.

Commissioner Rumrell asked to table the item to give notice to everyone and reschedule the date to August Regular Commission meeting.

Mayor England suggested that since people were in the audience for public comments, she would like to give them a chance to speak. She then opened the Public Comments section. The following addressed the Commission:

Chris Barkett, 114 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that the neighbors are thinking of safety as their number one priority in finding an alternative route. He explained that 2<sup>nd</sup> Street is very narrow and there is no widening of the street available. Sidewalks cannot be put in either. He explained that if Mr. Kenney is willing to give a portion of the alternate route, then no one opposes it. He requested that Public Works Director Tredik advise how many times Mr. Kenney has asked to pave 2<sup>nd</sup> Street and when was the last time he did so.

Eric Kenney, 6 Oceanside Drive, St. Augustine Beach, FL, clarified that he has not agreed to put his money towards an alternate route because then he would be paying more than anyone else for the same access. He would pay for the access coming off 2<sup>nd</sup> Street to facilitate the building of the homes he has under contract and finish the two homes right now. He commented that he would provide Mr. Howell's emails to everybody and those emails said not to do 2<sup>nd</sup> Street and 7<sup>th</sup> Street because Mr. Howell and Mr. Larson told him he was not responsible for that paving, they were. He advised that there are some zoning violations and will file them with the St. Augustine Beach Zoning Department tomorrow.

Commissioner George asked when the purchase was on 2<sup>nd</sup> Street.

Mr. Kenney advised that he is still under contract and will purchase them when this issue is resolved. He explained that he has been waiting for six years with properties under contract for something to happen. He advised that he is not the current owner.

Jay Floyd, 111 2<sup>nd</sup> Street, St. Augustine Beach, FL, explained that he has access, which has been approved already but he does not want to pay for that access because it would cost him more money. He explained that his bamboo will be damaged.

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, he thanked the Commission for what they do; advised that a lot of the neighbors were not here tonight or last night; Mr. Kenney is not the property owner; neighbors were not properly notified about this issue; and 2<sup>nd</sup> Street is only 20 feet wide and is not compliant to regulations; he requested a traffic and environmental study and a green space analysis.

Mayor England closed the Public Comments section and advised that since all the neighborhood was not notified and the Commission does not have all the costs yet for this type of project, she would like to get more information. She then asked staff for their comments.

Public Works Director Tredik explained that coming from the north would be a problem for fire trucks.

Building Official Law advised that he asked the Fire Department off the record what they would prefer, and they said that they prefer straight access.

Mayor England asked staff to put in writing the three options with the positives and negatives and the costs for all three options. She explained that safety is number one and quality of life is number 2. She requested the costs of sidewalks and underground utilities as well.

Public Works Director Tredik advised that there will be a cost to getting those answers.

Mayor England said that maybe it should be done in stages, but we need the options in writing.

Commissioner Rumrell advised that he has multi concerns such as denying the right of access to a property and whether the City must pay for that or not. He wants options laid out and advised that he does not want this issue to be some government takeover or legal battle. He asked that this be a priority so that Mr. Kenney does not lose the contract and sue the City. He requested proper notices to the residents and a traffic study to be done.

Commissioner George advised that there was a clear policy on how to open a street. She gave the example of 8<sup>th</sup> Street. She explained that the lot owners must pay for it and the universal policy was adopted in 2016 for any street. She requested that the details of that policy should be given to the Commission. She said that majority of the neighbors wanted the west block of 2<sup>nd</sup> Street and the egress and ingress south onto 2<sup>nd</sup> Avenue, which would take a little traffic off A1A Beach Boulevard. She recalled discussion regarding access for emergency vehicles and that option would accommodate the turn. She requested staff provide what the preference would be for the Fire Department so that it can be reasonably accommodated. She explained that there is no liability on the City because the lots are undervalued but believes that the Commission should follow the policy that was set in 2016. The policy asks how many property owners agree to do the project and how the costs gets distributed. She explained that the City has an ordinance that show traffic patterns already instead of doing a traffic study.

Mayor England advised that the policy was that the owners would have to pay for the pavement.

Commissioner Samora asked to reevaluate all three routes in a timely manner. He commented that the policy that was made six years ago may not apply today because of the parking and traffic. This must be done quickly and if there was a precedence, then research it. He suggested notifying all the neighborhood including 1<sup>st</sup> Street and 3<sup>rd</sup> Street.

Vice Mayor Kostka advised that she remembers this issue on 8<sup>th</sup> Street and agreed with Commissioner George. She explained that it did not move forward because all the owners did not agree with putting in the road. She asked that all the property owners be noticed. She said that the City has a record that the City does not have to pay for the road, but the property owners are obligated to pay the expense.

Assistant City Attorney Taylor advised that the 2014 decision is not binding, and this would be a separate issue. The City has protection to do what it wants, but this issue should be resolve in an accelerated manner.

Mayor England was concerned that Public Works Director Tredik has a lot to do with the recent flooding and weir, etc. She asked what the Commission could do to help him with this.

Public Works Director Tredik advised that he would make some sketches on the three options and give the cost and time it would be completed. He advised that he was not a traffic engineer, which is a specialty field, and he would have to get a traffic study completed which would cost money.

Mayor England asked if the Commission feels a traffic study right now would be necessary.

Commissioner George advised that she trusted staff to give their opinion and feels that they are trained in this area, so no traffic study is needed. She said that they have other County colleagues that they can check with as well.

Commissioner Rumrell agreed with Commissioner George that no formal traffic study is needed, especially when time is of the essence.

Mayor England advised then no traffic study would be done at this point.

Public Works Director Tredik advised that he would bring this back to the Commission at the next meeting.

Mayor England asked the Commission to help Public Works Director Tredik as they can because streets and accesses is one of the basics for the City.

Vice Mayor Kostka asked to have proper notice as well.

Mayor England gave direction to staff to bring this item back in August.

## MEMORANDUM

**TO:** Max Royle, City Manager

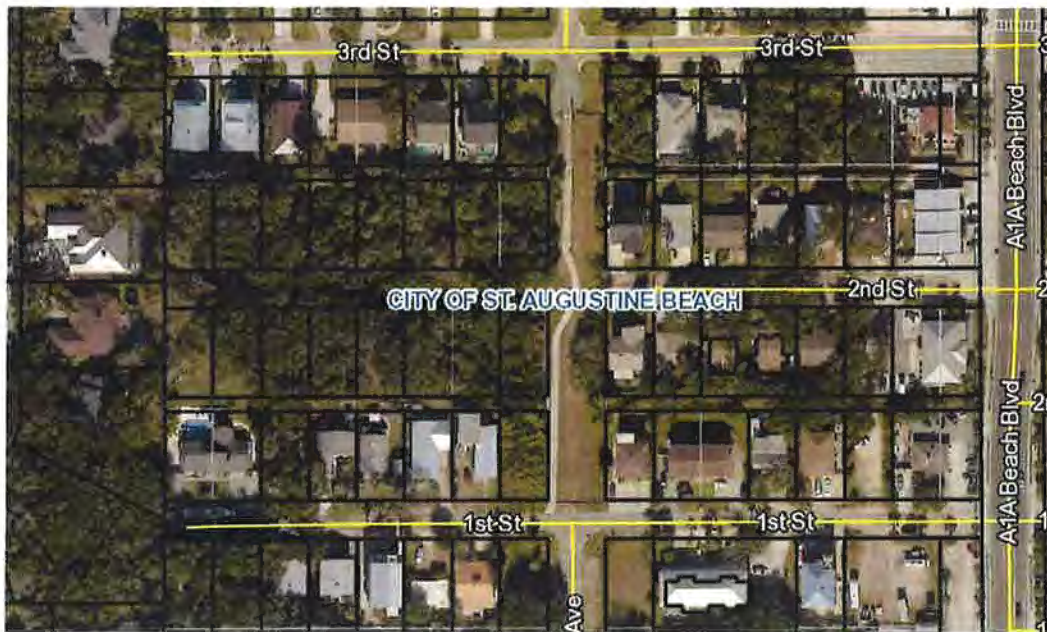
**FROM:** William Tredik, P.E. Public Works Director

**DATE:** August 3, 2020

**SUBJECT:** Construction of a portion of 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue

### BACKGROUND

The unopened portion of 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Street. The first option (Figure 2) involved extending 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue north from 1<sup>st</sup> Street to access 2<sup>nd</sup> Street (Figure 3). The estimated cost for this option in 2014 dollars was \$244,000.

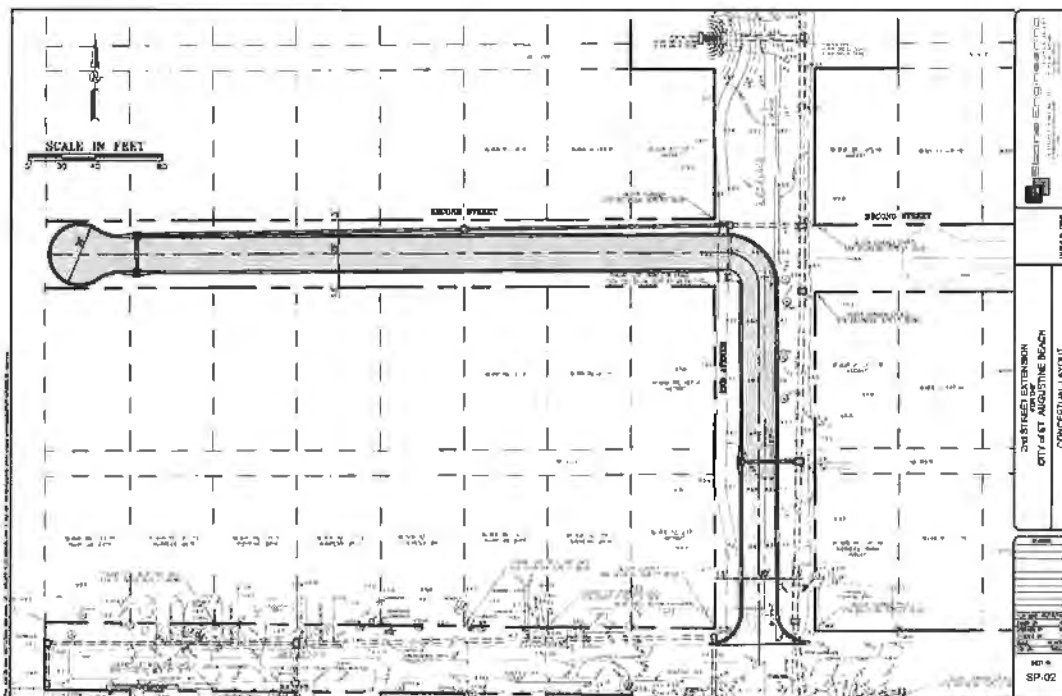


Figure 3 - 2nd Street Extension (2014 Option 2)

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 2<sup>nd</sup> Street with

access from 1<sup>st</sup> Street via 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue portion of the roadway and the property owners funding the 2<sup>nd</sup> 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.

In recent weeks, Mr. Eric Kenny – an interested party who desires to purchase the easternmost lots on the north side of the unopened 2<sup>nd</sup> Street right of way – has approached the City to discuss constructing roadway in a portion of the unopened 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Street just east of 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue from 1<sup>st</sup> Street to 2<sup>nd</sup> 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 2<sup>nd</sup> 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).

The City Commission discussed the issue at their July 6, 2020 regular meeting. Mr. Kenny's proposal was presented for consideration, along with the background information discussed earlier. The City Commission heard public comment from property owners along the opened portion of 2<sup>nd</sup> Street (east of 2<sup>nd</sup> Avenue) who are opposed to the extension of 2<sup>nd</sup> Street westward and preferred a connection from 2<sup>nd</sup> Avenue. The City Commission discussed the previous options, including the option of connecting from 3<sup>rd</sup> Street (see figure 4 below).



Figure 4 - Option 3

The Commission asked staff to bring this item back to the August 3, 2020 meeting for further discussion of the pros and cons of each of the 3 options. All property owners west of A1A Beach Boulevard between 1<sup>st</sup> Street and 3<sup>rd</sup> Street were notified of the scheduled August 3, 2020

meeting, so that all stakeholders had an opportunity to voice their position on the proposed project.

## **DISCUSSION**

All of the options have advantages and disadvantages. The pros and cons of each option are included below.

Option	Pros	Cons
Option 1 2 <sup>nd</sup> Street Extension	<ul style="list-style-type: none"> <li>• Lowest overall cost</li> <li>• Minimal or no city cost</li> <li>• Least new impervious surface</li> <li>• Least impact to existing bike path</li> <li>• No side yard roadway for houses abutting 2<sup>nd</sup> Avenue</li> <li>• Preferred access by Fire Department</li> <li>• More green space on 2<sup>nd</sup> Avenue</li> </ul>	<ul style="list-style-type: none"> <li>• Additional traffic on 2<sup>nd</sup> St.</li> <li>• Narrow 2<sup>nd</sup> St. pavement width (18' +/-)</li> <li>• Lack of sidewalk on 2<sup>nd</sup> St.</li> <li>• Narrow right of way (40')</li> <li>• Single ingress/egress for full length of street</li> <li>• Ingress/Egress at Boulevard can be difficult during times of high traffic</li> </ul>
Option 2 2 <sup>nd</sup> Avenue from 1 <sup>st</sup> Street	<ul style="list-style-type: none"> <li>• No traffic impact to existing houses on 2<sup>nd</sup> Street</li> <li>• Easier ingress/egress to/from A Street</li> <li>• Less new traffic to Beach Boulevard</li> </ul>	<ul style="list-style-type: none"> <li>• Higher cost</li> <li>• More impervious surface</li> <li>• Roadway abuts side yards of existing houses on 2<sup>nd</sup> Avenue</li> <li>• Potential congestion at 1<sup>st</sup> St. and 2<sup>nd</sup> Ave.</li> <li>• Potential congestion at 1<sup>st</sup> Street and A1A Beach Boulevard</li> <li>• Potential parking issues with overflow from 2<sup>nd</sup> Avenue lot.</li> <li>• Narrow 1<sup>st</sup> Street right-of-way (40')</li> <li>• Narrow 1<sup>st</sup> Street pavement (18' +/-)</li> <li>• Relocation of a portion of the 2<sup>nd</sup> Ave. bike path</li> <li>• Loss of green space on 2<sup>nd</sup> Avenue</li> </ul>
Option 3 2 <sup>nd</sup> Avenue from 3 <sup>rd</sup> Street	<ul style="list-style-type: none"> <li>• No traffic impact to existing houses on 2<sup>nd</sup> Street</li> <li>• Three (3) ingress/egress <b>points</b> to/from Beach Boulevard</li> <li>• Wider 3<sup>rd</sup> Street right of way (60')</li> <li>• Wider 3<sup>rd</sup> Street pavement (22')</li> </ul>	<ul style="list-style-type: none"> <li>• Higher cost</li> <li>• More impervious surface</li> <li>• Replace/lengthen pipe in 2<sup>nd</sup> Ave.</li> <li>• Roadway on side yard of existing houses on 2<sup>nd</sup> Avenue</li> <li>• More traffic on 2<sup>nd</sup> Ave., 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup> Streets</li> <li>• All ingress/egress from Boulevard</li> <li>• Relocation of full block of bike path</li> <li>• Loss of green space on 2<sup>nd</sup> Avenue</li> </ul>


**ACTION REQUESTED**

Further discussion and direction to staff regarding the preferred alignment for the construction of the unopened portion of 2<sup>nd</sup> Street.



**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** July 23, 2020

**SUBJECT:** Former Police Garage West of Former City Hall: Review of Lease with St. Augustine Beach Civic Association

**INTRODUCTION**

For years, the Civic Association leased the former police garage from the City for storage and an office and paid the City \$1 a year for the lease. However, with the current five-year lease with the Association expiring on August 3, 2020, the City's Police Department and the County's Marine Rescue Department have said they want to use 400 square feet, or half of the building's 800 square feet of interior space, for their needs.

At your July 6<sup>th</sup> meeting, Mr. William Jones, President of the Civic Association, told you that it wanted to renew the lease so that the remaining storage space could be used by it and a coalition of several nonprofit associations. Accordingly, you extended the current lease with the Association for 30 days, so as to give it time to work out the details with the other non-profits and for the City Attorney to prepare a new lease.

**ATTACHMENTS**

Attached for your review is the following information:

- a. Pages 1-4, the minutes of that part of your July 6<sup>th</sup> meeting when you discussed the lease and continuing it for 30 days. .
- b. Pages 5-8, the new lease prepared by the City Attorney.
- c. Pages 9-12, four memoranda of understanding with the non-profit groups that will use the remaining 400 square feet in the garage.

**CERTAIN MAJOR PROVISIONS IN THE LEASE**

They are:

1. Which entity the lease is with: The Civic Association, not the coalition. As the City Attorney informed you at your July 6<sup>th</sup> meeting "...one entity would have to be responsible for the lease and that the coalition [of non-profits] would not be able to get insurance if they are not a legal entity" (from the meeting's minutes, page2, attached).

2. Term: Five years with the right of the Association to renew for an additional five years. The City has the right to terminate the lease with 90-day notice.
3. Fee: \$1.00 a year
4. Maintenance and utilities: The Civic Association is responsible for the maintenance and cleaning of the property and for paying any utility charges. Also, the Association is to maintain all glass and nonstructural elements of the building while the City will maintain structural elements, such as the electric panel, roof, and garage door.
5. Insurance: The Association will provide a general liability policy with the City named as an additional insured.
6. Subletting of the premises: Lease is non-assignable, and the premises cannot be used for any commercial purposes.
7. Allowed use of the property: storage space, not as an office.

#### ACTION REQUESTED

It is that you discuss the terms of the proposed lease with Mr. Jones or his representative. If there is agreement to the terms, then we request that you approve the lease with the initial five-year period to begin on September 3, 2020, which is when the 30-day extension of the current lease will expire

FROM MINUTES OF JULY 6, 2020, COMMISSION MEETING

6. City Building West of Former City Hall: Consideration of Leasing Part of It (Presenter: Max Royle, City Manager)

Mayor England introduced Item 6 and asked City Manager Royle to give his staff report.

City Manager Royle advised that the current lease expires in a month and the Police Department only needs half of the building, which leaves 400 square feet for others to use and asked the Commission for guidance.

Discussion ensued regarding that there was a consortium of non-profits that would like to use the space available; to use the current lease and have all the non-profit consortiums listed; the Police Chief determined what space was needed in the garage and they would use the door and the garage door for access; St. Johns Fire Rescue Division and the City's Police Department would be using half the garage space.

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

Rich Gallik, 471 High Tide Drive, St. Augustine Beach, FL, explained that he is an officer for St. Augustine Beach Civic Association who is part of the consortium of non-profits and would like to request storage space at the garage for events the Civic Association has.

Marge Rooyakkers, 9 Madera Court, Palm Coast, FL, represents the Friends of Historic A1A Coastal Byway and handed out maps and tour guides for the Commission (Exhibit 3) and would like to store the maps at the garage.

Michael Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, FL, explained that he is a member of the Civic Association and has contributed for many years to the City. He advised that he would do the renovations for the garage at no costs to the City.

Michael Castagno, 35103 Harbour Vista Circle, St. Augustine, FL, thanked the Commission for allowing St. Auggie Bocce League to use the garage for storage of their materials for the bocce courts.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to vote no because the Civic Association is a political organization and is under the designation of 501 (C) 4.

Bill Jones, P.O. Box 341, St. Augustine Beach Civic Association President, St. Augustine Beach, FL, discussed what the City has received a return on investments for allowing the Civic Association to use the garage by contributing to the City events approximately \$40,000 and helped local businesses by \$4,000,000.

Jocelyn Soto, 354 Ocean Forest Drive, St. Augustine Beach, apologized for her behavior at last night's meeting.

Mayor England closed the Public Comments section and then asked if there were any further Commission discuss.

Commissioner Rumrell advised had no comments.

Commissioner George had no comments.



Commissioner Samora had no comments.

Vice Mayor Kostka asked if the same lease would be use and what the costs are for the facility to the City.

City Manager Royle advised that is would be minimum costs since it is a storage facility and there would be no air conditioning and there is no restroom.

Vice Mayor Kostka asked who insures the building.

City Manager Royle advised that the City pays for ensuring the building, but the consortium would have to insure their contents. He explained that the City has a general insurance policy to cover our contents and liability.

City Attorney Douglas asked if the consortium was provided the declarations of insurances to the City.

City Manager Royle advised yes.

City Attorney Douglas asked the Commission to discuss the dollar amount of that the consortium would have to have for their contents.

Mayor England asked that City Manager Royle, City Attorney Douglas and the consortium discuss the lease and bring the lease back to the Commission in August.

Commissioner Samora advised that the current lease would expire on August 3<sup>rd</sup> and asked if the Commission would like to extend the lease.

Discussion ensued regarding the 30 day extension; before voting on the lease it should be advertised to all non-profits; whether charitable organizations should be considered instead of the Civic Association as a 501 (C ) 4; requesting more information on the item before voting on the lease; the lease is only temporary; who should sign the lease document; should this be publicly noticed; and who would be responsible for what.

City Manager Royle advised that the City would advertise if it were for commercial use, but this is not. He explained that the land use is institutional, and the uses are restrictive.

Mayor England advised that there are no guarantees that the building could be used for any length of time since it could be taken back if the City needs it. She listed the organizations requesting to lease the space.

Commissioner Rumrell advised that if the Commission put it out to bid other local non-profits may not qualify for the lease. He asked if it is the coalition asking for the lease, not the Civic Association.

Mayor England advised yes.

Commissioner George advised that there is not a legal entity for the consortium or coalition and asked City Attorney Douglas his thoughts.

City Attorney Douglas advised that one entity would have to be responsible for the lease and that the coalition would not be able to get insurance if they are not a legal entity.

Mr. Jones advised that the four non-profits have done a memorandum of understanding. He explained that the Civic Associations started as a 501 (C ) 3 and was told that they had to

change to a 501 (c ) 4 because if it had the word civic in the title the IRS reclassified them to a 501 (c ) 4. He explained that electrical costs were under .05 cents per kilowatt for the City and the County and would cost less than \$50 a year. He commented that the Civic Association always insures the property for liability and the carrier has had no problem sharing space with other non-profits. The Civic Association took the lead because they started using the garage and because they are in a better financial situation than others. He will send a listing of all four non-profits using the space.

Commissioner George advised that the Commission could look at the lease agreement at the August Regular Commission meeting; however, it does not address the bidding issue and feels that it should be noticed to give others an opportunity.

Mayor England asked for a motion.

**Motion:** to extend the lease another 30 days until the next Regular Commission meeting and ask that the attorneys work on the lease agreement with the consortium with the Civic Association being the lead. **Moved by** Mayor England, **Seconded by** Commissioner Samora.

Roll Call was as followed:

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

**Motion passes unanimously.**

Mayor England asked Commissioner George to make a motion about advertising if she wanted to.

Commissioner George requested that notice be sent as it has been done at the old city hall. She felt that others should be able to utilize the garage.

City Manager Royle advised that the City could advertise in the local newspaper.

Mayor England asked if City Manager Royle could work with Commissioner George to see if any other entities would be interested in the space. She advised that the limitations need to be stated.

Commissioner George advised that instead of a formal advertisement, the City could contact the Chamber of Commerce and local non-profits. She commented that she would be happy to work with City Manager Royle on this.

**Motion:** that the City advertise the availability of this space to other non-profit organizations ten days in advance of the Regular Commission meeting that this item appears on the agenda. **Moved by** Commissioner George, **Seconded by** Vice Mayor Kostka.

Roll Call was as followed:

Vice Mayor Kostka	Yes
Commissioner George	Yes
Mayor England	No

Commissioner Rumrell      No  
Commissioner Samora      No

**Motion fails 3 to 2.**

**Motion:** to extend the meeting until 10:00 p.m. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

Roll Call was as followed:

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

**Motion passes unanimously.**

Commissioner Samora asked to hear Item 10 since several people in the audience have been waiting since the beginning of the meeting.

## LEASE

THIS LEASE agreement made and entered into this 3<sup>rd</sup> 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 Beach, 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 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. The City will maintain structural elements of the building including the electrical panel, roof, and garage door. The City will place a sign prohibiting parking in front of the garage doors. 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 creditor. 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 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
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. Hazardous chemicals do not include ordinary household cleaning supplies. 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 acknowledges the property is not connected to water or sewer and that Landlord is not providing access to these services. Tenant shall be responsible for 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:

For the City:     City Manager  
                         City of St. Augustine Beach  
                         2200 A1A South  
                         St. Augustine Beach, Florida 32080

For Tenant:     \_\_\_\_\_  
                         \_\_\_\_\_  
                         \_\_\_\_\_

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

ATTEST: \_\_\_\_\_  
Secretary

ATTEST: \_\_\_\_\_  
City Manager

ST. AUGUSTINE BEACH CIVIC ASSOCIATION, INC.

BY: \_\_\_\_\_  
President

CITY OF ST. AUGUSTINE BEACH

BY: \_\_\_\_\_  
Mayor-Commissioner

## Memorandum of Understanding

WHEREAS the organizations listed below have agreed to collaborate for the good of the City of St Augustine Beach, its citizens and visitors as the Better Beach Coalition (BBC); and

WHEREAS the partners listed within, enter into a Memorandum of Understanding for use of available space in the old police garage owned by the City of St Augustine Beach; and

WHEREAS the partners agree the St Augustine Beach Civic Association (SABCA) will fund the demolition and construction costs involved in creating a space that is separate from the space utilized for Public Safety; and

WHEREAS the partners listed within agree to Hold Harmless the City of St Augustine Beach and its duly elected officials while utilizing the garage for the good of the community:

### **Partner Agencies**

Friends of Scenic A1A - Is a non-profit organization with a mission to preserve, protect, promote and enhance the resources of the 72-mile A1A corridor through NE Florida's coastal communities including the City of St Augustine Beach

- Is a non-profit organization with a mission to preserve, protect, promote and enhance the resources of the 72-mile A1A corridor through NE Florida's coastal communities including the City of St Augustine Beach
- The Art Studio Group – this non-profit's start up was funded in part by SABCA. created to inspire, create and promote arts and culture in Saint Augustine Beach. The studio serves as a place to explore art, take classes, attend workshops and offers free workshops to children
- SAB Bocce Group & Sons of Italy – SABCA funds paid for materials used to construct and maintain the Bocce courts at Pier Park. The courts are open to the public (outside of league nights)
- SABCA – formed 40 years ago to monitor local government, inform citizens of vital issues and support the local economy through the production and promotion of community events, donation to other non-profits and sponsorships including City events. Over the last 20 years, SABCA events have had a positive economic impact of more than \$15,000,000

NOW THEREFORE it is agreed the partners listed withing will utilize space at the old City garage to store items utilized in their efforts to promote tourism, local shopping and healthy outdoor activities within the City of St Augustine Beach and the surrounding areas. The partners agree to support each other and community good. The partners understand with 30 days written notice, the City may remove the BBC should the garage be needed for Public Safety or other necessary use.

St Augustine Beach Civic Association

Agency Name

William Torres - Pres.

Name

W. Torres

Signature

6-18-20

Date



## Memorandum of Understanding

WHEREAS the organizations listed below have agreed to collaborate for the good of the City of St Augustine Beach, its citizens and visitors as the Better Beach Coalition (BBC): and

WHEREAS the partners listed within, enter into a Memorandum of Understanding for use of available space in the old police garage owned by the City of St Augustine Beach: and

WHEREAS the partners agree the St Augustine Beach Civic Association (SABCA) will fund the demolition and construction costs involved in creating a space that is separate from the space utilized for Public Safety: and

WHEREAS the partners listed within agree to Hold Harmless the City of St Augustine Beach and its duly elected officials while utilizing the garage for the good of the community:

### ***Partner Agencies***

Friends of Scenic A1A - Is a non-profit organization with a mission to preserve, protect, promote and enhance the resources of the 72-mile A1A corridor through NE Florida's coastal communities including the City of St Augustine Beach

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Friends of A1A Scenic & Historic Coastal Byway, Inc.  
Agency Name

Danielle Anderson  
Name

Danielle Anderson  
Signature

6/25/20  
Date

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**ST AUGUSTINE BOCCIE LEAGUE**

Agency Name

**Michael R Castano**

Name

**Michael R Castano**

Signature

**6/12/10**

Date

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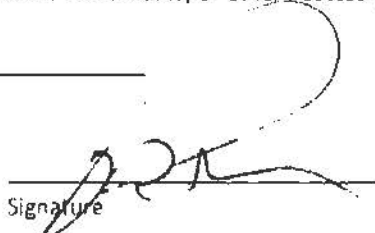
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THEART STUDIO

Agency Name

PAUL SLAVA


Name

  
Signature

6/19/20  
Date

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** July 27, 2020

**SUBJECT:** Solid Waste Non-Ad Valorem Assessment: Request for Approval of Interlocal Agreement with The Tax Collector

Attached as pages 1-11 is Resolution 20-17, exhibits and related information for the interlocal agreement with the Tax Collector. The City Attorney prepared the Resolution and the agreement. The agreement states the provisions governing the collection of the non-ad valorem assessment for solid waste by the Tax Collector. The City Commission in 2011 approved a similar agreement for the non-ad valorem assessment that provided revenue to pay the costs for just the disposal of household solid waste. The non-ad valorem assessment that you recently approved will pay the costs for both the collection and disposal of household waste, as well as the collection of recyclables.

**ACTION REQUESTED**

It is that you approve Resolution 20-17.

**Resolution No. 20-17**

**A RESOLUTION BY THE CITY COMMISSION OF SAINT AUGUSTINE BEACH, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT ON THE COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR SOLID WASTES BETWEEN THE CITY OF SAINT AUGUSTINE BEACH AND THE TAX COLLECTOR AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA.**

**WHEREAS**, the City Commission of Saint Augustine Beach, Florida ("Board") enacted Resolution 20-17, creating a Solid Waste Non-Ad Valorem Assessment; and

**WHEREAS**, Resolution 20-17 provides for the collection of the levied assessments by the Tax Collector in accordance with Florida Statute 197.3632; and

**WHEREAS**, Florida Statute 197.3632 requires a written agreement attached hereto as **Exhibit "A"**, incorporated by reference and made a part hereof, with the Tax Collector for the collection of the non-ad valorem assessments pursuant to the City of Saint Augustine Beach, Florida Code Article II. Solid Waste Non-Ad Valorem Special Assessment and the reimbursement of administrative costs associated with those collections. Said reimbursement is defined in the agreement as 2% of payments received by the Tax Collector.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA**, as follows:

**Section 1.** The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

**Section 2.** The Commission hereby approves the Agreement with the Tax Collector attached hereto and authorizes the Mayor of the City to execute said Agreement.

**Section 3.** The Clerk of the Court of St. Johns County, Florida is instructed to record the original Agreement in the Public Records of St. Johns County, Florida.

**Section 4.** To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the City Commissioners.

**PASSED AND ADOPTED**, this 3<sup>rd</sup> day of August 2020.

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Max Royle, City Manager

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Margaret England, Mayor

**ATTEST:**

**CITY CLERK FOR THE CITY OF ST. AUGUSTINE  
BEACH**

By: \_\_\_\_\_

Beverly Raddatz, City Clerk

## **Exhibit "A" to Resolution 20-17**

### **AGREEMENT**

This Agreement is entered into this 3<sup>rd</sup> day of August 2020 between the City of Saint Augustine Beach, Florida (the **City**), a political subdivision of the state of Florida, and the Tax Collector of St. Johns County, Florida (the **Tax Collector**).

In consideration of the representations and agreements set forth below the parties agree as follows:

1. The Tax Collector shall perform such duties and tasks as may be required of him in order for the City to implement and use Section 197.3632, Florida Statutes, (Uniform method for levy, collection and enforcement of non-ad valorem assessments) in order to levy and collect the Solid Waste Non-Ad Valorem Assessment against the real property located within the City of Saint Augustine Beach, Florida created by City of Saint Augustine Beach Resolution 20-17, as authorized by City of Saint Augustine Beach in its Code Article II. Solid Waste Non-Ad Valorem Special Assessment.
2. The City shall reimburse the Tax Collector for all necessary administrative costs incurred by him under Section 197.3632, Florida Statutes, and to include, but not be limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County will compensate the Tax Collector an amount equal to two percent (2%) of the balance collected as commission pursuant to Section 192.091(2)(b), Florida Statutes, as opted by the Tax Collector on an annual basis during the term of this Agreement.
3. The City represents that it has complied with all necessary or desired requirements of Section 197.3632(3), Florida Statutes, and that copies of the adopted resolution have been mailed to the St. Johns County Property Appraiser, the St. Johns County Tax Collector and the Florida Department of Revenue by \_\_\_\_\_ (date). A depiction of the property subject to the levy of the MSBU referenced in this Agreement and the Resolution of the County approving these assessments, and Minutes of the Meeting setting the rates are attached hereto and incorporated herein by reference as **Exhibit "A"**, **Exhibit "B"** **Exhibit "C"**, respectively.
4. The parties agree that the non-ad valorem assessments shall be levied using the uniform method provided for in Section 197.3632, Florida Statutes, and shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Section 197.3635, Florida Statutes.
5. The parties agree that the non-ad valorem assessments collected pursuant to Section 197.3632, Florida Statutes, shall be subject to the collection procedures provided for in Chapter 197, Florida Statutes, for ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment and issuance and sale of tax certificates and tax deeds for nonpayment.
6. The City represents that it has complied with all necessary laws and regulations of the State of Florida and the City of Saint Augustine Beach, Florida necessary for the passage of the non-ad valorem assessment referenced in this Agreement and for its collection by the Tax Collector.

7. In the event this non-ad valorem assessment or any portion thereof should be found or determined to be unlawful or unconstitutional, or if any type of refund is ordered or required to be made by the Tax Collector, the City agrees to provide the funds necessary for any such refund, and , further, to reimburse the Tax Collector for any and all necessary administration costs incurred by him for said refund. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming.

This Agreement is entered into as of the date first written above.

**TAX COLLECTOR OF ST. JOHNS COUNTY, FLORIDA**

\_\_\_\_\_  
Dennis W. Hollingsworth, Tax Collector

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Margaret England, Mayor

(SEAL)

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Max Royle, City Manager

**ATTEST:**

By: \_\_\_\_\_

Clerk for City of Saint Augustine Beach, FL



**Stop Press:** 3-21-2002



**CITY OF  
ST. AUGUSTINE BEACH**



**Exhibit "B" to Agreement – Solid Waste Ad Valorem Tax Resolution**

**RESOLUTION 19-13**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

  
Undine C. George, Mayor

ATTEST:

  
Max Royle, City Manager

**Exhibit "C" to Agreement – Solid Waste Ad Valorem Tax Resolution**

**MINUTES FROM JULY 6, 2020 MEETING SETTING RATES**

I. PUBLIC HEARING CONCERNING THE SETTING OF FEES FOR THE NON-AD VALOREM ASSESSMENT FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD WASTE, YARD TRASH/SPECIAL WASTE AND RECYCLABLES

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

1. Introduction and Explanation by Bill Tredik, Public Works Director

Public Works Director Tredik showed a PowerPoint (Exhibit 1) of the history of this item. The current non-ad valorem tax was established in 2012 at \$74 per year, which only pays for a portion of the costs. The rest of the costs are paid out the General Fund. In September 2019, the costs were \$460 per year. On April 29, 2020, he did a reanalysis of the City costs and found the total rate was \$330. He explained that the St. Johns County Tax Collector did not tell the City that the non-ad valorem tax could go into effect in 2021, if the City decides that. He said if the Commission wants to decrease the tax by 2.5% to start the non-ad valorem in 2021, that could be an option. He then stated the corrected costs.

Commissioner George asked if the revenues would be collected this year would that be for FY 20-21 budget. She asked if this would be a one-year acceleration.

Finance Director Douylliez advised yes, that the non-ad valorem taxes would be billed in November 2020.

Commissioner Rumrell had no comments.

Commissioner Samora had no comments.

Vice Mayor Kostka had no comments.

Mayor England explained that the reason for the non-ad valorem tax is to right size our customers by reworking the fees, moving the large scale customers to dumpsters, moving short-term rentals and transient rentals to commercial rates, and reducing the costs from \$480 to \$330. She advised that the Commission has received and read the emails.

City Clerk Raddatz advised there were only a few and they were mostly about the size of the recyclable containers.

2. Public Comment

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

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that the \$74 tax assessment was what the County was asking for in 2012; explained that smaller homes will be paying less ad valorem tax than non-ad valorem tax; renters already have contracted rates will go up in 2021 for an average of \$100 for the year; containers fees will eventually increase to \$375; and he previously requested a table on ad valorem versus non-ad valorem if costs were going to be increased.

Mayor England closed the Public Comments section and moved on to Item 3.

3. Discussion by the Commission and Setting Rates for Fiscal Year 2021

Mayor England introduced Item 3 and asked the Commission to discuss the rate setting for Fiscal Year 2021.

Commissioner Samora thanked and appreciated the staff for working so hard on this item. He said that this is the correct structure, even if this is not a perfect system. This gets the City closer to paying fees on services that are being provided. The notice covers half the costs this year and will increase each year. A \$200,000 home would be assessed approximately \$35 a year more in non-ad valorem tax and only is half the costs for the services being provided. He advised that he supports starting the tax in 2021 and not decreasing the non-ad valorem total rate of \$178. He commented that one of the reasons why the City is in this situation was because the tax was never changed in eight years, which the City codes says that the fees were to keep up with the services provided.

Mayor England asked Commission if the Commission wants \$178 or \$165.

Commissioner Rumrell agreed with Commissioner Samora's comments. He explained that if the City residents were charged for the last eight years the City would not be in the same situation. He advised that he could not quantify how much trash each house puts out and the methodology that staff presented makes more sense than counting the trash. He believes that the City staff can do a more efficient service and at a cheaper rate than Advanced Disposal regarding recycling and will be looking to have the City's staff do the recycling as well in the future.

Commissioner George opposed to adding a non-ad valorem fee on principle but supports the methodology. Staff has done a lot of good work on this methodology. She commented that the Commission did get some public comments against this going into effect this year because of COVID-19 and the economic hardships.

Vice Mayor Kostka shared Commissioner George and Mr. Binder's comments. She did not agree that one size fits all with fees and would like this tax to be an ad valorem tax instead of non-ad valorem tax. She was concerned about the economic effect of COVID-19 and would like to cut back the amount for 2021 to \$165. She thanked staff for all their hard work.

Mayor England commented that the Commission has worked hard on the methodology and having the commercial fees not being less than residential fees. She explained that the millage rate has not increased in a few years and supports the non-ad valorem tax starting this year and the fee to be \$178. She asked staff to investigate creating a procedure for hardship cases.

Finance Director Douylliez advised that there is nothing in the code to allow for hardship cases and that due to HIPPA the Health Department would have to research the claims as they do for the County. She advised that a committee would have to be developed to vote on whether to grant them or not.

Mayor England requested staff to investigate how the County does their hardship cases and report back to the Commission.

**Motion:** to correct an error of the ranges to effect the Commission's intent more accurately. The ranges on the non-ad valorem collections would be a minimum of \$75 and maximum of \$175, the range of the non-ad valorem disposal would be a minimum of \$50 and maximum of \$150, and the range of the non-ad valorem recycling would be a minimum of \$0 to a maximum of \$50. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

Roll Call was as followed:

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

**Motion passed 4 to 1.**

**Motion:** to assess the non-ad valorem taxes as noticed this year in the amount of collection non-ad valorem at \$87, disposal non-ad valorem at \$67 and recycling non-ad valorem at \$24 for a total of \$178. **Moved by** Commissioner Samora, **Seconded by** Mayor England.


Roll Call was as followed:

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

**Motion passed 3 to 2.**

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** July 20, 2020

**SUBJECT:** Ordinance 20-XX, First Reading, to Amend Section 6.02.03 of the Land Development Regulations for Provisions to Permit the Access to Private Property from Dead-End Streets

**BACKGROUND**

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 1<sup>st</sup> 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.

Attached as page 1 is a brief memo from the Building Official, in which he proposed that Section 6.02.03 of the Land Development Regulations 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. You reviewed his proposal at your July 7 continuation meeting. Attached as page 2 is the discussion you had concerning it.

**ACTION REQUESTED**

The City Attorney has prepared an ordinance (pages 3-5). We ask that you review it and if it meets with your approval that you pass it on first reading.





**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](mailto:blaw@cityofsab.org)

July 7, 2020

8. Accessing Private Property from Dead-End Streets: Review of Proposal (Presenter: Brian Law, Building Official)

Mayor England introduced Item 8 and explained that she met with people on Blueberry Street and Pyrus Street and then asked Building Official Law to give his staff report.

Building Official Law advised there is a neighbor dispute will pass last year. He explained that the rights-of-ways are under the Public Works Director purview and it would cost approximately a \$250 fee and any fees would go to the Bridge and Road Fund. He commented that the application will be created.

Discussion ensued regarding whether to create another resolution for the fee schedule or keeping the fee in the ordinance; did staff analyze all the rights-of-ways that this apply to; on Pyrus Street make a horse type fence; and Police Department having a call every day on Pyrus Street.

Commissioner George asked if she should be recused because the Commission mentioned Pyrus Street. She said that creating an ordinance for the City she should be a part of because that is not one particular location.

Building Official Law advised that the Commission advised staff to build a barricade in a previous meeting.

Mayor England agreed and said that this was an administrative staff action and they could place barricades on the City's rights-of-way where needed. She explained that the ordinance would go through the general process.

Building Official Law asked if the City Attorneys could draft the ordinance and bring it to the Comprehensive Planning and Zoning Board first and then to the Commission for three more meetings.

Commissioner Samora asked since the permit has a 30-day time limit; what would they do if they pass the 30 days.

Building Official Law advised that the property owner would have to reapply for another permit and pay for another permit.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked staff to moved forward with the ordinance procedures.

ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS SECTION 6.02.03 RIGHT OF WAYS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

**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**, the City Commission controls the use and regulation of its right of ways.

**WHEREAS**, the City Commission seeks to lessen disputes between neighbors.

**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, Land Development Code of Saint Augustine Beach section 6.02.03 is amended as follows:

**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 or no access streets shall be prohibited except by:
1. All governmental vehicles
  2. A Rights-of-Way permit as authorized by the Public Works Director, not to exceed 30 days for a fee of \$250.00 dollars, extensions may be granted for 30 day intervals at a fee of \$53.00 each as authorized by the Public Works Director.

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18; Ord. No. 18-18, § 1, 1-7-19; Ord. No. 20- , § 1, -  
-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.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

MAYOR

Published in the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_,  
2020. Posted on [www.staugbch.com](http://www.staugbch.com) on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** July 22, 2020

**SUBJECT:** Use of City Property Adjacent to Mizell Road Retention Pond: Review of Requests to Lease Parts for Injured Bird Recovery Facility and for Honeybee Hives

**INTRODUCTION**

The City owns 25 acres west of Mizell Road. Fifteen acres of the 25 acres is the retention pond and master pump station. The pond was dug in stages over several years starting in 1998. The 25-acre site is shown on the attached aerial photo (page 1).

On the pond's west side is a wild bird care and rehabilitation facility that is operated by Noah's Ark, headed by Ms. Karen Lynch. At its March 5, 2005, meeting, the City Commission approved a 10-year lease to allow Noah's Ark to use a small section of land for its facility. That lease is attached as pages 2-5.

More recently, Ms. Diane Spoden of our City requested asked the City Manager in an email for approval to put four to six honeybee hives on the property. Her request is attached as page 6.

Both Ms. Lynch and Ms. Spoden will be at your August 3<sup>rd</sup> meeting to present their respective requests in person.

**ACTION REQUESTED**

It is that you discuss their requests and then decide the following:

1. Whether to renew the lease with Noah's Ark and for what term.
2. Whether to have a lease with Ms. Spoden for the beehives.

The City Attorney can draft the lease or leases. We suggest that you authorize them to be signed by Mayor England if she approves what the City Attorney has prepared.



EAST



WEST

## LEASE

**THIS LEASE** agreement made and entered into this 7th day of March, 2005, by and between the City of St. Augustine Beach, a Florida municipal corporation (the "City"), and the Ark Wildlife & Rehabilitation, a Florida non-profit corporation, (the "Tenant"), whose address is 335 Sunset Drive, St. Augustine Fl 32084,

### **WITNESSETH:**

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

**Section 1. *Recitals.*** The following recitals are true and constitute a material inducement to the City to enter into this Lease Agreement:

- A. The City is the owner in fee simple absolute of certain property located adjacent to the City's Master Drainage Pond, as more particularly indicated on the map attached hereto and made a part hereof. The City is agreeable to leasing a portion of such property to the Tenant to enable it to provide a rehabilitation facility for injured and orphaned wildlife.
- B. The City does not have an immediate need for the land to be used as a rehabilitation facility and is agreeable to entering into a lease



of the land necessary for the facility as more particularly indicated on the attached map together with an easement for access to the property, upon the terms and conditions hereinafter contained.

- C. The City has been designated as a bird sanctuary and it is in the interest of the public health, safety and welfare that arrangements be made for injured and orphaned birds and other wildlife and the Tenant is will to provide rehabilitation services to the City in consideration of the Lease.

**Section 2. *Consideration.*** The Tenant agrees that during the term of this lease that it will provide rehabilitation services to injured and orphaned wildlife and that it will maintain all appropriate licenses for such services as may be required by the State of Florida. The Tenant further agrees that it understands that the property to be leased is within St. Johns County and outside the incorporated limits of the City. The City makes no representation as to the zoning or the appropriateness of the property for the proposed use. Tenant agrees that it will perform its own due diligence and will make application at its own cost and expense for such zoning changes, if any, required for its operations.

**Section 3. *Term of Lease.*** The term of the lease shall be for ten (10) 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 sixty (60) days 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. 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. There shall be no automatic renewal of this Lease.

**Section 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.

**Section 5. *Assignment of Lease.*** The demised premises shall be used solely for animal rehabilitation and shelter consistent with law. The lease

**Section 6. Maintenance of property.** The Tenant agrees that it will maintain the demised premises in a good and orderly fashion, free from all debris, including debris placed by third persons.

**Section 7. Recording of this Instrument.** This instrument shall be not be recorded.

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

**THE ARK WILDLIFE & REHABILITATION, INC.**

ATTEST: Patsy Owens BY: Harvey Lynd  
Secretary President

**CITY OF ST. AUGUSTINE BEACH**

ATTEST: [Signature] BY: [Signature]  
City Manager Mayor-Commissioner

## Max Royle

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**From:** Diane Spoden <dianesbees@gmail.com>  
**Sent:** Wednesday, June 17, 2020 2:35 PM  
**To:** Max Royle  
**Subject:** Mizell road property location for bee hives

To City manager, Max Royle

Dear Max,

This letter is to request permission to house a small number (4-6) of honey bee hives inside the fenced property surrounding the lake off Mizell road, St Augustine Beach.

As you may be aware our honey bee population is in decline and faces challenges from many quarters. Bees are a critical part of our food chain and are necessary for plant pollination. In an effort to maintain healthy populations we are looking for sites to locate hives that are fenced, away from public access and also accessible for management. The Mizell road property is ideal from these and a number of perspectives.

The equipment for this location has been a project built and funded by the Scouts BSA troop 9101 G from the Riverbend district for St Johns County Beekeepers. The hives will be in a very small grouping and be managed by myself, a UF Master Beekeeper and Program Director for St Johns County Beekeepers and member of the Crescent Beach Ladies Beekeeping Collective

I currently manage six similar groupings comprising of over 30 hives.

I hope the city of St. Augustine Beach will see the benefit of this worthwhile, cost free and highly beneficial project and in doing so join many other cities around the country by becoming a "bee friendly" city.

It would be my pleasure to meet with you, the commissioners and head of Public works to discuss and answer any questions. I look forward to hearing from you soon

Kindest regards,

Diane Spoden

**MEMORANDUM**

**TO:** Max Royle, City Manager

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

**DATE:** August 3, 2020

**SUBJECT:** Resolution 20-XX, Modifying Fees Related to Commercial Solid Waste Collection, Disposal and Recycling

**DISCUSSION**

On March 3, 2020 the City Commission adopted Resolution 20-06, establishing fees related to commercial garbage and trash collection and disposal, as required by Chapter 10 of the City Code. On August 3, 2020, the City Commission passed, on second reading, an ordinance modifying Chapter 10 of the City Code. This modification, among other changes, clarified the classification of condominiums and apartment complexes as commercial service premises, regardless of the number of dwelling units.

Subsequent to the approval of Resolution 20-06, the City Commission established a new non-ad valorem assessment for residential services premises in the amount of \$178 per year. Resolution 20-06, did not specifically set a fee for dwelling units within condominium units or apartment complexes, thus, as commercial properties they would have been subject to the minimum commercial fee of \$260 per year.

Exhibit A to Resolution 20-XX maintains the commercial rates previously set in Resolution 20-06, but also establishes an annual fee per dwelling unit within condominium and apartment complexes matching that established for residential service premises in the new non-ad valorem assessment. This modification of the fees ensures that all dwellings units pay the same fee for the same service, regardless of their classification as residential or commercial services premises.

**ACTION REQUESTED**

Adopt Resolution 20-06 adopting commercial solid waste collection and disposal fees.

**RESOLUTION NO: 20-XX**

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

**RE: ESTABLISHING FEES RELATED TO  
COMMERCIAL SOLID WASTE  
COLLECTION, DISPOSAL AND  
RECYCLING**

**WHEREAS**, the City Commission of the City of St. Augustine Beach has passed an ordinance authorizing that commercial solid waste collection, disposal and recycling fees be established by resolution; and

**WHEREAS**, the aforementioned ordinance defines condominium and apartment complexes as commercial services premises; and

**WHEREAS**, the City Commission of the City of St. Augustine Beach adopted Resolution 20-06, establishing commercial garbage and trash collection and disposal fees; and

**WHEREAS**, the City Commission desires to set the fee per dwelling unit in condominium and apartment complexes to be consistent with that charged for per dwelling unit within residential services premises;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, IN REGULAR SESSION  
ASSEMBLED:**

The City Commission of the City of St. Augustine Beach hereby updates and adopts the fees for commercial solid waste collection, disposal and recycling as contained within Exhibit A, which is attached hereto.

**RESOLVED AND DONE**, this 3rd day of August 2020 by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida

ATTEST:

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Margaret England, Mayor

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Max Royle, City Manager

## Exhibit A

### City of St. Augustine Beach Schedule of Fees Commercial Garbage and Collection Services

#### Item

#### Fee

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#### **Commercial Garbage Fees**

64-gallon cart (base fee)	\$5.00 per purchased cart per week
96-gallon cart (base fee)	\$7.50 per purchased cart per week
Two pickups per week	Calculated base fee x 2
Unauthorized container	\$10.00 per container per pickup
Uncontainerized garbage	\$7.50 per 64-gallon cart equivalent volume

#### **Commercial Recycling**

Recycling	\$0 for up to 1 bin per week
Additional Recycling bins	\$1 per additional bin per week

#### **Commercial Garden Trash**

Garden Trash	\$0 for up to 2 cubic yards per week
Additional yard waste volume	\$8 per additional cubic yard

#### **Commercial Trash or Construction Debris**

Trash or construction debris	\$0 for up to 2 cubic yards per week
Additional volume	\$15 per additional cubic yard

#### **Commercial White Goods**

White Goods	\$0 for 2 items per week
Additional white good items	\$50 per item above ten (10) in a calendar year

#### **Condominium and Apartment Complex Fees**

Offices, clubhouses or other non-dwelling unit areas As specified above

Solid waste collection, disposal and recycling for dwelling units \$178 per year per dwelling unit

**Container Impoundment Return Fee** \$20 per container

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING  
AUGUST 3, 2020**

**CODE ENFORCEMENT/BUILDING/ZONING**

The report is attached as pages 1-4.

**COMPREHENSIVE PLANNING AND ZONING BOARD**

The minutes of the Board's June 16, 2020, are attached as pages 5-12.

**SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE**

The Committee did not meet in July.

**POLICE DEPARTMENT**

Please see page 13.

**PUBLIC WORKS DEPARTMENT**

Please see pages 14-18.

**FINANCE/ADMINISTRATION**

Please see page 19.

**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. The Director will look into a pump system for Ocean Walk. To improve water flow, he has had the Mickler ditch between 16<sup>th</sup> Street and A Street cleared, as well as the 11<sup>th</sup> Street ditch between Mickler and Lakeside Park. In the meantime, the City is pumping down its retention pond in advance of the more common rain events that are occurring.

C. Moving Waste Container

A



A U.S. Postal Service employee asked that a dog waste container on 5<sup>th</sup> Avenue be moved from its location near a mailbox because flies and odors from the container. The complaint was forwarded to the Public Works Director.

## 2. Major Projects

### A. Road/Sidewalk Improvements

#### 1) Opening 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue

There has been no action by the owners of the lots on 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue to open that street. The owners would have to sign an agreement and pay in advance the costs to construct the utilities and the road, just as the owners of the lots adjacent to 8<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue did. The Public Works Director has sent a letter to the owners of the lots along this section of 2<sup>nd</sup> Street, asking them if they would support the opening of 2<sup>nd</sup> Street and providing the utilities, knowing that they would be assessed the costs for the project. Thus far, the owners of 11 out of 16 lots have agreed to pay the costs, the owners of two lots have said no, and the remaining three owners haven't responded. A possible solution may be for the City to construct the road, pay for it with road impact fees, and then 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. The Commission will discuss this topic at its August 3<sup>rd</sup> meeting.

#### 2) Sidewalk on A Street

A resident has suggested that a sidewalk is needed on A Street between the beach and the Boulevard because of the traffic and number of pedestrians and bicyclists along that section of A Street. However, because of the pandemic, the search for funding for this project will be suspended at this time.

### B. Beach Matters

#### 1) Off-Beach Parking

As the City Commission has decided not to have paid parking in the City, the focus concerning off-beach parking has shifted to improving the City's existing rights-of-way and plazas to improve the rights-of-way and areas where people can park. At its March 2, 2020, meeting, the Commission reviewed a report prepared by the Public Works Director of City-owned streets and plazas where parking improvements could be made. The Public Works Director and the City Manager asked the Tourist Development Council at its March 16<sup>th</sup> meeting for funding to improve three parking areas. However, as one TDC member said, revenue from the bed tax will likely decline significantly because of the coronavirus pandemic and the City is not likely to receive at this time any bed tax funds for the improvements.

### C. Parks

#### 1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the

original owners for conservation purposes and for where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000 and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in private ownership. In 2015, The Trust for Public Land purchased the 4.5 acres for the appraised value of \$4.5 million. The City gave the Trust a down payment of \$1,000,000. Thanks to a grant application prepared by the City's Chief Financial Officer, Ms. Melissa Burns, and to the presentation by then-Mayor Rich O'Brien at a Florida Communities Trust board meeting in February 2017, the City was awarded \$1.5 million from the state to help it pay for the remaining debt to The Trust for Public Land. The City received the check for \$1.5 million in October 2018. For the remaining amount owed to The Trust for Public Land, the Commission at public hearings in September 2018 raised the voter-approved property tax debt millage to half a mill. What remains to be done are improvements to the Park, such as restrooms. The Public Works Director is applying to the state for a Florida Recreation Development Assistance Program grant to pay half the costs of the restrooms. The deadline for the grant is October 31, 2019. The City will know in early summer of 2020 whether it has received the grant. In addition, the City requested money from the County's \$15.5 million surplus. However, the County Commission at its November 5<sup>th</sup> meeting decided to use the surplus money for County capital projects that have been delayed from previous fiscal years. For the improvements, the City has applied for funding from a state grant and from a Federal grant from the National Oceanic and Atmospheric Administration. The City was told in March that the latter grant application had been approved for submission.

## 2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. The County purchased the property in 2005 for \$2.5 million. By written agreement, the City reimbursed the County half the purchase price, or \$1,250,000, plus interest. At its July 26, 2016, meeting, the County Commission approved the transfer of the property's title to the City, with the condition that if the City ever decided to sell the property, it would revert back to the County. Such a sale is very unlikely, as the City Charter requires that the Commission by a vote of four members approve the sale, and then the voters in a referendum must approve it. At this time, the City does not have the money to develop any trails or other amenities in the Park.

## D. Review of 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 3<sup>rd</sup> meeting and had its first public hearing at the March 2<sup>nd</sup> meeting, when it was passed on second reading. Its second public hearing and final reading were held at the Commission's April 29<sup>th</sup> meeting, which the April 6<sup>th</sup> 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 2<sup>nd</sup> meeting. At its May 4<sup>th</sup> 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 1<sup>st</sup> meeting, the Commission passed on first reading the ordinance to delineate the boundaries. The ordinance had its first public hearing at the Commission's July 6<sup>th</sup> meeting, when it was passed on second reading. It will have a second public hearing and final reading at the Commission's August 3<sup>rd</sup> meeting.

Also, at the August 3<sup>rd</sup> meeting, the Building Official will propose an amendment to the Regulations to provide provisions for access to private property from dead end streets.

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 July 22, 2020, there were 30 permits active for single-family residences in the City.

<b>SUBDIVISION</b>	<b>ADDRESS</b>	<b>DATE PERMIT ISSUED</b>	
<b>Anastasia Dunes</b>	1012 Island Way	09/16/2019	Active permit #P1915157
	1004 Island Way	02/04/2020	Active permit #P2000359
<b>Atlantic Beach</b>	12 13 <sup>th</sup> Street	09/09/2019	Active permit #P1915242
<b>Chautauqua Beach</b>	15 6 <sup>th</sup> Street	12/24/2019	Active permit #P2000023
	206 7 <sup>th</sup> Street	07/03/2019	Active permit #P1914954
	114 7 <sup>th</sup> Street	06/19/2020	Active permit #P2001112
	105 8 <sup>th</sup> Street	07/17/2020	Active permit #P2001163
<b>Coquina Gables</b>	6 F Street	11/14/2018	Active permit #14270
	613 Mariposa Street	12/20/2019	Active permit #P2000091
<b>Kings Quarry</b>	613 Old Beach Road	01/16/2019	Active permit #14368
<b>Ocean Oaks</b>	504 A Street	11/26/2019	Active permit #P2000099
<b>Ocean Walk</b>	47 Lee Drive	2/19/2020	Active permit #P2000574
<b>Sandpiper West</b>	103 Sandpiper Boulevard	02/04/2019	Active permit #14404
<b>Sea Colony</b>	612 Ocean Palm Way	09/10/2018	Active permit #P1915252
	332 South Forest Dune Drive	01/17/2019	Active permit #14373
	892 Ocean Palm Way	02/07/2019	Active permit #14417

SUBDIVISION	ADDRESS	DATE PERMIT ISSUED	
Sea Grove	1304 Smiling Fish Lane	02/24/2020	Active permit #P2000360
Sevilla Gardens	24 Ewing Street	07/17/2020	Active permit #P2001260
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
	420 Ridgeway Road	09/13/2019	Active permit #P1915279
	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
	212 Ridgeway Road	06/30/2020	Active permit #P2001167

Underlined address is a result of inspections not being performed in a 180-day period contrary to Chapter 1 of the Florida Building Code, in this event further review and actions are to take place as per the Florida Building Code.

#### COMMERCIAL CONSTRUCTION

- a. Concerning the vacate property between 5<sup>th</sup> and 6<sup>th</sup> Streets on the east side of A1A Beach Boulevard: At its October 16, 2018, meeting, the Planning Board approved a variance to reduce the minimum lot size required for a mixed used development from 8,500 square feet to 6,195 square feet. A two-story building will be constructed on one lot. It will have commercial use on the ground floor and residential use on the second floor. The address will be 600 A1A Beach Boulevard.
- b. The Planning Board approved a similar commercial/residential building at its January 15, 2019, meeting. The building's address will be 610 A1A Beach Boulevard.

- c. At its March 20, 2018, meeting, the Planning Board held a concept review hearing on a proposal 4,960-foot commercial building on the east side of State Road A1A, between the Verizon and Savage Swimwear stores. The Planning Board reviewed the proposed final development plan at its November 20<sup>th</sup> meeting and recommended that the Commission approve the plan. The Commission approved the plan at its December 3, 2018, meeting. Preliminary plans have been submitted though building permit hasn't yet been issued.

#### 4. Finance and Budget

##### A. Fiscal Year 2020 Budget

June 30, 2020, marked the end of three quarters of the fiscal year. As of that date, for the General Fund, the City had received \$5,277,840 and spent \$4,810,188 for a surplus of \$467,652. That surplus will diminish during the remaining four months of the Fiscal Year. The General Fund surplus at the end of June 2019 was \$118,132. In terms of percentages, 68% of the projected General Fund revenues had been received by the end of May while 62% of the projected expenditures had been spent. Property taxes continue to be the City's chief revenue source. As of the end of June, \$3,161,129 had been received. The estimate of the total revenue to be received for the General Fund for the entire fiscal year is \$7,761,979. 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

At its July 7<sup>th</sup> continuation meeting, the Commission scheduled a special meeting on Monday, July 27<sup>th</sup>, to review the proposed budget and set the tentative millage for FY 21.

##### C. Vendor Checks

Please see pages 20-38.

#### 5. Miscellaneous

##### A. Permits for Upcoming Events

The City Manager did not approve any permits in July.

##### B. Strategic Plan

The Commission decided at its January 7, 2019, meeting that it and the City staff would update the plan. The Commission agreed with the City Manager's suggestions for goals at its June 10<sup>th</sup> meeting and asked that the Planning Board and the Sustainability and Environmental Planning Advisory Committee be asked to provide their suggestions for the plan. The responses were reviewed by the Commission at its August 5<sup>th</sup> meeting. The Commission decided to have a mission statement developed. Suggestions for the statement were provided to the Commission for consideration at its September meeting. By consensus,

the Commission asked the City Manager to develop a Mission Statement and provide it at a future meeting. This has been done along with a Vision Statement, a Values Statement and a list of tasks. The City Commission reviewed the proposed plan at its January 14<sup>th</sup> continuation meeting, provided comments and asked that the plan be submitted for another review at the City Commission's April 6<sup>th</sup> meeting. However, because of the need to shorten the Commission meetings because of the pandemic, review of the strategic plan will be postponed for the time being.



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

**TO:** Max Royle  
**FROM:** Brian Law  
**SUBJECT:** Building and Zoning Department Monthly Report  
**DATE:** 7-22-2020

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### **Trees:**

- 1) Removal of oak tree with replacement mitigation at 213 11<sup>th</sup> Street, 7-9-2020
- 2) Removal of oak tree hazardous to property with branches over powerlines and roof at 507 C Street, 7-17-2020

### **Planning and Zoning Board: Regular Monthly Meeting Held 7-22-2020**

- 1) Planning and Zoning Board approved a request to remove a 32-inch diameter-at-breast (DBH) oak tree in the building footprint of proposed new construction of a single-family residence and a 30-inch DBH oak tree in the pool/pool deck footprint on Lot 47, Ridge at St. Augustine Beach, at 339 Ridgeway Road.
- 2) Planning and Zoning Board approved two variance applications for front and rear yard setback reductions from 25 feet to 20 feet and east side yard setback reductions from 10 feet to five feet for proposed new construction of a two-story single-family residence on each of Lots 15 and 16, Block 18, Chautauqua Beach Subdivision, at 130 4<sup>th</sup> Street and 129 5<sup>th</sup> Street.
- 3) Planning and Zoning Board approved an overlay district application for front and rear yard setback reductions from 25 feet to reduced overlay district setbacks of 20 feet front and rear and side yard setback reductions from 10 feet to 7.5 feet for proposed new construction of a single-family residence on each of Lots 11, 12, 13, and 14, Block 18, Chautauqua Beach Subdivision, at 122 4<sup>th</sup> Street, 121 5<sup>th</sup> Street, 126 4<sup>th</sup> Street, and 125 5<sup>th</sup> Street.
- 4) Planning and Zoning Board approved an overlay district application for front and rear yard setback reductions from 25 feet to reduced overlay district setbacks of 20 feet front and rear and side yard setback reductions from 10 feet to 7.5 feet for proposed new construction of a single-family residence on Lot 1, Block 33, Chautauqua Beach Subdivision, at 202 A Street.
- 5) Planning and Zoning Board approved an overlay district application for front and rear yard setback reductions from 25 feet to reduced overlay district setbacks of 20 feet front and rear and side yard setback reductions from 10 feet to 7.5 feet for proposed new construction of a single-family residence on Lot 13, Block 49, Coquina Gables Subdivision, at 314 B Street.

- 6) Planning and Zoning Board approved a mixed use modification application for post-permit modifications for parking reconfiguration, construction of a retaining wall, and a 1,117-square-foot ground floor wood deck addition to Oceans Thirteen, a two-story mixed use building consisting of two commercial units on the first floor and two residential units on the second floor as approved per Mixed Use Order File No. MU 2017-01, in a commercial land use district in the mixed use district on Lots 62, 63, and 64, Atlantic Beach Subdivision, at 12 13<sup>th</sup> Street.

**Code Enforcement: Next Meeting Scheduled July 29, 2020 (Pending)**

- 1) Code Enforcement addressed complaints and alleged violations including the illegal parking of recreational vehicles, commercial dumpsters, and transient lodging establishments alleged to be in violation of Section 3.09.00, Transient lodging establishments within medium density land use districts, of the City's Land Development Regulations.
- 2) At its last meeting held May 27, 2020, the 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 \$22,500.00 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 and is currently being energized.
- 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 approved by the St. Johns County Fire Department and currently in review by the Building Department.

**Certificates issued in FY 20: 39 Certificates of Occupancy and 819 Certificates of Completion**



# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

# OF PERMITS ISSUED

	FY 19	FY 20	FY 21
OCT	156	174	
NOV	160	127	
DEC	129	129	
JAN	167	134	
FEB	139	127	
MAR	129	126	
APR	195	98	
MAY	155	114	
JUN	120	128	
JUL	132		
AUG	141		
SEP	122		
TOTAL	1729	1150	

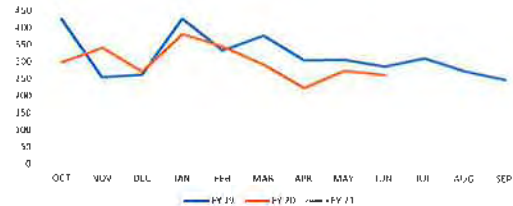
# OF PERMITS ISSUED



# OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21
OCT	424	298	
NOV	255	341	
DEC	262	272	
JAN	426	381	
FEB	334	345	
MAR	377	292	
APR	306	225	
MAY	308	276	
JUN	288	264	
JUL	312		
AUG	275		
SEP	250		
TOTAL	3817	2694	

# OF INSPECTIONS PERFORMED



BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$51,635.01	\$34,277.62	
NOV	\$20,192.42	\$21,844.58	
DEC	\$16,104.23	\$14,818.54	
JAN	\$40,913.31	\$37,893.38	
FEB	\$28,526.70	\$38,761.13	
MAR	\$22,978.53	\$15,666.80	
APR	\$42,292.91	\$19,092.61	
MAY	\$20,020.12	\$10,194.02	
JUN	\$26,445.26	\$30,428.38	
JUL	\$41,170.86		
AUG	\$32,714.82		
SEP	\$49,543.55		
TOTAL	\$392,500.82	\$223,077.28	

BUILDING PERMIT FEE GRAPH



MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$4,819.08	\$3,593.47	
NOV	\$2,541.44	\$2,180.00	
DEC	\$2,633.64	\$2,409.62	
JAN	\$3,338.69	\$2,768.47	
FEB	\$2,601.00	\$2,044.08	
MAR	\$2,515.33	\$2,232.73	
APR	\$3,801.26	\$1,716.00	
MAY	\$2,736.33	\$1,803.00	
JUN	\$3,844.54	\$3,354.00	
JUL	\$3,286.00		
AUG	\$2,863.49		
SEP	\$3,579.42		
TOTAL	\$36,360.23	\$22,102.57	

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	\$1,495.00	
JAN	\$2,151.66	\$1,180.00	
FEB	\$1,425.32	\$1,375.00	
MAR	\$1,203.33	\$1,841.00	
APR	\$743.00	\$600.00	
MAY	\$1,805.00	\$1,215.00	
JUN	\$1,065.00	\$855.00	
JUL	\$690.00		
AUG	\$1,460.00		
SEP	\$1,310.00		
TOTAL	\$17,208.61	\$12,303.00	

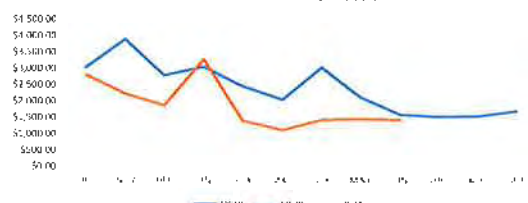
ELECTRICAL PERMIT FEE GRAPH



PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21
OCT	\$3,016.37	\$2,786.00	
NOV	\$3,867.41	\$2,221.00	
DEC	\$2,783.10	\$1,869.00	
JAN	\$3,031.40	\$2,256.00	
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	\$1,590.00	\$1,472.00	
JUL	\$1,525.00		
AUG	\$1,550.00		
SEP	\$1,706.00		
TOTAL	\$28,671.98	\$16,973.00	

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		\$5,519,800.00	
MAR		\$1,321,570.04	
APR	\$6,338,617.35	\$1,803,157.19	
MAY	\$2,725,410.79	\$1,003,140.58	
JUN	\$2,792,442.43	\$2,859,234.30	
JUL	\$4,717,293.00		
AUG	\$3,393,250.74		
SEP	\$4,502,737.63		
TOTAL	\$24,469,751.90	\$21,646,117.60	





## MINUTES

### PLANNING AND ZONING BOARD MEETING

TUESDAY, JUNE 16, 2020 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

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#### 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, Hester Longstreet, Dennis King, Steve Mitherz, Chris Pranis, Senior Alternate Victor Sarris.

BOARD MEMBERS ABSENT: Junior Alternate John Tisdall.

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 MAY 19, 2020

**Motion:** to approve the minutes of the May 19, 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. Land Use Variance File No. VAR 2020-05, for reduction of minimum 25-foot rear yard setback requirement 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 on Lot 11, Block 58, Coquina Gables Subdivision, at 412 F Street, Ryan Halcrow, Agent for James S. Cooper and Susan F. Horowitz, Applicants

Ms. Miller said this variance application is for a rear yard setback reduction from 25 feet to 19 feet for a 224-square-foot enclosed sunroom addition to an existing single-family residence at 412 F Street. Included in the application submittal is a petition signed by 10 neighboring residents in support of the reduced rear setback.

Ryan Halcrow, 17 Linda Mar Drive, St. Augustine Beach, Florida, 32080, agent for applicants, said he's also the contractor for this 16-foot-by-14-foot addition described on the application as a sunroom that will actually be a fully-functional, heated-and-cooled conditioned space. The minimum rear yard setback per City Code is 25 feet, and they're requesting to encroach another six feet for the addition, for a rear yard setback reduction to 19 feet.

No trees will be removed to build the addition, which won't exceed the current height of the house, so the addition won't be visible from the front, but it may be visible from some of the homes adjacent to the rear of the lot.

Mr. Kincaid said one of the things the Board looks for and requires in considering variance applications is a hardship, which he asked Mr. Halcrow to describe.

Mr. Halcrow said the existing house on this property is not very large, so the owners wanted to add some square footage, and they basically only had two options for an addition. There is no useable space on either the east or west sides of the house, the only useable space is in the back, as the house is located approximately 33 feet from the centerline of the vacated alley on the north side of the lot. With the current minimum 25-foot rear yard setback requirement, this only leaves room for an eight-foot-wide addition, which would make a very small tight room that is not a good option for the homeowners. The second option is to build up and add a second-story to the structure to create more square footage, but as the homeowners are getting up in age, that's not what they want to do. This is their retirement home, and as they don't want to bring in stairs, they thought applying for a variance for the 224-square-foot addition they propose to build would be the best possible use for more space.

Mr. Mitherz asked if the homeowners are currently living in this house.

Mr. Halcrow said yes, they are.

Mr. Pranis asked what the size of the current deck built off the back of the house is.

Mr. Halcrow said this deck has been demolished, but he believes it was about 150 square feet.

Ms. Longstreet said the paperwork turned in with the variance application all says the requested rear yard setback is from 25 feet to 20 feet, not 19 feet. This is only a difference of one foot, but legally, this needs to be clarified.

Mr. Halcrow said the variance request is for a rear yard setback reduction from 25 feet to 19 feet, as stated on the agenda for this meeting, and also as stated on the first page of the submitted variance application.

Mr. Einheuser said the rear yard setback reduction to 19 feet is also shown on the submitted site plan.

Mr. Kincaid said it's also in the description in the staff memo the Board received from Ms. Miller. He said he went by and saw this property and agreed with Mr. Halcrow's statement that the proposed addition won't be seen from the street. He asked if the requested rear yard setback reduction to 19 feet includes the portion of the vacated alley at the back, or north, of the lot, which adds another 7.5 feet of depth to the back of the lot.

Mr. Halcrow said yes.

Mr. Kincaid said the one neighbor he did not see among the signatures on the petition in favor of the variance is the neighbor on E Street directly behind the property at 412 F Street, for which this variance is requested. He asked if there has been any comment from this neighbor.

Susan Horowitz, 412 F Street, St. Augustine Beach, Florida, 32080, applicant, said there are tenants living in the house directly behind her home, and she did knock on their door, but no one answered. The owner of this property also was not available to sign the petition.

Mr. Kincaid asked if this property owner is local.

Ms. Horowitz said yes.

Ms. Odom asked if page 4 of the variance application was filled out by the applicant, as it lists four examples of approved variances that were granted in the vicinity of the property.

Ms. Miller said yes, this information was provided by the applicant.

Ms. Odom asked about the hardships for these variances, most of which go back to 2019. A precedent is always set when a variance is approved, and obviously, they've set precedents by the four variances cited as examples, but she can't remember that far back as to what the hardships were or the details of these variances.

Ms. Miller said the examples given do not have addresses, just variance file numbers and the dates the variances were approved, so it is really hard to remember the actual details with just file numbers and no addresses. It looks like these variance file numbers were obtained from agendas or meeting information on the City's website.

Mr. Kincaid said example number 4, granted in September 2019, for a rear yard setback reduction from 25 feet to four feet, was granted for a carport that was already built. That was the hardship, that it was already built.

Ms. Odom said that was asking for forgiveness, not permission.

Mr. Law said he remembers the variance granted in January 2020 for a rear yard setback reduction from 25 feet to 20 feet, for construction of a new single-family residence at 129 14<sup>th</sup> Street for Dr. Wihbey and his family. As for the nature of the hardship, he believes it was that they applied for the variance to build the house they needed.

Mr. Kincaid said he believes the hardship in this case was also that all of the other houses on that street had been built back to the 20-foot rear setback line, as this was the minimum rear yard setback requirement until recently, so the requested variance was asking to build the house in line with all of the rest of the houses on the street.

Ms. Longstreet said the applicants can make a hardship case, but they are not doing a very good job of it. They can say this is their retirement home, that they are getting up in age and are very hesitant to add stairs because of their backs or legs, or whatever, but the Board should not have to do this for them. The applicants should be getting together and doing this, or someone in Planning and Zoning should have this written down for them so that by the time the application comes before the Board, the Board doesn't have to help them with this.

Mr. Kincaid said he sees the hardship they're talking about, but his fear is they're back again dealing with someone who bought too small of a house and now needs a bigger one, so they want to undo the City's Land Development Regulations (LDRs) by applying for this variance in order to accommodate an addition and have a bigger home. However, he does see this request in the hardship and thinks impact plays a part as well, even though that is not in the variance considerations. Taking into consideration that you won't be able to see the proposed addition from the street, along with the petition signed by surrounding neighbors who support the variance request, he thinks if this variance was allowed, the result would be a significant lack of impact or lack of negative impact, aside from the precedent-setting that would be done by granting another variance.

Mr. Einheuser asked when the setbacks were changed from 20 feet front and rear to 25 feet front and rear.

Mr. Law said the setbacks were changed about two years ago. This house actually has an unusual construction type, if you look at the front right side of the house, where it juts out, that's approximately a 25-foot front setback based on his math, but the rest of the house comes in about 8 feet, and has a 33-foot front setback to the front property line adjacent to the street. Traditionally, with today's setbacks, the square footage would be maximized, and the front building wall of the house would come right across the front at the 25-foot front setback line. A possible hardship might be that the pre-existing construction with this extremely restrictive rear setback is denying the applicants the ability to build the proposed sunroom, which is actually a habitable living area.

Ms. Horowitz said she and her husband have owned their home at 412 F Street since 2006. She recently just retired, and her husband is in the process of retiring. He's 75 and she's 67. There are very few windows in their house, so they don't get a lot of light, and what they're really looking for is a room where they can get some light when it's really hot outside without having to be entirely enclosed with no windows. That's the motivation for wanting to build the addition in the back. They looked at alternatives, but without this variance, they could only have a little boxcar of a room, so it really wouldn't be worth doing it. They are not at all interested in climbing

stairs as they get older, and her husband has already had two knee replacements. She's not sure what else the Board needs in terms of hardship, but that's the way she would explain the purpose and the need for this addition.

Ms. Longstreet said that's great, it just needs to be documented and written down for the description of the hardship on the application. That's all the hardship that is needed.

Mr. Kincaid said he'd also put in what Mr. Law said about the property itself, and that the way the building is built presents a hardship as far as maximizing the use of the square footage of the lot. This gives the Board the ability to look at the lot or the building as causing the hardship, rather than a personal or medical issue causing it.

Mr. Taylor said as a point of information, everything said and done in this hearing is evidence and goes into the minutes, so if the Board wants the reassessed hardship information written down, they can ask that this be done, but it's really not necessary, as everything they're inputting here is part of the record and gets entered into the minutes of the meeting. The Board can incorporate any new findings or evidence regarding the hardship into a motion that will be put into the transcribed minutes of the meeting, which will describe what has been discussed.

Mr. King asked if the homeowners own one-half of the vacated alley behind their home.

Mr. Law said traditionally, when an alley is vacated, 7.5 feet of the typical 15-foot-wide alley is given to the adjacent property owners on either side. This 7.5 feet is incorporated into the adjacent property owners' lots, and it can be used for setbacks, but nothing can be built within this portion of a vacated alley without prior approval, usually from the City's Public Works Director. The vacated portion of an alley can be fenced in, or a deck may be allowed to be built in this area at the discretion of the Public Works Director, but most of the time, when the City vacates an alley, it is written in the ordinance to vacate that the City retains future rights to use it if needed, for whatever unknown reasons, such as technology changes or any other unforeseen circumstances.

Mr. Pranis said his initial question to the homeowner's agent about the size of the deck that's been removed was along the lines of Mr. Kincaid's thinking about the impact of the space. The size of this deck was not specifically laid out on the survey submitted with the application, but it looks like it was pretty close in size to the addition the homeowners are asking to build, so the impact is not going to be dramatic over what was formerly there.

Mr. Kincaid said also, no negative comments have been received from any neighbors.

Ms. Longstreet said just for the record, the reason for building the addition is due to the physical impairments of the homeowners.

Ms. Odom said she doesn't see that you have to build a room just because you have physical impairments.

Ms. Longstreet said if the owners could build stairs and go up, they wouldn't have to build out.

Mr. Kincaid said it is his opinion they have to be careful with medical and physical impairments, because these are not permanent, and whatever gets built on this lot is probably going to be there for generations to come. The LDRs lay out that the hardship should be something to do with either the lot or the building or some physical attribute of the property that presents a hardship for the applicants. Mr. Law pointed out the current building would not be built the way it is today, so the building construction provides a hardship on the applicants' ability to maximize the use of their property. Therefore, by granting the variance to allow the extra square footage needed for the addition, the Board is recognizing the current restrictions brought about by the original building construction. He's opening this up for the Board to be able to evaluate each applicant's lot and the building on that lot individually, so that they're not really setting a precedent, as they have the ability to look at every variance as to the impact to the neighborhood as well as the restrictions of the lot or the ability to use the lot. Last month, the Board approved a variance based on a lot that was odd-shaped and therefore restricted the owners from being able to use the lot to its full advantage. The hardship was the odd shape of the lot, and he thinks in this case, the construction of the house is the easiest way to address the hardship, without getting into medical issues.

He's afraid to get into the medical or physical ailments as aspects of the hardship, because these only last while the current owners own the property, whereas the building will be going forward forever, until it is demolished.

Mr. Taylor agreed and said the Board does not legally want to be making decisions about assessing somebody's medical abilities or lack thereof. The Board can take everything into account, in some sense, but he thinks they should have a justification other than medical to approve a variance.

**Motion:** to approve Land Use Variance File No. VAR 2020-05 as requested for a rear yard setback reduction from 25 feet to 19 feet, based on the hardship that includes the way the current existing single-family residence at 412 F Street was built and the applicants' inability to use the lot to its full potential. **Moved** by Mr. Kincaid, **seconded** by Mr. Einheuser, **passed 7-0** by unanimous voice-vote.

- B. Land Use Variance File No. VAR 2020-06, for reduction of minimum 10-foot side yard setback requirement to seven feet for proposed new construction of a 96-square-foot bathroom addition to an existing single-family residence in a medium density residential land use district on Lot 98, Atlantic Beach Subdivision, at 115 15<sup>th</sup> Street, Sally Nichols, Applicant

Ms. Miller said this variance application is for a 96-square-foot bathroom addition to an existing single-family residence at 115 15<sup>th</sup> Street. The applicant is asking for a side yard setback reduction from 10 feet to seven feet on the east side of the lot, as the existing house was built in 1957, before the City was incorporated, with the current seven-foot side yard setback on the east side. The applicant is asking to build the bathroom addition on this same side, in line with the east building wall of the home, because even though there is plenty of room in the back, there's a septic tank in the back yard, so the bathroom addition has to be built in the location shown on the survey submitted with the variance application. The application also includes approval from the State of Florida Department of Health and St. Johns County Environmental Health stating the bathroom addition will have no impact on the current septic system, and letters of support for the variance from the property owners at 113 15<sup>th</sup> Street and 117 15<sup>th</sup> Street, which are the properties next door on both the east and west sides, and a neighbor at 107 15<sup>th</sup> Street. Staff has received no negative feedback whatsoever regarding this variance request.

Sally Nichols, 115 15<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, applicant, said she's retired, and has four grown children and four grandchildren, who live in Atlanta, Tampa, and Canada. They all love to come visit her, sometimes for a month at a time. She has a very small bathroom in her home and really needs a second bathroom.

Mr. Pranis said the existing house on the lot is actually an odd-shaped home.

Mr. Einheuser said he doesn't see a problem with this, as the proposed bathroom addition will stay inside the current east side yard setback of the existing home.

Mr. Kincaid said if the bathroom was put in when the house was originally built, this wouldn't have been an issue, because it would have been in line with the house. He drove by this property and didn't see any issues, as the bathroom addition will follow the same line of the house and the applicant is not asking to build outside of a setback that doesn't already exist. In any case, this house predates anything in the City's LDRs.

Mr. Law said the construction of the house predates the City, as it was built before the City was incorporated in 1959.

Mr. Mitherz asked why the septic system would be approved by St. Johns County Health Department when they are trying to get property owners to hook-up to the sewer system.

Mr. Law said that's a long-term goal for the City. The Health Department has its own rules, he thinks if a septic system is functioning, and the proposed bathroom addition is of no impact, because bathrooms aren't the definition of impact to septic systems, it has more to do with the number of bedrooms, the Health Department usually approves it. Ms. Nichols will most likely not be granted a new septic permit in the event of a massive

failure of the system if sewer is available, so if she needs a new tank or the drain field collapses, the Health Department would have to look at the State laws and determine if hook-up to the central sewer system is required.

**Motion:** to approve Land Use Variance File No. VAR 2020-06 for a side yard setback reduction from 10 feet to seven feet for proposed construction of 96-square-foot bathroom addition to an existing single-family residence at 115 15<sup>th</sup> Street. **Moved** by Mr. Pranis, **seconded** by Ms. Odom, **passed 7-0** by unanimous voice-vote.

C. Ordinance No. 20-\_\_\_, passed on first reading by the City Commission at its regular monthly meeting of June 1, 2020, to establish boundary designations for the mixed use district along A1A Beach Boulevard

Ms. Miller said the mixed use regulations for the City were first suggested in 2006, when consultants were hired by the City to create what became the A1A Beach Boulevard Corridor Vision Plan. The regulations for mixed use development were adopted and incorporated into the LDRs as Section 3.02.02.01, but there is no definition of the exact location or boundary limits of the mixed use district in this section. To remedy this, an ordinance has been drafted to define the mixed use district in line with what the Vision Plan suggested, basically defining the mixed use district as all the commercially-zoned land along both sides of A1A Beach Boulevard, starting at the City's northern limits on the north side of Pope Road running south to the south side of F Street. The commercial designation runs 150 feet east from the centerline of A1A Beach Boulevard and 300 feet west from the centerline of A1A Beach Boulevard, so the proposed ordinance for the mixed use district incorporates the same commercial designation for the boundaries of the mixed use district. The City Commission reviewed this ordinance earlier this month on June 1, 2020 and passed it on first reading. The ordinance is now before this Board for the Board's review and recommendation to the Commission as to whether the Commission should pass it on final reading.

Mr. Law said this ordinance provides a definition for the boundary limits of the mixed use district, which is intended to create a combination of retail and pedestrian-friendly businesses and residential and commercial buildings, to break up the monotony of the commercial land use district on both sides of A1A Beach Boulevard.

**Motion:** to recommend the City Commission approve passage of Ordinance No. 20-\_\_\_ as drafted on final reading. **Moved** by Ms. Odom, **seconded** by Mr. King, **passed 7-0** by unanimous voice-vote.

D. Rescheduling of the Board's August 18, 2020 regular monthly meeting to proposed new meeting date of 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

Ms. Miller said staff needs a general consensus from the Board to reschedule the Board's August 18, 2020 meeting to August 25, 2020, to ensure there will be a quorum of Board members who can attend this meeting.

Mr. Kincaid asked if anyone is not available on August 25.

Mr. Einheuser said he might be taking his children to college at this time, so he will have to check on this before he can confirm that he is available on August 25.

Mr. Kincaid said if a quorum consists of a minimum of four members, they have a quorum in any case. The Board agreed, by general oral consensus, to reschedule its August meeting to Tuesday, August 25, 2020, at 6:00 p.m.

## **VII. OLD BUSINESS**

There was no old business.

## **VIII. BOARD COMMENT**

Ms. Longstreet said when the Oceans Thirteen mixed use building on the corner of 13<sup>th</sup> Street and A1A Beach Boulevard was approved by the Planning and Zoning Board, she thought the Board put a caveat on the approval that if this new building was built as close as it is to the duplex on the lots next to it to the east, all of these lots



would have to stay together, and that the owners would not be able to sell off the lots separately. They are now trying to sell the duplex lots separately from the lot which the new Oceans Thirteen mixed use building is on.

Mr. Law said he talked with the contractor for Ocean Thirteen and property owner or property owner's developer, as a question was posed to staff about a year ago about making the residential units of the duplex to the east into condominiums. If this were done, only the inside of the units would be sold, because when you buy a condominium, the condominium owners association (COA) basically retains ownership of everything else.

Ms. Longstreet said they can't sell the duplex lots, because if you look at how close the mixed use building is to the duplex, the roof is overlapping onto the property of the other, and the Board said the other lots on which the duplex is on could not be sold off separately.

Mr. Law said first of all, while he was not working for the City when this was approved, the mixed use order for Oceans Thirteen does not address this. Second, he's sure legal counsel would have a huge opposition if the Building Department tried to block a private property sale.

Ms. Longstreet said it was agreed upon by the owners and said at the meeting that they would not be able to separate the lots or sell them off separately. The Board told the owners that approval of their application was contingent upon them not separating the lots, because the buildings are too close together.

Mr. Taylor said he'd have to go back and review what the order was when this application was approved.

Mr. Law said there's nothing in the order, which he's read, but the fact is, if they were going to try to sell a part of this property, he's sure it would get flagged in the closing, because it's all under one parcel identification number. If the lots were sold separately, they'd have to break them apart into separate parcel numbers without a clear delineation and he'd be floored if somebody could actually pull that off.

Ms. Longstreet asked how they could possibly do that when they had to dig underneath the plots of the other lots just for the water and sewer and other utility hook-ups.

Mr. Law said that's what he's saying, he doesn't think this could be done, but once again, his department will not intervene whether the owners try to do this now or in 10 years, because they'd have no legal right to intervene, as this is not referenced in the mixed use order. He doesn't think this could happen anyway, because when a records and lien search is done for all the closing documents to get a clear title, there is no delineation as to where the properties could be broken off into separate lots or parcels. He thinks selling the inside of the duplex units as condominiums was something the owners were just thinking about. As far as he knows, the for sale sign has been taken down, but he doesn't know if the property is still on the Multiple Listing Service (MLS). However, he's pretty sure intervening in a private property sale would be treading fairly close to a government taking of property.

Mr. Taylor said yes, quite possibly, he'd be worried about that, but it probably isn't a good candidate for a lot split from what Mr. Law is describing, as there's no way to separate the different utility functions and everything else.

Ms. Longstreet said the paperwork for the new mixed use building did not show any decks, which it now has.

Mr. Law said there is a stop work order currently posted on the front door of the new building because of the decks. On next month's meeting agenda, the Board will have an application for post-permit modifications to the Oceans Thirteen building, to address the decks that have been built and to change the parking configuration.

Mr. Kincaid said so the Board will have an opportunity to address the builder and the owners next month.

Ms. Odom said the property is still listed on the MLS, which says it is subject to homeowner association (HOA) documents, approvals and declarations currently being drawn up. There was previously no HOA involved with this property, something she knows because she's sold this property three times in the past.

Mr. Law said the owners came to the Building Department and were told that converting existing property into a condominium is not a service the Building Department provides, as staff does not get involved with HOA or condominium associations, just whatever is involved in the construction of buildings. The reason he says it would be very challenging to break the lots apart is because of the property configuration, as the lots do not split clearly on the duplex or on the new Oceans Thirteen building, and the stormwater drainage is somewhere around where the new parking configuration is proposed. The Board will receive memos from the City's Public Works Director and St. Johns County Fire Department with the presentation of the proposed post-permit modification application at its next meeting, and until these modifications have been approved, the stop work order will remain as posted on the building. As far as he knows, the owners are intending to do some sort of condominium, but this has to be done by application to the State of Florida, which has its own rules and regulations for condominiums. As of now, work inside the Oceans Thirteen building can continue, but all work on the outside decks has to stop.

Ms. Odom asked, for clarification, if doing condominiums will include the duplex to the east of the Oceans Thirteen building.

Mr. Law said he doesn't have that exact information, but it is something they can ask the applicant when the post-permit modifications for the decks and parking reconfiguration is presented to the Board next month. However, as he understands, the owners were just talking about the duplex east of the Oceans Thirteen building as being a condominium. Once again, this is not within the purview of the Building and Zoning Department. Staff had a meeting with the contractor and the owners last week about the decks and the stop work order, and they were advised they would need to apply for post-permit modifications to the approved mixed use order, in accordance with provisions in the LDRs for amendments, modifications or extensions of a final development or other approval.

## **IX. ADJOURNMENT**

The meeting was adjourned at 6:53 p.m.

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Kevin Kincaid, Chairperson

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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

July 2020

**TO:** MAYOR/COMMISSIONERS

**FROM:** ROBERT A. HARDWICK, CHIEF OF POLICE

### DEPARTMENT STATISTICS –June 21- July 15

**CALLS FOR SERVICE 863**

**OFFENSE REPORTS 57**

**CITATIONS ISSUED 51**

**LOCAL ORDINANCE CITATIONS 23**

**DUI 1**

**TRAFFIC WARNINGS 245**

**TRESSPASS WARNINGS 28**

**ANIMAL COMPLAINTS 9**

**ARRESTS 21**

- 1 Contempt of Court-Violation of Injunction
- 3 Trespassing
- 1 Battery
- 1 DUI
- 1 Moving Traffic Violation- DWLSR (1<sup>st</sup> Offense)
- 1 Drug Equipment Possession and /or use
- 3 Liquor Possession by person under 21
- 1 Fraud Impersonation
- 3 Burglary to unoccupied conveyance unarmed
- 1 Larceny Petit Theft
- 1 Aggravated Assault -Weapon w/ without intent to kill
- 1 Moving Traffic Violation-DWLSR (3<sup>rd</sup> Offense)
- 1 Resisting an Officer
- 1 Vehicle Theft- Grand Theft of Motor Vehicle
- 1 Burglary to occupied dwelling unarmed

### ANIMAL CONTROL:

- St. Johns County Animal Control handled 9 complaints in St. Augustine Beach area.

### MONTHLY ACTIVITIES:

Activities canceled/limited due to COVID-19

## **MEMORANDUM**

Date: July 22, 2020  
To: Max Royle, City Manager  
From: Bill Tredik, P.E., Public Works Director  
Subject: Monthly Report – July 2020

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### **Hurricane Preparedness**

Public Works has completed 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

Public Works will monitor storm activity and take appropriate preemptive action as necessary.

### **Funding Opportunities**

Public Works has received notices of 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 – State has notified the City of final ranking and award. Revenue agreement with FDEP is pending.

- **Ocean Hammock Park Phase 2B Design**  
Coastal Partnership Initiative Grant – NOAA funded  
Grant amount \$25,000; \$25,000 match required  
Status – The Grant Agreement has been executed. Consultant selection is beginning.
- **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 in September
- **Ocean Hammock Park Phase 2A Construction**  
Florida Recreation Development Assistance Program (FRDAP)  
Grant amount - \$106,500; \$35,500 match required  
Status – Staff has received notification of award and is finalizing documents for the grant agreement with FDEP

### **Maintenance Activities**

**Rights-of-way and Parkettes** – Public Works continues to provide essential maintenance services on rights-of-way and parkettes. Restrooms on 10<sup>th</sup> 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.

**3<sup>rd</sup> Lane Drainage Improvements [Partially Constructed – Remainder Deferred]** – The 3<sup>rd</sup> Lane Ditch Drainage Improvements was intended to pipe approximately 450 feet of existing ditch west of the 2<sup>nd</sup> Avenue right-of-way and east of Sea Oaks Subdivision. This project addresses localized stormwater flooding and eliminates 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 indefinite hold and would need to be rescoped and potentially rebid in the future. As an interim measure Public Works installed 120 linear feet of new pipe to mitigate the worst of the ditch bank erosion. The completion of the project will be considered in a future budget cycle.

**Ocean Hammock Park Phase 2A [DESIGN]** –Public Works is currently designing the Phase 2A improvements to Ocean Hammock Park. Phase 2A improvements include handicap accessible restrooms (including a sanitary lift station and force main), electrical and lighting improvements, an outside shower, water/bottle fountain, an additional handicap parking space in the parking lot, two (2) picnic areas near the parking lot, an informational kiosk, a nature trail with interpretative signage, and handicap access to the existing beach walkway. Construction is funded by park impact fees and a \$106,500 grant from the Florida Recreation Development Assistance Program (FRDAP). Construction is scheduled to commence in FY2021 upon completion of design and permitting.

**Ocean Hammock Park Phase 2B [DESIGN]** – Public Works is set to commence design and permitting of Phase 2B of Ocean Hammock Park. Phase 2b includes additional parking and improvements to the interior of the park including, a picnic pavilion, observation deck, education center, additional trails with interpretative signage, bike and kayak storage, and handicap accessible connection to phase 2A and to the existing beach walkway. Design and permitting is funded by a park impact fees and a \$25,000 grant from the Coastal

Partnership Initiative. Selection of a design consultant will commence in the coming weeks with design being completed in FY2021.

**Vulnerability Assessment** – Work is slated to begin on the vulnerability assessment upon final execution of the revenue agreement with FDEP. The vulnerability assessment is to be conducted in three (3) phases, with the 1<sup>st</sup> phase being completed this fiscal year. Work will include data collection and analysis to identify vulnerabilities to storm surge and extreme tides, updating the City's GIS drainage database, updating the City stormwater model, public outreach and involvement, development of adaptation plan, including conceptual plans for projects which increase resiliency. The final plan will be presented to the City Commission for approval and use in developing future capital improvement plans.

**11<sup>th</sup> Street Pipe Repair [Deferred to FY21]**– 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 an 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. This project is proposed to be reduced in scope and re-budgeted in FY21.

**Mickler Boulevard Paving [Deferred to FY21]** – 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 deferred due to financial impacts of Covid-19 and is proposed to be re-budgeted in FY 2021.

**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**

**11<sup>th</sup> Street Ditch Cleaning** – The cleaning of the 11<sup>th</sup> Street Ditch is complete, substantially improving stormwater conveyance from Mickler Boulevard to Lakeside Park pond. This work was 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 (16<sup>th</sup> Street to 11<sup>th</sup> Street)** - Public Works has removed vegetation from the stretch of Mickler Boulevard Ditch between 16<sup>th</sup> Street and 11<sup>th</sup> Street to reduce friction and improve flow to the 11<sup>th</sup> Street Ditch. Removal of the vegetation was the first step in the ditch cleaning process and Public Works has now begun removing accreted muck from the bottom of the ditch. The removal of the accreted muck is anticipated to be complete in August and will further improve flow from 16<sup>th</sup> Street to 11<sup>th</sup> Street, providing a substantial benefit to stormwater conveyance. 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 (11<sup>th</sup> Street to A Street)** - Public Works has commenced removing vegetation from the Mickler Boulevard Ditch between 11<sup>th</sup> Street and A Street. The vegetation removal will be followed by accreted muck removal and will improve flow from areas south of 11<sup>th</sup> 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's engineering consultant to evaluate and develop solutions to the drainage problems within the Ocean Walk subdivision. The roadway in Ocean Walk (Lee Drive) is extremely low in places and has insufficient drainage infrastructure to convey the water from the subdivision. Public Works will develop stormwater improvement options for the subdivision which can be incorporated into the City Capital Improvement Program. Potential solutions include backflow prevention to protect the low-lying areas from high tailwaters, stormwater pumping, additional drainage structures on Lee Drive, an additional outfall from Lee Drive, and underdrains to provide groundwater control in low-lying areas. The development of drainage improvements in Ocean Walk is one of the long-term solutions identified after the recent extreme rainfalls in early June. In the interim, Public Works will implement temporary measures to provide drainage relief to the Lee Drive area. These temporary measures may include backflow prevention and portable pumping to provide flood relief to the neighborhood.

**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 had been temporarily delayed due to the COVID-19 pandemic.



## MEMORANDUM

**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** MONTHLY REPORT  
**DATE:** 7/22/2020

### Finance

June financials have been reviewed and our expenditures Citywide are 55.2% with approximately 75% of the year complete. Revenue continues to be the largest concern for FY 20. As of the date of this memo, we are still awaiting State revenue checks for the month of May.

### Communications and Events

A tree giveaway for Arbor Day was held on July 22<sup>nd</sup> at the Wednesday Farmers' Market. The event was a great success with many trees finding a new home.



The TDC has acknowledge receipt of our Beach Blast Off application. We are awaiting final word on the amount we will be awarded.

### Technology

The IT Staff has no updates currently.

July 13, 2020  
12:58 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 1

Range of Checking Accts: First to Last      Range of Check Dates: 06/01/20 to 06/30/20  
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
001TDOPERATING							
43365	06/05/20	ADVAP010 ADVANCED DISPOSAL SERVICES				06/30/20	1534
20-01616	1	RECYCLE FEES MAY-20	11,100.28	001-3400-534-3400 GARBAGE	Expenditure		82 1
43366	06/05/20	ADVAP010 ADVANCED AUTO PARTS					1534
20-01565	1	CAR WASH	20.00	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		36 1
43367	06/05/20	AFLAC005 AFLAC				06/30/20	1534
20-01613	1	PREMIUMS	339.96	001-229-2100 Insurance-Other Employee Paid	G/L		79 1
43368	06/05/20	ATTUV010 AT&T				06/30/20	1534
20-01562	1	INTERNET	50.10	001-1300-513-4100 FINANCE	Expenditure		34 1
20-01562	2	INTERNET	50.10	001-2400-524-4100 PROT INSPECTIONS	Expenditure		35 1
			100.20				
43369	06/05/20	BUILD015 BUILDERS STAINLESS.COM				06/30/20	1534
20-01586	1	PWD REPAIR SUPPLIES	29.36	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		64 1
43370	06/05/20	CLERK020 CLERK OF CIRCUIT COURT				06/30/20	1534
20-01593	1	CITATION SABP01044	75.00	001-354-100 Parking Tickets	Revenue		71 1
43371	06/05/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC				06/30/20	1534
20-01560	1	CEB NAMEPLATE	12.00	001-1100-511-4990 LEGISLATIVE	Expenditure		32 1
43372	06/05/20	CREAT005 CREATIVE FLEET MARKINGS LLC				06/30/20	1534
20-01580	1	VEHICLE DECALS	200.00	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		58 1
43373	06/05/20	CSAB-030 CSAB - POLICE EDUCATION FUND				06/30/20	1534
20-01594	1	PE FROM FINES	87.34	001-351-500 Court Fines	Revenue		72 1
43374	06/05/20	DEBOR010 DEBORAH K CHRISTOPHER				06/30/20	1534
20-01623	1	PAYROLL	660.00	001-2100-521-3400 LAW ENFORCEMENT	Expenditure		89 1
43375	06/05/20	DYNOM010 DYNOMETER				06/30/20	1534
20-01626	1	RADAR LASER	680.00	001-2100-521-4620 LAW ENFORCEMENT	Expenditure		91 1
43376	06/05/20	FIRST070 FIRST BANKCARD				06/05/20 VOID	0

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING			Continued						
43377	06/05/20	FIRST070 FIRST BANKCARD				06/05/20 VOID		0	
43378	06/05/20	FIRST070 FIRST BANKCARD				06/05/20 VOID		0	
43379	06/05/20	FIRST070 FIRST BANKCARD				06/05/20 VOID		0	
43380	06/05/20	FIRST070 FIRST BANKCARD				06/30/20		1534	
20-01474	1	AMAZON-PD UNIFORM SHOES	62.92	001-2100-521-5210 LAW ENFORCEMENT	Expenditure			1	1
20-01475	1	AMAZON-PD CASE	17.99	001-2100-521-5290 LAW ENFORCEMENT	Expenditure			2	1
20-01476	1	AMAZON-PD UNIFORM POUCH VEST	47.85	001-2100-521-5210 LAW ENFORCEMENT	Expenditure			3	1
20-01477	1	AMAZON-PD VEH #111 TOOL BOX	89.89	001-2100-521-4630 LAW ENFORCEMENT	Expenditure			4	1
20-01478	1	CHEWY-PD K9 KILO FOOD	55.09	001-2100-521-4640 LAW ENFORCEMENT	Expenditure			5	1
20-01479	1	AMAZON-PD STRG RM SUPPLIES	65.86	001-2100-521-5290 LAW ENFORCEMENT	Expenditure			6	1
20-01480	1	AMAZON-PD STORAGE RM SUPPLIES	102.98	001-2100-521-5290 LAW ENFORCEMENT	Expenditure			7	1
20-01481	1	AMAZON-PD OFFICE BOARD	43.99	001-2100-521-5100 LAW ENFORCEMENT	Expenditure			8	1
20-01482	1	AMAZON-PD OFFICE BOARD	28.90	001-2100-521-5100 LAW ENFORCEMENT	Expenditure			9	1
20-01483	1	AMAZON-BLDG COMPUTER EQUIPMENT	59.97	001-2400-524-5230 PROT INSPECTIONS	Expenditure			10	1
20-01484	1	OFFICE DEPOT-FIN CHAIR FOR MAX	266.24	001-1300-513-5230 FINANCE	Expenditure			11	1
20-01485	1	ALA CLEANERS-STAFF MASKS	22.50	001-1300-513-5230 FINANCE	Expenditure			12	1
20-01486	1	BECKMAN DVM-K9 KILO ORAL EXAM	99.00	001-2100-521-4640 LAW ENFORCEMENT	Expenditure			13	1
20-01487	1	PUBLIX-25 YRS SERVICE AWARD	60.55	001-1100-511-4990 LEGISLATIVE	Expenditure			14	1
20-01489	1	FIST-REDMAN SUIT-SELF DEFENSE	1,199.25	001-2100-521-5240 LAW ENFORCEMENT	Expenditure			15	1
20-01493	1	GFOA MEMBERSHIP - P DOUYLLIEZ	170.00	001-1300-513-5430 FINANCE	Expenditure			16	1
20-01499	1	SAFE SHIP-PD POSTAGE	25.59	001-2100-521-4200 LAW ENFORCEMENT	Expenditure			17	1
20-01501	1	CVS-PD CRIME PREVEN SUPPLIES	4.89	001-2100-521-5240 LAW ENFORCEMENT	Expenditure			18	1
20-01504	1	GODADDY-RENEW SABEVENTS.COM	18.17	001-7200-572-5290 PARKS AND REC	Expenditure			19	1
20-01507	1	AMAZON-PD PATROL EQUIPMENT	52.55	001-2100-521-5230 LAW ENFORCEMENT	Expenditure			20	1
20-01508	1	OTC DIRECT-PD NNO SUPPLIES	319.90	001-2100-521-5240 LAW ENFORCEMENT	Expenditure			21	1
20-01509	1	CVS-PD CARDS	11.06	001-2100-521-5240 LAW ENFORCEMENT	Expenditure			22	1

July 13, 2020  
12:58 PM

CITY OF ST. AUGUSTINE BEACH  
Check Register By Check Date

Page No: 3

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING									
43380	FIRST	BANKCARD							
	20-01551	1 ANYPROMO-PD NNO SUPPLIES	586.58	001-2100-521-5240	Expenditure		23	1	
				LAW ENFORCEMENT					
	20-01611	1 ZOOM-FILM MEETINGS	14.99	001-1100-511-5290	Expenditure		77	1	
				LEGISLATIVE					
	20-01612	1 CREST-PD GUN CLEANING	96.56	001-2100-521-5290	Expenditure		78	1	
				LAW ENFORCEMENT					
	20-01614	1 AMAZON-BLD PZ WATER	17.88	001-2400-524-5100	Expenditure		80	1	
				PROT INSPECTIONS					
	20-01614	2 AMAZON-BLD PZ WATER	17.88	001-1500-515-5100	Expenditure		81	1	
				COMP PLANNING					
	20-01617	1 CONSTNT CNTCT-NEWSLETTER SUBSC	96.00	001-1300-513-5410	Expenditure		83	1	
				FINANCE					
	20-01618	1 AMAZON-FIN THERMOMETER	77.98	001-1300-513-5230	Expenditure		84	1	
				FINANCE					
	20-01619	1 CHEWY-PD K9 KILO FOOD	55.09	001-2100-521-4640	Expenditure		85	1	
				LAW ENFORCEMENT					
	20-01624	1 AMAZON-PWD PRIME	12.99	001-1900-519-5290	Expenditure		90	1	
				OTHER GOVERNMENTAL					
	20-01628	1 PAYPAL-BLDG TRANSCRIP SERVICES	76.65	001-2400-524-5290	Expenditure		93	1	
				PROT INSPECTIONS					
	20-01629	1 SJC COUNC-PD FEE	10.00	001-2100-521-5290	Expenditure		94	1	
				LAW ENFORCEMENT					
			3,887.74						
43381	06/05/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY				06/30/20	1534		
	20-01575	1 JANITORIAL SUPPLIES	355.45	001-1900-519-5290	Expenditure		53	1	
				OTHER GOVERNMENTAL					
	20-01576	1 JANITORIAL SUPPLIES	40.23	001-1900-519-5290	Expenditure		54	1	
				OTHER GOVERNMENTAL					
			395.68						
43382	06/05/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				06/30/20	1534		
	20-01569	1 ELECTRICITY	61.83	001-1900-519-4310	Expenditure		41	1	
				OTHER GOVERNMENTAL					
	20-01569	2 ELECTRICITY	68.97	001-3400-534-4310	Expenditure		42	1	
				GARBAGE					
	20-01569	3 ELECTRICITY	107.04	001-131-1000	G/L		43	1	
				Due From Road & Bridge Fund					
	20-01570	1 ELECTRICITY	366.28	001-1900-519-4310	Expenditure		44	1	
				OTHER GOVERNMENTAL					
	20-01570	2 ELECTRICITY	244.20	001-2400-524-4310	Expenditure		45	1	
				PROT INSPECTIONS					
	20-01570	3 ELECTRICITY	535.27	001-2100-521-4310	Expenditure		46	1	
				LAW ENFORCEMENT					
	20-01570	4 ELECTRICITY	32.44	001-7200-572-4310	Expenditure		47	1	
				PARKS AND REC					
	20-01570	5 ELECTRICITY	22.49	001-7200-572-4310	Expenditure		48	1	
				PARKS AND REC					
			1,438.52						

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001TD	OPERATING			Continued			
43383	06/05/20	FLORI420 FLORIDA DEPT OF HEALTH				06/30/20	1534
20-01595	1	SPLASH PARK PERMIT	225.00	001-7200-572-5290 PARKS AND REC	Expenditure		73 1
43384	06/05/20	FLORI475 FLORIDA DEPT OF ENVIRO PROTECT				06/30/20	1534
20-01587	1	FUEL TANK REGISTRATION	25.00	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		65 1
43385	06/05/20	FOPLO005 FOP LODGE 113					1534
20-01597	1	MEMBERSHIP DUES	8.34	001-229-1000 Miscellaneous Deductions	G/L		75 1
20-01597	2	MEMBERSHIP DUES	8.34	001-229-1000 Miscellaneous Deductions	G/L		76 1
			<u>16.68</u>				
43386	06/05/20	GALLS010 GALLS LLC				06/30/20	1534
20-01590	1	MCNETT UNIFORM	138.95	001-2100-521-5210 LAW ENFORCEMENT	Expenditure		68 1
20-01591	1	FOAM LIFE VESTS	134.95	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		69 1
20-01621	1	CHIEF SHOES	108.95	001-2100-521-5210 LAW ENFORCEMENT	Expenditure		87 1
20-01622	1	FLASHLIGHTS	176.95	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		88 1
			<u>559.80</u>				
43387	06/05/20	GLACI005 GLACIER HEATING & A/C				06/30/20	1534
20-01578	1	PD A/C REPAIR	224.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		56 1
43388	06/05/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				06/30/20	1534
20-01566	1	SNEEZE GUARD	3.99	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		37 1
20-01566	2	SNEEZE GUARD RETURN CREDIT	3.99	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		38 1
20-01567	1	STORAGE	39.99	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		39 1
20-01568	1	BROOM	6.99	001-1900-519-5230 OTHER GOVERNMENTAL	Expenditure		40 1
			<u>46.98</u>				
43389	06/05/20	HASTY020 HASTY'S COMMUNICATIONS				06/30/20	1534
20-01588	1	RADIO EAR PIECES	299.45	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		66 1
43390	06/05/20	HOMED010 HOME DEPOT				06/30/20	1534
20-01571	1	MONITOR MOUNT	80.69	001-2400-524-6200 PROT INSPECTIONS	Expenditure		49 1
20-01572	1	CITY HALL SNEEZE GRD SUPPLIES	158.48	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		50 1

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PO #	Item	Description							
001TD	OPERATING								
43390	HOME DEPOT	Continued							
20-01573	1	CITY HALL SNEEZE GRD SUPPLIES	62.22	001-1900-519-5290	Expenditure		51	1	
				OTHER GOVERNMENTAL					
			301.39						
43391	06/05/20	KATHI005 KATHI M HARRELL				06/30/20	1534		
20-01592	1	REIMBURSE COLLEGE TUITION	823.50	001-2100-521-5430	Expenditure		70	1	
				LAW ENFORCEMENT					
43392	06/05/20	LEGAL005 LEGALSHIELD				06/30/20	1534		
20-01556	1	PREPAID LEGAL	15.95	001-229-2100	G/L		28	1	
				Insurance-Other Employee Paid					
43393	06/05/20	LVHIE010 L.V. HIERS INC.				06/30/20	1534		
20-01553	1	688 GAL REG 87 OCTANE	1,167.40	001-141-0000	G/L		26	1	
				Inventories - Fuel					
20-01554	1	654 GAL DIESEL	1,118.93	001-141-0000	G/L		27	1	
				Inventories - Fuel					
20-01582	1	280 GAL DIESEL FUEL	479.31	001-141-0000	G/L		60	1	
				Inventories - Fuel					
20-01583	1	852 GAL REG 87 OCTANE	1,459.06	001-141-0000	G/L		61	1	
				Inventories - Fuel					
			4,224.70						
43394	06/05/20	MARIO010 MARIOTTI'S				06/30/20	1534		
20-01557	1	UNIFORM DRYCLEAN SVC APR-20	100.95	001-2100-521-5210	Expenditure		29	1	
				LAW ENFORCEMENT					
43395	06/05/20	MELVIO10 MELVIN'S REPAIR SHOP				06/30/20	1534		
20-01577	1	VEHICLE #77 REPAIR	27.79	001-3400-534-4630	Expenditure		55	1	
				GARBAGE					
43396	06/05/20	MUNIC010 MUNICODE				06/30/20	1534		
20-01558	1	WEB HOSTING MAINT SUPPORT	2,400.00	001-1100-511-4620	Expenditure		30	1	
				LEGISLATIVE					
20-01559	1	CODE SUPPLEMENT #7	1,965.00	001-1100-511-3170	Expenditure		31	1	
				LEGISLATIVE					
			4,365.00						
43397	06/05/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				06/30/20	1534		
20-01596	1	DEFERRED COMPENSATION	1,714.52	001-235-0000	G/L		74	1	
				Deferred Compensation					
43398	06/05/20	PEOPL005 PEOPLEREADY FLORIDA INC				06/30/20	1534		
20-01579	1	TEMP LABOR SERVICE	388.56	001-3400-534-3400	Expenditure		57	1	
				GARBAGE					
43399	06/05/20	PIPPR010 PIP PRINTING				06/30/20	1534		
20-01620	1	GAS TICKETS	127.98	001-2100-521-4700	Expenditure		86	1	
				LAW ENFORCEMENT					

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001TDOPERATING			Continued						
43400	06/05/20	PUBLI020 PUBLIX				06/30/20	1534		
20-01581	1	HAND SANITIZER	23.67	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		59	1	
43401	06/05/20	SANFO005 SANFORD AND SON AUTO PARTS INC				06/30/20	1534		
20-01584	1	VEHICLE #77 SERVICE PARTS	59.57	001-3400-534-4630 GARBAGE	Expenditure		62	1	
43402	06/05/20	STADV010 STAPLES				06/30/20	1534		
20-01561	1	SW NON-AD VALOREM MAILING	99.76	001-1300-513-5100 FINANCE	Expenditure		33	1	
20-01589	1	SW NON-AD VALOREM MAILING	404.11	001-1300-513-5100 FINANCE	Expenditure		67	1	
			<u>503.87</u>						
43403	06/05/20	TOMNE010 TOM NEHL TRUCK COMPANY				06/30/20	1534		
20-01574	1	VEHICLE #79 REPAIR	58.45	001-3400-534-4630 GARBAGE	Expenditure		52	1	
43404	06/05/20	TREMR010 TREMRON JACKSONVILLE				06/30/20	1534		
20-01585	1	CITY HALL SIDE WALK MATERIAL	725.40	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		63	1	
43405	06/05/20	VERIZ010 VERIZON WIRELESS				06/30/20	1534		
20-01627	1	CELL PHONES	835.17	001-2100-521-4100 LAW ENFORCEMENT	Expenditure		92	1	
43406	06/05/20	WAL-M010 WAL-MART STORE#01-0579				06/30/20	1534		
20-01552	1	BLDG TV DVD PLAYER & MOUNT	324.91	001-2400-524-6200 PROT INSPECTIONS	Expenditure		24	1	
20-01552	2	OVERPAYMENT CK#043175	68.43	001-2400-524-6200 PROT INSPECTIONS	Expenditure		25	1	
			<u>256.48</u>						
43407	06/19/20	A1AAU020 A1A AUTO CENTER INC				06/30/20	1536		
20-01671	1	VEHICLE #122 WTR TNK & HOSES	255.55	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		73	1	
43408	06/19/20	ADVAP010 ADVANCED AUTO PARTS					1536		
20-01689	1	VEHICLE #134 PARTS	44.19	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		102	1	
20-01691	1	FLEET PARTS	44.66	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		104	1	
			<u>88.85</u>						
43409	06/19/20	BBT00010 BB&T GOVERNMENTAL FINANCE				06/30/20	1536		
20-01663	1	DEBT SERVICE PAYMENT	52,463.78	001-131-2000 Due From Debt Service Fund	G/L		57	1	
43410	06/19/20	BOZAR010 BOZARD FORD COMPANY					1536		
20-01670	1	VEHICLE #131 REPAIRS	640.08	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		72	1	

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PO #	Item	Description							
001	TD	OPERATING							
				Continued					
43410		BOZARD FORD COMPANY		Continued					
20-01690	1	VEHICLE #103 REPAIRS	641.71	001-2100-521-4630	Expenditure		103		1
				LAW ENFORCEMENT					
			1,281.79						
43411	06/19/20	BROCK010 BROCK FENCE				06/30/20	1536		
20-01686	1	REPAIR TO PD GATE	150.00	001-1900-519-4610	Expenditure		99		1
				OTHER GOVERNMENTAL					
43412	06/19/20	CLERK020 CLERK OF CIRCUIT COURT					1536		
20-01634	1	CITATION SABP00445	58.00	001-354-300	Revenue		110		1
				Ordinance Violation Fines					
20-01634	2	CITATION SABP01081	78.00	001-354-100	Revenue		111		1
				Parking Tickets					
20-01665	1	FILING FEES MAY-20	80.00	001-2100-521-5290	Expenditure		109		1
				LAW ENFORCEMENT					
			216.00						
43413	06/19/20	CMRMO005 CMR MOBILE EQUIPMENT & TRUCK R				06/30/20	1536		
20-01653	1	VEHICLE #79 REPAIR	170.00	001-3400-534-4630	Expenditure		48		1
				GARBAGE					
43414	06/19/20	COLON010 COLONIAL SUPPLEMENTAL INSURANC				06/30/20	1536		
20-01674	1	SUPPLEMENTAL INSURANCE	572.28	001-229-2100	G/L		86		1
				Insurance-Other Employee Paid					
43415	06/19/20	COMCA015 COMCAST				06/30/20	1536		
20-01692	1	CABLE TV-NEWS	65.40	001-2100-521-5290	Expenditure		105		1
				LAW ENFORCEMENT					
43416	06/19/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC					1536		
20-01667	1	RETIREMENT PLATE - SMITH	25.00	001-2100-521-5290	Expenditure		69		1
				LAW ENFORCEMENT					
43417	06/19/20	DOUGL005 DOUGLAS LAW FIRM				06/30/20	1536		
20-01639	1	LEGAL MAY-20	6,000.00	001-1300-513-3100	Expenditure		36		1
				FINANCE					
43418	06/19/20	EVANS010 EVANS AUTOMOTIVE					1536		
20-01656	1	VEH #46 REPAIR TO OIL SYSTEM	196.40	001-3400-534-4630	Expenditure		51		1
				GARBAGE					
43419	06/19/20	EVIDE010 EVIDENT INC					1536		
20-01668	1	CURRENCY EVIDENCE	45.89	001-2100-521-5230	Expenditure		70		1
				LAW ENFORCEMENT					
43420	06/19/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY				06/30/20	1536		
20-01654	1	COVID SANITIZING SUPPLIES	980.00	001-1900-519-5290	Expenditure		49		1
				OTHER GOVERNMENTAL					
20-01655	1	JANITORIAL SUPPLY	253.80	001-1900-519-5290	Expenditure		50		1
				OTHER GOVERNMENTAL					



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PO #	Item	Description							
001TDOPERATING			Continued						
43420	FLORIDA	JANITOR & PAPER SUPPLY	Continued						
20-01687	1	JANITORIAL SUPPLIES	35.60	001-1900-519-5290	Expenditure		100	1	
				OTHER GOVERNMENTAL					
			<u>1,269.40</u>						
43421	06/19/20	FLORIDA MUNICIPAL INSURANCE TR				06/30/20	1536		
20-01638	1	INSURANCE-4TH INSTALLMENT	55.94	001-1200-512-2400	Expenditure		18	1	
				EXECUTIVE					
20-01638	2	INSURANCE-4TH INSTALLMENT	93.23	001-1300-513-2400	Expenditure		19	1	
				FINANCE					
20-01638	3	INSURANCE-4TH INSTALLMENT	857.67	001-1500-515-2400	Expenditure		20	1	
				COMP PLANNING					
20-01638	4	INSURANCE-4TH INSTALLMENT	4,537.62	001-1900-519-4510	Expenditure		21	1	
				OTHER GOVERNMENTAL					
20-01638	5	INSURANCE-4TH INSTALLMENT	4,634.74	001-1900-519-4520	Expenditure		22	1	
				OTHER GOVERNMENTAL					
20-01638	6	INSURANCE-4TH INSTALLMENT	1,361.09	001-1900-519-2400	Expenditure		23	1	
				OTHER GOVERNMENTAL					
20-01638	7	INSURANCE-4TH INSTALLMENT	4,636.92	001-2100-521-4510	Expenditure		24	1	
				LAW ENFORCEMENT					
20-01638	8	INSURANCE-4TH INSTALLMENT	4,767.72	001-2100-521-4520	Expenditure		25	1	
				LAW ENFORCEMENT					
20-01638	9	INSURANCE-4TH INSTALLMENT	4,847.70	001-2100-521-2400	Expenditure		26	1	
				LAW ENFORCEMENT					
20-01638	10	INSURANCE-4TH INSTALLMENT	160.55	001-2400-524-4510	Expenditure		27	1	
				PROT INSPECTIONS					
20-01638	11	INSURANCE-4TH INSTALLMENT	2,518.24	001-2400-524-4520	Expenditure		28	1	
				PROT INSPECTIONS					
20-01638	12	INSURANCE-4TH INSTALLMENT	1,901.79	001-2400-524-2400	Expenditure		29	1	
				PROT INSPECTIONS					
20-01638	13	INSURANCE-4TH INSTALLMENT	200.69	001-3400-534-4510	Expenditure		30	1	
				GARBAGE					
20-01638	14	INSURANCE-4TH INSTALLMENT	1,955.26	001-3400-534-4520	Expenditure		31	1	
				GARBAGE					
20-01638	15	INSURANCE-4TH INSTALLMENT	6,488.46	001-3400-534-2400	Expenditure		32	1	
				GARBAGE					
20-01638	16	INSURANCE-4TH INSTALLMENT	762.63	001-131-1000	G/L		33	1	
				Due From Road & Bridge Fund					
20-01638	17	INSURANCE-4TH INSTALLMENT	3,098.20	001-131-1000	G/L		34	1	
				Due From Road & Bridge Fund					
20-01638	18	INSURANCE-4TH INSTALLMENT	3,039.12	001-131-1000	G/L		35	1	
				Due From Road & Bridge Fund					
			<u>45,917.57</u>						
43422	06/19/20	FOPLO005 FOP LODGE 113					1536		
20-01693	1	MEMBERSHIP DUES-TODD SMITH	8.34	001-229-1000	G/L		106	1	
				Miscellaneous Deductions					
20-01693	2	MEMBERSHIP DUES-BRYAN WRIGHT	8.34	001-229-1000	G/L		107	1	
				Miscellaneous Deductions					
			<u>16.68</u>						

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PO #	Item	Description						
001TD	OPERATING			Continued				
43423	06/19/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				06/30/20		1536
20-01659	1	MISC HARDWARE	11.13	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		54	1
20-01660	1	ANT KILLER-CITY HALL	4.99	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		55	1
20-01661	1	DRAIN CLEANER	19.98	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		56	1
			<u>36.10</u>					
43424	06/19/20	INDIA010 INDIANHEAD EXPLORATION, LLC						1536
20-01635	1	DISPOSAL FEES MAY-20	2,113.50	001-3400-534-4940 GARBAGE	Expenditure		7	1
43425	06/19/20	INNOV015 INNOVATIVE CREDIT SOLUTIONS				06/30/20		1536
20-01666	1	CREDIT CHECK - POWELL	17.00	001-2100-521-4930 LAW ENFORCEMENT	Expenditure		68	1
43426	06/19/20	JACKB010 JACK BECKER DISTRIBUTORS				06/30/20		1536
20-01684	1	TRUCK GREASE	274.93	001-3400-534-5220 GARBAGE	Expenditure		97	1
43427	06/19/20	LAMPS005 LAMP SALES UNLIMITED, INC				06/30/20		1536
20-01669	1	LED LIGHT BULBS	998.00	001-2100-521-4610 LAW ENFORCEMENT	Expenditure		71	1
43428	06/19/20	LVHIE010 L.V. HIERS INC.				06/30/20		1536
20-01643	1	568 GAL REG 87 OCTANE	1,057.50	001-141-0000 Inventories - Fuel	G/L		42	1
43429	06/19/20	MELVIO10 MELVIN'S REPAIR SHOP				06/30/20		1536
20-01685	1	VEHICLE #75 REPAIRS	119.28	001-3400-534-4630 GARBAGE	Expenditure		98	1
43430	06/19/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				06/30/20		1536
20-01694	1	DEFERRED COMPENSATION	1,714.52	001-235-0000 Deferred Compensation	G/L		108	1
43431	06/19/20	SMITH010 SMITH BROS. PEST CONTROL				06/30/20		1536
20-01644	1	PEST CONTROL	25.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		43	1
20-01644	2	PEST CONTROL	52.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		44	1
20-01644	3	PEST CONTROL	30.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		45	1
20-01644	4	PEST CONTROL	52.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		46	1
20-01644	5	PEST CONTROL	25.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		47	1
			<u>184.00</u>					

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PO #	Item	Description					Ref Seq	Acct
001TDOPERATING			Continued					
43432	06/19/20	STADV010 STAPLES				06/30/20	1536	
20-01673	1	OFFICE SUPPLIES	19.26	001-1300-513-5100	Expenditure		80	1
				FINANCE				
20-01673	2	OFFICE SUPPLIES	99.99	001-2400-524-5100	Expenditure		81	1
				PROT INSPECTIONS				
20-01673	3	OFFICE SUPPLIES	36.78	001-2400-524-5230	Expenditure		82	1
				PROT INSPECTIONS				
20-01673	4	OFFICE SUPPLIES	10.50	001-1900-519-5100	Expenditure		83	1
				OTHER GOVERNMENTAL				
20-01673	5	OFFICE SUPPLIES	11.71	001-3400-534-5100	Expenditure		84	1
				GARBAGE				
20-01673	6	OFFICE SUPPLIES	18.18	001-131-1000	G/L		85	1
				Due From Road & Bridge Fund				
			196.42					
43433	06/19/20	STAUG110 ST AUGUSTINE RECORD				06/30/20	1536	
20-01555	1	LEGAL ADV	80.78	001-2400-524-4810	Expenditure		1	1
				PROT INSPECTIONS				
20-01640	1	PZB LEGAL AD	112.19	001-1500-515-4810	Expenditure		37	1
				COMP PLANNING				
20-01641	1	LEGAL ADS	143.60	001-1300-513-4810	Expenditure		38	1
				FINANCE				
20-01641	2	LEGAL ADS	89.75	001-1300-513-4810	Expenditure		39	1
				FINANCE				
20-01641	3	LEGAL ADS	89.75	001-1300-513-4810	Expenditure		40	1
				FINANCE				
			516.07					
43434	06/19/20	STJOH110 ST. JOHNS COUNTY SOLID WASTE				06/30/20	1536	
20-01631	1	DISPOSAL FEES MAY-20	13,863.19	001-3400-534-4940	Expenditure		112	1
				GARBAGE				
43435	06/19/20	STJOH140 ST. JOHNS COUNTY UTILITY DEPAR				06/30/20	1536	
20-01664	1	WATER SERVICE MAY-20	62.30	001-1900-519-4320	Expenditure		58	1
				OTHER GOVERNMENTAL				
20-01664	2	WATER SERVICE MAY-20	69.49	001-3400-534-4320	Expenditure		59	1
				GARBAGE				
20-01664	3	WATER SERVICE MAY-20	107.85	001-131-1000	G/L		60	1
				Due From Road & Bridge Fund				
20-01664	4	WATER SERVICE MAY-20	246.79	001-7200-572-4320	Expenditure		61	1
				PARKS AND REC				
20-01664	5	WATER SERVICE MAY-20	274.42	001-7200-572-4320	Expenditure		62	1
				PARKS AND REC				
20-01664	6	WATER SERVICE MAY-20	649.04	001-7200-572-4320	Expenditure		63	1
				PARKS AND REC				
20-01664	7	WATER SERVICE MAY-20	70.95	001-7200-572-4320	Expenditure		64	1
				PARKS AND REC				
20-01664	8	WATER SERVICE MAY-20	499.22	001-1900-519-4320	Expenditure		65	1
				OTHER GOVERNMENTAL				
20-01664	9	WATER SERVICE MAY-20	332.82	001-2400-524-4320	Expenditure		66	1
				PROT INSPECTIONS				

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PO #	Item	Description						
001TD	OPERATING							
43435	ST. JOHNS COUNTY UTILITY DEPAR	Continued						
20-01664	10	WATER SERVICE MAY-20	114.10	001-2100-521-4320	Expenditure		67	1
				LAW ENFORCEMENT				
			2,426.98					
43436	06/19/20	SUNLI010 SUN LIFE FINANCIAL				06/30/20	1536	
20-01636	1	LIFE INS PREM JUL-20	4.56	001-1200-512-2300	Expenditure		8	1
				EXECUTIVE				
20-01636	2	LIFE INS PREM JUL-20	63.91	001-1300-513-2300	Expenditure		9	1
				FINANCE				
20-01636	3	LIFE INS PREM JUL-20	14.15	001-1500-515-2300	Expenditure		10	1
				COMP PLANNING				
20-01636	4	LIFE INS PREM JUL-20	45.10	001-1900-519-2300	Expenditure		11	1
				OTHER GOVERNMENTAL				
20-01636	5	LIFE INS PREM JUL-20	228.25	001-2100-521-2300	Expenditure		12	1
				LAW ENFORCEMENT				
20-01636	6	LIFE INS PREM JUL-20	40.63	001-2400-524-2300	Expenditure		13	1
				PROT INSPECTIONS				
20-01636	7	LIFE INS PREM JUL-20	50.31	001-3400-534-2300	Expenditure		14	1
				GARBAGE				
20-01636	8	LIFE INS PREM JUL-20	78.06	001-131-1000	G/L		15	1
				Due From Road & Bridge Fund				
20-01636	9	LIFE INS PREM JUL-20	411.25	001-229-2100	G/L		16	1
				Insurance-Other Employee Paid				
			936.22					
43437	06/19/20	THEBA005 THE BANCORP BANK				06/30/20	1536	
20-01632	1	VEHICLE #128	389.49	001-2100-521-4431	Expenditure		3	1
				LAW ENFORCEMENT				
20-01632	2	VEHICLE #114	425.00	001-2100-521-4431	Expenditure		4	1
				LAW ENFORCEMENT				
			814.49					
43438	06/19/20	TOMNE010 TOM NEHL TRUCK COMPANY				06/30/20	1536	
20-01642	1	TRUCK #75 REPAIR	3,401.43	001-3400-534-4630	Expenditure		41	1
				GARBAGE				
20-01657	1	VEHICLE #79 REPAIR PART	17.90	001-3400-534-4630	Expenditure		52	1
				GARBAGE				
20-01658	1	VEH #79 PART RETURN	17.90	001-3400-534-4630	Expenditure		53	1
				GARBAGE				
			3,401.43					
43439	06/19/20	UNITED020 UNITED HEALTHCARE INSURANCE CO				06/30/20	1536	
20-01676	1	INSURANCE PREMIUM JUL-20	7,668.78	001-229-2000	G/L		87	1
				Health Insurance-Employee Portion				
20-01676	2	INSURANCE PREMIUM JUL-20	3,081.67	001-229-2100	G/L		88	1
				Insurance-Other Employee Paid				
20-01676	3	INSURANCE PREMIUM JUL-20	635.39	001-1200-512-2300	Expenditure		89	1
				EXECUTIVE				
20-01676	4	INSURANCE PREMIUM JUL-20	5,989.81	001-1300-513-2300	Expenditure		90	1
				FINANCE				

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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
001TDOPERATING		Continued					
43439		UNITED HEALTHCARE INSURANCE CO	Continued				
20-01676	5	INSURANCE PREMIUM JUL-20	992.21	001-1500-515-2300	Expenditure		91 1
				COMP PLANNING			
20-01676	6	INSURANCE PREMIUM JUL-20	4,724.46	001-1900-519-2300	Expenditure		92 1
				OTHER GOVERNMENTAL			
20-01676	7	INSURANCE PREMIUM JUL-20	19,347.67	001-2100-521-2300	Expenditure		93 1
				LAW ENFORCEMENT			
20-01676	8	INSURANCE PREMIUM JUL-20	2,106.91	001-2400-524-2300	Expenditure		94 1
				PROT INSPECTIONS			
20-01676	9	INSURANCE PREMIUM JUL-20	5,269.59	001-3400-534-2300	Expenditure		95 1
				GARBAGE			
20-01676	10	INSURANCE PREMIUM JUL-20	8,176.94	001-131-1000	G/L		96 1
				Due From Road & Bridge Fund			
			57,993.43				
43440		06/19/20 USBAN005 US BANK VOYAGER FLEET SYS				06/30/20	1536
20-01637	1	FUEL 5-8-20 to 6-8-20	95.64	001-2100-521-5220	Expenditure		17 1
				LAW ENFORCEMENT			
43441		06/19/20 WAL-M010 WAL-MART STORE#01-0579				06/30/20	1536
20-01688	1	SUPPLIES	28.46	001-1900-519-5290	Expenditure		101 1
				OTHER GOVERNMENTAL			
43442		06/19/20 WINDS005 WINDSTREAM					1536
20-01672	1	PHONE/INTERNET	677.34	001-1300-513-4100	Expenditure		74 1
				FINANCE			
20-01672	2	PHONE/INTERNET	1,411.12	001-2100-521-4100	Expenditure		75 1
				LAW ENFORCEMENT			
20-01672	3	PHONE/INTERNET	310.45	001-2400-524-4100	Expenditure		76 1
				PROT INSPECTIONS			
20-01672	4	PHONE/INTERNET	84.67	001-1900-519-4100	Expenditure		77 1
				OTHER GOVERNMENTAL			
20-01672	5	PHONE/INTERNET	141.11	001-3400-534-4100	Expenditure		78 1
				GARBAGE			
20-01672	6	PHONE/INTERNET	197.54	001-131-1000	G/L		79 1
				Due From Road & Bridge Fund			
			2,822.23				
Checking Account Totals		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>		
	Checks:	74	4	233,319.92	0.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	74	4	233,319.92	0.00		
002IMPACTFEES							
1581	06/30/20	STJOH020 ST JOHNS COUNTY FINANCE DEPT		(void Reason: WRONG AMT)		06/30/20 VOID	1540
20-01780	1	IMPACT FEES-MAY 2020	24,555.22	001-208-0000	G/L		1 1
				Due to Other Governments			
1582	06/30/20	STJOH020 ST JOHNS COUNTY FINANCE DEPT					1541
20-01780	1	IMPACT FEES-MAY 2020	24,555.22	001-208-0000	G/L		1 1
				Due to Other Governments			

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PO #	Item	Description					Ref Seq Acct
002IMPACTFEES							
Checking Account Totals			Continued				
			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:		1	1	24,555.22	24,555.22	
	Direct Deposit:		0	0	0.00	0.00	
	Total:		1	1	24,555.22	24,555.22	
101TDBANKRDBRG							
20686	06/05/20	BEARD005 BEARD EQUIPMENT COMPANY				06/30/20	1533
20-01601	1	VEHICLE #53 LOADER REPAIR	746.22	101-4100-541-4620	Expenditure		17 1
				ROADS & BRIDGES			
20687	06/05/20	ESRI010 ESRI INC.				06/30/20	1533
20-01615	1	ARC GIS MAP MAINTENANCE	700.00	101-4100-541-5230	Expenditure		27 1
				ROADS & BRIDGES			
20688	06/05/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				06/05/20 VOID	0
20689	06/05/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				06/30/20	1533
20-01598	1	ELECTRICITY	91.14	101-4100-541-5320	Expenditure		1 1
				ROADS & BRIDGES			
20-01598	2	ELECTRICITY	3,952.60	101-4100-541-5320	Expenditure		2 1
				ROADS & BRIDGES			
20-01598	3	ELECTRICITY	13.96	101-4100-541-4310	Expenditure		3 1
				ROADS & BRIDGES			
20-01598	4	ELECTRICITY	13.73	101-4100-541-4310	Expenditure		4 1
				ROADS & BRIDGES			
20-01598	5	ELECTRICITY	31.45	101-4100-541-4310	Expenditure		5 1
				ROADS & BRIDGES			
20-01598	6	ELECTRICITY	11.76	101-4100-541-4310	Expenditure		6 1
				ROADS & BRIDGES			
20-01598	7	ELECTRICITY	11.55	101-4100-541-4310	Expenditure		7 1
				ROADS & BRIDGES			
20-01598	8	ELECTRICITY	10.89	101-4100-541-4310	Expenditure		8 1
				ROADS & BRIDGES			
20-01598	9	ELECTRICITY	144.11	101-4100-541-4310	Expenditure		9 1
				ROADS & BRIDGES			
20-01598	10	ELECTRICITY	11.55	101-4100-541-4310	Expenditure		10 1
				ROADS & BRIDGES			
20-01598	11	ELECTRICITY	12.81	101-4100-541-4310	Expenditure		11 1
				ROADS & BRIDGES			
20-01599	1	ELECTRICITY	16.20	101-4100-541-4310	Expenditure		12 1
				ROADS & BRIDGES			
20-01599	2	ELECTRICITY	19.75	101-4100-541-4310	Expenditure		13 1
				ROADS & BRIDGES			
20-01599	3	ELECTRICITY	550.76	101-4100-541-4310	Expenditure		14 1
				ROADS & BRIDGES			
20-01599	4	ELECTRICITY	11.55	101-4100-541-4310	Expenditure		15 1
				ROADS & BRIDGES			
			4,903.81				
20690	06/05/20	FLST0020 FLORIDA STORMWATER ASSOCIATION				06/30/20	1533
20-01606	1	CONFERENCE - TREDIK	344.00	101-4100-541-5430	Expenditure		22 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						
20691	06/05/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				06/30/20	1533	
20-01609	1	KILLZALL SPRAY FOR FENCE LINE	39.98	101-4100-541-5310 ROADS & BRIDGES	Expenditure		25	1
20692	06/05/20	LMAST005 L MASTERS, LLC				06/30/20	1533	
20-01605	1	BAHIA GRASS-3RD LN DRAIN PROJ	104.00	101-4100-541-6380 ROADS & BRIDGES	Expenditure		21	1
20693	06/05/20	LOWES005 LOWES				06/30/20	1533	
20-01625	1	SUPPLIES FOR 3RD ST DRAINAGE	112.09	101-4100-541-6380 ROADS & BRIDGES	Expenditure		28	1
20694	06/05/20	LVHIE010 L.V. HIERS INC.				06/30/20	1533	
20-01603	1	138 GAL MARINE GAS	266.00	101-4100-541-5220 ROADS & BRIDGES	Expenditure		19	1
20695	06/05/20	SIGNS010 SIGNS NOW				06/30/20	1533	
20-01610	1	ADDITIONAL COVID SIGNAGE	339.48	101-4100-541-5290 ROADS & BRIDGES	Expenditure		26	1
20696	06/05/20	STJOH245 ST JOHNS SALES & SERVICE				06/30/20	1533	
20-01600	1	POLESAW REPAIR	108.44	101-4100-541-4620 ROADS & BRIDGES	Expenditure		16	1
20697	06/05/20	THEFE005 THE FEED STORE				06/30/20	1533	
20-01604	1	HAY FOR 3RD LANE DRAINAGE PROJ	32.00	101-4100-541-6380 ROADS & BRIDGES	Expenditure		20	1
20698	06/05/20	TRACT010 TRACTOR SUPPLY CREDIT PLAN				06/30/20	1533	
20-01602	1	TANK FOR SPRAYER	196.98	101-4100-541-5230 ROADS & BRIDGES	Expenditure		18	1
20699	06/05/20	TRAFF015 TRAFFIC SAFETY WAREHOUSE				06/30/20	1533	
20-01607	1	SPEED HUMP	119.00	101-4100-541-5310 ROADS & BRIDGES	Expenditure		23	1
20700	06/05/20	USA0025 USA SERVICES OF FLORIDA INC.				06/30/20	1533	
20-01608	1	A1A BEACH BLVD SWEEP SERVICE	180.00	101-4100-541-3400 ROADS & BRIDGES	Expenditure		24	1
20701	06/19/20	BEARD005 BEARD EQUIPMENT COMPANY				06/30/20	1535	
20-01564	1	#53 DEERE LOADER HYDRAU PUMP	2,174.63	101-4100-541-4620 ROADS & BRIDGES	Expenditure		2	1
20-01649	1	VEHICLE #53 REPAIR	327.59	101-4100-541-5220 ROADS & BRIDGES	Expenditure		8	1
20-01678	1	OIL FOR LOADER	82.30	101-4100-541-5220 ROADS & BRIDGES	Expenditure		13	1
			<u>2,584.52</u>					
20702	06/19/20	BUILD015 BUILDERS STAINLESS.COM					1535	
20-01679	1	REPAIR TO MIZELL POND-HARDWARE	26.66	101-4100-541-6380 ROADS & BRIDGES	Expenditure		14	1

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Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Seq	Num Acct
PO #	Item	Description						
101TDBANKRDBRG				Continued				
20703	06/19/20	CMRMO005 CMR MOBILE EQUIPMENT & TRUCK R				06/30/20	1535	
20-01645	1	VEHICLE #53 LOADER REPAIR	500.00	101-4100-541-4630	Expenditure		4	1
				ROADS & BRIDGES				
20704	06/19/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC					1535	
20-01680	1	TREE PLAQUE	60.00	101-4100-541-5310	Expenditure		15	1
				ROADS & BRIDGES				
20705	06/19/20	FORTI010 FORTILINE WATERWORKS				06/30/20	1535	
20-01650	1	GRATE-3RD LN DRAINAGE SUPPLY	210.50	101-4100-541-6380	Expenditure		9	1
				ROADS & BRIDGES				
20706	06/19/20	GRAIN010 GRAINGER				06/30/20	1535	
20-01647	1	MANHOLE COVER LID LIFTER	854.32	101-4100-541-5230	Expenditure		6	1
				ROADS & BRIDGES				
20707	06/19/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				06/30/20	1535	
20-01682	1	MISC HARDWARE	194.62	101-4100-541-5290	Expenditure		17	1
				ROADS & BRIDGES				
20-01683	1	WASP/HORNET SPRAY	49.56	101-4100-541-5290	Expenditure		18	1
				ROADS & BRIDGES				
			<u>244.18</u>					
20708	06/19/20	LMAST005 L MASTERS, LLC				06/30/20	1535	
20-01651	1	BAHIA - 3RD LN DRAINAGE GRASS	114.00	101-4100-541-6380	Expenditure		10	1
				ROADS & BRIDGES				
20709	06/19/20	MUNIC020 MUNICIPAL SUPPLY & SIGN CO.				06/30/20	1535	
20-01646	1	SPEED HUMP-ATLANTIC OAK CIR	98.00	101-4100-541-5310	Expenditure		5	1
				ROADS & BRIDGES				
20710	06/19/20	NUTRI005 NUTRIEN AG SOLUTIONS INC				06/30/20	1535	
20-01677	1	3RD LN DRAINAGE-GRASS SEED	325.00	101-4100-541-6380	Expenditure		12	1
				ROADS & BRIDGES				
20711	06/19/20	SANFO005 SANFORD AND SON AUTO PARTS INC				06/30/20	1535	
20-01652	1	VEHICLE #54 REPAIR PARTS	170.20	101-4100-541-4630	Expenditure		11	1
				ROADS & BRIDGES				
20712	06/19/20	SIGNS010 SIGNS NOW					1535	
20-01648	1	COVID SIGNAGE	148.50	101-4100-541-5290	Expenditure		7	1
				ROADS & BRIDGES				
20713	06/19/20	THELA020 THE LAKE DOCTORS				06/30/20	1535	
20-01633	1	WATER MANAGEMENT SERVICE	595.00	101-4100-541-3400	Expenditure		3	1
				ROADS & BRIDGES				
20714	06/19/20	UNIVE035 UNIVERSAL ENGINEERING SCIENCES				06/30/20	1535	
20-01063	1	TIDES END DRIVE	3,295.00	101-4100-541-3140	Expenditure		1	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				
20715	06/19/20	WISEM010 WISEMAN FENCE & MORE INC.				06/30/20	1535
20-01681	1	10TH STREET FENCE REPAIR	175.00	101-4100-541-5310	Expenditure		16 1
				ROADS & BRIDGES			
Checking Account Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:		29	1	17,592.88	0.00	
	Direct Deposit:		<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	
	Total:		<u>29</u>	<u>1</u>	<u>17,592.88</u>	<u>0.00</u>	
Report Totals			<u>Paid</u>	<u>void</u>	<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:		104	6	275,468.02	24,555.22	
	Direct Deposit:		<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	
	Total:		<u>104</u>	<u>6</u>	<u>275,468.02</u>	<u>24,555.22</u>	

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Totals by Year-Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	0-001	144,137.75	298.34	113,439.05	257,875.14
ROAD & BRIDGE FUND	0-101	17,592.88	0.00	0.00	17,592.88
Total of All Funds:		161,730.63	298.34	113,439.05	275,468.02

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Totals by Fund Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	144,137.75	298.34	113,439.05	257,875.14
ROAD & BRIDGE FUND	101	17,592.88	0.00	0.00	17,592.88
Total of All Funds:		161,730.63	298.34	113,439.05	275,468.02

Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	0-001	144,137.75	0.00	0.00	0.00	144,137.75
ROAD & BRIDGE FUND	0-101	17,592.88	0.00	0.00	0.00	17,592.88
Total of All Funds:		<u>161,730.63</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>161,730.63</u>

## PENDING ACTIVITIES AND PROJECTS

Revised July 23, 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 1<sup>st</sup> 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 had its first public hearing and second reading at the Commission's July 6<sup>th</sup> meeting. It will have its second public hearing and final reading at the Commission's August 3<sup>rd</sup> meeting.

Also, at the August 3<sup>rd</sup> meeting will be an ordinance for first reading to amend the Regulations to permit the access of private property from dead-end streets.

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 2<sup>nd</sup> meeting, the Commission asked that the Code Enforcement Board and the Sustainability and Environmental Planning Advisory Committee be asked for dates for a workshop meeting with the Commission. At its September 14<sup>th</sup> meeting, the Commission will be asked when it wants to schedule a joint meeting with the Planning Board and SEPAC.

6. **UPDATING PERSONNEL MANUAL.** Past updates or changes have included: to designate Christmas Eve and Good Friday as holidays for the City employees; to provide compensation to the employees during emergencies; revisions to provisions in the Manual concerning equal employment opportunity, educational assistance program, Americans with Disabilities Act coordinators, records, interpretations and conflicts of interest. At the Commission's September 14<sup>th</sup> meeting, the City Clerk will present several more updates.
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 17<sup>th</sup> meeting discussed the proposal and asked for more information. At its August 5<sup>th</sup> meeting, the City Commission postponed the topic to the September 9<sup>th</sup> meeting. By majority vote it authorized the City Manager to do the next step in the process, which is to contact the Tax Collector for the date or dates when the public hearing must be held on a resolution to adopt the assessment. At its October 7<sup>th</sup> meeting, the Commission approved continuing the steps to implement the non-ad valorem assessment in 2020 and agreed to continue the discussion to its November 4<sup>th</sup> meeting of changes to the commercial solid waste service fees. The Commission had length discussion at that meeting as well as the continuation meeting on November 6<sup>th</sup> without any decisions being reached. At its December 3<sup>rd</sup> continuation meeting, the Commission by a 3-2 vote approved a resolution to inform the Tax Collector of the City's intent to levy the non-ad valorem assessment for the collection of solid waste later in 2020. The signed resolution was sent to the Tax Collector, the Property Appraiser, and the Florida Department of Revenue.

At its May 4<sup>th</sup> 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 15<sup>th</sup>. However, because the Tax Collectors said specific fees as well as ranges have to be advertised, the Commission at its June 1<sup>st</sup> meeting agreed to have the public hearing on Tuesday, July 7<sup>th</sup>, with the following proposed fees: \$87 for the collection of solid waste, \$67 for disposal, and \$24 for recycling. At the July 7<sup>th</sup> meeting, the Commission approved the ranges for the collection and disposal of solid waste and recyclables, and set the rates for Fiscal Year 2021, which will begin on October 1, 2020.

At its August 3<sup>rd</sup> meeting, the Commission will be asked to approve the interlocal agreement with the St. Johns County Tax Collector for the collection of the non-ad valorem assessment.

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 13<sup>th</sup> continuation meeting, the Commission approved the agreement with FPL to have 19 new lights erected. The City Manager has approved the agreement. The contract has been submitted to FPL.
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 29<sup>th</sup>, City personnel met with representatives from Florida Power and Light. The company will change the lighting as part of the conversion of the Boulevard streetlighting to LED lights.

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, which has approved it. The City will now seek a consultant to design and permit the project.
  - 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 19<sup>th</sup> meeting. The Commission said one, the 5<sup>th</sup> Street dune walkover, might be eligible with the City paying part of the costs. The Director will present a funding request to the Port Commission at one of its future meetings for walkovers at 4<sup>th</sup> and 5<sup>th</sup> Streets.
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 16<sup>th</sup> meeting for money to provide parking at 16<sup>th</sup> Street and the Boulevard and 4<sup>th</sup> Street and the Boulevard. TDC members said that it was unlikely the City would receive money because of the decline in revenue from the bed tax due to the coronavirus pandemic.

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. The Public Works Director is to meet with the company that builds the stations to discuss locations for the station.
16. FLOODING COMPLAINTS, OCEAN WALK SUBDIVISION. The subdivision is located on the east side of Mickler Boulevard between Pope Road and 16<sup>th</sup> Street. Earlier in 2020, the ditch that borders the subdivision's west side was piped. Ocean Walk residents have complained that the piping of the ditch has caused flooding along the subdivision's west side. The Public Works Director has had the Mickler and 11<sup>th</sup> Street ditches clear of debris, so as to improve the flow of water, and will propose that the subdivision be surveyed, and the City's civil engineering consultant review the project.