



## **AGENDA**

### **REGULAR CITY COMMISSION MEETING**

**MONDAY, DECEMBER 7, 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 REGULAR COMMISSION MINUTES OF NOVEMBER 9, 2020.**
- V. **ADDITIONS OR DELETIONS OF THE AGENDA**
- VI. **CHANGES TO THE ORDER OF TOPICS ON THE AGENDA**
- VII. **PRESENTATIONS**
  - A. Presentation of Plaque to Vice Mayor Maggie Kostka for Service to the City as Commissioner 2017-2020 and as Vice Mayor 2020
  - B. Interview of Mr. Nicolas Binder as Candidate for Junior Alternate on the Code Enforcement Board
- VIII. **PUBLIC COMMENTS**

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Public Hearing for Levying of Non-Ad Valorem Special Assessment: to Pay Costs to Open 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue (Presenter: Bill Tredik, Public Works Director)
2. Ordinance 20-14, First Public Hearing and Second Reading: to Change Section 4.01.06, Recreation Standards, of the Land Development Regulations (Presenter: Brian Law, Building Official)

XI. CONSENT

None

XII. OLD BUSINESS

3. Alvin's Island Driveway to Versaggi Drive: Request for Approval of Public Works Director's Decision to Allow it for Ingress and Egress (Bill Tredik, Public Works Director)
4. Ordinance 20-15, First Reading, to Amend the Land Development Regulations Regarding Occupancy Permits, Impervious Surface Coverage, Unsafe Buildings, and Number of Code Enforcement Board Members (Presenter: Brian Law, Building Official)
5. Ordinance 20-16, First Reading, to Amend the Land Development Regulations Regarding Allowing Mobile Food Sales in the City (Presenter: Lex Taylor, City Attorney)
6. Use of the City Meeting Rooms: Review of Proposed Regulations and Fees (Presenter: Max Royle, City Manager)
7. City Manager's Annual Performance: (Presenter: Mayor Margaret England)
8. Ordinance 20-17, First Reading, to Adopt 2020 Florida Building Code (Presenter: Brian Law, Building Official)

XIII. NEW BUSINESS

None

XIV. STAFF COMMENTS

XV. ADJOURNMENT

**NOTICES TO THE PUBLIC**

1. **LIGHT UP THE BEACH ACTIVITIES.** In December, there are three for the holiday season:
  - A. Saturday, December 5, 2020, 4:00 p.m. – 7:00 p.m. **Surf Illumination** at the County pier park.
  - B. Saturday, December 12, 2020, 4:00 p.m. – 8:00 p.m. **Holiday Night Market** at pier park.
  - C. Saturday, December 19, 2020, 4:00 p.m. – 8:00 p.m. **Art Walk/Shop and Dine at the Beach.** Businesses between Pope Road and A Street are participating. There will be displays of art works on the plazas between pier park and A Street.
2. **HOLIDAYS.** There are two in December and one the first week in January. In December, December 24<sup>th</sup> and 25<sup>th</sup>, Christmas Eve and Christmas Day. CITY OFFICES CLOSED. Recyclables will be picked up

on Thursday, December 24<sup>th</sup>. For household waste, City crews will pick up BOTH Thursday's and Friday's waste on Thursday, December 24<sup>th</sup>.

3. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE (SEPAC).** It will hold its monthly meeting on Wednesday, December 9, 2020, at 6:00 p.m. in the Commission meeting room.
4. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, December 15, 2020, at 6:00 p.m. in the Commission meeting room at city hall. Topics on the agenda may include a. request to vacate alley on west side of A1A Beach Boulevard between 13<sup>th</sup> and 14<sup>th</sup> Streets; b. review of request to recommend renewal of a conditional use permit for outside seating at Island Donut, 400 A1A Beach Boulevard; c. request for two variances in the Sea Grove subdivision: to reduce the side setback from 10 to five feet for a new swimming pool at 455 High Tide Drive and at 459 High Tide Drive; d. review of two ordinances to amend the Land Development Regulations: one regarding occupancy permits, impervious surface coverage, unsafe buildings and number of persons or the Code Enforcement Board; the second ordinance concerns new regulations for mobile food sales in the City.

**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

### REGULAR CITY COMMISSION MEETING

MONDAY, NOVEMBER 9, 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 led the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MINUTES OF OCTOBER 5, 2020.

**Motion:** to approve the minutes. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

City Manager Royle advised that there were some changes to Item 6 (Exhibit 1), which has been given to the Commission at this meeting.

Mayor England moved to Item VI., Changes to the Order of Topics.



VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked if there were any changes to the order of topics on the agenda.

City Manager Royle commented that Attorney James Whitehouse was at the St. Augustine's Commission meeting and asked if the Commission could postpone Item 1 until he arrives.

Commission agreed.

Mayor England moved to Item VII, Presentations.

VII. PRESENTATIONS

- A. Interview of Candidate, Ms. C. Michel Cloward, for Position of Regular Member on the Sustainability and Environmental Planning Advisory Committee

Mayor England introduced Item VII.A. and asked Ms. Cloward to come to the podium.

Ms. Cloward advised that she would like to be on the Sustainability and Environmental Planning Advisory Committee (SEPAC) in order to get to know more people in the community and to serve. She explained that she was new in the community.

Mayor England asked where Ms. Cloward came from.

Ms. Cloward commented that she lived in North Carolina and California previously.

Commissioner George thanked her for applying and explained that it was a great way to get to know the community. She commented that the Commission is always available to her if she had questions, but she should not speak to other SEPAC members unless in a public meeting regarding items on the agenda and City Attorney Taylor would help her on the Sunshine Law and Ethics that are her responsibility to know and follow.

Commissioner Kostka thanked her for showing interest and asked what skills she would bring to SEPAC.

Ms. Cloward remarked that she is a team player, has marketing skills for events that SEPAC may want to hold and has some knowledge regarding sustainability.

Commissioner Samora welcomed Ms. Cloward to the community and the State of Florida and advised that she would make a great addition to SEPAC.

Commissioner Rumrell agreed with Commissioner Samora.

Commissioner George explained that under Commissioner Comments in the agenda she would like to discuss staff members following the lead of the SEPAC Chair when it comes to scheduling meetings, etc. She explained that she would like SEPAC to schedule a meeting to discuss the budget limitations and to move forward with their tasks.

**Motion:** to approve Ms. C. Michael Cloward for SEPAC. **Moved by** Mayor England, **Seconded by** Vice Mayor Kostka.

Roll call vote was as follows:

Commissioner Samora	Yes
Commissioner George	Yes
Commissioner Rumrell	Yes

Mayor England	Yes
Vice Mayor Kostka	Yes

Motion passed unanimously.

Mayor England moved on to Item VIII, Public Comments.

#### VIII. PUBLIC COMMENTS

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, saluted Vice Mayor Kostka for her service; advised that in previous years civil rights were fought in St. Augustine Beach; advised that St. Augustine Beach Civic Association President thought he was attacking liberals by sending information about Mr. Slavin's election race, which brought him more votes; and asked if any permits were obtained for renovating the police garage because if not, it would be a felony under state law.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, explained that Pope Road needs repairs and should not have emergency vehicles going down Pope Road. He advised that he wanted to know why the recycling has been stopped in his complex.

Public Works Director Tredik advised that Pope Road is a St. Johns County road, and they would be responsible for the repairs. He explained that he has talked with St. Johns County to fix it and will continue to push for the road to be repaired. Seaside Villas does not have solid waste or recycling pickups any more due to the non-ad valorem assessment changes.

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

#### IX. COMMISSIONER COMMENTS

Mayor England advised that she has been working with staff on the Light Up the Beach season for St. Augustine Beach and asked Communications and Events Coordinator to explain the events that will take place during the holiday season.

Communications and Events Coordinator Conlon and City Manager Royle showed a PowerPoint presentation on the four events that will be done during the holiday season (Exhibit 2).

Discussion ensued regarding funding coming from sponsors for the four holiday events; artists link would be on the webpage in case residents didn't want to come to the event, but wanted to purchase art; map of the artists' locations on A1A Beach Boulevard; lighting being displayed during the event; and St. Johns County, the City of St. Augustine and the St. Johns County Visitors and Convention Bureau lending support for the events and lighting up A1A Beach Boulevard.

Commissioner Rumrell advised that he was glad to be back and that everyone is safe from COVID-19.

Commissioner George encouraged the secretary to the SEPAC to take the lead from the Chair to call the meetings when requested and if members do not come to the meetings then it would be cancelled and the retention standards would be addressed. The procedures should be followed regarding public notice. She asked if the Commission would like to set a policy on this or just give direction.

It was the consensus of the Commission to just give direction to the staff.

Commissioner George asked if the Commission would like to give former Police Chief Hardwick, now Sheriff of St. Johns County, a plaque for his service with the City.

The Commission agreed to present Sheriff Hardwick with a plaque at the December 7, 2020 meeting.

Vice Mayor Kostka welcomed Daniel Carswell for his first Commission meeting as Chief of Police. She thanked all the veterans in our community for their service to the U.S. States and the City as Veterans Day comes closer and thanked veterans for their service and dedication.

Commissioner Samora advised that the Visitor and Convention Bureau (VCB) installed their new officers at the last meeting. The Nights of Lights in St. Augustine starts this week. He advised that the businesses downtown in St. Augustine were very supportive of the new St. Augustine Beach "Light Up the Beach" program and were happy that the trolley operators were in touch with the VCB so they can promote the City's events. He hopes to build on it. He asked about the budget costs for the events.

Communication and Events Coordinator Conlon advised that the sponsors of the events have paid for everything, so there was no cost to the City so far.

Mayor England asked Commissioner Samora if he can get more businesses involved and promote the events.

Commissioner Samora advised he would.

Mayor England asked if permit fees would be paid for a City sponsor events.

City Manager Royle advised no permit fees would have to be done for City sponsor events.

Commissioner Samora advised that the Chamber of Commerce was very interested in our events and wanted to help as well.

Mayor England moved on to Item 2 since Attorney James Whitehouse was not in the audience yet.

#### X. PUBLIC HEARINGS

2. Conditional Use Permit: Request to Build a Single-Family Residence in a Commercial Land Use District at 17 13<sup>th</sup> Street (Lots 53, 54 and part of 52, Atlantic Beach Subdivision, Michael Stauffer and Scott Patrou, Agents for Ancient City Ventures) (Presenter: Brian Law, Building Official)

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

Building Official Law showed Exhibit 3 of the area that the single-family residence would be built and Exhibit 4 on what the conception of the house would look like. He stated that the Comprehensive Planning and Zoning Board unanimously approved this conditional use permit to the Commission. He explained the reason why the owners decided to build a single-family home in a commercial area was because of the parking requirements of a commercial building. He advised that there was not enough space for parking in the area to have a commercial building, but a single-family home would have enough space for parking.

Discussion ensued regarding a commercial building being renovated to be a law office on the property; why there would be a need for a conditional use permit if it is a commercial property

being used for a commercial business; variances are separate because variances are handled by the Comprehensive Planning and Zoning Board; the transient rental will be modified into a commercial business; and a single-family house on parcel 2 will be built, which needs a conditional use permit.

Commissioner George confirmed that the conditional use permit is not to allow the commercial use of a law office on the property, but to build a single-family home on the easterly lot.

Building Official Law advised yes.

Commissioner George asked if the single-family home provided enough parking without considering the variances that the Commission does not handle.

Building Official Law advised that the single-family home would address the parking based on the supplemental at the time and would fall under the building regulations. He explained that if they can demonstrate the parking. He stated that the Comprehensive Planning and Zoning Board did ask that part of the setback be reduced to the 25-foot for the garage area to help with parking so the cars could get off 13<sup>th</sup> Lane.

Commissioner George asked if the parking would be sufficient for the single-family home.

Building Official Law advised that he could not answer that question because the owners have not submitted the plans yet. The permit would not be issued or get through the Zoning Department without proper parking spots based on the parking requirements of the Land Development Code.

Commissioner Samora asked if the Comprehensive Planning and Zoning Board asked for any other conditions for the conditional use permit.

Building Official Law advised no, just that the variance would not be applicable to the first level garage.

Commissioner Samora asked if the conditional use permit run with the land or the owner.

Building Official Law explained that it must run with the land because it is a building. He explained that if the building is sold the conditional use permit would still be in effect because the building is still there.

Commissioner Samora asked if there was a conditional use permit on the transient rental building that is already there.

Building Official Law advised no that it predates the current Land Development Codes. He advised if the variances were not approved by the Comprehensive Planning and Zoning Board, the Commission would not have to meet because without appropriate parking the owners could not build.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked that the conditional use permit not be approved so that commercial zoning would be protected.

Scott Patrou, Agent for Ancient City Ventures, LLC., 770 A1A Beach Blvd., St. Augustine Beach, FL, explained that he wants to live and have his business in St. Augustine Beach and would be

bringing more commercial properties to the City as the Commission has requested along A1A Beach Boulevard. He explained that they are trying to use the commercial zoning without a vacant lot behind the building.

Discussion ensued the differences of commercial and residential parking regulations.

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

Vice Mayor Kostka remarked that she likes the idea because it is a reallocation of the transient rental to a different space on the property and then bringing a true commercial building back to the City along A1A Beach Boulevard.

Commissioners George, Commissioner Rumrell, and Commissioner Samora agreed with Vice Mayor Kostka.

Mayor England asked for a motion.

**Motion:** to approve the conditional use application that is before us with the conditions that were set forth from the Comprehensive Planning and Zoning Board. **Moved by** Commissioner George, **Seconded by** Commissioner Kostka.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved on to Item 1.

1. Conditional Use Permit: Request to Build a Residence in a Commercial Land Use District at 16 5<sup>th</sup> Street (Lot 18, St. Augustine Beach Subdivision, Attorney James Whitehouse, Agent for the Owners) (Presenter: Brian Law, Building Official)

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

Building Official Law explained that in December 2019, the Commission approved a conditional use permit for a single-family residence in a commercial district; however, the property was sold before the one-year conditional use permit was due to be completed. The new owners needed to reapply for a conditional use permit because he could not extend the previous conditional use permit. He remarked that the Comprehensive Planning and Zoning Board recommended approval with the same terms. He advised that the Comprehensive Planning and Zoning Board recommended that a survey be done by a certified registered surveyor to verify the building height once the trusses and sheathing are completed. He explained that the owners need to build the residences with medium density regulations.

Commissioner Samora asked about the commercial mix-use building that had been approved for the Boulevard facing lots. He advised that there has been no activity yet on that building and wanted to know the status.

Building Official Law advised that there has been no submittals to the Building Department; however, he has heard that Gulf Stream Design Group has discussed on the north building that there would be a transient unit above the commercial unit. He commented that he believed there was a two-year window for those approved properties and advised that the lot is too small for a potential commercial development. He remarked that there are other houses around the area that have been developed.

Commissioner Samora asked how many commercial lots are undeveloped now in that area.

Building Official Law advised there are two properties that are commercial.

Vice Mayor Kostka advised that those undeveloped lots are sensitive to flooding and advised that the other homes built up their foundations. She asked if that would be a requirement for any residential structures built in that area.

Building Official Law advised yes, and he checks the elevations of the garage and the crown of the road in the review process.

Mayor England asked when the conditional use permits for the commercial mixed-use properties will expire.

Building Official Law advised that he did not have that information with him; however, he advised that they may want to build what was not approved. He explained that the southern property along the Boulevard wanted to change the look of the building and the Building Department does not have the ability to change the look. He explained only the Comprehensive Planning and Zoning Board has that ability and if the southern property along the Boulevard wanted to change the look, it would have to go back to the Comprehensive Planning and Zoning Board for another conditional use permit. He commented that the northern property has not given a submittal.

Mayor England asked if the two lots facing the Boulevard and the two lots behind those mix-use buildings that are not develop are all commercial lots.

Building Official Law advised that the six undeveloped lots were broken up and each lot has different owners. He advised that it would be difficult to build commercial zoning with six different owners. He explained that the northern property on the Boulevard was approved by the Comprehensive Planning and Zoning Board with sketches and must comply with the medium density regulations and comply with the building height by a certified surveyor.

Attorney James Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, FL, advised he was here on behalf of the property owners and explained that they would like to have the same conditional use permit that was approved previously for Mr. and Mrs. Cochran. He commented that because of COVID-19 the new owners were not going to be able to submit plans before December 2, 2020, so they had to go through the conditional use permit process. The Comprehensive Planning and Zoning Board recommended to the Commission to approve the conditional use permit, which was unanimously approved by the Commission previously for this property on December 2, 2019. He advised that the owner's intent is to build what was previously submitted with maybe a few modifications on the design. He commented that several houses have been built in this area. He explained that he also represents Ms. Hanstein who owns the property on the north corner, and she is trying to move forward with the mixed-use development. He explained that there are some modifications she would like and will come back to the City for approval. He asked the

Commission for more than 12 months on these properties because of COVID-19 and because there is no requirement that it must be a 12-month period. He asked for 18 to 24 months instead in case it is needed due to COVID-19.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and being there was no further comments by the Commission she asked for a motion.

Commissioner George advised that she would make a motion; however, she was hesitant on changing the timeline and asked the Commission if they have any objection before she makes a motion.

Mayor England asked Building Official Law what the owners must do to meet the timeline.

Building Official Law advised that they would have to submit a legal complete application before beginning construction.

Commissioner George advised that the owners do not have to break ground, but just get the application in to the Building Department.

**Motion:** to approve conditional use permit 2020-03 with the recommendations from the Comprehensive Planning and Zoning Board including the verification by the state certified surveyor as to verifying height for the one-year period. **Moved by** Commissioner George, **Seconded by** Mayor England.

Attorney Whitehouse requested to speak to the Commission before the vote.

Mayor England called Attorney Whitehouse to the podium.

Attorney Whitehouse advised that the owner's residence is in the State of Washington; however, they are presently in Canada and cannot travel back into the United States right now because of COVID-19. He explained that the owners want to go over things before they submit the application. He commented that the 12-month period was not in the Code but has been done in the past. He advised that it could be changed if the Commission agrees and remarked that it would not cause a precedence if it is stated in the motion the extenuating circumstances of COVID-19.

Commissioner George advised that she was sympathetic to that; however, she would not deviate from the standards.

Building Official Law read out of the Codes that the use shall be commenced within a period of one year upon the effective date of the final order and that the Commission could allow the period of one-year to be longer. He also read that the properties can be transferable and run with the land to answer Commissioner Samora's question.

Mayor England asked if the conditional use permit could be extended with extenuating circumstances.

Building Official Law advised there is no mechanism to extend a conditional use permit. He explained that the Commission would have to agree on now when the owners must submit the application for the new conditional use permit.

Vice Mayor Kostka advised that she would not have a problem extending the timeline as long as the Commission states in the motion that the reason why there was a change was because of the unprecedented pandemic.

Commissioner Samora advised that he does not want to see the transient units have a marketable value to them because they have a transferable conditional use permit. He said if the Commission wants to extend it, then he would take the transferability away.

Commissioner Rumrell advised that he would agree to extend it with a staff review in 12 months and if staff deems it necessary, then it could be extended so the owners do not have to come back to the Commission.

Mayor England advised Commissioner Rumrell that the Building Official does not have that capability of doing an extension later. She explained that the timeline would have to be done now in order for this to proceed.

Commissioner Rumrell advised that he would agree to 18 months because of the current pandemic. He advised that the Commission has given a little lead way with outdoor seating for restaurants so he believes that he would like to be consistent. He commented that taking away the transferability may not be legal or possible.

Building Official Law advised that the City cannot take away the transferability once the building has been permitted to be built. He suggested granting the conditional use permit to the applicant up to 18-months, but the owners would need to provide a completed submittal, which includes the application fees, to the Building Department. He advised that the City Attorney would have to approve that first.

Commissioner George asked to see what the vote to the motion on the floor is first and then find out what to do from there.

Mayor England agreed and asked for a roll call vote.

Roll call vote was as follows:

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

Motion passed 3 to 2.

Discussion ensued regarding whether or not to allow the Building Official to extend the conditional use permit when there is an extenuating circumstance.

Building Official Law advised that he would not feel comfortable changing a decision from a five-person panel to one person and he did not feel it should ever happen.

Mayor England advised that new language could be done to allow the new owners could come back to the Commission to extend an existing conditional use permit without charging them a fee.



Building Official Law advised that the Building Department would lose money by doing that. He explained that there are legal advertisements, recording costs, and other necessary expenses.

It was the consensus of the Commission to speak with the Building Official on this issue if a change in language is needed.

Mayor England moved on to the Consent Agenda.

## XI. CONSENT

3. Approval of Salary for Interim Police Chief Daniel Carswell
4. Budget Resolution 20-08 and 20-09, to Amend General Fund and Road/Bridge Funds to Reconcile Negative Balances in the Fiscal Year 2020 Budget and Budget Resolution 2010, to Amend the Fiscal Year 2021 Budget to Appropriate Money for an IT Project
5. Resolution 20-13, to Declare as Surplus a Police Department Highwater Vehicle, LMTV Vehicle #121

Mayor England introduced the Consent Agenda and asked if the Commission had any questions or would like to pull any item.

Commissioner George advised that she like to discuss Item 3 of the Consent Agenda.

Mayor England pulled Item 3 from the Consent Agenda.

Commissioner George advised that Police Chief Carswell has not met one of the requirements of a Chief of Police due to COVID-19 classes being postponed. She explained that she was concerned this would be a precedent because other employees might want an increase without having all the requirements.

Commissioner Samora remarked that it should not be punitive for Interim Police Chief Carswell because of COVID-19. He explained that this is not a normal situation because of the pandemic.

Commissioner Rumrell agreed with Commissioner Samora and advised with the circumstances in place he feels confident that Interim Chief Carswell would be able to pass the class and have all the requirements.

Mayor England explained that in 2021 the Commission will be discussing the Police Chief's position. She advised that Police Chief Hardwick recommended Daniel Carswell to be the Interim Police Chief and she respects his opinion.

Vice Mayor Kostka advised that the Commission should show consistency. She explained that on the last item the Commission did not extend the 12 month period for a single-family home to be built even though the owners requested more time due to COVID-19, but the Commission is allowing this item to be passed due to COVID-19. She felt that the Commission should be more consistent.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table this item and to send a letter to the class administrator asking this to be done quicker. He advised that this shows favoritism. He

requested that this position be advertised according to Equal Employment Opportunity laws before anyone is hired.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, advised that this should be tabled and advertising done. He believed that Daniel Carswell was not qualified, and the Commission should not take Sheriff Hardwick's recommendations.

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

**Motion:** to approve the salary for Interim Chief Carswell to \$90,000. **Moved by** Commissioner Samora, **Seconded by** Mayor England.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England asked if any Commission had questions on the Consent Agenda. Being none, Mayor England asked for a motion on Items 4 and 5.

Vice Mayor Kostka asked if there was a better system to surplus equipment faster when the equipment is in better shape.

Finance Director Douylliez advised that she would be bringing an asset policy change to the Commission to surplus equipment as soon as it becomes available instead of waiting for them to be surplus annually.

**Motion:** to approve Budget Resolution 20-08, 20-09 and Resolution 20-13. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved to Item 6.

## XII. OLD BUSINESS

6. Ordinance 20-14, First Reading, to Change Section 4.01.06, Recreation Standards, of the Land Development Regulations (Presenter: Brian Law, Building Official)

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

Building Official Law explained that this was discussed last month and there are no changes since last month.

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

City Attorney Taylor read the title.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-14. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 7.

7. Constructing Unbuilt Section of 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue: Request to Approve Resolution 20-21, to Declare Intent to Levy a Non-Ad Valorem Assessment to Pay Costs (Presenter: Max Royle, City Manager)

Mayor England introduced Item 7 and asked for a staff report from City Manager Royle.

City Manager Royle explained that the Commission had discussed this previously and staff recommended previously that this would be done by a regular special assessment; however, Finance Director Douylliez is concerned about homeowners becoming delinquent in paying for the special assessment and has suggested a non-ad valorem assessment instead. He explained that there are two methods, and the Commission will have to decide on one or the other. He advised that there are two owners who want to give their land to the City who are in the audience to ensure that their lots are not developed. The Florida Land Trust is meeting today to make the lots conservation in perpetuity, but that is not related to the non-ad valorem assessment except that the City would have to pay the costs to construct the street of those owners' properties by impact fees. If the Florida Land Trust does not take the lots, then the owners could dedicate the land to the City and the City would change the land use to park land. If the Commission in the future wants to sell or develop park land, it would have to be a supermajority vote of the Commission and a referendum. He requested that the Commission decide whether to use the non-ad valorem assessment or the special assessment method. If the non-ad valorem assessment is approved, then Resolution 20-21 would have to be approved. If not, then the Commission can go through the special assessment and it would come back to the Commission for approval in the future.

Mayor England advised that the Commission would have to decide tonight to select the method of payment, non-ad valorem or special assessment.

City Manager Royle advised yes, and that this needs to move forward because it been discussed since 1992 and people want to build the road. Attorney Whitehouse is here to discuss his clients wishes to build the road. He commented that the non-ad valorem assessment is a much slower process than the special assessment because it must go through the St. Johns County Property Appraiser's Office and the Tax Collector. He explained that it would not go on the tax bill until fiscal year 2022. The special assessment could be done within six months.

Discussion ensued regarding whether a special assessment could be deducted along with the owner's real estate taxes.

Mayor England asked why staff is recommending the non-ad valorem assessment instead of the special assessment even though the special assessment can be deducted off the owner's taxes and is quicker to get the money.

City Manager Royle advised that if the property owners do not pay the assessment it could take years until they sell their property or change ownership to pay for the assessment. He explained that a lien would have to go on the property. He advised if the Commission uses the non-ad valorem assessment method, then the City would be paid by the Tax Collector and then the City would not go through the lien process and attorneys' costs.

Commissioner George explained the third-party tax certificate process that investors purchase when non-ad valorem assessments are not paid. She advised that the investors pay

off the City and they take the owners property for nonpayment of taxes. The tax bill constitutes a lien on the property and the Tax Collector sells the tax certificate to the third-party investor and they now own the tax certificate. It takes the burden off the municipality, which is a compelling benefit to the City.

Finance Director Douylliez advised that some of the property owners in question do not want to have the roadway done and if they refuse to pay, then the City would have the burden to lien the property and enforcement. She suggested the non-ad valorem because it gives a guarantee time of payment to pay it back, which the Commission will decide. The City will have to pay the contractor upfront and the City would have to wait on the assessment to be paid and she would like a definite time that the money would come back to the City.

Commissioner George agreed that she would be nervous about a special assessment where the City has the burden to collect. She agreed with Finance Director Douylliez.

Commissioner Samora explained that he has a concern with the flexibility with the multi-year implementation. He commented that if a property is sold and then developed, there is no way to enforce the new property owner to pay prior to construction. He would like to have the ability to make conditions on a special assessment, whereas the non-ad valorem cannot have conditions.

Vice Mayor Kostka commented that she was concerned over not having the money from the property owners before the construction begins. She would like the money in hand before the project begins.

City Manager Royle advised that we tried that approach, but some of the property owners do not have the money or they do not want to pay it upfront. Some of the property owners do not want the roadway, so that could stop the project again unless one of these methods is approved by the Commission.

Mayor England commented that at previous Commission meetings the Commission decided to move forward on this and then deliberate on how to collect the assessment.

Commissioner George advised that the City is fully authorized to collect the assessment first and then develop the road once it has been received. She advised that the money could be put into an earmarked interest-bearing account for this project until all the money has been received. She commented that there was not a mechanism on the process of collection on the last vote.

Mayor England advised that she thought the Commission agreed to use the money from the impact fees upfront and then decide on how to collect.

City Manager Royle advised that he was not sure if the impact fees could be spent on a roadway and then use the special assessment to pay back the impact fees account. He explained that the special assessment in that case could be used on another road, which he was not sure would be correct.

Commissioner Rumrell asked City Attorney Taylor if impact fees were used and then take the money back from an assessment, could that money go back into a specific account for that road.

City Attorney Taylor advised this project would be an approvable item that impact fees could be spent on and did not know any legal reason why the assessment money could not be put

back into the Impact Fee Fund. He commented that if the property owners do not pay forever it might be a problem.

Commissioner George advised that we cannot take money out of the General Fund and then pay back the money in the Impact Fee Fund.

City Attorney Taylor advised no. The Commission could not do that.

Commissioner George asked if the money collected from the assessment be paid back to the Impact Fee Fund and what process would it be to do that.

City Attorney Taylor advised that it would be done by ordinance and how the ordinance language reads.

Finance Director Douylliez advised that the City has an Impact Fee Fund, and the deposits would go back into that account to keep a record of it.

Commissioner Rumrell asked what the costs are so the property owners know what the costs are and then the Commission can decide if it should be a non-ad valorem or a special assessment method.

City Manager Royle advised that the price would be the same for either process.

Commissioner Rumrell advised that the City should be transparent on what the costs are going to be so there are no surprises to them.

City Manager Royle advised that at this meeting we need the direction of the Commission on the method because if the method is a non-ad valorem assessment it would take some time to complete and the due date for the resolution must be at the Property Appraiser's Office is by December 31, 2020 in order to collect it by January 2022.

Vice Mayor Kostka advised that the costs are a deciding factor and she thought that it was included once in a previous Commission packet, but it is not included for this meeting.

Public Works Director Tredik advised that he presented three different options with three different costs depending on the direction of the roadway, but it should be reviewed since it has been several months. He commented that he could bring the costs back to the Commission at the next meeting. He asked for direction from the Commission on what process to use to have it done by next year.

Vice Mayor Kostka asked if a one-month delay would make a difference.

Public Works Director Tredik advised yes if the Commission decides to move forward on a non-ad valorem assessment. He explained that the letters need to be mailed in January 2021. He explained that there are five property owners who do not want the roadway done and an assessment is needed to move forward. He recommended to the Commission the non-ad valorem assessment because there is no enforcement and there is a guarantee of funds coming back to the City in a timely way. He advised by memory the project would be \$300,000 and the property owners would be assessed \$16,000 to \$20,000.

Mayor England advised that there was a 69 percent from the resident approval to move forward. She asked the Commission to focus on the special assessment versus the non-ad valorem.

Finance Director Douylliez advised with the non-ad valorem assessment; advertising must have four weeks of advertisement before the document could be sent to the Property Appraiser's Office. Once the deadlines are met, the Commission has say they want to go through the non-ad valorem process or resend it and go another route, but staff needs to meet the deadlines for the non-ad valorem.

Commissioner George asked if the City could recoup the interest that the City would lose.

Finance Director Douylliez advised that staff would have to develop a process on how interest could be charged if they do not pay upfront and whether to offer the property owners a decrease in the payment if they pay early or upfront.

Vice Mayor Kostka asked if the property owners were notified and asked if they would like a non-ad valorem or special assessment.

City Manager Royle advised no.

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

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, said that if it is not urgent to get this done, maybe it should go to the next year; he did not believe there was a vote on this issue, just a consensus; to take into consideration the method that does not penalize the owners who are giving lots for conservation to the City; take time for the owners and the City to exploring the pros and cons of this issue; and wants to have a commitment that the City will repave and widen the road; and the trees in the rights-of-way will be protected.

Regine De Toledo, 309 St. George Street, St. Augustine, FL, advised that she appreciated Mr. Royle for talking with the North Florida Land Trust and she is also talking with the Alachua Conservation Trust, which covers 16 counties including St. Johns County, and they were very interested and she commented that it was not about the money, but about saving the land for conservation. She advised that Mr. Craddock and she are meeting with the North Florida Land Trust on Wednesday. She suggested that the utilities should be included in the costs to the property owners.

Attorney Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, FL, represents nine of the lot owners along 2<sup>nd</sup> Street. He advised that there are impact fees already so no one will be out any money. He commented that the Commission is deciding what method to use for collection, not that the Commission is not going to do the project.

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

Commissioner Rumrell suggested to move forward with the non-ad valorem because it can be cancelled, but if the Commission prolongs it then the project will not move forward.

Commissioner George advised the costs to the property owners who do not want the project done is staggering; however, the majority already said that they want to move forward on this. She commented that the impact fees are precious and that the City needs to make sure they will get the money back quickly. She suggested non-ad valorem assessment due to the enforcement costs that special assessment could bring on the City and defer to the staff's recommendations.

Vice Mayor Kostka agreed with non-ad valorem assessment; however, suggested to wait until most of the money is received before starting the project. She agreed with Commissioner George that there are other projects to be done as well with the impact fees.

Commissioner Samora asked if there was a way to collect the non-ad valorem assessment before the project is started. He advised that if some would be willing to pay upfront as a special assessment, then he would rather do a special assessment than wait for years on a non-ad valorem assessment. He commented that once the Commission agrees to the non-ad valorem assessment, the City is bound by that structure. He asked if there was any flexibility with a non-ad valorem where money can be taken upfront prior to permits being issued.

Finance Director Douylliez advised that she would look into the two prong approach with the non-ad valorem assessment and bring it back to the Commission. She advised that she can make adjustments with the non-ad valorem assessment within a three year period that she can add or take off the assessment. She gave an example of if a current owner sells the property, then she could say that the City needs all the money upfront before it is sold. She will work with the City Attorney to make sure that everything would be legally covered.

Commissioner Samora asked to keep all options opened and that he was still not fully on board with the non-ad valorem assessment.

Mayor England asked staff to come back to the Commission with estimates, some options, more detail or differences of the special assessment and non-ad valorem assessments, and comparison charts on the benefits and flexibilities for both options.

Finance Director Douylliez advised that she would and said that staff just needs to have the Commission's support to advertise the non-ad valorem assessment before the deadlines.

Mayor England asked for a motion.

**Motion:** to approve Resolution 20-21 to level a non-ad valorem assessment. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved to Item 8.

8. Resolution 20-22: to Extend to February 1, 2021, Permission for Restaurants to Have Outside Seating (Presenter: Lex Taylor, Deputy City Attorney)

Mayor England introduced Item 8 and asked the Commission if they had any questions. Being none, Mayor England asked for Public Comments. Being none, Mayor England closed the Public Comments section and asked for a motion.

**Motion:** to approve Resolution 20-22. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell.

Roll call vote was as follows:

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

Motion passed unanimously.

Mayor England moved to Item 9.

9. Electric Vehicle Charging Station at City Hall: Request to Approve Contract and Percentage of Revenue from Sale of Electricity (Presenter: Bill Tredik, Public Works Director)

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

Public Works Director Tredik advised that due to the elections, he held off the contractors; however, he believed the contract will be completed within a couple of weeks. The contract to allow the City to get reimbursed for the electric and administration costs will come to the Commission for approval, but the installation can go forward.

Mayor England moved to Item 10.

### XIII. NEW BUSINESS

10. Land Development Regulations: Review of Proposed Changes Regarding Occupancy Permits, Impervious Surface Coverage, Unsafe Buildings, and Number of Code Enforcement Board Members (Presenter: Brian Law, Building Official)

Mayor England introduced Item 10 and asked for a staff report from Building Official Law.

Building Official Law explained that this is to clean up the Land Development Regulations. He explained that the occupancy permits were done in 1990's and no longer are issued so he would be deleting that language, but the language deletion would not influence transient rental permits and inspections. He explained the language change for the Medium Low Density is putting them in the tables as approved previously; page 6 is regarding unsafe buildings and adopting the current Building Codes; and a change to the Code of Ordinances where the code said the City only has five Code Enforcement Board members instead of seven, which is correct. He also removed the timeframe of the meetings in case it changes in the future.

Discussion ensued regarding what the differences in lot sizes and regulations between Medium Low and Low densities and yearlong leased rentals are not being inspected.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked for any Commission comments. Being none, Mayor England asked what the consensus of the Commission was on this item.

It was the consensus to have the City Attorney draft an ordinance and move forward with the ordinance.



Mayor England moved to Item 11.

11. Mobile Food Sales: Discussion of Allowing Such in the City Because of New State Law (Presenter: Max Royle, City Manager)

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

City Manager Royle explained due to state law the City cannot prohibit food trucks and recommends considering other cities' regulations that were supplied in the Commission books to allow vehicles in commercial districts, set time limits on operations, to only allow food trucks on public property only during special events, prohibit them from operating on the beach, set a size limit on food trucks, require food trucks to conform to the City sign regulations, require that have state licenses, and comply with health department regulations.

Mayor England asked the Commission if they have any suggestions to give to the City Attorney when drafting the ordinance. She suggested on pages 6 and 7 to put those items in the drafted ordinance. She advised that they could not use the parkettes.

City Manager Royle advised that the City should have the same regulations that St. Johns County has for consistency reasons.

Mayor England asked to think of the City as well because our City is smaller and has less public property. She advised that she would like the businesses also to review the ordinance.

Commissioner George agreed with using St. Johns County's ordinance and requested that the sample ordinances from other municipalities be provided again in the next Commission book for a checklist purpose.

Commissioner Rumrell suggested that the City Attorney look at the City of St. Augustine's ordinance as well.

Vice Mayor Kostka asked if a franchise fee could be added. She commented that she likes the City of Venice's ordinance, but it talks about COVID-19 and it made it confusing. She liked the City of Venice's language where they must be 150 feet away from a residential structure and consider only one food truck on a parcel. She also would not like overnight parking in the City.

Commissioner Rumrell advised that St. Johns County regulates the beaches, not the City.

City Manager Royle advised that the beaches within the City's limits are governed by the City, however, St. Johns County's ordinance says that there is no vending on the beach.

City Attorney Taylor advised that he would check about vending on the beach, per Commissioner George's request.

Commissioner George advised that vending on the beach would upset a lot of people.

Commissioner Samora asked why the City of Venice's ordinance is wrapped around the Governor's orders.

City Attorney Taylor advised that he would check into that.

Commissioner George advised that the City of Venice probably did a looser ordinance due to COVID-19 state of emergency.

Commissioner Samora suggested to allow them in only one place in the City and consider restrooms when the ordinance is considered.

Mayor England advised that the state regulations prohibit food trucks to one area with the City limits. She asked City Attorney Taylor to reach whether a food truck would be allowed on private property.

City Attorney Taylor advised he would.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that previous Commissions have banned food trucks, which he disagreed with and wished the food truck at the time would have sued the City for not following anti-trust laws.

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

Vice Mayor Kostka asked to include that the food trucks give a copy of their state license and health department licensing to the City if they are in the City.

It was the consensus of the Commission to have City Attorney Taylor to draft an ordinance and bring it back to the Commission.

Mayor England moved to Item 12.

12. Use of City Meeting Rooms: Consideration of Regulations and Fees (Presenter: Max Royle, City Manager)

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

City Manager Royle explained that the meeting room and Building C, have been closed because of COVID-19. He explained that the fees the City charges have been very reasonable and non-profits and civic groups do not have to pay any fees to the City, that have been using the rooms every night of the week except Fridays and Saturdays. The staff has informed him because of the continual use and costs involved that the Commission consider limiting the number of people who use the rooms once the pandemic moderates and that the City charge not only for outside groups but those that are based in the City like homeowners' associations, condominium groups, etc. He explained the suggestions in his memo for the Commission and advised that the Commission might have other suggestions.

Mayor England suggested opening during the pandemic if the City makes the groups aware that they have to social distance and wear face coverings. She said because of the cost of sanitation and cleaning up, the City would charge more during the state of emergency.

Commissioner Rumrell agreed because people would like to start meeting and people can do that safely; however, there should be a cleaning fee in addition to the other fees.

Commissioner George agreed. There should be additional policies and there should be an additional charge for cleaning and sanitizing.

Vice Mayor Kostka agreed with the proposal and in addition to the \$100 for four hours that there is a cleaning and sanitation charge during the COVID-19 pandemic.

Commissioner Samora advised that it is punitive for the non-profits who meet on a regular basis to charge \$100 fee. He asked how often they meet.

City Manager Royle advised that there is a non-profit that meets Tuesday at noon, which is mandated by the courts. There are different chapters of non-profits that meet every night. The homeowners' associations meet once a quarter, once a year, or some more often.

City Clerk Raddatz advised that there should be a charge for the kitchen because there is extra cleaning that needs to be done, including cleaning out the refrigerator.

Mayor England advised that the City's costs need to be covered.

Commissioner Samora agreed but was thinking about the non-profits.

Commissioner George advised that if the non-profits meeting repeatedly, she does not mind an economy of scale fee and asked what staff's recommendations would be.

City Manager Royle advised that AA provides a valuable service to the community. He advised that enforcement of the distancing requirements and face coverings may be a problem. He explained that the Public Works Director and he will be mapping out the rooms to see how many people should be in the room at once time. Some of the AA groups are large and staff cannot enforce the CDC regulations especially if they meet at night.

Mayor England suggested opening the rooms, notice the regulations, charge the fees to cover the City's costs for cleaning and sanitizing and maybe charge AA a different fee and everyone else would have to pay the reasonable rental fee. She explained that this could be during would only be during the state of emergency with a sunset provision.

Finance Director Douylliez advised that there is a need for more staff space for the conference room and new employees like a planner. She advised that the two IT employees are in very tight quarters right now and are not six feet apart. She explained that as the Commission has more workshops and meetings the Commission room is not available, and the City space is at a premium. She explained that the City Manager's conference table could be moved into half of the meeting room and rent the other half of the room.

Commissioner George advised that this was the first time this was mentioned and agrees that public meetings are more often. She suggested to research the space and see what was needed and the costs involved.

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

City Clerk Raddatz asked for an extension to the meeting.

Mayor England asked for a motion to extend the meeting.

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

City Manager Royle advised that he would bring this item back to the Commission.

Mayor England moved to Item XIV, Staff Comments.

XIV. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle advised that Wednesday is Veterans Day and City offices are closed as well as there would be no yard trash pickup.

Mayor England moved to Item XV, Adjournment.

XV. ADJOURNMENT

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

Roll call vote was as follows:

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

Motion passed unanimously.

Meeting was adjourned at 9:35 p.m.

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Margaret England, Mayor


Attest:

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Beverly Raddatz, City Clerk

## MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** November 19, 2020

**SUBJECT:** Presentations:

- A. Presentation of Plaque to Vice Mayor Maggie Kostka for Service to the City as Commissioner 2017-2020 and as Vice Mayor 2020
- B. Interview of Mr. Nicholas Binder as Candidate for Junior Alternate on the Code Enforcement Board

### ITEM A. VICE MAYOR KOSTKA

Vice Mayor Kostka was elected to the City Commission in November 2016. She was sworn in as Commissioner at the January 2, 2017, Commission meeting. In December 2019, the Commission elected her to be the City's Vice Mayor for 2020. She has served on the Intergovernmental Committee and been active on the County's pandemic task force.

### ITEM B. MR. BINDER

With the election of a Code Enforcement Board member, Mr. Ernesto Torres, to the City Commission, there is now a vacancy of the Board for a junior alternate. The current senior alternate will move up to assume Mr. Torres' seat and the junior alternate will take the senior alternate's seat.

Mr. Nick Binder has applied for the junior alternate's seat. His application is attached (pages 1-3) and he's been invited to your December 7<sup>th</sup> meeting for the customary interview.



## City of St. Augustine Beach

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

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

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

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

#### FOR APPOINTMENTS TO COMMITTEES INVOLVED IN LAND USE

Date received by City 11/16/2020

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

Name: Nicholas G. Binder

Address: 232 Big Magnolia Court, St. Augustine Beach, FL 32080

Phone # (904) 471-9083 E-Mail Address: NBinder@comcast.net

How long have you been a legal resident of the City of St. Augustine Beach. 15 years

I am a full-time ☒ part-time ☐ resident

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

List all active professional licenses and certifications: Professional Engineering  
license in New Jersey (retired status)

Educational background: B.S. in Civil Engineering  
M.S. in Environmental Engineering

Past work experience: Experience in infrastructure plan review  
and construction and in developing and enforcing rules  
and regulations.

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

1. Past volunteer with National 2. Past member of St. Augustine  
3. Park Service (14 years) 4. Beach Charter Review Committee

Please list the location and size of all parcels of property in St. Augustine Beach of which you have ownership: 232 Big Magnolia Court

75 ft x 100 ft

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

None

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

1. Code Enforcement Board ☒
2. Comprehensive Planning & Zoning Board ☐
3. Other ☐

I am available for meetings

- a. During the day only ☐
- b. Evening only ☐
- c. Anytime ☒

List three (3) personal or professional references:

1. Tim Norberg
2. Robert Parker
3. James Kirkham

You may use this space for a brief biographical profile or to list certain skills you possess that may be relevant to the appointment you are seeking. Please indicate

whether you have had experience with the reading of blueprints, technical drawings or diagrams. (Indicate below if you are attaching a resume.)

Yes, AS A Civil Engineer I have had  
over 30 years of experience reading  
technical drawings

NOTE: All information provided will become a matter of public record and will be open to the public. If you require special accommodations because of a disability to participate in the application/selection process, you must notify the City Commission in advance. This application will be kept on file for one (1) year, at which time you must notify the City Commission of your intent to remain an active applicant and update your application accordingly or it will be removed from the active file.

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

Nicholas S. Bender  
Signature

Nov. 16, 2020  
Date

Please return completed application to:


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

*Thank you for your interest!*



# MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** November 30, 2020

**SUBJECT:** Addition of Resolution 20-21 to Agenda Item #2, Public Hearing Re: Opening 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue

At your November 9<sup>th</sup> meeting, you passed Resolution 20-21, which states the City's intent to levy a non-ad valorem assessment to pay the costs to open this section of 2<sup>nd</sup> Street.

To be certain that we are fully compliant with public notice requirements, we are asking that you pass Resolution 20-21 at your December 7<sup>th</sup> meeting. Between November 9 and December 7, the notice of the City's intent to levy the non-ad valorem assessment had to be published four times, so that residents will know of the intent and can attend your December 7<sup>th</sup> meeting to comment on it.

After public comment has been received, and if you are still in favor of levying the non-ad valorem assessment, you can pass Resolution 20-21 again with the date of December 7<sup>th</sup>.

RESOLUTION 20-21

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 BUILDING 2<sup>ND</sup> STREET WEST OF 2<sup>ND</sup> AVENUE; 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 BUILD 2<sup>ND</sup> STREET WEST OF 2<sup>ND</sup> AVENUE; PROVIDING FOR THE LEGAL DESCRIPTION OF LOTS 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 7, 2020, 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 building 2<sup>ND</sup> Street west of 2<sup>ND</sup> Avenue in 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 7, 2020, after advertising in *The St. Augustine Record* for four (4) consecutive weeks on October 28, 2020, November 4, 2020, November 11, 2020, and November 18, 2020, 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 building 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue 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 to build 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue in 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 building 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue is necessary in order to fund a comprehensive, coordinated, and efficient construction of 2<sup>nd</sup> Street within the City of St. Augustine Beach.

**Section 3. Legal Description of Area Subject to Levy.** the lots bordering 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue shall be subject to the levy and collection of the non-ad valorem assessment and is legally described in 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, 2021, and September 7, 2021.

**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, 2021.

**RESOLVED AND DONE**, this 7<sup>th</sup> day of December 2020, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

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Margaret England, Mayor


ATTEST:

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Max Royle, City Manager

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** November 25, 2020

**SUBJECT:** Public Hearing for Levying of Non-Ad Valorem Special Assessment to Pay Costs to Open 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue

**BACKGROUND**

At your November 9<sup>th</sup> meeting, you reviewed material provided by the staff concerning the two ways the costs to construct 2<sup>nd</sup> street west of 2<sup>nd</sup> Avenue could be paid: by a regular special assessment of each lot owner, or by a non-ad valorem assessment. The difference is that the City would be responsible for sending the requests to pay to the lot owners and if a lot owner doesn't pay, filing a lien on the property. The non-ad valorem assessment appears on each lot owners' property tax bill, is collected by the County Tax Collector, who then forwards the money to the City. You agreed to use the non-ad valorem assessment and you approved Resolution 20-21, which stated the City's intent to levy the assessment.

**ATTACHMENTS**

Attached for your review is the following information:

- a. Pages 1-4, a memo from the Public Works Director of the probable costs of the non-ad valorem assessment.
- b. Pages 5-9, the minutes of that part of your November 9<sup>th</sup> meeting when you discussed how to pay the costs to construct 2<sup>nd</sup> Street.

**REVIEW OF THE PROPOSED COSTS**

On page 1 of his memo, Mr. Tredik in nine bullet points lists the project's scope. You'll note that he hasn't included the undergrounding of utilities in the scope. He has included the widening of 2<sup>nd</sup> Street east of 2<sup>nd</sup> Avenue and the construction of a sidewalk. For the eastern section, the City would pave from its own funds the cost to repave the street and construct the sidewalk. Road impact fee money could be used to pay the cost to widen this section of 2<sup>nd</sup> Street.

For 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue, the lot owners would pay the costs to construct the street and put in the utilities. However, there are two owners who don't want to develop their lots. They asked the North Florida Land Trust to accept those lots under a conservation easement, but their request was denied. Since then, one of owners, Mr. Marc Craddock, has told the City Manager that he and the other lot owner, Ms. Regine de Toledo, have asked a land trust in Alachua County to accept the lots. Neither Mr. Craddock

nor Ms. de Toledo has told the Manager whether this request was accepted. If it is, then the City could pay from road impact fees the costs to construct the street in front of Mr. Craddock and Ms. de Toledo's lots. If the Alachua Trust doesn't accept the lots, then Ms. Craddock and Ms. de Toledo would each be assessed the non-ad valorem assessment fee.

On page 2, Mr. Tredik has provided an analysis of the project and a charter showing four different sets of costs.

#### ACTION REQUESTED

It is that you discuss Mr. Tredik's cost estimates with him. If you need further information, he can provide it at your January meeting. You can decide whether you want to include the sidewalk and the widening of 2<sup>nd</sup> Street east of 2<sup>nd</sup> Avenue in the project's scope.

If you decide to continue with the non-ad valorem assessment, then two steps remain in the process:

1. For a public hearing to be held later in 2021, to which all the lot owners who will be assessed the fee will be invited. For that hearing, Mr. Tredik will have the amount each lot owner will be assessed.
2. For you to approve an interlocal agreement with the Tax Collector.

## **MEMORANDUM**

**TO:** Max Royle, City Manager  
**FROM:** William Tredik, P.E. Public Works Director  
**DATE:** November 24, 2020  
**SUBJECT:** 2<sup>nd</sup> Street Widening and Extension - Opinion of Probable Costs

### **DISCUSSION**

This memorandum provides an opinion of probable costs for the subject project. Work included in the cost includes:

- Widening the existing paved portion of 2<sup>nd</sup> Street west of A1A Beach Boulevard to 22 feet wide
- Extending the paved portion of 2<sup>nd</sup> Street westward to the terminus of the 2<sup>nd</sup> Street right-of-way
- Constructing curb and gutter on the widened and extended portions of 2<sup>nd</sup> Street
- Constructing sidewalk on the widened and extended portions of 2<sup>nd</sup> Street
- Drainage improvements for the extended roadway
- Water and sewer utilities to serve the properties on the extended roadway
- Survey, geotechnical investigation, design and permitting as well as as-builts
- Other miscellaneous work associated with the project
- 20% construction contingency

FPL has indicated that they can serve the area underground, however, they require plans to size cable and transformers prior to quoting a price. As such, the cost for underground electric service is not included in this opinion of probable cost.

For the purposes of this estimate, work west of the eastern right-of-way of 2<sup>nd</sup> Avenue is deemed as the "Extension" and work east of the eastern right-of-way of 2<sup>nd</sup> Avenue is deemed as the "Widening."

The estimated cost for the "Extension" is:

- \$211,714 for roadway and drainage construction west of the eastern 2<sup>nd</sup> Avenue right-of-way
- \$115,859 for construction associated with water and sewer extensions to serve properties west of 2<sup>nd</sup> Avenue.

The estimated cost for the "Widening" is:

- \$108,553 for work east of the eastern 2<sup>nd</sup> Avenue right-of-way

## ANALYSIS

In previous meetings, the City Commission discussed funding 1/3 of the costs associated with the roadway and drainage work for the "Extension." The remaining 2/3 of the "Extension" roadway and drainage costs would be funded by the property owners that will be served by the extended roadway. Utility extension costs, however, would be fully paid by the benefiting property owners.

The Commission also discussed the possibility of up to three (3) of the sixteen (16) lots west of 2<sup>nd</sup> Avenue as potentially being dedicated to the City for conservation. This estimate assumes that the "Extension" roadway and drainage costs would be divided by the total number of lots, regardless of their dedication. The City would be responsible for the applicable portion from any dedicated lots. For the purpose of this analysis, however, utility costs would be divided by the total number of lots remaining after any dedication to the City. "Widening" costs east of 2<sup>nd</sup> Avenue would be borne by the City.

The following costs represent the potential individual costs to each property for the "Extension" for various scenarios of dedication:

<b>Lot Dedication for Conservation Scenario</b>	<b>"Extension" Total Cost to Lot Owners</b>	<b>"Extension" Total Cost to City</b>	<b>"Extension" Individual Cost to Owners of Developable Lots</b>
16 Developable Lots (0 lots dedicated for conservation)	\$257,002	\$70,571	\$16,063
15 Developable Lots (1 lot dedicated for conservation)	\$248,180	\$79,393	\$16,545
14 Developable Lots (2 lots dedicated for conservation)	\$239,358	\$88,215	\$17,097
13 Developable Lots (3 lots dedicated for conservation)	\$230,537	\$97,036	\$17,734

The above table shows that due to the utility costs being borne by the developable lots, the cost per developable lot increases slightly when lots are dedicated to the City for conservation, however the cost to the City also increases due to the City's increased portion of roadway and drainage extension costs.



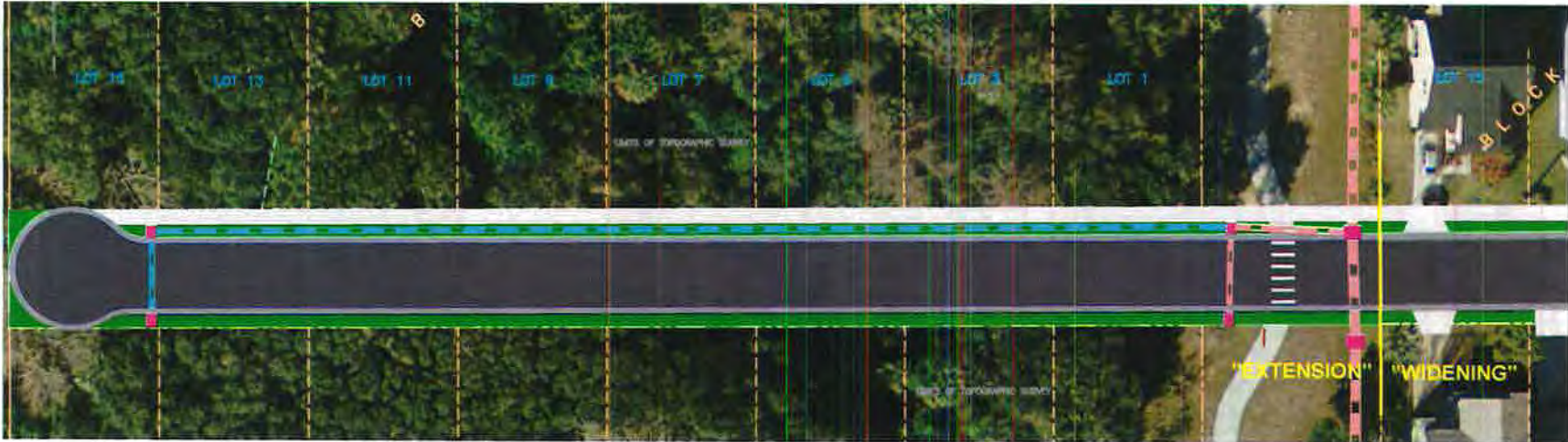
**2nd Street "Extension"**

Item	Description	Amount	Unit	Unit Cost	Item Cost	
1	Survey and Geotech - Roadway	6%	of construction+GC		\$9,409.53	
2	Design and Permitting - Roadway/Drainage	9%	of construction+GC		\$14,114.29	\$23,523.81
3	General Conditions	10%	of construction		\$14,256.86	
4	Clearing and Grubbing	0.3	AC	\$16,726.60	\$5,017.98	
5	Demolition bikepath	24	SY	\$18.46	\$443.04	
6	Excavation	240	CY	\$7.79	\$1,869.60	
7	New Inlet	2	EA	\$3,739.41	\$7,478.82	
8	Modify Existing Inlet	3	EA	\$1,000.00	\$3,000.00	
9	18" Pipe	26	LF	\$79.50	\$2,067.00	
10	24" Pipe	360	LF	\$82.11	\$29,559.60	
11	Curb and Gutter	945	LF	\$33.72	\$31,865.40	
12	6" Stabilized Subbase	1368	SY	\$8.70	\$11,901.60	
13	6" Limerock base	1158	SY	\$16.00	\$18,528.00	
14	1-1/2" Type S-1 A.C. Pavement	82	TN	\$125.00	\$10,250.00	
15	Concrete Sidewalk 6" Thick	237	SY	\$59.05	\$14,014.53	
16	Striping and Signing	1	LS	\$250.00	\$250.00	
17	Grading	1	LS	\$750.00	\$750.00	
18	Sodding	550	SY	\$2.86	\$1,573.00	
19	As-Builts Roadway	1	LS	\$4,000.00	\$4,000.00	\$142,568.57
20	Roadway Construction Contingency	20%	of construction+GC		\$31,365.09	<b>TOTAL ROADWAY COST</b> <b>\$211,714.33</b>

21	Survey and Geotech - Utilities	6%	of construction+GC		\$5,149.28	
22	Design and Permitting - Utilities	9%	of construction+GC		\$7,723.92	\$12,873.20
23	General Conditions Utilities	10%	of construction		\$7,801.94	
24	6" x 6" Tapping Sleeve and Valve	1	EA	\$2,871.71	\$2,871.71	
25	6" PVC DR 18 Water Main	170	LF	\$45.95	\$7,811.06	
26	Fire Hydrant Assembly (inc. tee and valve)	1	EA	\$6,892.11	\$6,892.11	
27	6" x 4" Reducer	1	EA	\$574.34	\$574.34	
28	4" PVC DR18 Water Main	215	LF	\$34.46	\$7,409.02	
29	Flushing Hydrant Assembly	1	EA	\$1,723.03	\$1,723.03	
30	Long Side Double Service	4	EA	\$1,723.03	\$6,892.11	
31	Short Side Double Service	4	EA	\$1,148.69	\$4,594.74	
32	Core Existing Manhole	1	EA	\$3,446.06	\$3,446.06	
33	8" SDR 35 Gravity Sewer Pipe (6' to 8' deep)	400	LF	\$40.20	\$16,081.60	
34	Manhole (6' deep)	1	EA	\$4,020.40	\$4,020.40	
35	Service Laterals	16	EA	\$918.95	\$14,703.18	
36	As-Builts Utilities	1	LS	\$1,000.00	\$1,000.00	\$78,019.37
37	Utility Construction Contingency	20%	of construction+GC		\$17,164.26	<b>TOTAL UTILITY COST</b> <b>\$115,858.77</b>

**2nd Street (Beach Blvd to 2nd Avenue) "Widening"**

Item	Description	Amount	Unit	Unit Cost	Item Cost	
1	Survey and Geotech - Roadway	6%	of construction+GC		\$5,575.50	
2	Design and Permitting - Roadway/Drainage	9%	of construction+GC		\$8,363.24	\$13,938.74
3	General Conditions	10%	of construction		\$8,447.72	
4	Clearing and Grubbing	0.1	AC	\$16,726.60	\$1,672.66	
5	Excavation	60	CY	\$7.79	\$467.40	
6	Mill Existing Pavement (1.5" thick)	700	SY	\$13.00	\$9,100.00	
7	Curb and Gutter	780	LF	\$33.72	\$26,301.60	
8	6" Stabilized Subbase	660	SY	\$8.70	\$5,742.00	
9	6" Limerock base	296	SY	\$16.00	\$4,736.00	
10	1-1/2" Type SP-9.5 Pavement	77	TN	\$125.00	\$9,625.00	
11	Concrete Sidewalk 4" Thick	133	SY	\$43.22	\$5,748.26	
12	Concrete 6" Thick	84	SY	\$59.05	\$4,960.20	
13	Concrete 6" Thick (driveways adjustments)	192	SY	\$59.05	\$11,337.60	
14	Striping and Signing	1	LS	\$250.00	\$250.00	
15	Grading	1	LS	\$250.00	\$250.00	
16	Sodding	275	SY	\$2.86	\$786.50	
17	As-Builts Roadway	1	LS	\$3,500.00	\$3,500.00	\$84,477.22
18	Roadway Construction Contingency	20%	of construction+GC		\$1,689.54	<b>TOTAL ROADWAY COST</b> <b>\$108,553.23</b>



2ND STREET WIDENING AND EXTENSION CONCEPT PLAN  
 OPINION OF PROBABLE TOTAL COST - \$436,126

7. Constructing Unbuilt Section of 2<sup>nd</sup> Street West of 2<sup>nd</sup> Avenue: Request to Approve Resolution 20-21, to Declare Intent to Levy a Non-Ad Valorem Assessment to Pay Costs (Presenter: Max Royle, City Manager)

Mayor England introduced Item 7 and asked for a staff report from City Manager Royle.

City Manager Royle explained that the Commission had discussed this previously and staff recommended previously that this would be done by a regular special assessment; however, Finance Director Douylliez is concerned about homeowners becoming delinquent in paying for the special assessment and has suggested a non-ad valorem assessment instead. He explained that there are two methods, and the Commission will have to decide on one or the other. He advised that there are two owners who want to give their land to the City who are in the audience to ensure that their lots are not developed. The Florida Land Trust is meeting today to make the lots conservation in perpetuity, but that is not related to the non-ad valorem assessment except that the City would have to pay the costs to construct the street of those owners' properties by impact fees. If the Florida Land Trust does not take the lots, then the owners could dedicate the land to the City and the City would change the land use to park land. If the Commission in the future wants to sell or develop park land, it would have to be a supermajority vote of the Commission and a referendum. He requested that the Commission decide whether to use the non-ad valorem assessment or the special assessment method. If the non-ad valorem assessment is approved, then Resolution 20-21 would have to be approved. If not, then the Commission can go through the special assessment and it would come back to the Commission for approval in the future.

Mayor England advised that the Commission would have to decide tonight to select the method of payment, non-ad valorem or special assessment.

City Manager Royle advised yes, and that this needs to move forward because it been discussed since 1992 and people want to build the road. Attorney Whitehouse is here to discuss his clients wishes to build the road. He commented that the non-ad valorem assessment is a much slower process than the special assessment because it must go through the St. Johns County Property Appraiser's Office and the Tax Collector. He explained that it would not go on the tax bill until fiscal year 2022. The special assessment could be done within six months.

Discussion ensued regarding whether a special assessment could be deducted along with the owner's real estate taxes.

Mayor England asked why staff is recommending the non-ad valorem assessment instead of the special assessment even though the special assessment can be deducted off the owner's taxes and is quicker to get the money.

City Manager Royle advised that if the property owners do not pay the assessment it could take years until they sell their property or change ownership to pay for the assessment. He explained that a lien would have to go on the property. He advised if the Commission uses the non-ad valorem assessment method, then the City would be paid by the Tax Collector and then the City would not go through the lien process and attorneys' costs.

Commissioner George explained the third-party tax certificate process that investors purchase when non-ad valorem assessments are not paid. She advised that the investors pay off the City and they take the owners property for nonpayment of taxes. The tax bill

constitutes a lien on the property and the Tax Collector sells the tax certificate to the third-party investor and they now own the tax certificate. It takes the burden off the municipality, which is a compelling benefit to the City.

Finance Director Douylliez advised that some of the property owners in question do not want to have the roadway done and if they refuse to pay, then the City would have the burden to lien the property and enforcement. She suggested the non-ad valorem because it gives a guarantee time of payment to pay it back, which the Commission will decide. The City will have to pay the contractor upfront and the City would have to wait on the assessment to be paid and she would like a definite time that the money would come back to the City.

Commissioner George agreed that she would be nervous about a special assessment where the City has the burden to collect. She agreed with Finance Director Douylliez.

Commissioner Samora explained that he has a concern with the flexibility with the multi-year implementation. He commented that if a property is sold and then developed, there is no way to enforce the new property owner to pay prior to construction. He would like to have the ability to make conditions on a special assessment, whereas the non-ad valorem cannot have conditions.

Vice Mayor Kostka commented that she was concerned over not having the money from the property owners before the construction begins. She would like the money in hand before the project begins.

City Manager Royle advised that we tried that approach, but some of the property owners do not have the money or they do not want to pay it upfront. Some of the property owners do not want the roadway, so that could stop the project again unless one of these methods is approved by the Commission.

Mayor England commented that at previous Commission meetings the Commission decided to move forward on this and then deliberate on how to collect the assessment.

Commissioner George advised that the City is fully authorized to collect the assessment first and then develop the road once it has been received. She advised that the money could be put into an earmarked interest-bearing account for this project until all the money has been received. She commented that there was not a mechanism on the process of collection on the last vote.

Mayor England advised that she thought the Commission agreed to use the money from the impact fees upfront and then decide on how to collect.

City Manager Royle advised that he was not sure if the impact fees could be spent on a roadway and then use the special assessment to pay back the impact fees account. He explained that the special assessment in that case could be used on another road, which he was not sure would be correct.

Commissioner Rumrell asked City Attorney Taylor if impact fees were used and then take the money back from an assessment, could that money go back into a specific account for that road.

City Attorney Taylor advised this project would be an approvable item that impact fees could be spent on and did not know any legal reason why the assessment money could not be put

back into the Impact Fee Fund. He commented that if the property owners do not pay forever it might be a problem.

Commissioner George advised that we cannot take money out of the General Fund and then pay back the money in the Impact Fee Fund.

City Attorney Taylor advised no. The Commission could not do that.

Commissioner George asked if the money collected from the assessment be paid back to the Impact Fee Fund and what process would it be to do that.

City Attorney Taylor advised that it would be done by ordinance and how the ordinance language reads.

Finance Director Douylliez advised that the City has an Impact Fee Fund, and the deposits would go back into that account to keep a record of it.

Commissioner Rumrell asked what the costs are so the property owners know what the costs are and then the Commission can decide if it should be a non-ad valorem or a special assessment method.

City Manager Royle advised that the price would be the same for either process.

Commissioner Rumrell advised that the City should be transparent on what the costs are going to be so there are no surprises to them.

City Manager Royle advised that at this meeting we need the direction of the Commission on the method because if the method is a non-ad valorem assessment it would take some time to complete and the due date for the resolution must be at the Property Appraiser's Office is by December 31, 2020 in order to collect it by January 2022.

Vice Mayor Kostka advised that the costs are a deciding factor and she thought that it was included once in a previous Commission packet, but it is not included for this meeting.

Public Works Director Tredik advised that he presented three different options with three different costs depending on the direction of the roadway, but it should be reviewed since it has been several months. He commented that he could bring the costs back to the Commission at the next meeting. He asked for direction from the Commission on what process to use to have it done by next year.

Vice Mayor Kostka asked if a one-month delay would make a difference.

Public Works Director Tredik advised yes if the Commission decides to move forward on a non-ad valorem assessment. He explained that the letters need to be mailed in January 2021. He explained that there are five property owners who do not want the roadway done and an assessment is needed to move forward. He recommended to the Commission the non-ad valorem assessment because there is no enforcement and there is a guarantee of funds coming back to the City in a timely way. He advised by memory the project would be \$300,000 and the property owners would be assessed \$16,000 to \$20,000.

Mayor England advised that there was a 69 percent from the resident approval to move forward. She asked the Commission to focus on the special assessment versus the non-ad valorem.

Finance Director Douylliez advised with the non-ad valorem assessment; advertising must have four weeks of advertisement before the document could be sent to the Property Appraiser's Office. Once the deadlines are met, the Commission has say they want to go through the non-ad valorem process or resend it and go another route, but staff needs to meet the deadlines for the non-ad valorem.

Commissioner George asked if the City could recoup the interest that the City would lose.

Finance Director Douylliez advised that staff would have to develop a process on how interest could be charged if they do not pay upfront and whether to offer the property owners a decrease in the payment if they pay early or upfront.

Vice Mayor Kostka asked if the property owners were notified and asked if they would like a non-ad valorem or special assessment.

City Manager Royle advised no.

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

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, said that if it is not urgent to get this done, maybe it should go to the next year; he did not believe there was a vote on this issue, just a consensus; to take into consideration the method that does not penalize the owners who are giving lots for conservation to the City; take time for the owners and the City to exploring the pros and cons of this issue; and wants to have a commitment that the City will repave and widen the road; and the trees in the rights-of-way will be protected.

Regine De Toledo, 309 St. George Street, St. Augustine, FL, advised that she appreciated Mr. Royle for talking with the North Florida Land Trust and she is also talking with the Alachua Conservation Trust, which covers 16 counties including St. Johns County, and they were very interested and she commented that it was not about the money, but about saving the land for conservation. She advised that Mr. Craddock and she are meeting with the North Florida Land Trust on Wednesday. She suggested that the utilities should be included in the costs to the property owners.

Attorney Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, FL, represents nine of the lot owners along 2<sup>nd</sup> Street. He advised that there are impact fees already so no one will be out any money. He commented that the Commission is deciding what method to use for collection, not that the Commission is not going to do the project.

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

Commissioner Rumrell suggested to move forward with the non-ad valorem because it can be cancelled, but if the Commission prolongs it then the project will not move forward.

Commissioner George advised the costs to the property owners who do not want the project done is staggering; however, the majority already said that they want to move forward on this. She commented that the impact fees are precious and that the City needs to make sure they will get the money back quickly. She suggested non-ad valorem assessment due to the enforcement costs that special assessment could bring on the City and defer to the staff's recommendations.

Vice Mayor Kostka agreed with non-ad valorem assessment; however, suggested to wait until most of the money is received before starting the project. She agreed with Commissioner George that there are other projects to be done as well with the impact fees.

Commissioner Samora asked if there was a way to collect the non-ad valorem assessment before the project is started. He advised that if some would be willing to pay upfront as a special assessment, then he would rather do a special assessment than wait for years on a non-ad valorem assessment. He commented that once the Commission agrees to the non-ad valorem assessment, the City is bound by that structure. He asked if there was any flexibility with a non-ad valorem where money can be taken upfront prior to permits being issued.

Finance Director Douylliez advised that she would look into the two prong approach with the non-ad valorem assessment and bring it back to the Commission. She advised that she can make adjustments with the non-ad valorem assessment within a three year period that she can add or take off the assessment. She gave an example of if a current owner sells the property, then she could say that the City needs all the money upfront before it is sold. She will work with the City Attorney to make sure that everything would be legally covered.

Commissioner Samora asked to keep all options opened and that he was still not fully on board with the non-ad valorem assessment.

Mayor England asked staff to come back to the Commission with estimates, some options, more detail or differences of the special assessment and non-ad valorem assessments, and comparison charts on the benefits and flexibilities for both options.

Finance Director Douylliez advised that she would and said that staff just needs to have the Commission's support to advertise the non-ad valorem assessment before the deadlines.

Mayor England asked for a motion.

**Motion:** to approve Resolution 20-21 to level a non-ad valorem assessment. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora.

Roll call vote was as follows:


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

Motion passed unanimously.



# MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** November 18, 2020

**SUBJECT:** Ordinance 20-14, first Public Hearing and Second Reading: to Change Section 4.01.06, Recreation Standards, of the Land Development Regulations

Mr. Law presented these proposed changes to you at your October 5<sup>th</sup> meeting. The changes are part of his goal to bring the Land Development Regulations into conformity with the policies in the Comprehensive Plan that you adopted in January 2020.

You agreed with the changes. The City Attorney then prepared an ordinance to adopt the changes for your November 9<sup>th</sup> meeting, when you approved the ordinance on first reading.

The Comprehensive Planning and Zoning Board reviewed the ordinance at its November 17<sup>th</sup> meeting and by a 7-0 vote recommended that you adopt it. The Board's motion and vote is stated in the attached memo (page 5) from the Board's Executive Assistant, Ms. Bonnie Miller.

The ordinance has now been scheduled for its first public hearing and second reading at your December 7<sup>th</sup> meeting.





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

**TO: Max Royle**

**FROM: Brian Law**

**SUBJECT: Section 4.01.06 Recreation Standards for Facilities**

**DATE: 9-15-2020**

Max

As a result of the new Comprehensive Plan being adopted in January of 2020 there has been some modifications to the City of St. Augustine Beach Land Development Regulations that must take place for conformity of the code. The levels of service for recreation need to be modified for conformity with the Comprehensive Plan. I am including the markup so the Commission and the Planning and Zoning Board can easily identify the changes, I am also including the final copy with a water mark indicating "Draft" for ease of understanding. Below is a copy of R.1.11 of the adopted Comprehensive Plan.

---

R.1.1.11 The City of St. Augustine Beach adopts the following level of service standards for recreation:

<u>Park Sites</u>	<u>Standard</u>
City/County Parks	1 acre per 5,000 population

<u>Facilities</u>	<u>Standard</u>
Courts	1 per 3,500 population
Baseball/Softball Field	1 per 8,000 population

---

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)

**ORDINANCE NO. 20-14**

**AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS SECTION 4.01.06 RECREATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

**WITNESSETH:**

**WHEREAS**, a new Comprehensive Plan was adopted in January of 2020.

**WHEREAS**, the City Commission is responsible for keeping its land development regulations in compliance with the Comprehensive Plan.

**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 Regulations of Saint Augustine Beach section R.4.01.06 is amended as follows:

**Sec. 4.01.06. - Recreation.**

~~Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the recreation and open space element of the St. Augustine Beach Comprehensive Plan:~~

**RECREATION STANDARDS FOR FACILITIES**

~~EXPAND~~

<i>Park Sites</i>	<i>Standard</i>	<i>Size (Acres)</i>
Neighborhood	1 per 5,000 population	5.0
<i>Facilities</i>	<i>Standard</i>	
Tennis court	1 per 3,500 population	
Basketball court	1 per 5,000 population	

Baseball/softball field	1 per 6,000 population
Paddleball court	1 per 2,500 population
Volleyball court	1 per 2,500 population

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the recreation and open space element of the St. Augustine Beach Comprehensive Plan:

#### RECREATION STANDARDS FOR FACILITIES

<u>Park Sites</u>	<u>Standard</u>
City/County Parks	1 acre per 5,000 population
<u>Facilities</u>	<u>Standard</u>
Courts	1 per 3,500 population
Baseball/Softball Field	1 per 8,000 population

(Ord. No. 91-7, § 2; 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 on the \_\_\_\_ day of \_\_\_\_\_, 2020.

# MEMO

**To:** Max Royle, City Manager  
**From:** Bonnie Miller, Executive Assistant  
**Subject:** Ordinance No. 20-\_\_  
**Date:** Wednesday, November 17, 2020

Please be advised at its regular monthly meeting held Tuesday, November 17, 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, November 9, 2020, this proposed ordinance amends Section 4.01.06, Recreation, of the City's Land Development Regulations, to amend the levels of service for recreation for conformity to the City's Comprehensive Plan.

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

**MEMORANDUM**

**TO:** Max Royle, City Manager

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

**DATE:** November 23, 2020

**SUBJECT:** Alvin's Island Driveway Connection on Versaggi Drive

**BACKGROUND**

On March 2, 2015, the City Commission voted to deny driveway connections from Versaggi Drive to 3848 A1A South (Alvin's Island) and 3900 A1A South (property south of Versaggi Drive). Edmunds Family Partnership, LLP (Owner), the owner of both properties, appealed the decision to the Circuit Court, and the Court remanded the issue back to the City Commission. On March 1, 2016, the City Commission denied the request on remand.

The Owner filed suit against the City regarding the city's sign ordinance and the denial of the driveways. In February 2017 mediation between the City and the Owner resulted in a settlement agreement which was approved unanimously by the City Commission on April 3, 2017. The settlement agreement specifically states:

- a) *The City has agreed to allow Plaintiffs to construct a curb cut on the south side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "South Side Curb Cut"). The South Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location, a copy of which is attached as **Exhibit A**, and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the south side of Versaggi Drive. Additionally, Plaintiffs shall erect and maintain signage indicating that no exit is permitted out of the South Side Curb Cut.*
- b) *Two and one-half years after the Effective Date, but not sooner, Plaintiffs may submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"), which shall be considered on its own merit. The North Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive. The City retains the right to review Plaintiffs' North Side Curb Cut application to ensure it complies with the City's then existing code requirements, and the Plaintiffs reserve the right to modify the most recent*

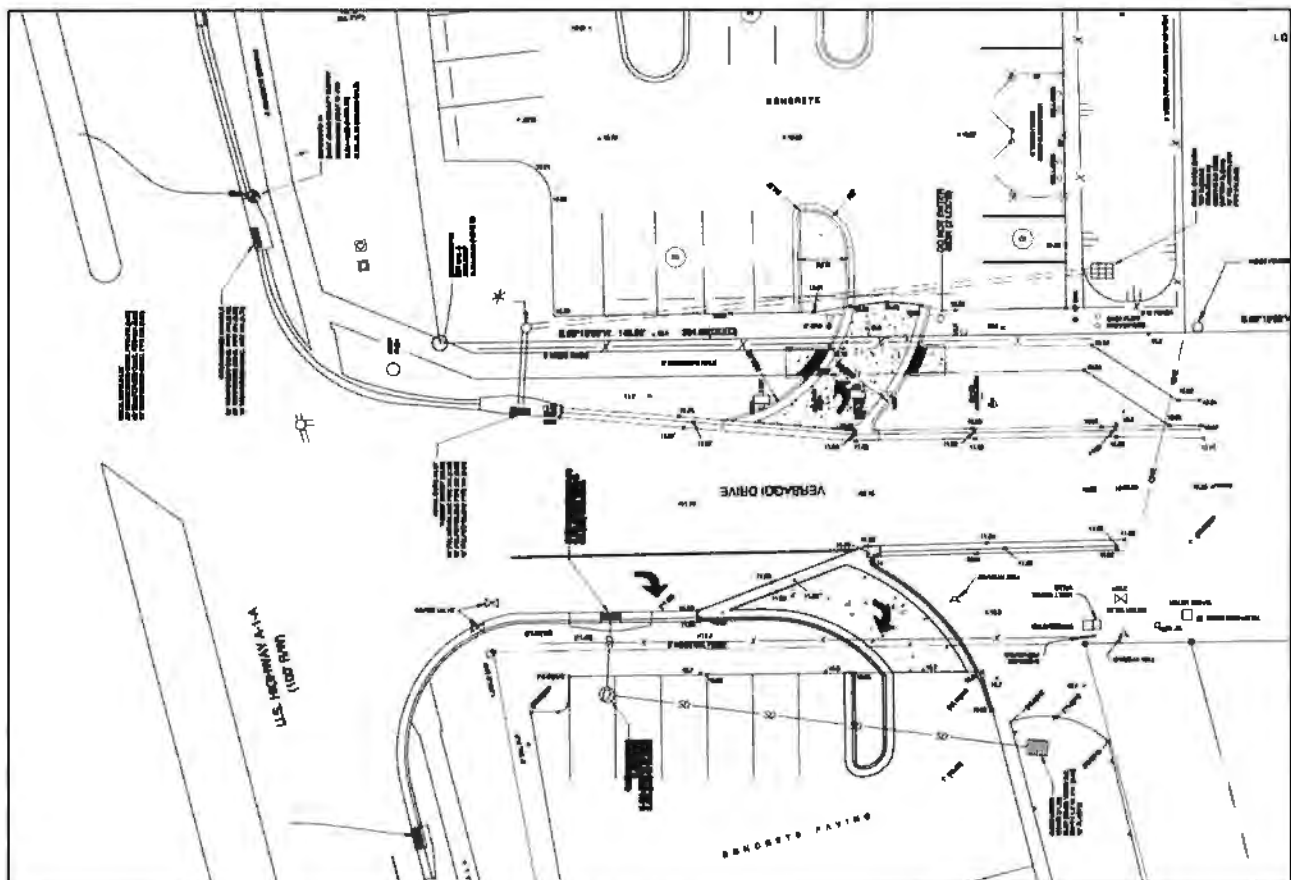
*application to the extent appropriate to respond to amendments or deletions to the City's applicable standards between the Effective Date of this Agreement and the date of application for the North Side Curb Cut. Regardless of code or other modifications to applicable standards, Plaintiffs shall not be entitled to a curb cut that would allow entry from or exit to the east. Additionally, Plaintiffs shall erect and maintain signage indicating that no exit is permitted out of the North Side Curb Cut. The Parties agree that this provision shall not be construed so as to require any future Commission to grant a curb cut request on the north side of Versaggi, to the extent the application does not comply with the conditions set forth herein.*

- c) *Plaintiffs hereby voluntarily waive any right to pursue any other curb cut requests or modifications from the City concerning its parcels at the intersection of Versaggi Drive and A-1-A.*

Paragraph a) above relates to the driveway on the south side of Versaggi. This driveway has been constructed per the settlement agreement.

## **DISCUSSION**

The required two and a half years passed since the settlement agreement, and in January 2020 the Owner's engineer submitted the following preliminary sketch showing a left-in only driveway to the North parcel:

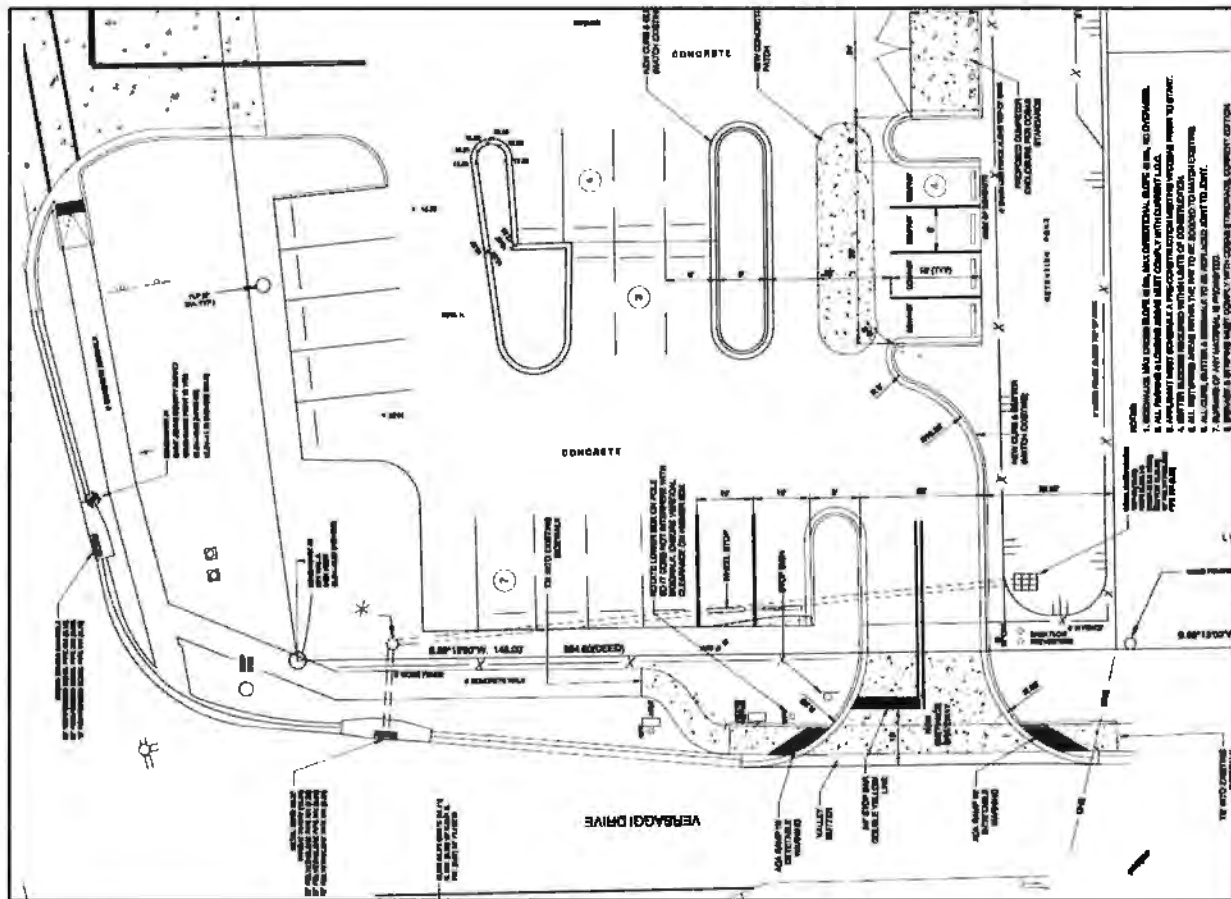


Though the left-in concept meets the intent of the settlement agreement, it poses safety concerns due to its unusual configuration, including:

- The sweeping left-in encourages vehicles coming from S.R A1A to enter the Alvin's Island parking lot at higher velocities than would a typical 90° ingress/egress driveway. These higher entry velocities pose safety concerns for westbound traffic on Versaggi Drive as well as pedestrians on the sidewalk.
- A sweeping left-in which crosses traffic, when done, is typically accompanied by a dedicated left turn lane which allows queued turning vehicles to stack and await an opening. There is no room for such a dedicated lane in this location. Turning drivers are thus encouraged to quickly enter the Alvin's parking lot, increasing the risk of conflict as discussed in the previous bullet.
- Though the driveway is intended to be a left-in only, its configuration is identical to a right-out only. As such, the likelihood of driver confusion and frustration is increased, resulting in both unintentional use of the driveway for egress, and intentional egress for convenience sake. The potential for vehicle/vehicle as well as vehicle/pedestrian conflict is increased when the geometric design is inconsistent with the desired traffic pattern.

Due to these safety concerns, the Public Works Director met with the owner's engineer onsite to investigate safer driveway configurations. After investigation and discussion, it was agreed that a standard driveway ingress/egress driveway configuration provided a safer alternative. The engineer agreed to modify the plan as such and resubmit. The engineer submitted a revised plan in June 2020, and the Public Works Director required further improvements to improve pedestrian safety. The following plan was submitted in September 2020, addressing the Public works Director's comments.





The revised plan offers several safety improvements from the previous left-in only plan, including:

- The ingress/egress configuration reduces driver confusion and eliminates the potential for intentional driver disregard of traffic patterns.
- The ingress is at a 90° angle, requiring entering vehicles to slow to a near stop to turn into the driveway.
- The driveway is slightly further from S.R. A1A, thus allowing vehicles turning from S.R. A1A additional time to decelerate or break to avoid a queued turning vehicle.
- The sidewalk has been shifted closer to Versaggi Drive to provide better vehicle/pedestrian visibility at the driveway.

In addition to the safety improvement, an aesthetic improvement has been made by moving the dumpster enclosure further away from Versaggi Drive. The final plan may also include a reduced radius on the eastern side of the driveway – and signage – to prohibit westbound traffic on Versaggi Drive from turning right into the parking lot.

Though egress from Alvin's Island to Versaggi Drive exceeds what the Owner is entitled per the settlement agreement, it provides a safer driveway connection. Additionally, it increases safety along S.R. A1A by allowing exiting vehicles additional distance to cross

traffic to make a U-turn at the intersection of S.R. A1A and A1A Beach Boulevard. With the existing egress, drivers existing Alvin's Island who wish to go south must now immediately cross a partial merge lane plus two (2) northbound through lanes to access the left turn lane for a U-turn. Vehicles exiting at Versaggi Drive would only have to cross one (1) through lane and have more distance to maneuver to the northbound left turn lane. This additional distance thus provides a safer traffic flow on S.R. A1A.



### Neighborhood Meeting

In order to fully engage the property owners and discuss the pros and cons of the driveway options, the City hosted a neighborhood meeting at City Hall on November 5, 2020. Letters were mailed to all property owners which use Versaggi Drive for ingress and egress, including:

- Versaggi Drive
- Linda Mar Drive
- Oceanside Circle
- Oceanside Drive
- Carole Court
- Manatee Court
- Santa Maria Lane
- Versaggi Place.

Prior to the November 5<sup>th</sup> meeting, the City received one (1) email request for a copy of the settlement agreement and one (1) email in opposition to a driveway. The objecting email contained the following suggestions:

- No southbound A1A U-turn allowed at Versaggi Drive
- Addition of signs to increase pedestrian and bicycle safety
- Concern that allowing ingress and egress on Versaggi Dr. increases danger

The neighborhood meeting was held as scheduled at 6:00 PM on November 5, 2020. Only three owners of the approximately 100 property owners who were mailed letters attended. Two property owners were from Versaggi Drive (including the property owner directly abutting Alvin's Island) and one property owner was from Linda Mar Drive. Also in attendance was the Owner of the Alvin's Island property and the Public Works Director. The property owner abutting Alvin's was initially opposed to any driveway connection due to the increased potential for noise and traffic in the vicinity of their home. The owner stated that their house was recently purchased and they were not aware of past issue when they purchased. The other Versaggi Drive owner had concerns about vehicles turning into Versaggi Drive from northbound A1A to access Alvin's Island, only to find no driveway, then turning around in front of their home. The Linda Mar owner was not opposed to the driveway connection.

In the meeting, the history of the issue was discussed, including the settlement agreement which gives the Owner the right to construct a left-turn ingress from Versaggi Drive. A comparison of the pros and cons of an ingress only, versus a more typical ingress/egress driveway was discussed. After discussion, it was agreed that an ingress/egress driveway would be acceptable if the following conditions were addressed:

- Left turn egress would not be permitted onto Versaggi drive.
- The Owner would construct a privacy fence on the east side of the Alvin's Island retention area to provide a visual buffer, and to attenuate noise from the Alvin's Island parking lot.
- The Owner would relocate the Alvin's island dumpster area away from Versaggi Drive.

The Owner verbally agreed to these terms.

Subsequent to the neighborhood meeting, the City received one additional email stating an inability to attend the meeting and noting their objection to the driveway connection. In addition to stating objection to the driveway, this property owner raised several concerns, including:

- Worry about increased traffic congestion in the Versaggi neighborhood, particularly at the intersection of Versaggi and S.R. A1A.
- Lack of maintenance of existing signs at Alvin's Island, including damaged or difficult to read do not enter signs, stop sign, etc.

## **SUMMARY**

Per the terms of the 2017 settlement agreement, the Owner has a legal right to construct a driveway connection on Versaggi Drive with westbound left-turn ingress. Though the Owner has no right to expect more than this ingress connection, the City is not precluded from approving egress onto Versaggi Drive to provide for increased public safety. A driveway connection which includes a right-only egress onto Versaggi Drive provides increased public safety over a left-in only driveway. Allowing a right-only egress onto Versaggi Drive also provides increased public safety on S.R. A1A by providing more room for drivers desiring to go south on S.R. A1A to navigate to the northbound left turn lane to initiate a U-turn at the intersection of S.R. A1A and A1A Beach Boulevard. Public Works therefore recommends that the Alvin's Island driveway connection to Versaggi Drive be allowed to include both eastbound left-in ingress from Versaggi Drive and right-out only egress to Versaggi Drive.

## **ACTION REQUESTED**

Authorize the Alvin's Island driveway connection to include a right-out only egress to Versaggi Drive in addition the westbound left-in connection that is provided for in the settlement agreement.

# MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** November 30, 2020

**SUBJECT:** Ordinance 20-15, First Reading, to Amend the Land Development Regulations Regarding Occupancy Permits, Impervious Surface Coverage, Unsafe Buildings, and Number of Code Enforcement Board Members

Because of the Thanksgiving Day holidays, the information for your December 7<sup>th</sup> regular meeting had to be assembled and put in the books sooner than usual. By that time, we hadn't received the ordinance from the City Attorney. However, the ordinance has since been provided. It is attached for your review and possible first reading.



**ORDINANCE NO. 20-15**

**AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH,  
FLORIDA, MAKING FINDINGS OF FACT; AMENDING THE CITY'S  
LAND DEVELOPMENT REGULATIONS SECTIONS 6.07.10, 6.01.02,  
6.07.07, 11.03.02, 11.03.04; REPEALING ALL ORDINANCES OR PARTS  
OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION;  
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

**WITNESSETH:**

**WHEREAS**, the City Commission is responsible for keeping its land development regulations up to date.

**WHEREAS**, Occupancy Permits are antiquated and should be removed for the Code.

**WHEREAS**, the table of allowable impervious surface ratios as listed in section 6.01.02 of the City Land Development Regulations does not include the zoning districts of medium low density or the mixed use district.

**WHEREAS**, corrections to the number of Code Enforcement Board Members needed to be changed to brought into compliance with Florida Statute 162.05.

**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 Regulations of Saint Augustine Beach section R.6.07.10 is amended as follows:

Sec. 6.07.10.—~~Occupancy permits.~~ Reserved.

- A.—~~It shall be unlawful for the owner of any dwelling unit to permit the occupation of the dwelling unit by a person who rents or leases the dwelling unit or a room therein unless such occupation has been authorized by an occupancy permit.~~
- B.—~~An occupancy permit shall be issued only when both of the following conditions have been met:~~
- 1.—~~The owner or his agent makes application for an occupancy permit on a form prescribed by the city City Manager or designee accompanied by a fee in the amount of twenty-five dollars (\$25.00) for each dwelling unit.~~
  - 2.—~~The dwelling unit has been inspected and determined to be in compliance with all applicable provisions of the housing and residential property maintenance standards established by sections 6.07.00 through 6.07.08, inclusive.~~
- C.—~~The procedure for issuance of an occupancy permit is as follows:~~
- 1.—~~The owner of any dwelling unit or his agent shall apply to the city City Manager or designee for an occupancy permit and shall provide such information as required by the city City Manager or~~

designee to render a decision. Such application shall be submitted at least five (5) working days prior to the proposed occupancy date. It shall be unlawful for any person knowingly to make any false statement in an application for an occupancy permit.

2. After receipt of an application for an occupancy permit, but prior to the proposed occupancy date, the city City Manager or designee shall cause an inspection to be made of the dwelling unit specified in the application. After the inspection, the owner or his agent will be provided a list of violations, if any, that must be corrected before the dwelling unit can be occupied. If the owner or his agent fails to correct all of the violations within ninety (90) days after the original application was filed, said owner or agent shall file a new application and pay the fee prescribed by section 6.07.10B.

3. Upon determination that the conditions of section 6.07.10B. have been met, an occupancy permit shall be issued to the applicant.

D. An occupancy permit for a long term rental dwelling unit shall remain valid for a period of two (2) years from the date of issuance. During the period of validity of the occupancy permit, the owner may permit a change in occupancy of the dwelling unit without further application to the City Manager or designee. The occupancy permit shall remain valid past the two-year period for the duration of any occupancy which commences during the two-year period.

E. An occupancy permit for a short term rental dwelling unit shall remain valid for a period of three (3) years from the date of issuance. During the period of validity of the occupancy permit, the owner may permit a change in occupancy of the dwelling unit without further application to the City Manager or designee. The occupancy permit shall remain valid past the three-year period for the duration of any occupancy which commences during the three-year period.

F. The occupancy permit shall state:

1. The date of issuance;
2. The address of the dwelling unit; and
3. The name and address of the owner.

G. An occupancy permit shall terminate without any action on the part of the city upon expiration of the term of its validity as determined by section 6.07.10.D. or E. However, if a complaint is filed by an occupant or other person with the city City Manager or designee, and the city City Manager or designee finds any violation of the housing and residential property maintenance standards exists, the City Manager or designee may terminate the occupancy permit by issuance of a notice to the owner of such termination. The current occupant is not required to vacate a dwelling unit solely because of termination of any occupancy permit, but the owner shall not allow occupancy by a new tenant until the owner corrects the violation and is issued a new occupancy permit.

H. Prior to the consummation of the sale of any dwelling unit for which an occupancy permit has been in effect at any time within two (2) years preceding the sale, the owner, or his authorized agent, shall obtain from the city City Manager or designee a status of occupancy permit report. Such status of occupancy permit report shall be delivered by the owner or his authorized agent to the buyer of said property prior to the consummation of the sale thereof. Nothing in this section shall effect the validity of the title as between the grantor and grantee. The status of occupancy permit report shall contain the date of last occupancy permit inspection and results thereof.

I. Temporary occupancy permits may be issued by the city City Manager or designee when he determines that an existing violation poses no serious or immediate threat to the health or safety of an occupant and when all of the following conditions are determined to exist:

1. The owner has been delayed in correcting violations necessary to permit the issuance of an occupancy permit but has a valid contract in writing with a qualified person or firm for the performance of work and the furnishing of the materials to correct such violations and the contract specifies the dates for commencement and completion of the work; or the owner provides an affidavit stipulating that the work is to be accomplished by the owner, specifying the date by which

- the work is to be completed, and furnishes copies of all applicable permits required to enable the owner to make the necessary corrections.
2. ~~The owner or his agent requests the City Manager or designee in writing for a temporary waiver of compliance with prescribed housing and residential property maintenance standards.~~
  3. ~~The city City Manager or designee finds that the delay in the correction of the violations and the plans for such correction are reasonable and the work can be undertaken and completed while the premises are occupied.~~
- J. ~~The temporary occupancy permit shall expire at the time set forth therein. On or before the expiration of the temporary occupancy permit, a reinspection shall be made.~~
- K. ~~The provisions of this section shall not effect any right or obligation imposed by law or by agreement between any owner and occupant, but no agreement shall relieve any person of a duty or obligation imposed by this section.~~
- L. ~~This section shall not apply to motels and hotels.~~
- M. ~~An occupancy permit shall not be required for occupancy of any dwelling unit by a tenant in possession of such dwelling unit on the effective date of this section. Any dwelling unit vacant or vacated after the effective date of this section shall not be occupied pursuant to an oral or written rental agreement or lease until an occupancy permit has been issued by the city City Manager or designee.~~
- N. ~~The owner of an adversely affected person may appeal any final decision of the city City Manager or designee under this section by filing a notice of appeal with the building and zoning department within thirty (30) days of the decision. The comprehensive planning and zoning board shall hear the appeal. The notice of appeal shall be accompanied by a fee as provided in section 13.00.00 of this Code.~~

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

**SECTION 3.** From and after the effective date of this ordinance, Land Development Regulations of Saint Augustine Beach section R.6.01.02 is amended as follows:

Sec. 6.01.02. – Impervious surface coverage.

- A. *Generally.* Impervious surface on a development site shall not exceed the ratios provided in the table in paragraph D. of this section.
- B. *Ratio calculation.* The impervious surface ratio is calculated by dividing the total impervious surface area by the gross site area.
- C. *Alternative paving materials.* If porous paving materials are used, then the area covered with porous paving materials shall not be counted as impervious surface for high density residential and commercial only. Low and Medium density residential shall be allowed a 15% increase in impervious surface ratio if the materials used have a 10% or greater permeability.
- D. *Table of impervious surface ratios.*

Land Use District	Maximum Impervious Surface Ratio <sup>1</sup>
Low density residential	0.40*
Medium density residential	0.50



Medium Low density residential	0.50
High density residential	0.70
Commercial	0.70

<sup>1</sup> The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to Article III.

\* In Low Density Residential land use district a 465 square feet allowance shall be provided for the construction and installation of a pool and pool decking only.

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18; Ord. No. 20-02, § 6(Exh. 1), 3-2-20; Ord. No. 20-\_\_\_, § 1, \_\_\_ - \_\_\_ -20)

**SECTION 4.** From and after the effective date of this ordinance, Land Development Regulations of Saint Augustine Beach section R.6.07.07 is amended as follows:

Sec. 6.07.07. - Unsafe buildings.

- A. There is adopted by reference the 2017 currently adopted Florida Building Code, with the exception of section 113 pertaining to the composition and procedures of the board of adjustments and appeals.
- B. The comprehensive planning and zoning board shall serve as the board of adjustments and appeals in accordance with the provisions of the 2017 currently adopted Florida Building Code.

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

**SECTION 5.** From and after the effective date of this ordinance, Land Development Regulations of Saint Augustine Beach section R.11.03.02 is amended as follows:

Sec. 11.03.02. - Membership.

- A. The municipal code enforcement board shall consist of ~~five (5)~~ seven (7) members and two (2) alternates appointed by the city commission.
- B. Any person of voting age residing in the City of St. Augustine Beach shall be eligible for membership.
- C. Members of the board shall serve a term of three (3) years. Terms of office shall end on April 1 three (3) years following appointment to a full term. Existing members of the board shall serve until April 1 three (3) years following their respective appointments. Future vacancies created by death, resignation, or disqualification to serve of a member shall be filled for the unexpired term. Any member may be reappointed to successive terms at the discretion of the city commission.
- D. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare that member's seat vacated and such vacancy shall be filled as for any other vacancy.
- E. Any member may be removed from office for cause by the city commission. Vacancies occurring due to death, resignation or other inability to serve resulting from change of residence or otherwise, shall

be filled within thirty (30) days after the vacancy occurs by the city commission for the remainder of the term, in accordance with the City Code and F.S. § 162.01.

- F. The city commission shall review the applications of volunteers for appointment to the code enforcement board. All applicants to fill a vacancy shall be informed that a financial disclosure statement must be filed with the county supervisor of elections. If an applicant should have an objection to this procedure, he should reconsider the appointment.
- G. Each individual board member shall file financial disclosure statements with the office of the supervisor of elections no later than July 1 of each year or thirty (30) days after their appointment in accordance with Florida Statutes.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 11; Ord. No. 93-7, § 2; Ord. No. 04-06, § 1, 6-7-04; Ord. No. 06-29, § 1, 1-2-07; Ord. No. 20-\_\_\_\_, § 1, \_\_\_\_ - \_\_\_\_ -20\_\_)

**SECTION 6.** From and after the effective date of this ordinance, Land Development Regulations of Saint Augustine Beach section R.11.03.04 is amended as follows:

**Sec. 11.03.04. - Meetings.**

- A. The regular meetings of the board shall be the fourth Wednesday of each month at 3:00 p.m. in the ~~City Hall of the City of St. Augustine Beach, Florida unless otherwise ordered by the board.~~
- B. Special meetings, committee meetings or workshops may be called by the chairman of the board.
- C. Emergency hearings may be called by the code inspector or chairman.
- D. All actions before the board shall be initiated by a code inspector filing a statement of violation and request for hearing with the secretary of the board. No member of the board shall initiate actions before the board.
- E. If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the chairman, the chairman shall notify the city commission in writing and request that the replacement process take place. A copy of this notification shall also be forwarded to the absent member.
- F. A quorum of the board shall consist of four (4) members. An affirmative vote of a majority of those members present and voting shall be necessary to pass any motion or adopt any order, except that at least four (4) members of the board must vote in order for the action to be official.
- G. Voting requirements.
  - 1. No member of the board present at any meeting at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or act; and a vote shall be recorded or counted for each such member present except when there may be a possible conflict of interest as outlined in F.S. § 286.012(8).
  - 2. No board member shall vote in his official capacity upon any measure which inures to his special private gain. Such member shall, prior to the vote being taken, publicly state to the board the nature of his interest in the matter from which he is abstaining from voting and within fifteen (15) days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes (F.S. § 112.3143).
  - 3. Voting may be by voice vote and shall be recorded by individual "aye" or "nay" for each board member present.
  - 4. Voting on applicants to fill a vacancy shall be by official written ballot stating the names and addresses of those candidates to be voted upon. The highest number of votes cast shall

constitute a majority. All ballots must be signed by board member casting the vote and kept on file as a matter of public record.

(Ord. No. 91-7, § 2; Ord. No. 20- , § 1, - -20)

**SECTION 7.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**SECTION 8.** 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 9.** 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

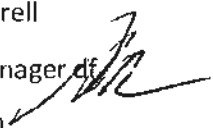
EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 Rummell

**FROM:** Max Royle, City Manager 

**DATE:** November 25, 2020

**SUBJECT:** Ordinance 20-15, First Reading, to Amend the Land Development Regulations Regarding Occupancy Permits, Impervious Surface Coverage, Unsafe Buildings, and Number of Code Enforcement Board Members

### INTRODUCTION

Mr. Law presented these proposed amendments to you at your November 9<sup>th</sup> meeting. You agreed with them and by consensus asked the City Attorney to draft an ordinance.

Attached as pages 1-9 is information from Mr. Law about each suggested amendment.

### ACTION REQUESTED

The ordinance from the City Attorney isn't been prepared in time for it to be included with this memo. If it comes before your meeting, we will email it to you and provide a copy to each of you at the meeting. You can then decide whether to pass the ordinance on first reading.



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

**TO: Max Royle**

**FROM: Brian Law**

**SUBJECT: Section 6.01.02 Impervious Surface Coverage**

**DATE: 10-12-2020**

The table of allowable impervious surface ratio as listed in section 6.01.02 of the City Land Development Regulations does not include the zoning districts of medium low density or the mixed use district. As medium low district properties are to be regulated the same as medium density zoning district with the exception that multifamily residences are prohibited, the ISR shall be limited to 50%. The mixed use district which is referenced in the Cities Comprehensive Plan Policy L.1.7.1 allowing for a maximum site coverage of 70%. The Building & Zoning Department recommends the following modification to section 6.01.02 of the Cities Land Development Regulations:

Sec. 6.01.02. - Impervious surface coverage.

- A. *Generally.* Impervious surface on a development site shall not exceed the ratios provided in the table in paragraph D. of this section.
- B. *Ratio calculation.* The impervious surface ratio is calculated by dividing the total impervious surface area by the gross site area.
- C. *Alternative paving materials.* If porous paving materials are used, then the area covered with porous paving materials shall not be counted as impervious surface for high density residential and commercial only. Low and Medium density residential shall be allowed a 15% increase in impervious surface ratio if the materials used have a 10% or greater permeability.
- D. *Table of impervious surface ratios.*

Land Use District	Maximum Impervious Surface Ratio <sup>1</sup>
Low density residential	0.40*
Medium density residential	0.50
<u>Medium Low density residential</u>	<u>0.50</u>
High density residential	0.70

<u>Mixed Use District</u>	<u>0.70</u>
Commercial	0.70

<sup>1</sup> The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to Article III.

\* In Low Density Residential land use district a 465 square feet allowance shall be provided for the construction and installation of a pool and pool decking only.

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18; Ord. No. 20-02, § 6(Exh. 1), 3-2-20)



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

**TO: Max Royle**

**FROM: Brian Law**

**SUBJECT: Section 6.07.07 Unsafe Buildings**

**DATE: 10-12-2020**

**Section 6.07.07 of the Cities Land Development Regulations references the 2017 Florida Building Code, as this code is changed every three years it is prudent to modify the code to the phrase "the currently adopted Florida Building Code". The Building and Zoning Department recommends the following code change:**

**Sec. 6.07.07. - Unsafe buildings.**

- A. There is adopted by reference the ~~2017~~ currently adopted Florida Building Code, with the exception of section 113 pertaining to the composition and procedures of the board of adjustments and appeals.
- B. The comprehensive planning and zoning board shall serve as the board of adjustments and appeals in accordance with the provisions of the ~~2017~~ currently adopted Florida Building Code.

(Ord. No. 18-08, § 1(Exh. 1), 7-2-18)





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

**TO: Max Royle**

**FROM: Brian Law**

**SUBJECT: 6.07.10 Occupancy Permits**

**DATE: 10-12-2020**

Section 6.07.10 reflects occupancy permits and the ability for city staff to inspect rentals prior to renting. This section does not affect section 3.09.00 transient lodging establishments within the medium density land use district. The city no longer issues occupancy permits nor does it inspect rentals other than the transient rental program and as such this section appears to be obsolete. It is the recommendation of the Building & Zoning Department that this section be removed from the Cities Land Development Regulations and the section be labeled as reserved.

### **Sec. 6.07.10. - ~~Occupancy permits~~ Reserved**

- ~~A. It shall be unlawful for the owner of any dwelling unit to permit the occupation of the dwelling unit by a person who rents or leases the dwelling unit or a room therein unless such occupation has been authorized by an occupancy permit.~~
- ~~B. An occupancy permit shall be issued only when both of the following conditions have been met:~~
- ~~1. The owner or his agent makes application for an occupancy permit on a form prescribed by the city City Manager or designee accompanied by a fee in the amount of twenty-five dollars (\$25.00) for each dwelling unit.~~
  - ~~2. The dwelling unit has been inspected and determined to be in compliance with all applicable provisions of the housing and residential property maintenance standards established by sections 6.07.00 through 6.07.08, inclusive.~~
- ~~C. The procedure for issuance of an occupancy permit is as follows:~~
- ~~1. The owner of any dwelling unit or his agent shall apply to the city City Manager or designee for an occupancy permit and shall provide such information as required by the city City Manager or designee to render a decision. Such application shall be submitted at least five (5) working days prior to the proposed occupancy date. It shall be unlawful for any person knowingly to make any false statement in an application for an occupancy permit.~~
  - ~~2. After receipt of an application for an occupancy permit, but prior to the proposed occupancy date, the city City Manager or designee shall cause an inspection to be made of the dwelling unit specified in the application. After the inspection, the owner or his agent will be provided a list of violations, if any, that must be corrected before the dwelling unit can be occupied. If the owner or his agent fails to correct all of the violations within ninety (90) days after the original application was filed, said owner or agent shall file a new application and pay the fee prescribed by section 6.07.10B.~~
  - ~~3. Upon determination that the conditions of section 6.07.10B. have been met, an occupancy permit shall be issued to the applicant.~~
- ~~D. An occupancy permit for a long term rental dwelling unit shall remain valid for a period of two (2) years from the date of issuance. During the period of validity of the occupancy permit, the owner may permit a change in occupancy of the dwelling unit without further application to the City Manager or designee.~~



~~The occupancy permit shall remain valid past the two-year period for the duration of any occupancy which commences during the two-year period.~~

- ~~E. An occupancy permit for a short term rental dwelling unit shall remain valid for a period of three (3) years from the date of issuance. During the period of validity of the occupancy permit, the owner may permit a change in occupancy of the dwelling unit without further application to the City Manager or designee. The occupancy permit shall remain valid past the three-year period for the duration of any occupancy which commences during the three-year period.~~
- ~~F. The occupancy permit shall state:~~
- ~~1. The date of issuance;~~
  - ~~2. The address of the dwelling unit; and~~
  - ~~3. The name and address of the owner.~~
- ~~G. An occupancy permit shall terminate without any action on the part of the city upon expiration of the term of its validity as determined by section 6.07.10.D. or E. However, if a complaint is filed by an occupant or other person with the city City Manager or designee, and the city City Manager or designee finds any violation of the housing and residential property maintenance standards exists, the City Manager or designee may terminate the occupancy permit by issuance of a notice to the owner of such termination. The current occupant is not required to vacate a dwelling unit solely because of termination of any occupancy permit, but the owner shall not allow occupancy by a new tenant until the owner corrects the violation and is issued a new occupancy permit.~~
- ~~H. Prior to the consummation of the sale of any dwelling unit for which an occupancy permit has been in effect at any time within two (2) years preceding the sale, the owner, or his authorized agent, shall obtain from the city City Manager or designee a status of occupancy permit report. Such status of occupancy permit report shall be delivered by the owner or his authorized agent to the buyer of said property prior to the consummation of the sale thereof. Nothing in this section shall effect the validity of the title as between the grantor and grantee. The status of occupancy permit report shall contain the date of last occupancy permit inspection and results thereof.~~
- ~~I. Temporary occupancy permits may be issued by the city City Manager or designee when he determines that an existing violation poses no serious or immediate threat to the health or safety of an occupant and when all of the following conditions are determined to exist:~~
- ~~1. The owner has been delayed in correcting violations necessary to permit the issuance of an occupancy permit but has a valid contract in writing with a qualified person or firm for the performance of work and the furnishing of the materials to correct such violations and the contract specifies the dates for commencement and completion of the work; or the owner provides an affidavit stipulating that the work is to be accomplished by the owner, specifying the date by which the work is to be completed, and furnishes copies of all applicable permits required to enable the owner to make the necessary corrections.~~
  - ~~2. The owner or his agent requests the City Manager or designee in writing for a temporary waiver of compliance with prescribed housing and residential property maintenance standards.~~
  - ~~3. The city City Manager or designee finds that the delay in the correction of the violations and the plans for such correction are reasonable and the work can be undertaken and completed while the premises are occupied.~~
- ~~J. The temporary occupancy permit shall expire at the time set forth therein. On or before the expiration of the temporary occupancy permit, a reinspection shall be made.~~
- ~~K. The provisions of this section shall not effect any right or obligation imposed by law or by agreement between any owner and occupant, but no agreement shall relieve any person of a duty or obligation imposed by this section.~~
- ~~L. This section shall not apply to motels and hotels.~~
- ~~M. An occupancy permit shall not be required for occupancy of any dwelling unit by a tenant in possession of such dwelling unit on the effective date of this section. Any dwelling unit vacant or vacated after the effective date of this section shall not be occupied pursuant to an oral or written rental agreement or lease until an occupancy permit has been issued by the city City Manager or designee.~~

~~N.—The owner of an adversely affected person may appeal any final decision of the city City Manager or designee under this section by filing a notice of appeal with the building and zoning department within thirty (30) days of the decision. The comprehensive planning and zoning board shall hear the appeal. The notice of appeal shall be accompanied by a fee as provided in section 13.00.00 of this Code.~~

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





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

**TO: Max Royle**

**FROM: Brian Law**

**SUBJECT: Section 11.03 of the City Land Development Regulations**

**DATE: 10-12-2020**

1) The current section 11.03.02 of the Cities Land Development Regulations states the following:

"The municipal code enforcement board shall consist of five (5) members and two (2) alternates appointed by the city commission."

This is in direct conflict with Florida Statute 162.05 for a population greater than 5000 persons. The statute is provided for your convenience below:

### **162.05 Local government code enforcement boards; organization.—**

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

As the current Code Enforcement Board currently has 7 members with 2 alternates no action is needed other than to amend the code.

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2) The current section 11.03.04 states that "The regular meetings of the board shall be the fourth Wednesday of each month at 3:00 p.m. in the City Hall of the City of St. Augustine Beach, Florida." Currently the meetings start at 2:00 p.m. on the fourth Wednesday of the month. As current operations are not in accordance with the code it is recommended to change the code to the following "The regular meetings of the board shall be held on the fourth Wednesday of each month, unless otherwise ordered by the board."

Proposed code modifications are on page 2.

Sec. 11.03.02. - Membership.

- A. The municipal code enforcement board shall consist of ~~five (5)~~ seven (7) members and two (2) alternates appointed by the city commission.
- B. Any person of voting age residing in the City of St. Augustine Beach shall be eligible for membership.
- C. Members of the board shall serve a term of three (3) years. Terms of office shall end on April 1 three (3) years following appointment to a full term. Existing members of the board shall serve until April 1 three (3) years following their respective appointments. Future vacancies created by death, resignation, or disqualification to serve of a member shall be filled for the unexpired term. Any member may be reappointed to successive terms at the discretion of the city commission.
- D. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare that member's seat vacated and such vacancy shall be filled as for any other vacancy.
- E. Any member may be removed from office for cause by the city commission. Vacancies occurring due to death, resignation or other inability to serve resulting from change of residence or otherwise, shall be filled within thirty (30) days after the vacancy occurs by the city commission for the remainder of the term, in accordance with the City Code and F.S. § 162.01.
- F. The city commission shall review the applications of volunteers for appointment to the code enforcement board. All applicants to fill a vacancy shall be informed that a financial disclosure statement must be filed with the county supervisor of elections. If an applicant should have an objection to this procedure, he should reconsider the appointment.
- G. Each individual board member shall file financial disclosure statements with the office of the supervisor of elections no later than July 1 of each year or thirty (30) days after their appointment in accordance with Florida Statutes.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 11; Ord. No. 93-7, § 2; Ord. No. 04-06, § 1, 6-7-04; Ord. No. 06-29, § 1, 1-2-07)

Sec. 11.03.04. - Meetings.


- A. ~~The regular meetings of the board shall be the fourth Wednesday of each month at 3:00 p.m. in the City Hall of the City of St. Augustine Beach, Florida. The regular meetings of the board shall be held on the fourth Wednesday of each month, unless otherwise ordered by the board.~~
- B. Special meetings, committee meetings or workshops may be called by the chairman of the board.
- C. Emergency hearings may be called by the code inspector or chairman.
- D. All actions before the board shall be initiated by a code inspector filing a statement of violation and request for hearing with the secretary of the board. No member of the board shall initiate actions before the board.
- E. If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the chairman, the chairman shall notify the city commission in writing and request that the replacement process take place. A copy of this notification shall also be forwarded to the absent member.
- F. A quorum of the board shall consist of four (4) members. An affirmative vote of a majority of those members present and voting shall be necessary to pass any motion or adopt any order, except that at least four (4) members of the board must vote in order for the action to be official.
- G. Voting requirements.
  - 1. No member of the board present at any meeting at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or act; and a vote shall be recorded or counted for each such member present except when there may be a possible conflict of interest as outlined in F.S. § 286.012(8).

2. No board member shall vote in his official capacity upon any measure which inures to his special private gain. Such member shall, prior to the vote being taken, publicly state to the board the nature of his interest in the matter from which he is abstaining from voting and within fifteen (15) days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes (F.S. § 112.3143).
3. Voting may be by voice vote and shall be recorded by individual "aye" or "nay" for each board member present.
4. Voting on applicants to fill a vacancy shall be by official written ballot stating the names and addresses of those candidates to be voted upon. The highest number of votes cast shall constitute a majority. All ballots must be signed by board member casting the vote and kept on file as a matter of public record.

(Ord. No. 91-7, § 2)

## MEMORANDUM

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

**FROM:** Max Royle, City Manager 


**DATE:** November 30, 2020

**SUBJECT:** Ordinance 20-16, First Reading, to Amend the Land Development Regulations Regarding Allowing Mobile Food Sales in the City

While we did receive the ordinance from the City Attorney in time for it to be included in your agenda books, we decided that the ordinance needs some revising. Therefore, it will be on the agenda for your January 4<sup>th</sup> meeting.

## MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** November 25, 2020

**SUBJECT:** Ordinance 20-16, First Reading, to Amend the Land Development Regulations Regarding Allowing Mobile Food Sales in the City

### INTRODUCTION

Section 3.02.03 of the Land Development Code lists a number of prohibited uses in the City. Subsection A.6 states that the following is prohibited: "The operation of a business from any temporary quarters, such as but not limited to: tents, pushcarts, sheds, carports, motor vehicles and trailers."

In its 2020 session, the Florida Legislature passed a 103-page bill. One small section of that bill amends Section 509.102, Florida Statutes, by creating a new section that concerns mobile food dispensing vehicles. Section 509.102 (2) states that "a municipality, county, or other local government entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction."

This means that a city or county cannot prohibit throughout their boundaries mobile food dispensing vehicles from conducting business. However, a city or county may regulate where mobile food dispensing vehicles can do business within their limits, such as allowing them only in commercial land use districts.

### ATTACHMENTS

Attached for your review is the following:

- a. Page 1, Section 3.02.03.4 from the Land Development Code.
- b. Pages 2-3, Section 509.102, Florida Statutes, that was approved by the Legislature.
- c. Page 4-5, a list of regulations governing the operation of mobile food dispensing vehicles in the City of Venice, Florida.
- d. Pages 6-7, a list of regulations proposed for the City of Cocoa Beach, Florida.
- e. Pages 8-11, a newspaper article about regulations proposed for Tarpon Springs, Florida.
- f. Pages 12-13, the minutes of that part of your November 9<sup>th</sup> meeting when you discussed whether mobile food sales should be allowed in the City.

#### ACTION REQUESTED

At your November meeting, you asked the City Attorney to prepare an ordinance. However, by the date of this memo, we have not received it from him. If it arrives before your meeting, we will forward it to you by email and will have a copy of it for each of you at the meeting.



### Sec. 3.02.03. - Prohibited uses.

- A. In addition to the uses prohibited under section 3.02.02 and Table 3.02.02, and other provisions of this Code, the following uses are prohibited:
1. Keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.
  2. The sale, offer for sale, rental, storage or display of any merchandise, outside of an enclosed building on the premises of any business except as provided herein.
    - a. As used herein the term "outdoor" shall mean any area which is outside of the heated or cooled area of a building and visible from a public street. Provided, however, that the outdoor display or sale of merchandise shall be permitted:
      - (1) In conjunction with and pursuant to any outdoor sale or display of merchandise authorized in conjunction with a special event pursuant to section 3.02.05 hereof:
      - (2) When the display is limited to merchandise identical to that actually in stock and available for purchase on the premises where the display is maintained, the display is limited in size to an area no greater than five (5) feet high, three (3) feet wide, and three (3) feet in length and is not located within six (6) feet of any other such display. No such display may be located within any public right-of-way, mandatory building setback under this chapter or so as to interfere with any fire exit required under any building code of the city. Any display rack, shelves or other device used in conjunction with the display of merchandise shall be made of wood which shall have either a natural finish or shall be painted only in colors which have been approved by the comprehensive planning and zoning board as a part of the supplemental criteria for community appearance standards or shall be made of brass, copper, bronze, nickel, tin or iron; provided, however, that painted, polished, anodized or chromed metals shall be prohibited.
  3. The sale, offer for sale, or rebuilding of secondhand merchandise on any business premises, including secondhand household and commercial goods, such as but not limited to: refrigerators, stoves, sinks, plumbing fixtures, carports, tents, air conditioners, windows, vehicle parts, and the like.
  4. The manufacture, assembly or preparation of any merchandise, food or beverages outside of an enclosed building on any business premises.
  5. The sale, offer for sale, or rental of any merchandise, food or beverages from a motorized or nonmotorized vehicle or trailer of any type on any business premises.
  6. The operation of a business from any temporary quarters, such as but not limited to: tents, pushcarts, sheds, carports, motor vehicles, and trailers.
  7. Package stores; provided, however, that package stores having an area of less than eight thousand (8,000) square feet and located within a shopping center having greater than fifteen thousand (15,000) square feet under roof and package stores operated in conjunction with a restaurant having a 4-COP license as of the effective date of this section shall be an authorized use within commercially zoned areas.

ENROLLED

CS/HB 1193, Engrossed 3

2020 Legislature

2276 final order.

2277       Section 74. Section 492.115, Florida Statutes, is amended

2278 to read:

2279       492.115 Roster of licensed professional geologists.—A

2280 roster showing the names and places of business or residence of

2281 all licensed professional geologists and all properly qualified

2282 firms, corporations, or partnerships practicing holding

2283 ~~certificates of authorization to practice~~ professional geology

2284 in the state shall be prepared annually by the department. A

2285 copy of this roster must be made available to ~~shall be~~

2286 ~~obtainable by~~ each licensed professional geologist and each

2287 firm, corporation, or partnership qualified by a professional

2288 geologist holding a certificate of authorization, and copies

2289 thereof shall be placed on file with the department.

2290       Section 75. Section 509.102, Florida Statutes, is created

2291 to read:

2292       509.102 Mobile food dispensing vehicles; preemption.--

2293       (1) As used in this section, the term "mobile food

2294 dispensing vehicle" means any vehicle that is a public food

2295 service establishment and that is self-propelled or otherwise

2296 movable from place to place and includes self-contained

2297 utilities, including, but not limited to, gas, water,

2298 electricity, or liquid waste disposal.

2299       (2) Regulation of mobile food dispensing vehicles

2300 involving licenses, registrations, permits, and fees is

Page 92 of 103

CODING: Words stricken are deletions; words underlined are additions.

hb1193-05-er

ENROLLED

CS/HB 1193, Engrossed 3

2020 Legislature

2301 preempted to the state. A municipality, county, or other local  
 2302 governmental entity may not require a separate license,  
 2303 registration, or permit other than the license required under s.  
 2304 509.241, or require the payment of any license, registration, or  
 2305 permit fee other than the fee required under s. 509.251, as a  
 2306 condition for the operation of a mobile food dispensing vehicle  
 2307 within the entity's jurisdiction. A municipality, county, or  
 2308 other local governmental entity may not prohibit mobile food  
 2309 dispensing vehicles from operating within the entirety of the  
 2310 entity's jurisdiction.

2311 (3) This section may not be construed to affect a  
 2312 municipality, county, or other local governmental entity's  
 2313 authority to regulate the operation of mobile food dispensing  
 2314 vehicles other than the regulations described in subsection (2).

2315 (4) This section does not apply to any port authority,  
 16 aviation authority, airport, or seaport.

2317 Section 76. Paragraph (i) of subsection (2) of section  
 2318 548.003, Florida Statutes, is amended to read:

2319 548.003 Florida State Boxing Commission.-

2320 (2) The Florida State Boxing Commission, as created by  
 2321 subsection (1), shall administer the provisions of this chapter.  
 2322 The commission has authority to adopt rules pursuant to ss.  
 2323 120.536(1) and 120.54 to implement the provisions of this  
 2324 chapter and to implement each of the duties and responsibilities  
 2325 conferred upon the commission, including, but not limited to:

**EXECUTIVE ORDER NO. 2020-05**  
**COVID-19**  
**MOBILE FOOD DISPENSING VEHICLE**

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52, declaring a state of emergency in the State of Florida for COVID-19;

WHEREAS, on March 16, 2020, the City Manager of the City of Venice issued Executive Order No. 2020-01, as extended by Extension Nos. 1 and 2, that declared a Local State of Emergency due to COVID-19 which constitutes a potential life threatening situation for the citizens and visitors to the City for an undefined period of time;

WHEREAS, on March 16, 2020, the White House issued a new nationwide guideline calling all people to avoid gatherings of more than 10 people;

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-91 which directed all persons in Florida to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities, but encouraged businesses to provide delivery, carry-out or curbside service;

WHEREAS, Section 252.38, Florida Statutes, authorizes the City of Venice to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a declared emergency;

WHEREAS, the Code of Ordinances of the City of Venice does not provide for the operation of mobile food dispensing vehicles;

WHEREAS, mobile food dispensing vehicles licensed by the State of Florida may facilitate the safe provision of essential services to the residents of the City of Venice during the COVID-19 emergency.

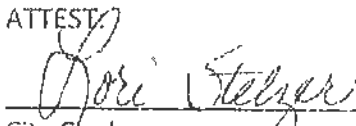
NOW, THEREFORE, I, Edward Lavalley, City Manager of the City of Venice, in accordance with the provisions of the State of Florida Office of the Governor Executive Order No. 20-52, Chapter 252.38, Florida Statutes, and Executive Order No. 2020-01, as extended, hereby order the following:

1. Any and all provisions of the City's Code of Ordinances that could be construed as prohibiting the operation of a mobile food dispensing vehicle are hereby waived. For purposes of this Executive Order, a "mobile food dispensing vehicle" shall mean any vehicle that is a public food service establishment that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal, and is licensed by the State of Florida. The following requirements and restrictions shall apply to the operation of a mobile food dispensing vehicle within the City of Venice:

- (a) No mobile food dispensing vehicle shall operate on publicly owned property or public rights-of-way/sidewalks unless allowed by the public entity that controls the property.
  - (b) Mobile food dispensing vehicles shall be permitted to operate on privately owned property with the owner's consent providing the following are met:
    - (i) a valid license/permit from the Florida Department of Business and Professional Regulation or the Florida Department of Agriculture and Consumer Services, as applicable, is possessed;
    - (ii) the location of the mobile food dispensing vehicle shall not impede, endanger, or interfere with pedestrian or vehicular traffic;
    - (iii) the mobile food dispensing vehicle shall only operate between the hours of 6:00 a.m. and 10:00 p.m.;
    - (iv) the mobile food dispensing vehicle shall be set back from residential structures by at least 150 feet; and not be located within 500 feet of any actively operating restaurants;
    - (v) there may be no more than two (2) mobile food dispensing vehicles on any parcel.
  - (c) Overnight parking of a mobile food dispensing vehicle shall be allowed on private property. Overnight parking of a mobile food dispensing vehicle may be allowed on City owned property or rights-of-way only with advance approval of the City.
  - (d) The mobile food dispensing vehicle operator and the property owner shall be responsible for the proper disposal of waste and trash. No grease, waste, trash or other debris shall be deposited on or released onto public property, which includes streets, sidewalks or other public places nor into the gutter or storm drainage system.
  - (e) A mobile food dispensing vehicle shall be no larger than 10 by 27 feet, with each separate mobile component no more than two axles.
2. This Executive Order shall expire upon the expiration of Governor DeSantis' Executive Order No. 20-52, including any extension thereof, unless terminated earlier by further Executive Order of the City.

DONE AND ORDERED this 9th day of April, 2020, at Venice, Florida.

  
\_\_\_\_\_  
Edward F. Lavalley, City Manager  
City of Venice, Florida

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

## Dariana Fitzgerald

---

**From:** faccinfo@googlegroups.com on behalf of Loredana Kalaghchy  
<lkalaghchy@cityofcocoabeach.com>  
**Sent:** Thursday, September 24, 2020 3:45 PM  
**To:** faccinfo@googlegroups.com  
**Subject:** [FACC Discussion Forum] RE: Mobile Vendor

Hi

October 1, the Commission will be considering the adoption of the following:

A. Mobile food dispensing vehicles.

1. The operation of a vehicle which dispenses food for the public shall not be permitted to operate within the public right of way or any city owned property, except when associated with a city approved special event.
2. Operations are prohibited on properties with single family or multifamily structures, except in connection with a private event.
3. Within the Towncenter zoning district, mobile food dispensing vehicles are only permitted on the site of a food establishment with a physical location. On all other sites within the Towncenter zoning district, approval of a special exception is required.
4. The type of food offered for sale by a mobile food dispensing vehicle shall not be identical to an existing restaurant within three hundred (300) feet.
5. On properties where operations are permitted, mobile food dispensing vehicles shall be located least ten (10) feet from any property line, and no vehicle shall be permitted to interfere with sight visibility at intersections, as detailed in Section 3-07 of these regulations.
6. Except as may be provided as part of a special event, the following shall apply:
  - a. When a site is less than one half (1/2) acre in area there shall be a maximum of two (2) mobile food dispensing vehicles onsite at any one time.
  - b. When a site is greater than one half (1/2) acre in area, there shall be a maximum of four (4) mobile food dispensing vehicles onsite at any one time.
7. The location of a mobile food dispensing vehicle within a parking area shall not be permitted to reduce the available parking for the site beyond the minimum required for standard site operations.
8. Setup and operations are subject to inspection by the Chief Building Official (CBO) and/or Fire Marshal.
9. Appropriate trash and recycling containers shall be provided and all sidewalks, parking areas, and pedestrian spaces shall be kept clear of refuse or obstruction.
10. Any outdoor lighting shall be in compliance with the requirements of LDC Chapter III Article VI.
11. Outdoor signs shall meet the requirements of LDC Chapter V.
12. All outdoor areas, including seating and sidewalk areas, shall maintain the ADA required minimum five (5) foot unobstructed pathway at all times.
13. Any outdoor noise, music, or entertainment shall be in compliance with the requirements of City Code of Ordinances Section 15-23.
14. All mobile food dispensing vehicles shall be licensed to operate within the State of Florida and must u to date with all the requirements of the Florida Department of Business and Professional Regulations

(DBPR), the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the City of Cocoa Beach.

15. When the operation of a mobile food dispensing vehicle is part of a special event, the requirements within the City Code of Ordinances Chapter 14 shall apply.



Loredana Kalaghchy | (MMC) | City Clerk  
t: 321.868-3235 w: [www.cityofcocoabeach.com](http://www.cityofcocoabeach.com)

City of Cocoa Beach  
P.O. Box 322430 | Cocoa Beach, FL. 32932-2430

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**From:** [faccinfo@googlegroups.com](mailto:faccinfo@googlegroups.com) <[faccinfo@googlegroups.com](mailto:faccinfo@googlegroups.com)> **On Behalf Of** Jabari Hopkins  
**Sent:** Thursday, September 24, 2020 3:00 PM  
**To:** [faccinfo@googlegroups.com](mailto:faccinfo@googlegroups.com)  
**Subject:** [FACC Discussion Forum] Mobile Vendor

Good afternoon,

With the HB 1193 states in Sec 75. Sec 509.102, F.S., is created to read:

(2) Regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity's jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction.

How do you all regulate these businesses? Being that this House Bill states that we cannot prohibit what do you have in this are we to just allow mobile vendors to just set up and operate? Please shed some guidance.

Kind Regards,

**Jabari Hopkins, Deputy City Clerk**

City of Fruitland Park

Phone: 352-901-6019

Web: [www.fruitlandpark.org](http://www.fruitlandpark.org)

Email: [JXHopkins@fruitlandpark.org](mailto:JXHopkins@fruitlandpark.org)

506 W. Berckham St. Fruitland Park FL 34731

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# 2% Listing Commission



[http://www.suncoastnews.com/news/tarpon-wrangles-with-new-food-truck-law/article\\_21501d68-f833-11ea-aa75-cb01d6337b88.html](http://www.suncoastnews.com/news/tarpon-wrangles-with-new-food-truck-law/article_21501d68-f833-11ea-aa75-cb01d6337b88.html)

## Tarpon wrangles with new food truck law

A new state law prohibits cities from banning mobile food trucks, but Tarpon officials and residents are split as to where they should be allowed to operate

By JEFF ROSENFELD, Suncoast News

Sep 16, 2020





City commissioners recently voted 4-1 in favor of allowing mobile food trucks to operate in the city's industrial districts and on U.S. Highway 19, and not downtown or at the Sponge Docks. The decision comes in the wake of a new state law that prohibits municipalities from banning mobile food vendors. The second and final reading of the ordinance is scheduled for Tuesday, Sept. 22.

JEFF ROSENFELD

**TARPON SPRINGS** — In the wake of a new state law prohibiting cities from banning food trucks, officials throughout the Sunshine State have been scrambling to enact regulations regarding where mobile food vending vehicles should be allowed operate in their communities.

Following several discussions on the subject, the Tarpon Springs' Planning and Zoning Board and the City Commission came to a general consensus that the vehicles could operate in industrial areas and certain sections of U.S. Highway 19 only and not in the historic downtown district or at the Sponge Docks.

The issue drew considerable public feedback during the board's first reading of the proposed changes to the city's Land Development Code on Sept. 8, with roughly a half a dozen residents and merchants calling for more relaxed restrictions regarding food trucks.



"It comes to my attention that the food trucks must be on U.S. 19 only. This is very disappointing," Irene Manglis, owner of Meli Greek Street Donuts, wrote.

Noting she had an agreement in place with a business owner at the docks, Manglis' email said she "does not want to work on US Highway 19. That is not fair," and she said the trucks should be able to operate at the Sponge Docks and downtown with support, in the form of a lease or written agreement, from the businesses in the area.

The Tarpon Springs Merchants Association supported Manglis' position in an email that stated, in part, "We have spoken to many of our merchants (and) we are hearing that the majority of our food, drink and retail store owners are in favor of a food and beverage truck or cart on their own property," adding they hoped the board would "look at this as an opportunity to give the business owners a venue to create something new and exciting for their establishments that will help them stay open."

Several local business owners also weighed in support of allowing food trucks all over town.

"While some merchants feel the food trucks or added businesses take away from their own business, I strongly disagree," Ginger Alemaghides, owner of the Bohemian Gypsea gift shop at 740 N. Pinellas Ave., wrote, adding, "Food trucks done correctly in our downtown and Sponge Docks can only enhance the charm of Tarpon Springs. The more food and shopping we have in the area the more people will be attracted to the area, and everyone will win."

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Elijah Durham, owner of the SOL Burger food truck, argued that businesses such as his deserve to be treated as equal to brick and mortar establishments. "It is almost equally as expensive to open a food trailer or a food truck as it is to open a restaurant," he said. "It is certainly not a cheap endeavor."

Durham, who recently formed a partnership with the new Brighter Days Brewing Co., said, "we believe as locals in this community that we can start a food truck and still continue to have that charm that has brought us here and has wanted us to stay here."

Despite the pleas, Mayor Chris Alahouzos said he would not support allowing food trucks at the docks and downtown, and he said he was also against allowing the units as accessories for breweries, distilleries and other food and beverage establishments.

"I'm not convinced (it's) the right thing to have in Tarpon Springs," Alahouzos said. "But I do support (allowing them in the designated areas) and I'm flexible in regards to how late they stay open."

After much discussion the commission ultimately voted in favor of the ordinance, allowing mobile food trucks to operate in the designated areas between 7 a.m. and 10 p.m. with exemptions for breweries, wineries and distilleries and other food and drink establishments, by a vote of 4-1. Alahouzos voted against it.

The second and final reading of the item is scheduled for Tuesday, Sept. 22.

"In the city of Tarpon Springs, we've worked very hard to improve the CRA district and the Sponge Docks through façade and other grants as well as many beautification projects, to make these areas attractive to visitors and businesses to our community," Alahouzos said by phone a few days later. "Now you can have someone put a trailer in back of their business and become a restaurant in a matter of days, and I don't think that was fair. I like food trucks, when they're in the right place and at our special events and festivals, which will continue. But to have them in back (of places) right in the middle of town competing with other restaurants? I don't agree with that and I don't support it."

FROM MINUTES OF CITY COMMISSION MEETING, NOVEMBER 9, 2020

11. Mobile Food Sales: Discussion of Allowing Such in the City Because of New State Law (Presenter: Max Royle, City Manager)

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

City Manager Royle explained due to state law the City cannot prohibit food trucks and recommends considering other cities' regulations that were supplied in the Commission books to allow vehicles in commercial districts, set time limits on operations, to only allow food trucks on public property only during special events, prohibit them from operating on the beach, set a size limit on food trucks, require food trucks to conform to the City sign regulations, require that have state licenses, and comply with health department regulations.

Mayor England asked the Commission if they have any suggestions to give to the City Attorney when drafting the ordinance. She suggested on pages 6 and 7 to put those items in the drafted ordinance. She advised that they could not use the parkettes.

City Manager Royle advised that the City should have the same regulations that St. Johns County has for consistency reasons.

Mayor England asked to think of the City as well because our City is smaller and has less public property. She advised that she would like the businesses also to review the ordinance.

Commissioner George agreed with using St. Johns County's ordinance and requested that the sample ordinances from other municipalities be provided again in the next Commission book for a checklist purpose.

Commissioner Rumrell suggested that the City Attorney look at the City of St. Augustine's ordinance as well.

Vice Mayor Kostka asked if a franchise fee could be added. She commented that she likes the City of Venice's ordinance, but it talks about COVID-19 and it made it confusing. She liked the City of Venice's language where they must be 150 feet away from a residential structure and consider only one food truck on a parcel. She also would not like overnight parking in the City.

Commissioner Rumrell advised that St. Johns County regulates the beaches, not the City.

City Manager Royle advised that the beaches within the City's limits are governed by the City, however, St. Johns County's ordinance says that there is no vending on the beach.

City Attorney Taylor advised that he would check about vending on the beach, per Commissioner George's request.

Commissioner George advised that vending on the beach would upset a lot of people.

Commissioner Samora asked why the City of Venice's ordinance is wrapped around the Governor's orders.

City Attorney Taylor advised that he would check into that.

Commissioner George advised that the City of Venice probably did a looser ordinance due to COVID-19 state of emergency.

Commissioner Samora suggested to allow them in only one place in the City and consider restrooms when the ordinance is considered.

Mayor England advised that the state regulations prohibit food trucks to one area with the City limits. She asked City Attorney Taylor to reach whether a food truck would be allowed on private property.

City Attorney Taylor advised he would.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that previous Commissions have banned food trucks, which he disagreed with and wished the food truck at the time would have sued the City for not following anti-trust laws.

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

Vice Mayor Kostka asked to include that the food trucks give a copy of their state license and health department licensing to the City if they are in the City.


It was the consensus of the Commission to have City Attorney Taylor to draft an ordinance and bring it back to the Commission.

COMMISSION CLOSED

COMMISSION ADJOURNS

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** November 17, 2020

**SUBJECT:** Use of City Meeting Facilities: Reviewing Proposed Regulations and Fees

**INTRODUCTION**

The City has three meeting facilities or rooms:

- a. the Commission meeting room, which is used only for meetings of the City Commission and other governmental agencies, such as the City's Planning Board, Code Enforcement Board, SEPAC, and the St. Augustine Port, Waterway and Beach Commission;
- b. the smaller meeting room in city hall; and
- c. Building C, which is located on the west side of the city hall parking lot and was once used as a U.S. Postal Service branch.

The smaller meeting room and Building C are used by various non-governmental groups, such as homeowners' associations, various chapters of Alcoholics Anonymous, and local hobby or recreational groups, such as a sewing club, a camera club, and a native plant association. Attached as page 1 is the calendar for February 2020 which shows the groups scheduled to use the smaller meeting room and Building C. Because of the pandemic, February was the last full month that groups were allowed to use these two facilities.

Recently, the City administration has begun receiving requests to re-open the facilities. However, before this is done, we suggest that you consider whether new regulations are needed and whether the City should start charging all groups for the use of the facilities because of the costs the use incurs, such as staff time to register the reservation, electricity for lighting and air conditioning, and trash removal and clean up by a custodian.

**CURRENT POLICIES AND FEES**

The use of the City's two meeting rooms is governed by the following policies in the City Commission's Policies and Procedures Manual and were adopted by resolution. They are attached as pages 2-7. The basic policies are:

- a. Any person or organization applying to use a City meeting facility must sign a hold harmless agreement.

- b. The use of the meeting rooms without charge is limited to non-profit charitable, civic or other types of non-profit organizations based in St. Augustine Beach, and/or which provide services or benefits to society. Other groups and individuals may use the meeting rooms, subject to a fee schedule set by the City Manager. Those fees, listed on page 5, are:

- \$75 for use up to four hours
- \$150 for use over four hours
- \$100 if the kitchen next to the meeting room in city hall is used

In 2019, the City received about \$1,300 from the rental of the facilities.

At your November 9, 2020, meeting you reviewed proposed changes to the room use regulations from the City Manager. The minutes of your discussion are attached as pages 11-12.

From your discussion, the Public Works Director has prepared an estimate of the cost to sanitize each room. That estimate is attached as pages 13-14. You will note that he provided the costs to sanitize the facilities both during regular working hours and outside those hours. However, we recommend below the policy that no meeting facilities be used after normal working hours and on weekends and holidays

The Director also prepared an estimate of the number of persons that can be in each meeting facility and meet the current social distancing requirement of six feet. The estimates are:

- Building C: nine persons
- City Hall meeting room: 24

#### RECOMMENDATIONS FOR CHANGES TO POLICIES

Some have been taken from the County's regulations (pages 8-9 attached) concerning its Library meeting facilities.

1. That the number of persons in each meeting facility is limited to the number that can be socially distant according to the current guidelines recommended or mandated by federal, state, or local agencies. At the time of the adoption of this change the distance is six feet between persons and the following are the limits in each facility:
  - Building C: no more than nine persons
  - City Hall: no more than 24 persons
2. That persons using the City's meeting facilities must wear face masks or coverings in accordance with whichever guidelines, federal, state, or local, are the strictest.
3. That use of the meeting facilities is allowed only between 8:00 a.m. and 2:00 p.m. on regular workdays, and no use is allowed after 2:00 p.m. because of the need to sanitize the facilities, and no use is allowed when City Hall is closed (including weekends and holidays) when City personnel are not available for sanitizing.
4. That the facilities can be used only during the following "blocks" to allow time for City personnel to sanitize the facilities between meetings:

- 8:00 a.m. to 10:00 a.m.
  - 11:30 a.m. to 2:00 pm
5. That persons or groups using the facilities must sign an agreement to abide by the masking, distancing, and person-limit restrictions. The first failure to follow the restrictions will result in a warning. The second will require the City to deny the use of the facilities to the violator(s).
  6. That individuals or organizations must notify the City 48 hours in advance if a reservation is going to be cancelled. Failure to notify the City may result in denial of future use of the facility.
  7. That the City reserves the right to limit the number of reservations by any individual or organization, so that others can have an opportunity to use the meeting facilities.
  8. That the City is not responsible for loss or damage to any exhibits, equipment, supplies, or other materials brought to the meeting facilities.
  9. That the City is not responsible for setting up chairs, tables, etc. for individuals or groups using the facilities.
  10. That all individuals and groups will pay the following fees for use of the facilities during the hours of 8:00 a.m. to 2:00 p.m.:
    - a. Building C: \$30 per meeting
    - b. City Hall meeting room: \$50 per meeting

We have rounded up the amounts suggested by the Public Works Director.

#### ACTION REQUESTED

It is that you discuss the proposed policies and decide whether to adopt or change them.

PLEASE NOTE: 1. We've suggested that all groups be charged a fee to sanitize the room they use. This includes neighborhood and condo associations that are based in the city.

2. The proposed fee does not include the costs to heat or cool the facilities, and for electricity for the lights. We suggest not charging for such at this time. The facilities even when unoccupied are heated or cooled to a certain degree, and as the meeting facilities are small, the lighting costs shouldn't be significant.



# February 2020

February 2020							March 2020						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
					1	2							
3	4	5	6	7	8	9	2	3	4	5	6	7	8
10	11	12	13	14	15	16	9	10	11	12	13	14	15
17	18	19	20	21	22	23	16	17	18	19	20	21	22
24	25	26	27	28	29		23	24	25	26	27	28	29
							30	31					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Jan 27	28	29	30	31	Feb 1	2
					5:30pm AA - Island Serenity (Building C)	7:00pm AA - Island Serenity (Building C)
3	4	5	6	7	8	9
1:00pm Double D Art Group (Meeting) 5:00pm Freedom from 6:00pm Commission 6:30pm JLI *HOLD*	11:30am AA - Oldest 1:00pm Mah-Jongg 3:30pm AA - Island 6:00pm A Classic 6:00pm St. Aug Mac	10:00am Busy Fingers (Building C) 6:30pm AA - Sand Dollar Group (Meeting Room)	9:00am Anastasia Dunes 10:00am Sunshine Ukas 11:30am AA - Ancient 3:30pm AA - Island 6:00pm A Classic	10:00am Busy Fingers (Building C) 2:00pm SABPD (Meeting Room) 6:00pm A Classic	5:30pm AA - Island Serenity (Building C)	7:00pm AA - Island Serenity (Building C)
10	11	12	13	14	15	16
1:00pm Double D Art Group (Meeting) 5:00pm Freedom from the Past (Meeting) 6:30pm JLI *HOLD*	11:30am AA - Oldest 1:00pm Mah-Jongg 3:30pm AA - Island 5:00pm Camera Club 6:30pm FCSAA (Friends	10:00am Busy Fingers 1:00pm S/C Toll Training 5:00pm Serenity Bay 6:00pm A Classic 6:30pm AA - Sand Dollar	11:30am AA - Ancient 3:30pm AA - Island 6:00pm Tree Board/BAC 6:00pm A Classic 6:00pm Seagrove Condo	3:00pm Event - TNT Events Art & Craft Festival (Pier Park) 10:00am Busy Fingers (Building C) 6:00pm A Classic Theatre (Meeting	5:30pm AA - Island Serenity (Building C)	7:00pm AA - Island Serenity (Building C)
17	18	19	20	21	22	23
PRESIDENT'S DAY 1:00pm Double D Art Group (Meeting) 5:00pm Freedom from 6:30pm JLI *HOLD*	10:00am Blockettes 11:30am AA - Oldest 1:00pm Mah-Jongg 3:30pm AA - Island 6:00pm CPZB	10:00am Busy Fingers (Building C) 12:30pm P.E.O. 6:00pm A Classic 6:30pm AA - Sand Dollar	9:00am Anastasia Dunes 10:00am Sunshine Ukas 11:30am AA - Ancient 3:30pm AA - Island 5:00pm Anastasia Dunes	10:00am Busy Fingers (Building C) 6:00pm Ancient City Astronomy Club (Meeting Room)	10:00am Pilot Club (Meeting Room) 5:30pm AA - Island Serenity (Building C)	7:00pm AA - Island Serenity (Building C)
24	25	26	27	28	29	Mar 1
1:00pm Double D Art Group (Meeting) 5:00pm Freedom from the Past (Meeting) 6:30pm JLI *HOLD*	10:00am Women of the 11:30am AA - Oldest 1:00pm Mah-Jongg 3:30pm AA - Island 6:00pm A Classic	10:00am Busy Fingers (Building C) 2:00pm Code Enforcement Board 6:30pm AA - Sand Dollar	11:30am AA - Ancient City Group (Meeting) 3:30pm AA - Island 4:30pm Sea Colony HQA 7:00pm A Classic	10:00am Busy Fingers (Building C) 6:00pm A Classic Theatre (Meeting Room)	2:00pm Wedding - Rutherford/Lie (12th Street) (Beach) 5:30pm AA - Island Serenity (Building C)	

# APPLICATION FOR USE OF CITY FACILITIES

Exempt Organizations



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

**Group Name:** \_\_\_\_\_

(Name of organization, agency, etc.)

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

\*\*\*\*\*

**Name of Responsible Party:** \_\_\_\_\_

(This individual will be responsible for payment of all charges and for return of the key.)

**Address:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Business Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

\*\*\*\*\*

**Event Name:** \_\_\_\_\_

**Time:** From: \_\_\_\_\_ a.m. / p.m. To \_\_\_\_\_ a.m. / p.m.

**Date(s) or, If Recurring, Day of the Week or Month**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of attendees expected:** \_\_\_\_\_

**Space Requested:** \_\_\_\_\_ Meeting Room (Occupancy of 60 w/tables or 99 w/o tables)

\_\_\_\_\_ Building C (Occupancy of 22 w/tables or 48 w/o tables)

\* Please note the occupancy limits established by the Fire Marshal for each meeting room. These limits will vary according to whether tables and other obstructions are used in the rooms. Groups that may exceed these limits should seek other accommodations.

## Rules for Use of City Meeting Rooms

Any person or organization applying to use a City facility must sign a hold harmless agreement. Scheduling arrangements must be made at the City Manager's office in advance. The key will be available in the City Manager's office on the day prior to the scheduled event. When an event is scheduled for a Monday, the key may be picked up on the preceding Friday.

The following conditions apply to use of the meeting rooms:

1. NO SMOKING is permitted in any City building.
2. The meeting rooms and facilities will be clean and in order prior to use and must be returned to the same condition immediately after the meeting. Please note the following:
  - Check to be sure all lights, including those in the restrooms are turned off.
  - Return all chairs, tables, etc. to original positions.
  - Place any trash or debris in the trash cans provided in the meeting rooms and kitchen. Take any other materials brought to the meeting with you when you leave.
  - Check for any spills on carpeting and clean up immediately. There is no janitor on duty after office hours, and stains left overnight will damage the carpet. Cleaning supplies will be left in the kitchen area.
  - The main corridor entrance doors at the north and south ends of the building and the outer door to the meeting room (south side) must be unlocked while the building is occupied. CHECK TO BE SURE ALL THESE DOORS ARE LOCKED BEFORE LEAVING
  - If more than one group is meeting on the same evening, the last group to leave the building is responsible for securing the building and turning off the lights.
3. Return keys promptly. They must be returned to the City Manager's office before 12:00 noon on the next business day following use of the meeting room or left in the key deposit box in the kitchen area immediately after the event.

Failure to comply with the above conditions may result in the use of City facility being denied.

We hope you will help us keep the rooms in good condition so that you and other groups can continue to enjoy them.

### Agreement:

As the user or authorized representative of the user of the facilities described above, I agree to observe all rules regarding their use as outlined on this form. I understand that I will be financially responsible for any damage to the facility and/or the equipment therein.

The key will be returned before 12:00 noon on the next business day following use of the facilities (or placed in the key deposit box before that time). Failure to return the key as agreed will result in a \$25.00 replacement charge, which will be payable immediately.

I understand that a signed Hold Harmless Agreement will be signed by me or the authorized agent or representative of my organization prior to use of the facilities.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **HOLD HARMLESS AGREEMENT**

The undersigned agrees to protect, defend, reimburse, indemnify and hold harmless the City of St. Augustine Beach, Florida, its agents, employees, and officers and each of them, free, and harmless at all times from and against any and all claims, liability, expense, loss, cost, fine, and damages (including reasonable attorney's fees) and causes of action of every kind and character to the fullest extent allowed by law by reason of any damage to property or the environment, including any contamination of City property, or bodily injury (including death) incurred or sustained by any party hereto, any agent or employee of any party hereto, or any other person whomsoever, arising out of or incident to any acts, omissions or operations related to the use authorized by this Special Event Permit, and the undersigned expressly recognizes the broad nature of this indemnification and hold harmless clause, and voluntarily makes this covenant.

\_\_\_\_\_  
(Name of Event)

sponsored or arranged for by \_\_\_\_\_

(Applicant)

which will occur on \_\_\_\_\_

(Date/Dates)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

## APPLICATION FOR USE OF CITY FACILITIES



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

**Group Name:** \_\_\_\_\_

(Name of organization, agency, etc.)

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

\*\*\*\*\*

**Name of Responsible Party:** \_\_\_\_\_

(This individual will be responsible for payment of all charges and for return of the key.)

**Address:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Business Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

\*\*\*\*\*

**Event Name:** \_\_\_\_\_

**Time:** From: \_\_\_\_\_ a.m. / p.m. To: \_\_\_\_\_ a.m. / p.m.

**Date(s):** \_\_\_\_\_

**Number of attendees expected:** \_\_\_\_\_

**Space Requested:**

	Up to 4 hours \$75.00	Over 4 hours \$150.00	Kitchen \$100.00
Meeting Room (Occupancy of 60 w/tables or 99 w/o tables)	_____	_____	_____
Building C (Occupancy of 22 w/tables or 48 w/o tables)	_____	_____	_____

**Total Charge:** \_\_\_\_\_

\* Please note the occupancy limits established by the Fire Marshal for each meeting room. These limits will vary according to whether tables and other obstructions are used in the rooms. Groups that may exceed these limits should seek other accommodations.

## Rules for Use of City Meeting Rooms

Any person or organization applying to use a City facility must sign a hold harmless agreement. Scheduling arrangements must be made at the City Manager's office in advance. The key will be available in the City Manager's office on the day prior to the scheduled event. When an event is scheduled for a Monday, the key may be picked up on the preceding Friday.

The following conditions apply to use of the meeting rooms:

1. NO SMOKING is permitted in any City building.
2. The meeting rooms and facilities will be clean and in order prior to use and must be returned to the same condition immediately after the meeting. Please note the following:
  - Check to be sure all lights, including those in the restrooms are turned off.
  - Return all chairs, tables, etc. to original positions.
  - Place any trash or debris in the trash cans provided in the meeting rooms and kitchen. Take any other materials brought to the meeting with you when you leave.
  - Check for any spills on carpeting and clean up immediately. There is no janitor on duty after office hours, and stains left overnight will damage the carpet. Cleaning supplies will be left in the kitchen area.
  - The main corridor entrance doors at the north and south ends of the building and the outer door to the meeting room (south side) must be unlocked while the building is occupied. CHECK TO BE SURE ALL THESE DOORS ARE LOCKED BEFORE LEAVING
  - If more than one group is meeting on the same evening, the last group to leave the building is responsible for securing the building and turning off the lights.
3. Return keys promptly. They must be returned to the City Manager's office before 12:00 noon on the next business day following use of the meeting room or left in the key deposit box in the kitchen area immediately after the event.

Failure to comply with the above conditions may result in the use of City facility being denied.

We hope you will help us keep the rooms in good condition so that you and other groups can continue to enjoy them.

### Agreement:

As the user or authorized representative of the user of the facilities described above, I agree to observe all rules regarding their use as outlined on this form. I understand that I will be financially responsible for any damage to the facility and/or the equipment therein.

The key will be returned before 12:00 noon on the next business day following use of the facilities (or placed in the key deposit box before that time). Failure to return the key as agreed will result in a \$25.00 replacement charge, which will be payable immediately.

I understand that a signed Hold Harmless Agreement will be signed by me or the authorized agent or representative of my organization prior to use of the facilities.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **HOLD HARMLESS AGREEMENT**

The undersigned agrees to protect, defend, reimburse, indemnify and hold harmless the City of St. Augustine Beach, Florida, its agents, employees, and officers and each of them, free, and harmless at all times from and against any and all claims, liability, expense, loss, cost, fine, and damages (including reasonable attorney's fees) and causes of action of every kind and character to the fullest extent allowed by law by reason of any damage to property or the environment, including any contamination of City property, or bodily injury (including death) incurred or sustained by any party hereto, any agent or employee of any party hereto, or any other person whomsoever, arising out of or incident to any acts, omissions or operations related to the use authorized by this Special Event Permit, and the undersigned expressly recognizes the broad nature of this indemnification and hold harmless clause, and voluntarily makes this covenant.

\_\_\_\_\_  
(Name of Event)

sponsored or arranged for by \_\_\_\_\_

(Applicant)

which will occur on \_\_\_\_\_

(Date/Dates)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_



## Policy Title: Meeting Room

St. Johns County Public Library provides use of meeting rooms to the general public. Library facilities are open to programs sponsored or cosponsored by the Library or other organizations engaged in educational, cultural, recreational, charitable or government interest activities which complement or promote the Library's mission and goals. **Library/County-Sponsored programs receive first priority for use of the meeting rooms.**

All meetings and programs are open to the public. Meeting rooms are not to be used for personal or private profit, advertising or solicitation of business. No admission fee may be charged nor sales made. However, a fee for resource materials, books or payment for a program speaker may be collected upon the approval of the Library Director. Library-related fund raising activities are allowed.

Granting permission for use of the meeting rooms does not imply Library endorsement of the aims, policies or activities of any group.

The Meeting Room Policy and Meeting Room Procedures will be interpreted and enforced by the Library Director.

### **MEETING ROOM REGULATIONS:**

1. All groups requesting to use meeting rooms must complete and sign the *Application for Use of Meeting Rooms, Indemnification and Hold Harmless Agreement*, and meet all insurance requirements as necessary before a meeting room can be reserved. The person signing the application assumes complete financial responsibility for any abuse of Library Premises or equipment while they are being used by the group.
2. Meetings will generally be scheduled for no more than once per month and no more than one year in advance.
3. **The Library reserves the right to cancel a reservation in order to use a meeting room for library or County purposes.** Forty-eight hours advance notice will be given if cancellation becomes necessary.
4. Organizations must notify the Library at least forty-eight hours in advance if a reservation is going to be canceled. Failure to notify the Library of cancellation may result in denial of future use of the meeting rooms.
5. The Library reserves the right to limit the number of reservations by any organization so that all groups may have a fair opportunity to use the meeting rooms.
6. Maximum attendance for programs or meetings in the Library's meeting rooms varies by branch and is determined by the County Fire Marshal.

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Effective Date: 8/8/95

Revision Approved by the LAB: 12/9/15

Revision Approved by the BCC: 1/19/16

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7. Meetings are to be held during regular library hours and must adjourn in sufficient time to vacate the premises by the scheduled closing time.
8. The Library is not responsible for loss or damage to exhibits, equipment, supplies or other materials brought to the Library by the meeting group.
9. The Library is not responsible for setting up furniture and equipment for groups using the meeting rooms. No equipment, materials or records may be stored in the meeting rooms or in the Library.
10. No smoking is permitted inside of the Library including meeting areas. Alcoholic beverages may only be served upon meeting insurance requirements and by special approval by the County Administrator or other designated authority.
11. Refreshments are not allowed without permission and special arrangement. Groups are responsible for their own supplies.

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Effective Date: 8/8/95

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City	Meeting Space?	Charge for Use?	Allow After Hours?	Equipment loan?
Crystal River	Chambers	No		
Palatka	Some groups use our Commission Chambers, and we have a very nice, roomy conference room that seats around 20 - 25 people with wifi, projector screen, and phones that we allow groups to use.	No	NO. This was a practice once, with disastrous results. If they want it outside of business hours they have to pay for a staff person to "babysit" unless someone volunteers to do it for free.	Depends upon the group. There is already a screen in each room.
Pierson	Community Center & Meeting Room	Community Center: \$150 resident/\$250 non-resident + \$300 deposit; Meeting Room: \$100; \$50 cleaning fee	Yes	
Port Orange	We allow HOAs use of the Council Chambers and conference room at City Hall. No other groups or residents. We have allowed the Chamber of Commerce access to the Council Chambers during election time for debates.	No charge	Yes, as our janitorial staff is here.	No. We do not allow the use of any of our equipment. We have a public WIFI service they can use but none of our equipment.
Stuart	Commission Chambers and other meeting rooms are available for use at Public Safety Building	No	Yes, cleaning staff closes the building after them	Chambers has projector and audio equipment
Tallahassee	Chambers and two other conference rooms in City Hall	nominal fee	If events are outside of normal City Hall hours, they must pay an additional surcharge to cover the costs of keeping the City Hall security guards for the additional hours. In some circumstances, a security deposit is required to ensure no damage occurs and the premises are left clean.	There is AV equipment in our City Hall conference spaces, which outside parties may use during their use of those spaces. They are not portable.
Venice	Yes	Yes - only for after hours - \$10 per time. No charge if during business hours.	Yes. They are confined to an area	No. We don't let them use our equipment.
Zephyrhills	Council Chambers	Free of charge during normal business hours although we charge a fee after hours to cover the cost of overtime for a City Employee to be present.	Yes	

12. Use of City Meeting Rooms: Consideration of Regulations and Fees (Presenter: Max Royle, City Manager)

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

City Manager Royle explained that the meeting room and Building C, have been closed because of COVID-19. He explained that the fees the City charges have been very reasonable and non-profits and civic groups do not have to pay any fees to the City, that have been using the rooms every night of the week except Fridays and Saturdays. The staff has informed him because of the continual use and costs involved that the Commission consider limiting the number of people who use the rooms once the pandemic moderates and that the City charge not only for outside groups but those that are based in the City like homeowners' associations, condominium groups, etc. He explained the suggestions in his memo for the Commission and advised that the Commission might have other suggestions.

Mayor England suggested opening during the pandemic if the City makes the groups aware that they have to social distance and wear face coverings. She said because of the cost of sanitation and cleaning up, the City would charge more during the state of emergency.

Commissioner Rumrell agreed because people would like to start meeting and people can do that safely; however, there should be a cleaning fee in addition to the other fees.

Commissioner George agreed. There should be additional policies and there should be an additional charge for cleaning and sanitizing.

Vice Mayor Kostka agreed with the proposal and in addition to the \$100 for four hours that there is a cleaning and sanitation charge during the COVID-19 pandemic.

Commissioner Samora advised that it is punitive for the non-profits who meet on a regular basis to charge \$100 fee. He asked how often they meet.

City Manager Royle advised that there is a non-profit that meets Tuesday at noon, which is mandated by the courts. There are different chapters of non-profits that meet every night. The homeowners' associations meet once a quarter, once a year, or some more often.

City Clerk Raddatz advised that there should be a charge for the kitchen because there is extra cleaning that needs to be done, including cleaning out the refrigerator.

Mayor England advised that the City's costs need to be covered.

Commissioner Samora agreed but was thinking about the non-profits.

Commissioner George advised that if the non-profits meeting repeatedly, she does not mind an economy of scale fee and asked what staff's recommendations would be.

City Manager Royle advised that AA provides a valuable service to the community. He advised that enforcement of the distancing requirements and face coverings may be a problem. He explained that the Public Works Director and he will be mapping out the rooms to see how many people should be in the room at once time. Some of the AA groups are large and staff cannot enforce the CDC regulations especially if they meet at night.

Mayor England suggested opening the rooms, notice the regulations, charge the fees to cover the City's costs for cleaning and sanitizing and maybe charge AA a different fee and everyone else would have to pay the reasonable rental fee. She explained that this could be during would only be during the state of emergency with a sunset provision.

Finance Director Douylliez advised that there is a need for more staff space for the conference room and new employees like a planner. She advised that the two IT employees are in very tight quarters right now and are not six feet apart. She explained that as the Commission has more workshops and meetings the Commission room is not available, and the City space is at a premium. She explained that the City Manager's conference table could be moved into half of the meeting room and rent the other half of the room.

Commissioner George advised that this was the first time this was mentioned and agrees that public meetings are more often. She suggested to research the space and see what was needed and the costs involved.

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

City Clerk Raddatz asked for an extension to the meeting.

Mayor England asked for a motion to extend the meeting.

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

City Manager Royle advised that he would bring this item back to the Commission.

Mayor England moved to Item XIV, Staff Comments.

## Max Royle

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**From:** Bill Tredik  
**Sent:** Friday, November 13, 2020 5:27 PM  
**To:** Max Royle  
**Cc:** Ken Gatchell; Tom Large; Wayne Tichy; April Haskins  
**Subject:** RE: Cost to Sanitize Meeting Rooms and Restrooms

Max:

I would recommend the following fees be charged to provide cleaning and sanitization for the meeting rooms:

Building C (including restroom):	Staff Time:	1 hour @ \$22 per hour
	<u>Supplies:</u>	<u>\$5.00</u>
	Cleaning Fee:	\$27/meeting

City Hall Meeting Room (inc. restrooms):	Staff Time	1.5 hours @ 22 per hour
	<u>Supplies</u>	<u>\$15</u>
	Cleaning Fee:	\$48/meeting

Supplies include: Toilet Paper, paper towels, soap hand sanitizer, cleaning supplies, etc.  
Staff time also includes mobilization to and from the meeting room from the Public Works Facility.

The above fees assume that the sanitization work does not require the use of overtime. Meetings which occur outside of normal working hours which do not provide an opportunity for sanitization during normal working hours would incur additional costs due to the 2-hour minimum call-in for overtime. In such cases, the fee would be:

Building C	2 hours at \$33 per hour + \$5 supplies = \$71
City Hall Meeting Room	2 hours at \$33 per hour + \$15 supplies = \$81

In order to keep things on a regular cleaning schedule and maximize efficiency, I recommend we set up time blocks for meetings. A potential example – which would leave 1.5 hours for sanitization between meetings – would be:

Days	Meeting Time Block
M-F	8:00 AM – 10:00 AM (2-hour “morning” block) (Sanitization 10:00 AM – 11:30 AM)
	11:30 AM – 2:00 PM (2.5-hour “lunchtime” block) (Sanitization 2:00 PM – 3:30 PM)
	4:00 PM – 8:00 PM (4-hour “evening” block) (Sanitization on following morning)
Sat/Sun	9:00 AM – 11:30 AM (2.5-hour “morning” block) (Sanitization 11:30 AM – 1:00 PM)
	1:00 PM – 5:00 PM (4-hour “afternoon” block) (Sanitization on following morning)

Note:

- There must be adequate time for cleaning during normal working hours prior to the last meeting of any given day.

- The Sat/Sun times are designed to avoid the need for a full 8-hour weekend worker shift.
- The last meeting block of any given day can be longer as the cleaning will occur the following morning.

Sanitization charges for meetings within the above time blocks could be done at the \$27 for Building C and \$48 for the City Hall meeting room. Meetings conducted outside of the established meeting blocks would require staff overtime and incur a cleaning sanitization fee of \$74 for Building C and \$83 for the City Hall meeting room.

Note that the above recommended fees are just for cleaning and sanitization, and do not include fees for water, electric, or administration.

Bill

**William Tredik PE, Public Works Director / City Engineer**

City of St. Augustine Beach

2200 A1A South

St. Augustine Beach, Florida 32080

Ph: (904) 471-1119

email: [btredik@cityofsab.org](mailto:btredik@cityofsab.org)

**PLEASE NOTE:** Under Florida law, most communications to and from the City are public records. Your emails, including your email address, may be subject to public disclosure.

**From:** Max Royle <[mroyle@cityofsab.org](mailto:mroyle@cityofsab.org)>

**Sent:** Friday, November 13, 2020 2:48 PM


**To:** Bill Tredik <[btredik@cityofsab.org](mailto:btredik@cityofsab.org)>

**Subject:** Cost to Sanitize Meeting Rooms and Restrooms

How much would it cost to sanitize Building C and how much to sanitize the meeting room in city hall and the city hall restrooms? Need this info to determine a rate to charge groups for using the rooms.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** November 25, 2020

**SUBJECT:** Evaluation

**INTRODUCTION**

At your January 14, 2020, continuation meeting, you directed that you be reminded in October 2020 to begin the 2020 reviews of the Police Chief and City Manager's work performance. That reminder was provided. Also, there was a follow up request to you about each of you scheduling a meeting with me for my evaluation. I suggested that there was no need to do one for Chief Hardwick because, now that he has been elected Sheriff of St. Johns County, he no longer is employed by the City.

As no individual meetings for my evaluation have been scheduled and as the agenda material for your December 7<sup>th</sup> meeting must be prepared early because of the Thanksgiving Day holiday, Mayor England suggested that I do a self-evaluation for you. You can use it as a guide at your December 7<sup>th</sup> meeting for your collective evaluation of my work performance.

For it, I have based my self-evaluation on five criteria:

1. Communication
2. Budgeting
3. Follow-Through on Commission Directives
4. Management of Staff
5. Adherence to Ethical Standards

Below I provide information about each criterion and what I have done during 2020 to meet the requirements of each.

**1. COMMUNICATION**

Besides ethical lapses, such as misuse of a city's credit card or romantic involvement with a subordinate employee, a city manager's failure to communicate is one of the main causes for dissatisfaction with a manager's performance. I have accordingly made it a top priority in both the past year as well as the many years I have worked for the City. This is shown by the following:

- The monthly report on the activities of the various departments and on major projects, so that the Commission is informed about them. The report is in the agenda book for each Commission meeting and available online for the public to read.

- The pending report on various matters, issues, projects, etc., that I prepare and update monthly that is also in each Commissioner's agenda book and available online for the public.
- The City Hall Update report and article that I write for City's monthly e-newsletter.
- The preparation of reports and memos for Commission meetings, so that the Commission can make decisions, move the City forward and accomplish the public's business. The reports and memos are also available for the public to read.
- The distribution of the agenda books to the Commission and the posting of the information in them for the public a week before every regular meeting.
- The coordination with department heads of the reports they prepare for Commission meetings for decisions by the Commission.
- The submission each month to the Commission of the Finance Director's report and my memo of explanation about the City's current budget.
- Answering emails and telephone calls from Commissioners, the public, other governmental agencies the same workday they are received.
- Forwarding complaints and concerns from residents about problems, issues, etc. to the appropriate department head for action and informing the residents what I have done.
- To see me in person, the proverbial "open door" is my policy, so that Commissioners, members of the public, and City employees can see me immediately without having to schedule an appointment.
- Attendance by Zoom or conference call meetings with other governmental officials. Otherwise, in-person meetings would be held as was done before the pandemic with Hunter Conrad, John Regan, and elected and appointed officials at the Northeast Florida League of Cities' monthly meetings.
- Having a department head meeting each month to discuss problems and issues of possible mutual concern.
- Supported in 2020 keeping the Communications and Events Coordinator's position because the employee is crucial for communication with the public and to provide transparency about the City's activities.
- Communicating and coordinating by daily, informal, one-on-one meetings with the City Clerk, Finance Director, and Building Official, to discuss what they are doing; meeting on an as-needed basis with the IT staff; and meeting several times a week in person or by telephone with the Public Works Director about projects and other matters.

REQUESTED COMMISSION ACTION: As a group discuss the quantity and quality of my communications in 2020 and if improvements are needed that you collectively decide what those improvements should be.



## 2. BUDGETING

How the City's money is handled and accounted for is critical for the City's operations. I have read an occasional "horror story" of managers in other cities who have not kept their elected board informed of the City's financial condition; or not taken steps to improve their city's financial condition by proposing additional revenue sources, if needed, or reducing expenditures, or both; or, worst of all, being so inattentive to their city's financial condition that a sudden gap in revenue appears, or a major expense that should have been seen foreseen suddenly appears, putting the city in a state of financial emergency. Fortunately, I have hired a very able and conscientious Finance Director who brings to my immediate attention any problems or concerns she has about the City's budget and who is pro-active about dealing with those problems or concerns before they become unmanageable and an emergency.

I review carefully the monthly financial report prepared by the Finance Director and provide it to the Commission. Each workday the Finance Director and I discuss some aspect of the current budget, such as budget resolutions that may be needed, or a deadline for submission of a grant. The conversations are more intense and detailed during the time the Director prepares the budget for the upcoming fiscal year.

To meet the City's ongoing need for revenue, I proposed in 2020 a new non-ad valorem assessment for the collection of household waste, special waste, and recyclables. The Commission agreed with this proposal.

Also, in 2020, I proposed with the Public Works Director a stormwater utility fee to be dedicated to only improvements to the City's drainage facilities. You asked that this topic be brought back to you in the spring of 2021.

During the 31 years that I've worked for the City, it has never had a financial emergency due to either overspending or under estimating of revenues, and has not been subject to a criminal investigation because an employee stole money from the City or misused its other resources.

**REQUESTED COMMISSION ACTION:** It is that you discuss my handling of the City's budget, and if improvements are needed that you collectively provide directives you think I need to follow in 2021 to accomplish those improvements.

## 3. DIRECTIVES

Another way city managers sabotage themselves is by ignoring requests from their elected board that the managers attend to this or that problem or assignment. During each Commission meeting, I take notes about actions you want me or other staff members to take. The City Clerk does the same and provides a list to me the morning after your meeting. Some of the actions requested by your directives become part of the monthly pending report. Others are forwarded to the appropriate department head for action. This is a procedure that is consistently followed to ensure that there is follow up on matters about which you are concerned. The setting of directives is an important tool that gives me direction as to what you individually and collectively think needs attention.

**REQUESTED COMMISSION ACTION:** To decide whether I have met this standard during 2020. If not, then that you collectively approve directives for me to meet this standard in 2021.

#### 4. MANAGEMENT OF STAFF

Critical to the success of any organization with employees is how they are managed. Poor management of staff is shown when a manager does the following to employees: takes credit for ideas proposed by them and/or decisions they have made; is verbally abusive and criticizes employees publicly or by email; creates a hostile work environment by throwing temper tantrums and/or making unreasonable demands; is critical and finds fault; doesn't propose constructive solutions to problems that employees may have; plays the "gotcha" style of management, which focuses on surprising employees with criticism for something not being done, or for what the manager deems is being done incorrectly.

The most telling sign of mismanagement of employees is turnover: Employees leave to escape a manager who either creates a toxic, not a positive, work environment, or does not follow the best practices of employee management, or because of ego or other reasons treats employees poorly.

A best practice of personnel management is following the concept of servant leadership. In summary, the servant-as-leader website describes the concept as: "A servant-leader focuses primarily on the growth and well-being of people and the communities to which they belong. While traditional leadership generally involves the accumulation and exercise of power by one at the 'top of the pyramid,' servant leadership is different. The servant-leader shares power, puts the needs of others first and helps people develop and perform as highly as possible."

Thus, in servant leadership, the focus is on "We" and not on "I." The "We" are the employees, including the manager, who work for the organization and the customers, or in the public sector, the citizens, whom the organization serves. Under servant leadership, the job of the manager isn't to look good or win an award, but to make the employees look good and win the awards. Also, it's to facilitate and make easier the employees' work. Servant leadership is a concept I've followed since I was first appointed a city manager in 1977 in another city because it is constructive, emphasizes the positive, and I've seen many times that it brings out the best in employees.

My emphasis of the positive and servant leadership is shown by:

- My encouragement of employees to better themselves by seeking more training or higher education.
- Consistently crediting employees for their ideas and actions that have resulted in improvements to the organization and the services it provides.
- Setting consistent standards of service to the citizens and the Commission and help the employees meet those standards.
- Supporting new technology, new ways of doing things suggested by the employees that aren't "nice-to-have bells and whistles" but are suited for a small city, will genuinely improve the organization and are within the City's financial means to acquire and maintain.
- Setting of goals cooperatively with the employees rather than imposing goals on them.
- Not taking sides in disputes between employees.
- Using punishment as the last resort to resolve an issue with an employee.

- Not micromanaging a department head and how he/she carries out his/her responsibilities.
- Adhering to the chain of command and not undermining a department head by encouraging or accepting complaints by subordinate employees who try to circumvent the chain of command.

There are five employees who report directly to me: City Clerk, Finance Director, Public Works Director, IT Manager, and Building Official. For my evaluation, I suggest the key questions concerning my management of them are:

1. Have any resigned during the past year?
2. Is the Commission aware of any actions by me during the past year involving those five employees that have resulted in complaints about how I have treated any of them or how they have managed their respective departments?
3. From your interactions with those five, do you believe that their morale is high? If not, is the cause any actions or decisions that I have made?

REQUESTED COMMISSION ACTION: That you discuss my management during 2020 of the five employees who report directly to me, whether you are aware of any areas where I need to improve my management of them, and, if you deem that improvements are needed, that you collectively agree on what those improvements are.

## 5. ADHERENCE TO ETHICAL STANDARDS

As I noted above, city managers get into ethical trouble for such actions as misusing city credit cards or being romantically involved with a subordinate employee. There are also in the public record instances of other common ethical lapses, such as managers accepting gifts above a certain value, using city employees to work on the manager's home, doing favors for certain citizens or even for one of the elected officials of the city that employs the manager. In broad terms, actions that may raise questions about a manager's ethical conduct are always those that concern "I," the manager, and not "We," the employees, the citizens and the elected board that represents them. However, an action that is not an ethical lapse by a manager is accepting cookies or a cake, or something else of minimal value from someone with whom the City has a business relationship or may have one in the future, or from employees who may buy a cake to celebrate the manager's birthday in the office. If a cake is enough of an enticement to cause a manager to commit an ethical lapse, then he or she has a sweet tooth as well as a lack of judgment/ethics problem.

In 2020, I have:

1. Not accepted any gifts of any value or even of no value from persons with whom the City does business or may in the future do business with.
2. Done any actions, made any decisions, that could be construed as doing a favor for someone with or even without the expectation of getting something in return from them for my personal benefit or the benefit of a friend, family member or an associate.
3. Done any actions, made any decisions, that gave anyone, such as a member of the public, a City Commissioner, or an employee an advantage or right that's not available to anyone else.

4. Attended virtually the four-hour ethics/open records training provided yearly by the Florida League of Cities.

Also important in terms of ethics is a city manager not assuming policy making authority that he/she doesn't have. The manager is to respect the legislative and policy making role of the elected board and to carry out the policies approved by it, and has only the degree of authority and decision making allowed by a city's charter, state law, and/or the policies of the elected board that employs the manager. I believe that a manager isn't behaving ethically if he/she acts as a policy maker independent of the elected board that represents the citizens and their interests.

Ethics in the public sector is a complex topic and I could go on for paragraphs about it here. But before we get too far into the weeds, let's focus on my performance evaluation. I suggest that there are several questions for you to consider:

1. Have you in 2020 observed me behaving unethically, or have you been told by reliable sources of specific instances when I have behaved unethically?
2. Have I in 2020 made decisions that you consider are unethical?
3. Do you believe that in 2020 I have assumed the City Commission's policy making authority, and, if so, what are the policies I have assumed without your authorization?
4. Are you aware of any conflicts of interest that I have had and whether those conflicts have caused me to behave in ways and/or make decisions that are not in the City's best interests?

REQUESTED COMMISSION ACTION: It is that you discuss whether you believe I have failed to perform my work ethically as a public official, and, if so, the specific instances of unethical behavior and what directives you collectively want me to follow in 2021 to improve my adherence to ethical standards.

### CONCLUSION

If you find helpful the five criteria for evaluating my work performance this past year, I suggest you allow them to be used for your 2021 evaluation of my performance.

For evaluating the Police Chief in 2021 you could ask Chief Carswell to get police chief evaluations from other cities and from them customize one for our City, or you could ask him to do a self-evaluation similar in format to the one I have provided here.

### SUGGESTION

It is that you consider the following:

- Whether waiting an entire year to discuss actions that the Police Chief and City Manager should do to improve their performance is productive.
- Whether it would be more productive to do away with the one-year-formal evaluation of the Police Chief and the City Manager and for individual Commissioners to meet one-on-one with these employees at various times during the year when the Commissioners have concerns or see potential problems, to discuss the Chief and Manager's respective work performance. Whether such meetings are needed would be up to each Commissioner to decide.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** November 25, 2020

**SUBJECT:** Ordinance 20-17. First Reading to Adopt 2020 Florida Building Code

Attached is a memo from Mr. Law and Chapter 1 of the Building Officials Association of Florida's 2020 Building Code. You will note from the memo that in 2018 the City Commission adopt the 2017 Florida Building Code. Mr. Law will explain his request in more detail at your meeting.

Though Mr. Law requested it, no ordinance from the City Attorney is attached. If we receive it before your meeting, we'll send it to you by email and will provide a copy at your meeting. You can then decide whether to pass it on first reading.



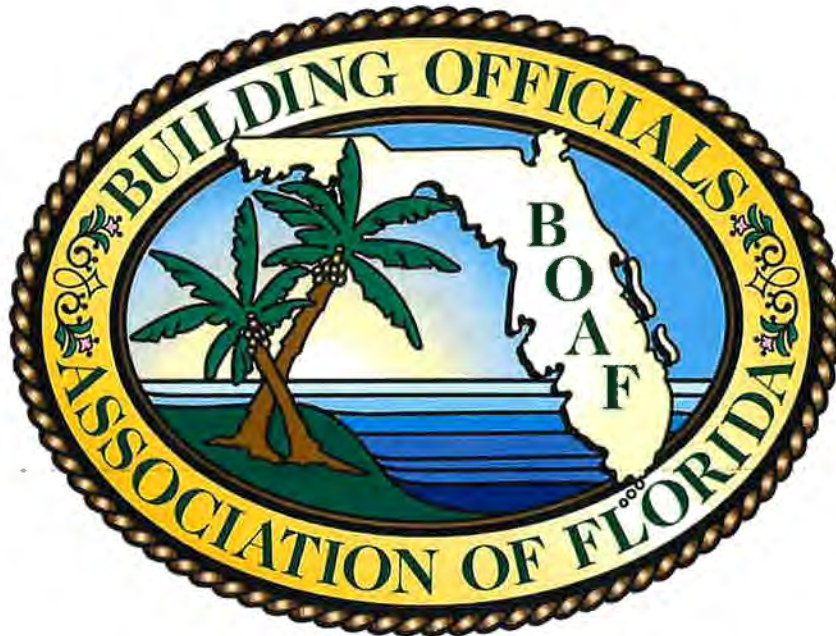
**City of St. Augustine Beach Building and Zoning Department**

**TO: Max Royle**  
**FROM: Brian Law**  
**SUBJECT: 2020 Florida Building Code**  
**DATE: 11-2-2020**

As per the 553.73 Florida Statute the Florida Building Commission is required to update the Florida Building Code (FBC) every three years. In 2018 the City Commission adopted the Building Officials Association of Florida (BOAF) Model Code for the 2017 FBC with minor changes for continuity with the St. Johns County Building Department and allowing minor repairs to an existing house without permits. The BOAF has prepared a new model code for the 2020 FBC as was done before. The code submitted includes BOAF recommendations and minor changes to the model code indicated in red for ease of viewing.

The Building and Zoning Department asks that the City Commission approve this Chapter 1 of the 2020 FBC as amended.

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



**BOAF MODEL ADMINISTRATIVE CODE CHAPTER 1  
FOR THE 7<sup>th</sup> Edition (2020) FLORIDA BUILDING CODE**

**Approved by the BOAF Board of Directors  
October 1, 2020**

BOAF Model Administrative Code – 7<sup>th</sup> Edition (2020)

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors.

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## CHAPTER 1 SCOPE AND ADMINISTRATION

### PART 1—SCOPE AND APPLICATION SECTION 101 GENERAL

**[A] 101.1 Title.** These regulations shall be known as the *Florida Building Code*, hereinafter referred to as "this code."

**[A] 101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exceptions:**

1. Detached one- and two-family *dwellings* and multiple single-family *dwellings (townhouses)* not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with the *Florida Building Code, Residential*.
2. Code requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

**[A] 101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

Florida Building Code- Building:

Appendix F – Rodent Proofing

Florida Building Code- Residential:

Appendix A – Sizing and Capacities of Gas Piping

Appendix B – Sizing of Venting Systems Serving

Appliances Equipped with Draft Hoods, Category I

Appliances and Appliances Listed For Use With Type B Vents

Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

**101.2.2** Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

**[A] 101.3 Intent.** The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

**101.3.1 Quality control.** Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

**101.3.2 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

**[A] 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**[A] 101.4.1 Gas.** The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**[A] 101.4.2 Mechanical.** The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, *alterations*, *repairs* and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators

and other energy related systems.

**[A] 101.4.3 Plumbing.** The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**[A] 101.4.4 Property maintenance.** The provisions of the *2018 International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**[A] 101.4.5 Fire prevention.** For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**[A] 101.4.6 Energy.** The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**[A] 101.4.7 Existing buildings.** The provisions of the *Florida Building Code, Existing Building* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**101.4.8 Accessibility.** For provisions related to accessibility, refer to the *Florida Building Code, Accessibility*.

**101.4.9 Manufactured buildings.** For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 F.A.C.

**[A] 102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1** The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*.

Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

**102.2 Building.** The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the *Florida Building Code, Existing Building*. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or

## SECTION 102 APPLICABILITY

modular structures. Permits shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.

- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m<sup>2</sup>) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m<sup>2</sup>) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
  - 1. Is not rented or leased or used as a principal residence;
  - 2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
  - 3. Is not connected to an off-site electric power or water supply.

**102.2.1** In addition to the requirements of Sections 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification

requirements of the federal government.

**102.2.2** Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code, Building* for all residential buildings or structures of the same occupancy class.

**102.2.3** The *building official* shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

**102.2.4** This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

**102.2.5** Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

- 1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to:
  - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square

- feet (93 m<sup>2</sup>) or the square footage of the primary structure, whichever is less.
- b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
  - c. Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
  3. Each code exemption, as defined in subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

**102.2.6** This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

**Exception:** Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

**[A] 102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**[A] 102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**[A] 102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**[A] 102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the

Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

**[A] 102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**[A] 102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Building Code, Existing Building*, *2018 International Property Maintenance Code* or the *Florida Fire Prevention Code*.

**[A] 102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code, Building* or *Florida Building Code, Residential*, as applicable, for new construction or with any current permit for such occupancy.

**[A] 102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Fire Prevention Code*, *2018 International Property Maintenance Code* or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

#### **102.7 Relocation of manufactured buildings.**

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103

#### DEPARTMENT OF BUILDING SAFETY

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

**103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a *deputy building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the *2018 International Property Maintenance Code*.

### SECTION 104

#### DUTIES AND POWERS OF BUILDING OFFICIAL

**[A] 104.1 General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**[A] 104.2 Applications and permits.** The *building*

*official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair* of *substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair* of *substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

**[A] 104.3 Notices and orders.** The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

**[A] 104.4 Inspections.** The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**[A] 104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**[A] 104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to

perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**[A] 104.7 Department records.** The *building official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

**104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 104.9 Approved materials and equipment.**

Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

**[A] 104.9.1 Used materials and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

**[A] 104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.10.1 Flood hazard areas.** The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

**[A] 104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.



**[A] 104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

**[A] 104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

**104.12 Requirements not covered by code.** Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the *building official*.

## SECTION 105 PERMITS

**[A] 105.1 Required.** Any *owner* or *owner's* authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

**[A] 105.1.1 Annual facility *permit*.** In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the *building official* is authorized to issue an annual *permit* for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall

be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility *permit* shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate *permit* shall be obtained for each facility and for each construction trade, as applicable. The *permit* application shall contain a general description of the parameters of work intended to be performed during the year.

**[A] 105.1.2 Annual Facility *permit* records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

**105.1.3 Food *permit*.** In accordance with Section 500.12, *Florida Statutes*, a food *permit* from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

**105.1.4 Public swimming pool.** The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating *permit* pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating *permit* is issued. The local enforcing agency shall conduct their review of the building *permit* application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building *permit* application review while awaiting comment from the Department of Health.

**[A] 105.2 Work exempt from *permit*.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and

similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>) and not in a special flood hazard area.

2. Fences not over 7 feet (1829 mm) high, of all materials other than masonry over 6 feet in height and not located on the A1A Beach Boulevard right of way boundary.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter-tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support, of Groups R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Roofing repairs or reroofs not exceeding 2 squares.
15. Siding repairs less than 100 square feet in area, including the area of door and window that are

within the work area.

#### 16. Gutters and downspouts

#### 17. Pool re-marcite for one and two family dwellings.

#### 13.18. Flag poles less than 35 feet in height for one and two family dwellings.

#### Electrical:

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

#### Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. The installation, replacement, removal or metering of any load management control device.

#### Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be



considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**[A] 105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

**[A] 105.2.2 Minor repairs.** Ordinary minor repairs may be made with the approval of the *building official* without a *permit*, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the *egress* requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

**[A] 105.2.3 Public service agencies.** A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**[A] 105.3 Application for *permit*.** To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose.

*Permit* application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Sections 713.135(5) and (6), *Florida Statutes*.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building *permit* for which an application is submitted prior to the effective date of the *Florida*

*Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the *permit* and any extension granted to the *permit*.

Effective October 1, 2017, a local enforcement agency shall post each type of building *permit* application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the application may be submitted in person in a nonelectronic format, at the discretion of the *building official*.

**[A] 105.3.1 Action on application.** The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for *permits*, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

**105.3.1.1** If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

**105.3.1.2** No *permit* may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such

*permit* provides to the enforcing agency which issues the *permit* any of the following documents which apply to the construction for which the *permit* is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per-system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

**Example 1:** When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

**Example 2:** Consider a small single-story office building which consists of six individual offices

where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.

**Note:** It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. See *Florida Statutes* 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, Requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;  
NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.
6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, *Florida Statutes*.

**[A] 105.3.2 Time limitation of application.** An application for a *permit* for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be

requested in writing and justifiable cause demonstrated.

**105.3.3** An enforcing authority may not issue a building *permit* for any building construction, erection, alteration, modification, repair or addition unless the *permit* either includes on its face or there is attached to the *permit* the following statement: "NOTICE: In addition to the requirements of this *permit*, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional *permits* required from other governmental entities such as water management districts, state agencies, or federal agencies."

**105.3.4** A building *permit* for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the *permit* application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.

**105.3.5 Identification of minimum premium policy.** Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a condition to receiving a building *permit*, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.

**105.3.6 Asbestos removal.** Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building *permit* application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

**Disclosure Statement:** State law requires asbestos abatement to be done by licensed contractors. You have applied for a *permit* under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a

farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for *permit*, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

**105.3.8 Public right of way.** A *permit* shall not be given by the *building official* for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way *permit* from the authority having jurisdiction over the street, alley or public lane.

**105.4 Conditions of the *permit*.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a

structure where in violation of this code or of any other ordinance of this jurisdiction.

**105.4.1 Permit intent.** A *permit* issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a *permit* prevent the *building official* from thereafter requiring a correction of errors in plans, construction or violations of this code. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 6 months after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 6 months after the time the work is commenced.

**105.4.1.1** If work has commenced and the *permit* is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new *permit* covering the proposed construction shall be obtained before proceeding with the work.

**105.4.1.2** If a new *permit* is not obtained within 180 days from the date the initial *permit* became null and void, the *building official* is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new *permit* may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial *permit* became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new *permit*.

**105.4.1.3** Work shall be considered to be in active progress when the *permit* has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

**105.4.1.4** The fee for renewal reissuance and extension of a *permit* shall be set forth by the administrative authority.

**105.5 Expiration.** Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* holder and property owner shall be

responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*.

**105.5.1 Additional options for closing a *permit*.**

Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building *permit*, may close a building *permit* by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the *permit*. If a contractor other than the original contractor listed on the *permit* is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), *Florida Statutes*.
3. If a building *permit* is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the *permit* may be closed without having to obtain a new building *permit*, and the work required to close the *permit* may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the *permit*, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building *permit* 6 years after the issuance of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.  
For purposes of this section, the term "close" means that the requirements of the *permit* have been satisfied.

**105.5.2** For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

**105.5.3** For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

**[A] 105.6 Denial or revocation.** Whenever a *permit* required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the *permit* applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the *permit* applicant.

**105.6.1** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the *permit*.

**105.6.2** Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

**[A] 105.7 Placement of permit.** The building *permit* or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of commencement.** In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building *permit*, the authority issuing such *permit* shall print on the face of each *permit* card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

**105.9 Asbestos.** The enforcing agency shall require each building *permit* for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

**105.1 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the *permit* is issued to and another copy for the building *permit* files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

**105.11 Notice of termite protection.** A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

**105.12 Work starting before permit issuance.** Upon approval of the *building official*, the scope of work delineated in the building *permit* application and

plan may be started prior to the final approval and issuance of the *permit*, provided any work completed is entirely at risk of the *permit* applicant and the work does not proceed past the first required inspection.

**105.13 Phased *permit* approval.** After submittal of the appropriate construction documents, the *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

**105.14 *Permit* issued on basis of an affidavit.**

Whenever a *permit* is issued in reliance upon an affidavit or whenever the work to be covered by a *permit* involves installation under conditions which, in the opinion of the *building official*, are hazardous or complex, the *building official* shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the *permit*, provide copies of inspection reports as inspections are performed, and upon completion make and file with the *building official* written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the *building official*. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

**Exception:** *Permit* issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

**105.15 Opening protection.** When any activity requiring a building *permit*, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000

or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or *Florida Building Code, Residential* for new construction shall be provided.

**Exception:** Where defined wind-borne debris regions have not changed, single family residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

**105.16 Inspection of existing residential building not impacted by construction.**

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building *permit* the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought.
- (b) This subsection does not apply to a building *permit* sought for:
  1. A substantial improvement as defined in s. 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
  2. A change of occupancy as defined in the *Florida Building Code*.
  3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
  4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
  1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
  2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the

building, structure, or real property for which the *permit* is sought in accordance with the prohibition in paragraph (a).

3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30, *Florida Statutes*.

#### **105.17 Streamlined low-voltage alarm system installation permitting.**

- (1) As used in this section, the term:
  - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, *Florida Statutes*.
  - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, *Florida Statutes*, that is hardwired and operating at low voltage, as defined in the *National Electrical Code* Standard 70, Current Edition, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system, or fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.
  - (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
  - (d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a *permit* is required by a local enforcement agency. However, a *permit* is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
  - (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
  - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
  - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
  - (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
  - (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic *permit* labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in s. 553.793, *Florida Statutes*. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
  - (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
  - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement

agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.

- (6) A contractor shall post an unused uniform basic *permit* label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of s. 553.793(7), *Florida Statutes*.
- (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (11) A uniform basic *permit* label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section. The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, *Florida Statutes*.

## SECTION 106

### FLOOR AND ROOF DESIGN LOADS

**[A] 106.1 Live loads posted.** In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design *live loads* shall be conspicuously posted by the owner or the owner's authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**[A] 106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**[A] 106.3 Restrictions on loading.** It shall be unlawful to place, or cause or *permit* to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## SECTION 107 SUBMITTAL DOCUMENTS

**[A] 107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* & 61G15 *Florida Administrative Code* or Chapter 481, *Florida Statutes* & 61G1 *Florida Administrative Code*. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

**Exception:** The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

**[A] 107.2 Construction documents.** *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

**107.2.1 Information on construction documents.** *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. *Construction*



*documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

**[A] 107.2.2 Fire protection system shop drawings.** Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**[A] 107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**[A] 107.2.4 Exterior wall envelope.** *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather

resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall system* that was tested, where applicable, as well as the test procedure used.

**107.2.5 Exterior balcony and elevated walking surfaces.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

**[A] 107.2.6 Site plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where otherwise warranted.

**[A] 107.2.6.1 Design flood elevations.** Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

**107.2.6.2** For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

**[A] 107.2.7 Structural information.** The *construction documents* shall provide the information specified in Section 1603.

**[A] 107.3 Examination of documents.** The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and

other pertinent laws or ordinances.

**Exceptions:**

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local *permit* application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the *building official*, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

**[A] 107.3.1 Approval of construction documents.**

When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

**[A] 107.3.2 Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise law- fully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**[A] 107.3.3 Phased approval.** The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with

pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

**[A] 107.3.4 Design professional in responsible charge.** Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the owner or owner's authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official*.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

**107.3.4.2** Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481, *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

**107.3.5 Minimum plan review criteria for buildings.** The examination of the documents by the *building official* shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

**Commercial Buildings:**

**Building:**

1. Site requirements:
  - Parking
  - Fire access
  - Vehicle loading
  - Driving/turning radius
  - Fire hydrant/water supply/post indicator valve (PIV)
  - Set back/separation (assumed property lines)
  - Location of specific tanks, water lines and sewer lines
  - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
  - Fire-resistant separations
  - Fire-resistant protection for type of construction
  - Protection of openings and penetrations of rated walls
  - Fireblocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
  - Early warning smoke evacuation systems
  - Schematic fire sprinklers

- Standpipes
  - Pre-engineered systems
  - Riser diagram.
6. Life safety systems shall be determined and shall include the following requirements:
    - Occupant load and egress capacities
    - Early warning
    - Smoke control
    - Stair pressurization
    - Systems schematic
  7. Occupancy load/egress requirements shall include:
    - Occupancy load
    - Gross
    - Net
    - Means of egress
    - Exit access
    - Exit
    - Exit discharge
    - Stairs construction/geometry and protection
    - Doors
    - Emergency lighting and exit signs
    - Specific occupancy requirements
    - Construction requirements
    - Horizontal exits/exit passageways
  8. Structural requirements shall include:
    - Soil conditions/analysis
    - Termite protection
    - Design loads
    - Wind requirements
    - Building envelope
    - Impact resistant coverings or systems
    - Structural calculations (if required)
    - Foundation
    - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
    - Wall systems
    - Floor systems
    - Roof systems
    - Threshold inspection plan
    - Stair systems
  9. Materials shall be reviewed and shall at a minimum include the following:
    - Wood
    - Steel
    - Aluminum
    - Concrete
    - Plastic
    - Glass
    - Masonry
    - Gypsum board and plaster
    - Insulating (mechanical)
    - Roofing
    - Insulation
    - Building envelope portions of the Energy Code

(including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements  
Accessible route  
Vertical accessibility  
Toilet and bathing facilities  
Drinking fountains  
Equipment

Special occupancy requirements  
Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)  
Light and ventilation (including corresponding portion of the energy code)  
Sanitation

12. Special systems:

Elevators  
Escalators  
Lifts

13. Swimming pools:

Barrier requirements  
Spas  
Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

#### **Electrical:**

1. Electrical:

Wiring  
Services  
Feeders and branch circuits  
Overcurrent protection  
Grounding  
Wiring methods and materials  
GFCIs  
Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems
6. Low voltage
7. Load calculations
8. Design flood elevation

#### **Plumbing:**

1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage

5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. Design flood elevation
15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

#### **Mechanical:**

1. Mechanical portions of the Energy calculations
2. Exhaust systems: Clothes dryer exhaust  
Kitchen equipment exhaust  
Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

#### **Gas:**

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

#### **Demolition:**

1. Asbestos removal

#### **Residential (one- and two-family):**

1. Site requirements:  
Set back/separation (assumed property lines)  
Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire

4. Smoke detector locations
5. Egress:  
Egress window size and location stairs construction requirements
6. Structural requirements shall include:  
Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)  
Termite protection  
Design loads  
Wind requirements  
Building envelope  
Foundation  
Wall systems  
Floor systems  
Roof systems  
Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
7. Accessibility requirements:  
Show/identify  
Accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)

**Manufactured buildings/housing:**

1. Site requirements  
Setback/separation (assumed property lines)  
Location of septic tanks (if applicable)
2. Structural  
Wind zone  
Anchoring  
Blocking
3. Plumbing  
List potable water source and meter size (if applicable)
4. Mechanical  
Exhaust systems  
Clothes dryer exhaust  
Kitchen equipment exhaust
5. Electrical exterior disconnect location

**Exemptions: Plans examination by the building official shall not be required for the following work:**

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance *permits*
5. Prototype plans:

Except for local site adaptations, siding, foundations and/or modifications.  
Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in **manufactured buildings/housing**.

**[A] 107.4 Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

**[A] 107.5 Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**107.6 Affidavits.** The *building official* may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The *building official* may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the *building official* copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

**107.6.1 Building permits issued on the basis of an**

**affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue *permits*, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

## SECTION 108 TEMPORARY STRUCTURES AND USES

**[A] 108.1 General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

**[A] 108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

**[A] 108.3 Temporary power.** The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

**[A] 108.4 Termination of approval.** The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

## SECTION 109 FEES

**[A] 109.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

**[A] 109.2 Schedule of *permit* fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

**109.2.1 Types of Fees Enumerated.** Fees may be

charged for but not limited to the following:

- *Permits*;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

**[A] 109.3 Building permit valuations.** The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

**[A] 109.4 Work commencing before *permit* issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required *permit(s)* must be applied for within three (3) business days and any unreasonable delay in obtaining those *permit(s)* shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a *permit*. The *building official* may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**[A] 109.5 Related fees.** The payment of the fee for

the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

[A] 109.6 Refunds. The *building official* is authorized to establish a refund policy.

## SECTION 110 INSPECTIONS

[A] 110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain exposed and provided with access for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**110.1.1 Manufacturers and fabricators.** When deemed necessary by the *building official*, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

**110.1.2 Inspection service.** The *building official* may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the

architect or engineer performing building code inspections in a manner specified by the *building official*. The *building official* shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

[A] 110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] 110.3 Required inspections. The *building official* upon notification from the *permit* holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the *permit* holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The *building official* shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

### Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
  - Stem-wall
  - Monolithic slab-on-grade
  - Piling/pile caps
  - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- 1.2. A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.



- 1.3. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the authority having jurisdiction.
2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:
  - Window/door framing
  - Window U-factor/SHGC (as indicated on approved energy calculations)
  - Vertical cells/columns
  - Lintel/tie beams
  - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
  - Draftstopping/fireblocking
  - Curtain wall framing
  - Energy insulation (Insulation R-factor as indicated on approved energy calculations)
  - Accessibility
  - Verify rough opening dimensions are within tolerances.
  - Window/door buck attachment
  - 2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
  - 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.
3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
  - Roof sheathing
  - Wall sheathing
  - Continuous air barrier
  - Exterior siding/cladding
  - Sheathing fasteners
  - Roof/wall dry-in

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.
4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
  - Exterior wall coverings and veneers
  - Soffit coverings
5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:
  - Dry-in
  - Insulation
  - Roof coverings (including In Progress as necessary)
  - Insulation on roof deck (according to submitted energy calculation)
  - Flashing
  - 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.
6. Final inspection. To be made after the building is completed and ready for occupancy.
  - 6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
7. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
  - a. Steel reinforcement inspection
  - b. Underground electric inspection
  - c. Underground piping inspection including a pressure test.
  - d. Underground electric inspection under deck area (including the equipotential bonding)
  - b. Underground piping inspection under deck area
  - c. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place



- d. **Safety Inspection;** Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
- e. **Final pool piping**
- f. **Final Electrical inspection**
- g. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.  
In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.
- 8. Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations. Final inspection to be made after all demolition work is completed.
- 9. Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross-overs; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).
- 10. Where impact-resistant coverings or impact-resistant systems are installed, the *building official* shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems to determine the following:  
The system indicated on the plans was installed.  
The system is installed in accordance with the manufacturer's installation instructions and the product approval.

#### Electrical

- 1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
  - 2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and prior to the installation of wall or ceiling membranes.
  - 3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
  - 4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.
- Plumbing**
- 1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
  - 2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.  
Includes plumbing provisions of the energy code and approved energy calculation provisions.
  - 3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.  
**Note:** See Section 312 of the *Florida Building Code, Plumbing* for required tests.
- Mechanical**
- 1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
  - 2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.  
Includes mechanical provisions of the energy code and approved energy calculation provisions.
  - 3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
- Gas**
- 1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.  
Includes gas provisions of the energy code and approved energy calculation provisions.
  - 2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be

concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final inspection. To be made on all new gas work authorized by the *permit* and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

#### **Site Debris**

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites **must be kept clean and in a safe condition at all times.**
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

**[A] 110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**[A] 110.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**[A] 110.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official*.

**[A] 110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and

pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

**[A] 110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

**110.3.6 Weather-exposed balcony and walking surface waterproofing.** Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and *approved*.

**[A] 110.3.7 Fire and smoke-resistant penetrations.** Protection of joints and penetrations in *fire-resistance-rated assemblies*, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

**[A] 110.3.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with *FBC, Energy Conservation* and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

**[A] 110.3.9 Other inspections.** In addition to the inspections specified in Sections 110.3 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

**[A] 110.3.10 Special inspections.** Reserved.

**110.3.11 Final inspection.** The final inspection shall be made after all work required by the building

*permit* is completed.

**110.3.11.1 Flood hazard documentation.**

If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official* prior to the final inspection.

**110.3.11.2 Commercial Energy Code**

**documentation.** If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

**110.3.11.3 Residential Energy Code**

**documentation.** If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by building official.

**110.3.12 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the *building official* has been received.

**110.3.13 Impact-resistant coverings or systems.**

Where impact-resistant coverings or systems are installed to meet requirements of this code, the *building official* shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**[A] 110.4 Inspection agencies.** The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**[A] 110.5 Inspection requests.** It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

**[A] 110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer prior to any required mandatory inspections by the threshold building inspector.

**110.8 Threshold building.**

**110.8.1** During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building *permit* for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.8.2** The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), *Florida Statutes* may designate such building as a threshold building, subject to more than the minimum number of inspections

required by the *Florida Building Code*.

**110.8.3** The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

**110.8.4** Each enforcement agency shall require that, on every threshold building:

**110.8.4.1** The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

**110.8.4.2** Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of *permit* documents.

**110.8.4.3** All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

**110.8.4.4** All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

**110.8.5** No enforcing agency may issue a building *permit* for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of

her or his license. The named contractor to whom the building *permit* is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building *permit* was issued.

**110.8.6** The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The *building official* is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

## SECTION 111 CERTIFICATE OF OCCUPANCY

**[A] 111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

**[A] 111.2 Certificate issued.** After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

**[A] 111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**[A] 111.4 Revocation.** The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**111.5 Certificate of completion.** A certificate of completion is proof that a structure or system is complete and for certain types of *permits* is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a certificate of occupancy.

## SECTION 112 SERVICE UTILITIES

**[A] 112.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

**[A] 112.2 Temporary connection.** The *building official* shall have the authority to authorize the

temporary connection of the building or system to the utility, source of energy, fuel or power.

### **[A] 112.3 Authority to disconnect service utilities.**

The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## SECTION 113 BOARD OF APPEALS

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

## SECTION 114 VIOLATIONS

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or

occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction*.

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**116.2 Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

*documents*, or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION 115 STOP WORK ORDER

**[A] 115.1 Authority.** Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

**[A] 115.2 Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

**[A] 115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

**116.3 Notice.** If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

**116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not

delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**116.5 Restoration.** Where the structure or  
**SECTION 117**  
**VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), *Florida Statutes*, the variance procedures adopted in the local flood plain management ordinance shall apply to requests submitted to the *building official* for variances to the provisions of

equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

**Legend:**  
 Plain Text is from the FBC 7<sup>th</sup> Edition (2020)

**Shaded Text is BOAF recommendations**

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING  
DECEMBER 7, 2020**

**CODE ENFORCEMENT/BUILDING/ZONING**

Please see pages 1-16.

**COMPREHENSIVE PLANNING AND ZONING BOARD**

The minutes of the Board's November 17, 2020 are attached as pages 17-34.

**SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE**

The Committee tried to meet on November 19<sup>th</sup> but did not have a quorum.

**POLICE DEPARTMENT**

Please see page 35.

**PUBLIC WORKS DEPARTMENT**

Please see pages 36-40.

**FINANCE/ADMINISTRATION**

Please see pages 41-42.

**CITY MANAGER**

1. Complaints

A. Drainage Concerns

A resident was concerned about the drain at the east of 1<sup>st</sup> Street being blocked. Her complaint was forwarded to the Public Works Director.

Another complaint about standing water on Oceanside Drive, a street in the Overby-Gargan subdivision, north of Versaggi Drive, was also forwarded to the Director.

2. Major Projects

A. Road/Sidewalk Improvements

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

There has been no action by the owners of the lots on 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue to open that street. The owners would have to sign an agreement and pay in advance the costs to construct the utilities and the road, just as the owners of the lots adjacent to 8<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue did. The Public Works Director has sent a letter to the owners of the lots along this section of 2<sup>nd</sup> Street, asking



them if they would support the opening of 2<sup>nd</sup> Street and providing the utilities, knowing that they would be assessed the costs for the project. Thus far, the owners of 11 out of 16 lots have agreed to pay the costs, the owners of two lots have said no, and the remaining three owners haven't responded. A possible solution may be for the City to construct the road and 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 discussed this option at its September 14th meeting as well as the request of two property owners that their lots have a dedicated conservation easement on them administered by the North Florida Land Trust. Though the Commission did not approve a motion, the general consensus was for the City to proceed with plans for opening this section of 2<sup>nd</sup> Street, with the lot owners paying two-thirds of the cost and the City paying the remaining third. On October 21<sup>st</sup>, the City Manager met with representatives of the North Florida Land Trust about the conservation easement for the three lots. The representatives brought the proposal to their Board of Directors in November. It declined to provide the easement for the lots. At its November 9<sup>th</sup> meeting, the City Commission passed a resolution stating the City's intent to levy a non-ad valorem assessment as the means to get money from the lot owners to pay their share of the costs to open the street. At its December 7<sup>th</sup> meeting, the Commission will review cost estimates and other information concerning the project.

## 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 for the time being 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. Possibly, road impact fees may be used for improving the right-of-way of certain streets for visitor parking. At a workshop in the spring of 2021, the Commission will again discuss whether to have paid parking.

## 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 applied to the state for a Florida Recreation Development Assistance Program grant to pay half the costs of the restrooms. The City has received the grant. Construction of the restrooms will begin in early 2021. The City also requested money from the County's \$15.5 million surplus. However, the County Commission at its November 5, 2020 meeting decided to use the surplus money for County capital projects that have been delayed from previous fiscal years. For other improvements to the park, the City has applied for funding from a state grant and from a Federal grant from the National Oceanic and Atmospheric Administration. The Public Works Director's master plan for improvements to the Park was reviewed by the Commission at its October 5, 2020, regular meeting.

## 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. Changes to Land Development Regulations

The Building Department staff is now developing amendments to the Regulations to implement the policies in the revised Comprehensive Plan. The first of these, to adopt the levels of services for recreation facilities (parks, tennis courts, etc.) in the City. The Commission reviewed the proposal at its October 5<sup>th</sup> meeting and asked the City Attorney to prepare an ordinance. It was passed on first reading at the Commission's November 9<sup>th</sup> meeting. The ordinance has been scheduled for its first public hearing on December 7<sup>th</sup>.

At its November 9<sup>th</sup> meeting, the City Commission discussed changing the City's prohibition on food trucks because of a new state law that prohibits cities from banning food trucks everywhere within their limits. Food trucks can now be permitted in certain area or zones of the City. The change would require an amendment to the Land Development Regulations. The Commission asked the City Attorney to prepare an ordinance for the December 7<sup>th</sup> meeting.

Also, at its November 9<sup>th</sup> meeting, the Commission reviewed four changes proposed by the Building Official:

- a. Occupancy permits
- b. Impervious surface coverage

- c. Unsafe buildings
- d. Number of Code Enforcement Board members

The City Attorney will prepare an ordinance for review at the Commission's December 7<sup>th</sup> meeting.

### 3. Finance and Budget

#### A. Fiscal Year 2020 Budget

September 30, 2020, marked the end of Fiscal Year 2020. The Finance Director will provide a year-end report in November, after final revenue and expenditure adjustments have been made to the budget. The audit will be done in the spring of 2021.

#### B. Fiscal Year 2021 Budget

FY 21 began on October 1, 2020. It will end of September 30, 2021. The monthly financial report shows that for the General Fund, the City received \$69,898 in revenue and spent \$537,069. Revenue was considerably less because the City doesn't begin receiving income from its main source, property taxes, until November.

#### C. Vendor Checks

Please see list on pages 43-62.

#### D. Alternative Revenue Sources

The City Commission has asked the administration to suggest potential sources of money. At its October 5<sup>th</sup> meeting, the Commission discussed a preliminary proposal from the Public Works Director to levy a stormwater fee. The Commission decided not to levy the fee but to review the proposal again at a workshop in the spring of 2021. At the October 5<sup>th</sup> meeting, a Commissioner suggested considering paid parking again. The topic could be discussed at a workshop meeting next spring.

### 4. Miscellaneous

#### A. Permits for Upcoming Events

In November, the City Manager approved the permit for the Hispanic Student Association Beach Clean Up on November 15, 2020.

#### 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, 2020, 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.

Range: First to Last  
Violation Date Range: 10/01/20 to 11/24/20  
Ordinance Id Range: First to Last

Use Type Range: First to Last  
User Code Range: First to Last

Open: Y  
Completed: Y  
Void: Y  
Pending: Y

Customer Range: First to Last

Inc Violations With Waived Fines: Yes

Violation Id: V2000128      Prop Loc: 202 A ST  
Viol Date: 10/09/20      Status: Completed      Status Date: 10/09/20  
Comp Name: Chris Pennington - 203 A St      Comp Phone:      Comp Email:

Ordinance Id      Description

Description: Chris Pennington called the building department on the morning of 10-9-2020. He stated that the contractors working on a new SFR at 202 A St were working and operating heavy machinery in the city parkette

Code enforcement drove by the property in the afternoon. No one was in the city parkette at the time, and there were only two workers working at 202 A St. The worksite appeared to be in order and free of debris and heavy machinery.

Violation Id: V2000129      Prop Loc: 522 A ST  
Viol Date: 10/12/20      Status: Completed      Status Date: 10/09/20  
Comp Name: Anonymous      Comp Phone:      Comp Email:

Ordinance Id      Description

Description: An anonymous complaint was made on 10-9-2020 over a voicemail regarding the work site at 522 A St.

The complaint was regarding the logs that were present on site and stated that they were dangerous.

The trees on the property were being removed with the approval of an arborist's letter.

Code enforcement visited the job site at 522 A St. The logs and branches were stacked in a haul away trailer. The site appeared to be in order and not a danger to the public.

The complaintant also stated that the sidewalk was broken in front of the site. The general contractor on the job is aware that the sidewalk must be repaired prior to issuance of a C.O.

Violation Id: V2000130      Prop Loc: 18 OCEAN WOODS DR W  
Viol Date: 10/12/20      Status: Completed      Status Date: 10/12/20  
Comp Name: anonymous      Comp Phone:      Comp Email:

Ordinance Id      Description

Description: 10-8-2020 an anonymous complaint was dropped off at the Building Dept. See attached.

Code Enforcement went by the house on 10-12-2020 and could see the boat on the side of the house, but not any debris.

The boat is very small (canoe sized or less). And it is propped up against the house, behind the face of the house, no where near the right of way.

As of now, the boat on the side of the house does not appear to be debris or junk.

Violation Id: V2000131      Prop Loc: 21 OCEAN TRACE RD  
Viol Date: 10/15/20      Status: Completed      Status Date: 11/10/20  
Comp Name: Janice Lauroesch - 7 Sabor De Sa'l      Comp Phone: (585)410-0725      Comp Email:

Ordinance Id      Description

Description: Janice Lauroesch emailed on 10-14-2020 (see attached) regarding an alleged transient rental at 21 Ocean Trace. This complaint included an Airbnb listing :  
[https://www.airbnb.com/rooms/24370048?check\\_in=2020-10-11&check\\_out=2020-10-18&source\\_impression\\_id=p3\\_1598694263\\_jc%2F](https://www.airbnb.com/rooms/24370048?check_in=2020-10-11&check_out=2020-10-18&source_impression_id=p3_1598694263_jc%2F)  
which clearly shows that the home is available to rent with a 5 night minimum.

The same complaint was made earlier this year and the code case was closed out on 7-30-2020 (v2000116).

Created	Modified	Note
11/10/20	11/10/20	10-23-2020 Derrick Kelley the property manager for 21 Ocean Trace emailed, see attached. Apparently the listing was old. The owners changed the listing to only reflect 30 day + rentals. See attached snippet.

This case is closed as of 11-10-2020

10/19/20	10/19/20	Certified letter sent 10-19-2020
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Violation Id: V2000132      Prop Loc: 1029 A1A BEACH BLVD UNIT 10-A  
Viol Date: 10/23/20      Status: Open      Comp Name: Building Department  
Comp Phone:      Comp Email:

Ordinance Id      Description

Description: The building official went to the property on 10-22-2020 for a scheduled electric inspection and noticed that framing work was being performed inside. No one was on the premise at the time, so the building official called the property management company Regency. They were unaware of any work being done on unit 10-A.  
On the morning of 10-23-2020 Code Enforcement spoke with the electrician Donnie Pearce over the phone (Electric Pro LLC, permit P2001649). He stated that he told the framers that they probably needed a permit, but they were under the impression that they did not need one.  
Code Enforcement posted a stop work order on 10-23-2020 at 9 am. See attached photos.

Created	Modified	Note
10/26/20	10/26/20	Mr. Whetstone with Regency Property Management came into the office on 10-26-2020 to get the information of the electrical contractor, Donnie Pearce. Mr. Whetstone is attempting to obtain more information about who was/is working in unit 10-A.

Violation Id: V2000133      Prop Loc: 461 A1A BEACH BLVD  
Viol Date: 10/26/20      Status: Completed      Status Date: 11/04/20  
Comp Name: Building Official      Comp Phone:      Comp Email:

Ordinance Id      Description

Description: The building official noticed on 10/26/2020 in the am that the stucco had been removed from the building at 461 A1A Beach Blvd.

On October 19th, 2020 A to Z Custom Homes had applied for a permit for wall/stucco repair. However, the application never made its way to plan review, because Charles Mchone is a residential contractor (see attached picture of licenses) and a roofing contractor and is unable to work on commercial buildings (besides roofs).

Currently there are no active permits on this property as of 10-26-2020.

Stop work order posted 10-26-2020 at 10:30 am. See attached photo.

Created	Modified	Note
11/10/20	11/10/20	Permit Issued 11-4-2020. This case is closed.

Violation Id: v2000134	Prop Loc: 112 2ND ST	
Viol Date: 11/04/20	Status: Open	Comp Name: BRIAN LAW
Comp Phone:	Comp Email:	

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: UNPERMITTED SIDING REPLACEMENT ON 1ST AND 2ND FLOOR, WEST SIDE OF THE BUILDING

Created	Modified	Note
11/09/20	11/09/20	Posted a stop work order on November 4th, 2020. The owner then called the building department and is aware that he needs to obtain a permit. The owner is Mike Tolley 770-875-4553 mike@tolleycm.com
11/04/20	11/04/20	BUILDING OFFICIAL OBSERVED UNPERMITTED WORK. SIDING ON BOTH FLOORS, WEST SIDE OF THE RESIDENCE

Violation Id: v2000135	Prop Loc: 590 A1A BEACH BLVD	
Viol Date: 11/10/20	Status: Completed	Status Date: 11/09/20
Comp Name: Obi's Filling Station	Comp Phone:	Comp Email:

Ordinance Id	Description
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Description: On Nov 9, 2020, the Building Official noticed that Obi's had 5-6 temporary signs on their property. Previously, the Building Official had spoken to the staff at Obi's about this matter.

On Nov 9th, Brian Law spoke to the staff once more about this issue. They made corrections while he was on the property.

This case is closed as of Nov. 9, 2020.

Violation Id: v2000136	Prop Loc: 23 SUNFISH DR	
Viol Date: 11/17/20	Status: Open	Comp Name: ANONYMOUS PHONE CALL
Comp Phone:	Comp Email:	

Ordinance Id	Description
CC 19-37	Sec. 19-37. - Prohibiting the parking of tractor trailers, other large trucks and recreational vehicles on or within the right-of-way of city streets and

within residentially zoned areas.

Description: The week of November 2nd, Code Enforcement received an anonymous voicemail regarding an RV parked at 23 Sunfish Dr. The caller believed that someone was living in the RV.

On 11/17/2020 Code Enforcement visited the home and spoke with the owner. She stated that no one lives in the RV and they do not keep it plugged in and that they are working on extending their fence so that they can park the vehicle behind the face of the house and that it is taking some time to level out the dirt.

This case is being monitored as of 11/17/2020.

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Violation Id: V2000137      Prop Loc: 119 15TH ST  
Viol Date: 11/17/20      Status: Open      Comp Name: Bri Scarborough  
Comp Phone: (904)334-7339      Comp Email: 74scarborough@gmail.com

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Ordinance Id      Description

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Description: A phone call came into the office from Bri Scarborough on 10-9-2020 regarding her neighbor at 119 15th St. She stated that the neighbor collects junk items such as ACs, refrigerators and other items and leaves them in the yard. She also stated that the neighbor, dumps the freon in his yard as well.

Created	Modified	Note
11/17/20	11/17/20	Code Enforcement visited the property on 11-17-2020. There was a junked washer and dryer present as well as other miscellaneous items. Code Enforcement attempted to knock on the front door, however the pathway to the door was obstructed with a bicycle, lawn mower and other items.

Certified Mail 7018-1130-0002-0083-3410 and regular USPS Mail sent 11-17-2020.

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Violation Id: V2000138      Prop Loc: 490 RIDGEWAY RD  
Viol Date: 11/19/20      Status: Open      Comp Name: Howard Bernstein - 508 Ridgeway  
Comp Phone: (901)482-1412      Comp Email:

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Ordinance Id      Description

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FBC 105.1      PERMITS 105.1 Required.

Description: 11-9-2020, An anonymous complaint was made about a pergola erected without a building permit.

The next few days, Howard Bernstein called and identified himself as the "anonymous complainant". He then told me that I had permission to access his back yard anytime I needed to in order to view the violation. At this time, I advised Mr. Bernstein that his complaint was no longer anonymous since he had identified himself, his address, and his phone number.

On 11-17-2020, Code Enforcement visited the property, and was able to view the pergola from the road (see attached picture) and rang the doorbell. No one was home at the time, but I later received a phone call from the homeowner. She said that we was unaware that she needed a permit for pergola that she purchased from a store. She stated she would fill out the application and send it in this week or early next week.



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Violation Id: V2000139      Prop Loc: 107 A 11TH ST  
Viol Date: 11/23/20      Status: Open      Comp Name: Dennis Shepherd Electric  
Comp Phone: (904)808-1333      Comp Email:

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Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

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Description: Dennis Shepherd Electric was issued a permit for this address on 11/23/2020 to replace a main breaker, install a 50 amp car charger, and refeed AC HPS. P2001867

Dennis Shepherd called the office on 11/23/2020 at 10 am. He said that over the weekend (after he had paid for his permit online) the owner of 107 11th St texted him to say that his services were no longer needed and that someone else had completed the work.

There are no other electrical permits pulled for this property at this time.

Created	Modified	Note
11/23/20	11/23/20	Code Enforcement spoke to Wayne Smith of Smith Electrical, he stated that his office employee was on vacation and that he had thought she had pulled a permit for the job prior to leaving. Mr Smith stated that he will apply for a permit today or tomorrow.
11/23/20	11/23/20	Undine George called back around 4pm on 11/23/2020. Ms George stated that she called Smith Electrical for a quote to do the electrical work. Over the weekend her tenant called to say that the power was out. When Ms. George arrived at the property Smith Electrical was performing the electrical work. Ms. George stated that she was unaware that Smith Electrical was working without a permit.
11/23/20	11/23/20	Code Enforcement and the Building Official visited the property on 11/23/2020 at 2:30. The owner was not there at the time. We spoke with an employee and let her know that the work that was completed was unpermitted and for the owner to give us a call.

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# CITY OF ST. AUGUSTINE BEACH COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description
594	12 13TH STREET	P1915242	COMMERCIAL NEW	9/9/2019		MIXED USE BUILDING--2 OFFICE SUITES BOTTOM FLOOR WITH 2 RESIDENTIAL SUITES ON THE SECOND FLOOR
760	2100 A1A S	P1915174	COMMERCIAL NEW	8/20/2019		CONSTRUCTION OF A SINGLE STORY SHELL BUILDING 6962 SQFT
997	2100 A1A S	P2000125	COM BUILD OUT	10/23/2019		INTERIOR BUILDOUT FOR DENTAL FACILITY
1044	860 A1A BEACH BLVD LIFT STATIO	P2000188	COMMERCIAL NEW	11/1/2019		SCREEN WALL ENCLOSURE FOR ST. JOHNS COUNTY LIFT STATION
1740	116 SEA GROVE MAIN ST	P2000906	COM BUILD OUT	6/9/2020		COMMERCIAL INTERIOR BUILD-OUT FOR OFFICE SPACE/FUTURE TENANT SPACE
1827	881 A1A BEACH BLVD	P2000843	COMMERCIAL NEW	4/7/2020		BUILDING--COMMERCIAL NEW BUILDING--BREWERY 1ST FLOOR AND STORAGE 2ND FLOOR
2141	3930 A1A SOUTH	P2001353	COMMERCIAL NEW	8/7/2020		BUILDING ADDITION - SHELL CONSTRUCTION 4887 SQUARE FEET 6 UNITS
2766	300 A1A BEACH BLVD	P2001725	COMMERCIAL NEW	10/23/2020		DEVELOPMENT OF SOUTH EAST PARKING LOTS AND OTHER IMPROVEMENTS AS PER FINAL DEVELOPMENT ORDER 2019-02

# CITY OF ST. AUGUSTINE BEACH NEW CONSTRUCTION SFR LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description
71	892 OCEAN PALM WAY	P1914417	SFR-D	2/7/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
120	103 SANDPIPER BLVD	P1914404	SFR-D	2/4/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
222	6 F ST	P1914270	SFR-D	5/3/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
486	23 HIGH DUNE DR	P1914906	SFR-D	6/21/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
814	612 OCEAN PALM WAY	P1915252	SFR-D	9/10/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
840	420 RIDGEWAY RD	P1915279	SFR-D	9/13/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
924	108 8TH ST	P1915316	SFR-D	9/23/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
989	15 6TH ST	P2000023	SFR-D	10/3/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
1196	113 RIDGEWAY RD	P2000220	SFR-D	1/27/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1312	0000 A1A SOUTH	SFR00001	SFR-D	12/4/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING
1341	1004 ISLAND WAY	P2000359	SFR-D	2/4/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1414	473 OCEAN FOREST DR	P2000426	SFR-D	1/14/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1419	196 RIDGEWAY RD	P2000430	SFR-D	1/3/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1592	352 RIDGEWAY RD	P2000586	SFR-D	2/6/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1619	77 HIGH DUNE DR	P2000615	SFR-D	2/27/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1699	104 SPANISH OAKS LN	P2000692	SFR-D	4/2/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1775	101 SPANISH OAKS LN	P2000766	SFR-D	6/15/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1955	522 A ST	P2000944	SFR-D	10/5/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1965	392 RIDGEWAY RD	P2000954	SFR-D	6/4/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
1966	378 RIDGEWAY RD	P2000955	SFR-D	5/21/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2049	202 A ST	P2001396	SFR-D	8/14/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2177	339 RIDGEWAY RD	P2001288	SFR-D	7/30/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2178	212 RIDGEWAY RD	P2001167	SFR-D	6/30/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2221	24 EWING ST	P2001260	SFR-D	7/17/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2222	182 RIDGEWAY RD	P2001227	SFR-D	7/17/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2339	434 RIDGEWAY RD	P2001477	SFR-D	9/3/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2372	26 SABOR DE SAL RD	P2001362	SFR-D	8/6/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2480	14 5TH STREET	P2001691	SFR-D	10/15/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING
2635	314 B ST	P2001690	SFR-D	10/15/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING

# CITY OF ST. AUGUSTINE BEACH FISCAL YEAR '21 TREE INSPECTIONS

Application Id	Property Location	Building Code 1	Contractor Name 1	Description of Work 1	Issue Date	Description
2754	1144 OVERDALE RD	TREE	DUGGAN WILLIAM A ETUX	RESIDENTIAL-TREE REMOVAL INSPECTION	10/16/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2802	3900 A1A SOUTH	TREE	F & G CONSTRUCTION GENERAL CON	TREE REMOVAL INSPECTION	11/2/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2803	1200 MAKARIOS DR	TREE	TREE TROUBLE LLC	RESIDENTIAL-TREE REMOVAL INSPECTION	10/29/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2900	685 POPE RD	TREE	BARNES STACY D,JENNIFER K	19 INCH OAK TREE AND 18 INCH MAGNOLIA	11/16/2020	19 INCH OAK TREE AND 18 IN MAGNOLIA
<b>Totals</b>						

# CITY OF ST. AUGUSTINE BEACH FISCAL YEAR '21 ZONING REPORT

Application Id	Parcel Id	Property Location	Owner Name	Building Code	Activity Type	Date	Status
2577	1698900180	16 5TH ST	COLLIER MICHAEL SR ETAL YOUNG WAI Y	ZONING	Z-COND USE	10/13/2020	APPROVED
2577	1698900180	16 5TH ST	COLLIER MICHAEL SR ETAL YOUNG WAI Y	ZONING	Z-COND USE	11/9/2020	APPROVED
2625	1674000000	17 13TH ST	ANCIENT CITY VENTURES LLC	ZONING	Z-COND USE	10/13/2020	APPROVED
2625	1674000000	17 13TH ST	ANCIENT CITY VENTURES LLC	ZONING	Z-COND USE	11/9/2020	APPROVED
2626	1674000000	17 13TH ST	ANCIENT CITY VENTURES LLC	ZONING	Z-VARIANCE	10/13/2020	APPROVED
2627	-1674000000	17 13TH ST	ANCIENT CITY VENTURES LLC	ZONING	Z-VARIANCE	10/13/2020	APPROVED
2735	1677800001	ALLEY BETWEEN 13TH ST & 14TH ST	MINORCA SUBDIVISION	ZONING	Z-VACATE ALLEY	12/15/2020	OPEN
2753	1699000000	7 4TH ST	MARZIANI PAUL J, CHERYL	ZONING	Z-VARIANCE	11/17/2020	APPROVED
2762	1698800000	7 6TH ST	PAUL DONALD, LINDA	ZONING	Z-VARIANCE	10/19/2020	APPROVED
2847	1629610940	455 HIGH TIDE DR	CULLOTTA PETER D, LAURIE L	ZONING	Z-VARIANCE	12/15/2020	OPEN
2897	1676600000	400 A1A BEACH BLVD	HVG PROPERTIES LLC	ZONING	Z-COND USE	11/16/2020	OPEN
2908	1629610950	459 HIGH TIDE DR	TAMMS ERIC VICTOR	ZONING	Z-VARIANCE	12/15/2020	OPEN

# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## # OF PERMITS ISSUED

	FY 19	FY 20	FY 21	FY 22
OCT	158	174	147	
NOV	140	127		
DEC	129	129		
JAN	167	134		
FEB	139	122		
MAR	129	126		
APR	195	98		
MAY	155	114		
JUN	120	126		
JUL	132	139		
AUG	143	163		
SEP	122	131		
<b>TOTAL</b>	<b>1729</b>	<b>1583</b>	<b>147</b>	

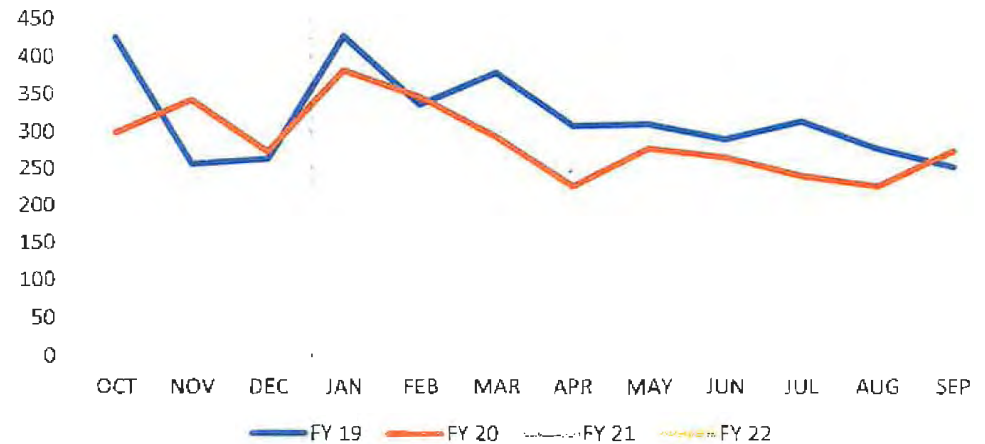
## # OF PERMITS ISSUED



## # OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21	FY 22
OCT	424	298	268	
NOV	255	341		
DEC	262	272		
JAN	426	383		
FEB	334	348		
MAR	377	294		
APR	306	246		
MAY	308	289		
JUN	288	288		
JUL	312	259		
AUG	275	225		
SEP	250	281		
<b>TOTAL</b>	<b>3817</b>	<b>3524</b>	<b>268</b>	

## # OF INSPECTIONS PERFORMED



# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## ELECTRICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$1,860.32	\$1,765.00	\$1,718.00	
NOV	\$1,872.66	\$1,475.00		
DEC	\$1,622.32	\$1,495.00		
JAN	\$2,151.66	\$1,380.00		
FEB	\$1,425.32	\$1,375.00		
MAR	\$1,203.33	\$1,843.00		
APR	\$743.00	\$600.00		
MAY	\$1,805.00	\$1,215.00		
JUN	\$1,065.00	\$955.00		
JUL	\$690.00	\$1,443.00		
AUG	\$1,460.00	\$1,910.00		
SEP	\$1,310.00	\$895.00		
<b>TOTAL</b>	<b>\$17,208.61</b>	<b>\$16,351.00</b>	<b>\$1,718.00</b>	

## ELECTRICAL PERMIT FEE GRAPH



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## PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$3,016.37	\$2,786.00	\$1,844.00	
NOV	\$3,867.41	\$2,221.00		
DEC	\$2,783.10	\$1,869.00		
JAN	\$3,031.40	\$3,256.00		
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	\$1,432.00		
JUL	\$1,525.00	\$1,218.00		
AUG	\$1,550.00	\$1,356.00		
SEP	\$1,706.00	\$2,270.00		
<b>TOTAL</b>	<b>\$28,671.96</b>	<b>\$21,817.00</b>	<b>\$1,844.00</b>	

## PLUMBING PERMIT FEE GRAPH

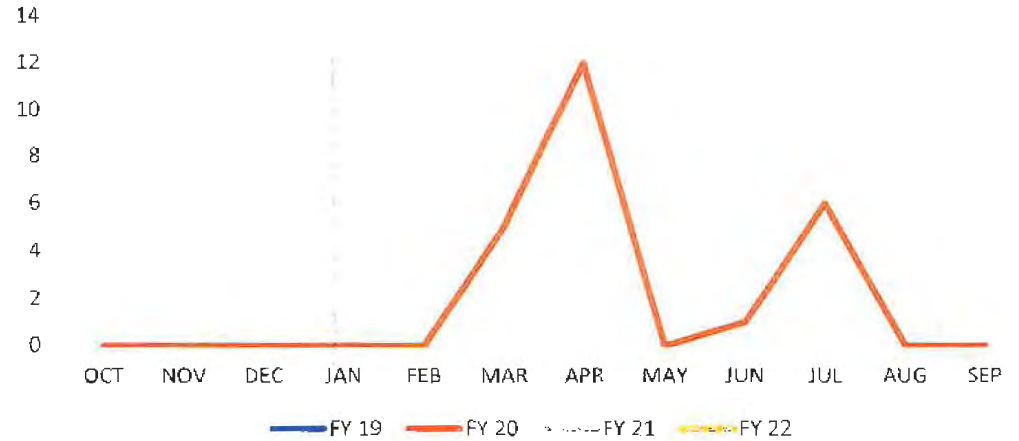


# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## # OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT		0	0	
NOV		0		
DEC		0		
JAN		0		
FEB		0		
MAR		5		
APR		12		
MAY		0		
JUN		1		
JUL		6		
AUG		0		
SEP		0		
<b>TOTAL</b>	<b>0</b>	<b>24</b>		

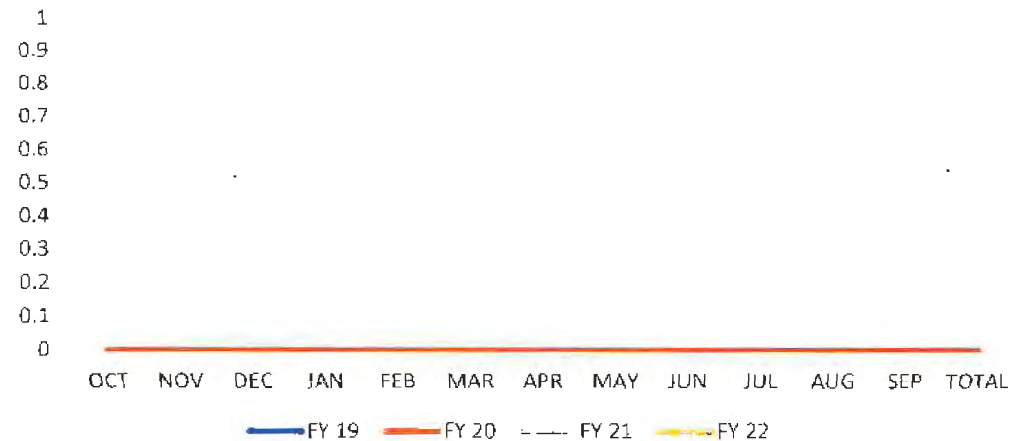
## # OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER



## # OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT	0	0	0	
NOV	0	0		
DEC	0	0		
JAN	0	0		
FEB	0	0		
MAR	0	0		
APR	0	0		
MAY	0	0		
JUN	0	0		
JUL	0	0		
AUG	0	0		
SEP	0	0		
<b>TOTAL</b>	<b>0</b>	<b>0</b>		

## # OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER



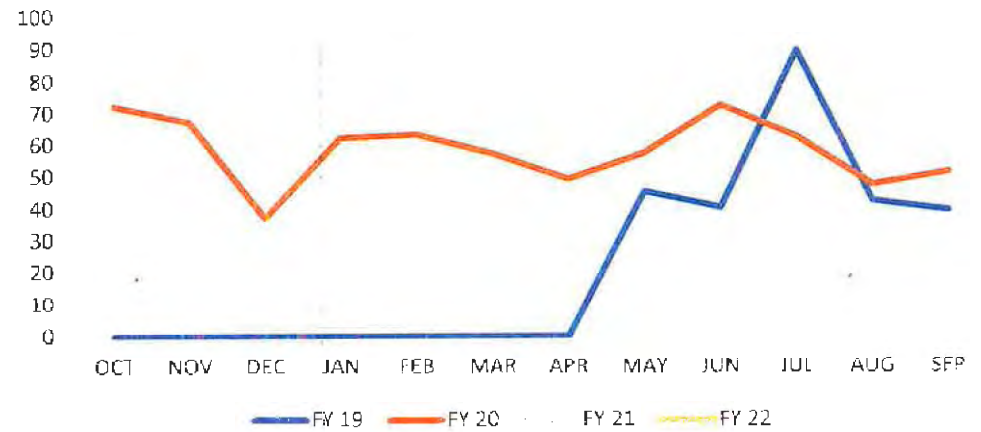


# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

# OF PLAN REVIEW ACTIVITIES PERFORMED BY BLDG. DEPT.

	FY 19	FY 20	FY 21	FY 22
OCT	0	72	73	
NOV	0	67		
DEC	0	37		
JAN	0	62		
FEB	0	63		
MAR	0	57		
APR	0	49		
MAY	45	57		
JUN	40	72		
JUL	89	62		
AUG	42	47		
SEP	39	51		
<b>TOTAL</b>	<b>255</b>	<b>696</b>	<b>73</b>	

# OF PLAN REVIEW ACTIVITIES



# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$51,655.01	\$34,277.62	\$24,139.90	
NOV	\$20,192.42	\$21,844.58		
DEC	\$16,104.22	\$14,818.54		
JAN	\$40,915.31	\$37,993.58		
FEB	\$28,526.70	\$38,761.13		
MAR	\$22,978.53	\$15,666.80		
APR	\$42,292.91	\$19,092.61		
MAY	\$20,391.12	\$10,194.02		
JUN	\$26,445.26	\$34,939.40		
JUL	\$41,120.86	\$23,555.36		
AUG	\$32,714.82	\$41,455.38		
SEP	\$49,543.66	\$17,169.56		
<b>TOTAL</b>	<b>\$392,880.82</b>	<b>\$309,768.58</b>	<b>\$24,139.90</b>	

## BUILDING PERMIT FEE GRAPH



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## MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$4,819.09	\$3,593.67	\$2,574.62	
NOV	\$2,541.44	\$2,160.00		
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	\$2,237.73		
APR	\$3,801.26	\$1,716.00		
MAY	\$2,736.33	\$1,809.00		
JUN	\$3,844.54	\$3,417.00		
JUL	\$3,286.00	\$2,917.93		
AUG	\$2,663.49	\$3,430.11		
SEP	\$1,579.42	\$1,621.00		
<b>TOTAL</b>	<b>\$36,360.23</b>	<b>\$30,124.61</b>	<b>\$2,574.62</b>	

## MECHANICAL PERMIT FEE GRAPH



# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## ALTERATION COST

	FY 19	FY 20	FY 21	FY 22
OCT		\$3,657,414.56	\$2,313,298.53	
NOV		\$2,242,421.52		
DEC		\$1,449,915.40		
JAN		\$3,789,363.81		
FEB		\$5,519,900.00		
MAR		\$1,321,570.04		
APR	\$6,338,617.35	\$1,803,157.19		
MAY	\$2,731,410.75	\$1,003,140.58		
JUN	\$2,792,442.43	\$3,519,844.50		
JUL	\$4,717,293.00	\$2,300,478.87		
AUG	\$3,393,250.74	\$5,175,949.96		
SEP	\$4,502,737.63	\$1,475,857.57		
<b>TOTAL</b>	<b>\$24,475,751.90</b>	<b>\$33,259,014.00</b>		

## ALTERATION COST



-15-

## STATE SURCHARGE PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT		\$1,247.45	\$973.01	
NOV		\$845.65		
DEC		\$569.37		
JAN		\$1,277.63		
FEB		\$1,079.31		
MAR		\$623.46		
APR		\$666.54		
MAY	\$881.45	\$537.83		
JUN	\$972.50	\$1,093.02		
JUL	\$1,230.25	\$928.44		
AUG	\$1,141.48	\$1,437.49		
SEP	\$1,303.66	\$740.55		
<b>TOTAL</b>	<b>\$5,529.34</b>	<b>\$11,046.74</b>		

## STATE SURCHARGE PERMIT FEE REPORT



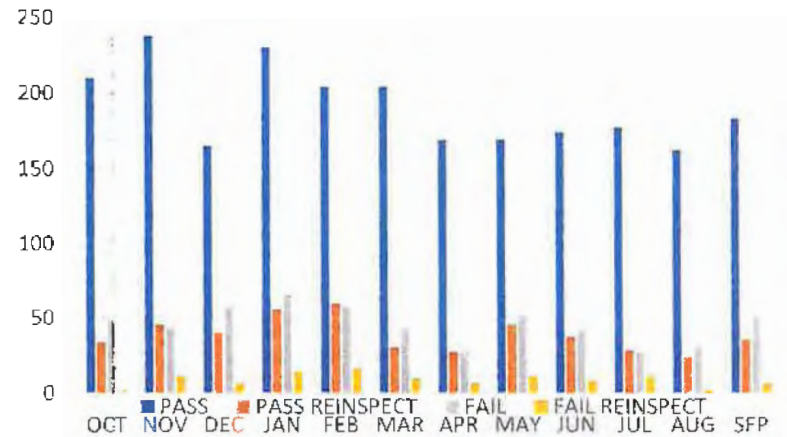
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

FY 20 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	210	34	49	3
NOV	238	46	44	12
DEC	165	41	58	7
JAN	230	56	65	15
FEB	204	60	58	17
MAR	204	31	43	10
APR	169	28	28	7
MAY	169	46	52	12
JUN	174	38	42	9
JUL	177	29	28	12
AUG	162	25	32	2
SEP	183	36	51	7
<b>TOTAL</b>	<b>2285</b>	<b>470</b>	<b>550</b>	<b>113</b>

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 20 INSPECTION RESULTS

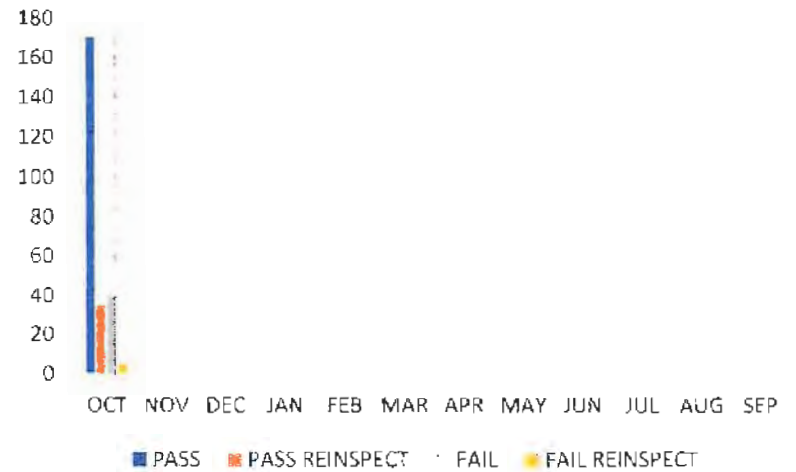


FY 21 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	170	35	40	5
NOV				
DEC				
JAN				
FEB				
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
<b>TOTAL</b>	<b>170</b>	<b>35</b>	<b>40</b>	<b>5</b>

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 21 INSPECTION RESULTS





## MINUTES

### PLANNING AND ZONING BOARD MEETING

TUESDAY, OCTOBER 13, 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, Dennis King, Hester Longstreet, Steve Mitherz, Chris Pranis, Senior Alternate Victor Sarris, Junior Alternate John Tisdall.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Executive Assistant Bonnie Miller, Police Officer Brian Wright, Public Works Director Bill Tredik, Recording Secretary Lacey Pierotti.

#### IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF SEPTEMBER 15, 2020

**Motion:** to approve the minutes of the September 15, 2020 meeting. **Moved** by Ms. Odom, **seconded** by Mr. Pranis, **passed 7-0** by unanimous voice-vote.

#### V. PUBLIC COMMENT

There was no public comment pertaining to any item or issue not on the agenda.

#### VI. OLD BUSINESS

- A. Mixed Use File No. MU 2020-02, for reconsideration, per direction from the City Commission, of the Board's July 21, 2020 approval of post-permit modifications for parking space reconfiguration and a ground floor wood deck addition to Oceans Thirteen, a mixed use development in a commercial land use district at 12 13<sup>th</sup> Street, Richard Thomas Marsh, Agent for Sunsation Real Estate LLC, Applicant

Mr. Taylor said before he begins, he spoke to Ms. Longstreet, who is going to recuse herself on this issue, so the Board's senior alternate, Mr. Sarris, will need to substitute and be on task to vote. Back in 2017, the Oceans Thirteen mixed use development came before and was approved by the Board, and earlier this year at the Board's July 21, 2020 meeting, the owners and contractor asked for a modification to their mixed use permit, which the Board also approved. However, there was an appeal of the post-permit modifications made to the City Commission, and the Commission asked that it be sent back to the Board to make some findings of fact as to whether or not the Board had looked at the parking and approved it. The Commission tasked him into looking to

see if a variance was needed for the parking along with the modifications to the mixed use permit. He definitely wants to put on record, and he put this in the memo he wrote, that he knows the Board spent a significant amount of time reviewing the parking and putting its due diligence in, and that should have been part of the record and not have been a question for the Commission. To rectify that, they are going to put some specific facts on record tonight, and his memo states the proposed facts he thinks need to be put down as part of the record. This is an issue because in 2017 this Board approved this property for mixed use zoning and development and in doing so, vested the owners of Oceans Thirteen with some very significant rights. They've already done an enormous amount of construction, as about 75 percent or more of the building has been completed to date. This creates a situation where there are actual damages done if the City does something to change the owners' vested rights, and there is significant case law that talks about that. He did some research, and it appears the previous City Attorney, Jim Wilson, said this was a grandfathered and vested use of the parking structures that were existing on the site, and he thinks they can even go a little farther and put in the finding of facts that one of the significant reasons for the parking reconfiguration is to comply with the State of Florida's handicap parking requirements and the Federal Americans with Disabilities Act (ADA), both of which have significant handicap requirements. As to the question of whether a variance is necessary for the parking reconfiguration, in this situation, although a variance may have been required in 2017, it's not required now, as when the mixed use development was approved in 2017, the owners became vested in their rights and the approved use became grandfathered. If at some point this were to get legally challenged, a court could award the owners a variance, but he doesn't think a variance is required, and neither did Mr. Wilson. By his review of the Florida Statutes and City Code, approval has already been given for the mixed use permit and the post-permit modifications. However, he suggests the Board put down some findings of facts by stating the additional 19 feet of parking is required by various other levels of government so they don't really have a lot of choice in it. Also, the additional 19 feet of parking has been approved and is what he calls "de minimis," which is a legal term meaning small and just not legally significant. That's not necessarily going to be a precedent-setting thing for all situations, as this is its own unique circumstance because there was already parking there, the owners already had a mixed use permit, and with all the other things coming down at the same time, such as having to comply with ADA and the Florida Statutes, the Board doesn't have a lot of wiggle room. Certainly, it is a negotiation and anything that gets accepted and is fair can be done. For the record, he also wants to confirm whatever the Board approved at its July 21, 2020 meeting for the post-permit modifications, and if the Board wants to make any changes to what was approved, theoretically, they could do so.

Mr. Mitherz asked Mr. Law to explain Section 6.03.05.A.1 of the City's Land Development Regulations (LDRs), which pertains to design standards for off-street parking and loading areas, and Section 6.03.05.C.6, which he believes has direct applicable bearing on this usage. He also asked how much new concrete was put on the southern side of the Oceans Thirteen site for the additional parking. There was one existing parking space which was supposedly, but never officially, a handicap parking space that was grandfathered, but he saw this whole area has covered in concrete, so he asked how much of this concrete is new and how much was existing.

Mr. Law said he definitely thinks this is a question for Mr. Marsh, the contractor for the project, as he does not have the specific dimensions, but in 2017, that space was slotted and approved for handicap parking. Mr. Marsh can answer the question as to how much concrete was poured at that point in addition to the existing concrete. Section 6.03.05.A.1 states, "Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel." This section is very clear for new construction, but keep in mind the Planning and Zoning Board in 2017 approved off-site parking in the City's right-of-way for this mixed use development. Section 6.03.05.C.6 states, "Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the City Manager or designee based on the size and accessibility of the driveway." When conditional use permits for single-family construction in commercial zoning are applied for, the number of bedrooms come up in calculating required parking spaces. Parking spaces are counted in the garage and driveways, and this section of the LDRs is what allows this.



Tom Marsh, 22 Soto Street, St. Augustine, Florida, 32086, said he is the contractor for Oceans Thirteen. Originally, there was an existing space on the southwest corner of the Oceans Thirteen property site, and part of the post-permit modifications was the request to expand that space to allow four parking spaces, with a width of 9 feet each, for a total of 36 feet width in its entirety, and a depth of 20 feet for each space. This added no more than 19 feet to the original 17-foot-wide handicap space, which is no longer on this corner of the property.

Mr. Taylor asked Public Works Director Bill Tredik to state for the record what he told the City Commission when the Commission heard the appeal application as to what he did to approve the parking on this site,

Mr. Tredik said the original parking plan that he saw had some very technical problems, so he worked with the contractor and owners to try to correct that. There were problems with the original parking lot behind the building that would not make it function well, so this was discussed and a change was made to reconfigure the parking so vehicles pull straight into the spaces on the north side off the 14<sup>th</sup> Lane alley. One of the problems, however, was that they were still trying to get spaces with those changes, so they looked at moving the handicap space over to the north side parking lot and putting other spaces on the southwest corner of the property site. He went out and looked at the sight lines, and there are no visibility problems with the proposal to do this, as the spaces are just far enough back that a driver stopped at the stop sign won't have a problem looking to the north to see oncoming traffic. Bottom line is, the parking reconfiguration is a better design that it was prior, but nonetheless, it does involve the additional spaces on the southwest side backing out onto 13<sup>th</sup> Street.

Ms. Odom said at the Board's July meeting, or maybe it was at the Commission meeting for the appeal application, something was said along the lines saying commercial property may use some of the right-of-way.

Mr. Tredik said typically, a business will design parking on its own property, but that being said, all around the City there are businesses that have part of their parking on numerous locations that are public rights-of-way and/or City plazas. It's one of the problems of having small lots in a City that was platted long before anyone had any sort of planning so they're kind of stuck in those areas of trying to find something that works and balances what new development has to do when you have an open parcel and everything's easy versus what's done for existing businesses to allow them to be usable properties. He thinks a lot of what they see around the City is because of that attempt to balance those two things, because without clearing everything and starting over, there is no way to get the parking for some of these places to be as if they were brand new commercial developments. Line-of-sight is something that has to be considered, because they cannot allow sight obstruction of oncoming traffic from a stop sign at an intersection. This is not the case for the stop sign on the corner of 13<sup>th</sup> Street and A1A Beach Boulevard. He did have some concerns on the north side of the Oceans Thirteen property, with the original deck that was partially constructed there, but that is all being modified so he thinks they are good there now.

James Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, Florida, 32080, said he represents and is here on behalf of the property owners and applicant. As this Board and many members of the public have already seen this application a number of times, he's not going to go back through all the different attributes of the property and the project, especially the great project it's evolved into now. He's had an opportunity to talk to Mr. Taylor about this at length, and they've gone through all the issues, so he's not going to rehash all the things he said and stated in his memo, but obviously he and his clients agree with those statements, especially the legal statements. Mr. Taylor talked about recognizing a "de minimis" change in the parking and seeing that it was grandfathered and vested as Mr. Wilson, the previous City Attorney, told this Board before, and he'll tell the Board the same thing, as when you have vested and grandfathered rights, you have to respect them, because that becomes a big legal issue for the community as well as for the City government going forward. In this particular case, when you talk about the de minimis modification you have to mix that in with the fact that it was grandfathered. In other words, when you have a grandfathered right, if you expand that grandfathered right, which in this case pertains to the parking on the site, the de minimis change is that you just increased it a little bit, you didn't make parking where there wasn't any parking. As heard from Mr. Tredik's testimony, as well as from

Mr. Law, the post-permit parking modifications were requested primarily because of the fact that there were issues with ADA compliance, so that's why that plan changed, and in fact, the new plan is even better, as they just heard from Mr. Tredik, for accessibility and safety. He would just join in with a lot of the legal statements that have already been presented and is here to answer any questions the Board or members of the public may have.

Mr. Kincaid asked for public comment.

Hester Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, said since she was asked to recuse herself from the Board for this matter, she is now speaking for herself and as a resident of 13<sup>th</sup> Street. Obviously, this project is almost finished, and the building will be there for a very long time, so she hopes the owners are able to get it occupied and wishes them well. However, there should have been a variance for the parking on the right-of-way, and that is what she is asking for. She's not sure she understands what's been said about the southwest corner of the Oceans Thirteen being a great place for four parking spaces, when there are people walking down 13<sup>th</sup> Street on a daily basis with surfboards, children, and dogs, and there are children who live, play, and ride their bikes on this street. She is always very cautious when she backs out of her driveway as there is always someone walking down the street going to or coming from the beach. Unfortunately, the parking plan for Oceans Thirteen puts so many parking spaces on this residential street, this is a concern. Nevertheless, the only thing she is saying is there should be a variance and money paid to the City for that variance, which should be voted on by the Board.

Sonia Kulyk, 114 13<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, said she and Mr. Richman were the two citizens who appealed the approval of the Oceans Thirteen post-permit modifications, so they are kind of in the middle of all this hoopla. It appears to them the building is built, the parking is where it is, and the attorneys are all lined up to say it is probably a done deal. The second part of their appeal had to do with the porch that was unpermitted, so she is going to revisit that. This was briefly touched upon during the City Commission meeting for the appeal, and according to what Mr. Law said, it was built without a permit and a stop-work order was put on it, as it was in direct violation of Chapter One of the Florida Building Code. It seems the contractor or the owners should have been fined for building something without a permit. Mr. Law alluded to the fact that this had happened, but he did not elaborate, so she is asking if, in fact, a fine or fee was levied. According to the City's fee schedule, which she received a copy of from Mr. Law's office, the penalty for working without a permit is \$100.00 and double the permit fee. Based on some calculations she got from the Oceans Thirteen permitting paperwork, it appears that would be about \$6,438.00, so she was just curious to know if, in fact, that was the fee that was levied, and the penalty for building without a permit. Also, she and Mr. Richman would like to know what the height of the Oceans Thirteen building is. She has asked Mr. Law this question in the past, and he provided her a copy of a document from Land Tech, which is simply their assessment off the plan. They would like to have the building height measured from the street level. Probably, it's within the 35-foot height limit and is in compliance, but just so they don't keep on bringing this up and bothering everybody with this, she and Mr. Richman are happy to pay for whatever it costs to measure the height of the building, but they need authorization from the City to do this.

Mr. Kincaid said this Board does not have the ability to levy penalties, as this is not a punitive Board. This Board addresses different requests for variances, conditional use permits, and other things in the City's LDRs pertaining to land development and zoning. The City has a Code Enforcement Board, which does levy fines and penalties, but that is not part of the Planning and Zoning Board's purview. He believes the Board was told previously by Mr. Law there was a double permit fee and penalty levied to the Oceans Thirteen contractor for working without a permit.

Mr. Law said yes, that is correct, and in accordance with the City's fee schedule, Ms. Kulyk's numbers are completely wrong. She has a misinterpretation of the City's fee schedule, as it is not double the value of work, it is double the value of the permit, excluding plan review, State of Florida surcharges, and permit issuance fees. Mr. Marsh did pay a fine in accordance with the City's fee schedule. As far as the continuous question regarding building height, surveyors were on site and the architects themselves went out and verified that the roof pitch was lowered. The building height is not in question nor does this Board have the authority to grant permission to



a resident to trespass on private property to check the building height.

Ms. Kulyk said she knows that, as they were told they could not do that unless they had permission from someone of authority in the City, which is why she is asking.

Mr. Kincaid said the Planning and Zoning Board cannot grant that permission. Merely speaking for himself, he has confidence in the City's permitting and inspection capabilities to maintain the height of the building within the regulations. As a matter of fact, that is how the violations for building without a permit were found, as the unpermitted deck was noticed to be outside the scope of work of the Oceans Thirteen building permit.

Allan Richman, 103 13<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, said he understands the Public Works Director made a statement that there was not a visibility issue. He does not know at what time he looked at that, but he is absolutely right, if there are no cars parked anywhere near the Oceans Thirteen site, you can see just fine. As soon as you put a high-profile truck within the first couple of parking spaces, the stop sign disappears. Those spots are at least four feet shorter than the original ones grandfathered because the Ocean Thirteen building footprint is so far out, and they are also narrower than they should be, as they are not up to standard size. He drove past there a couple of times and when a camper or a delivery truck is there, that stop sign is gone. As he understands, the City owns the right-of-way these spots are on, so when an accident happens because that stop sign is not visible, get your wallet out. There are some unintended consequences to what they are about to do here.

Julianne Baksh, 119 14<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, said she actually thinks the Oceans Thirteen project is great. She walks down 13<sup>th</sup> Street several times a day to take her dogs to the beach and it is a beautiful addition. She supports it and is excited for it to come in and to see what it is going to bring to the area.

Mr. Kincaid said as there is no further public comment, he would like to state that this is coming back to the Board, which heard, discussed and debated at length the post-permit modification application at its regular monthly meeting held on July 21, 2020. Many of the issues brought up by members of the public were looked at, discussed, and hashed out by the Board which came up with a plan to modify the post-permit modification application. The modification order approved by the Board was then appealed to the City Commission, which was supposed to look at the process the Board went through to approve the modifications and decide whether or not this process was valid. If the Commission determined it was valid, the appeal should be have denied, and if it was determined the process was invalid, the Commission needed to make a decision to uphold the appeal or send the application back to the Board to look at again. He does not believe there was any decision or any discussion that the Board's process at the time was invalid. He went to the Commission meeting for the appeal and spoke to let the Commission know what the Board's process was and what their thoughts and deliberations were on a number of the different items, not pro or against, but what they came up with at the end. There were absolutely no questions asked of him from the Commissioners when they had the opportunity to ask questions. He doesn't know why, as he can't speak for what they were thinking at the time, yet they later kicked the decision back to this Board, so he'd first like the Board to discuss whether anyone has a problem with the process undertaken by the Board, or whether the Board's decision was based on an invalid process, or if anyone would like to look at this process again. He doesn't believe any of the evidence the Board reviewed at its July 21, 2020 meeting has changed, but if anyone wants to make a motion to revisit the Board's decision based on a change in feeling or a change in known or unknown evidence, they can next discuss that. If nobody wants to do this and no one has anything they want to rehash, Mr. Taylor has provided copies of a recommended motion to settle the appeal issue and move forward.

Mr. Mitherz said Section 6.02.03.B.1 of the LDRs states, "No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the St. Augustine Beach City Commission."

Mr. Taylor said this goes back to what has been said all along, that this property had grandfathered right-of-way parking for the duplex well before the Oceans Thirteen project was approved in 2017. There was also a good portion of the parking originally on the southwest side of the property that was the handicap parking spot that

was expanded 19 feet, so it's currently 36 feet, and this was also grandfathered parking prior to the Oceans Thirteen approval. There is a question in his mind that if they were looking at this originally in 2017, he thinks they might come to some very different conclusions about whether or not a variance is required, but because no variance was required in 2017, the owner amassed vested rights that have to be assumed to be grandfathered at this point. His reading of the law is that there is a common law thought that the property has been using parking on the right-of-way for many, many years since its inception, thus rendering the parking as grandfathered. This was what former City Attorney Jim Wilson said in 2017, and there is even more reason to say this now because there is a substantial vested right in the property and the owners have some actual damages if the grandfathered uses are taken away. If this were a new mixed use application, it would be a very different question and the section of the LDRs referred to by Mr. Mitherz would absolutely be the right section to be looking at. In this case, however, the use has already been grandfathered, and that is the problem.

Mr. Pranis asked the status of the deck situation, and if it is now in compliance.

Mr. Law said the deck is in compliance with the post-permit modifications granted by this Board. The contractor was assessed a double permit fee and penalty in accordance with the City's fee schedule. The deck is what started the whole post-permit modification application, as the deck exceeded what was originally approved due to the existing topography. However, as accessibility is the most important thing in his opinion at this point, the owners and contractor applied for the post-permit modifications that were considered and approved by the Board.

Mr. Kincaid said when this was discussed by the Board at its July 21, 2020 meeting, it was almost entirely considered in the context of ADA compliance, as the original design with the ramp going down the south side of the parking area wasn't going to work, so all the modifications were to improve accessibility, which he believes the Board found to be a value to the City and its residents. The deck was moved out a little to have enough room for wheelchairs to move around the posts supporting the second level. The night this was discussed, the additions and changes the Board made were in the spirit of assisting the builder in creating a better building for the citizens and visitors of St. Augustine Beach. As to the appeal the Commission heard, while he completely understands the parking and building without a permit issues, and the request for punishment, he believes the outcome the Board has come up with for post-permit modifications are in the best interests of everyone involved.

Mr. Taylor said he'll read aloud the pre-drafted motion, which is to approve the mixed use post-permit modifications as previously approved July 21, 2020, with the following additional findings: 1) Staff reviewed the post-permit modifications and had no issue with the parking situation. Mr. Tredik stated he reviewed the additional 20 feet of parking and found no issues, particularly for line-of-sight and the clear visibility triangle required per Section 6.02.04.H of the LDRs. Additionally, there has been substantial testimony by staff that there are a plethora of non-conforming commercial properties using parking located on public rights-of-way; 2) Oceans Thirteen has vested rights to use the right-of-way parking. The parking issues are moot with the approval of the 2017 mixed use permit for Oceans Thirteen, as this property has existing non-conforming parking which was in existence prior to the original 2017 mixed use permit and as such is grandfathered to be able to use the parking which is in the right-of-way; 3) The Planning and Zoning Board characterizes the 2020 modification of an additional 20 feet being added to the slab to comply with Florida Statutes and the ADA as parking modifications to promote substantial public interest, which include aesthetics, safety, logical construction practices, and compliance with several laws to accommodate and protect those with disabilities; 4) The Planning and Zoning Board finds the modification of the additional 20 feet of parking to be "de minimis," especially when the totality of the situation is incorporated, and does not require a variance on top of the modifications to the mixed-use permit.

Mr. Kincaid moved to make that motion adding number 5 to the findings, that all conditions in the post-permit modifications ordered by this Board on July 21, 2020 are still in effect and shall be adhered to.

**Motion:** to approve the mixed use post-permit modifications for Oceans Thirteen as stated and read aloud by Mr. Taylor with the addition of finding number 5 as stated by Mr. Kincaid. **Moved** by Mr. Kincaid, **seconded** by Ms.

Odom, **passed 6-1** by the Board by roll-call vote, with Ms. Odom, Mr. Kincaid, Mr. Pranis, Mr. King, Mr. Einheuser, and Mr. Sarris assenting, and Mr. Mitherz dissenting.

## **VII. NEW BUSINESS**

- A. Request for approval of a temporary chain-link construction fence not to exceed eight feet in height along A1A Beach Boulevard at the northwest corner of Embassy Suites for Embassy Suites Phase II, in a commercial land use district at 300 A1A Beach Boulevard, Floridian Builders Inc., Agent for Key Beach North LLC, Applicant

Mr. Law said if this Board recalls, about two years ago, there was a change to the fence regulations in the LDRs to require this Board to evaluate temporary construction fences along A1A Beach Boulevard anticipated to remain in place for a duration of more than six months. As Embassy Suites is now preparing for construction for Phase II of the hotel and has been given permission from the Department of Environmental Protection (DEP) to continue with permitting as of the end of last week, the Board is asked to review the proposed temporary construction fence for aesthetic value or provide suggestions for aesthetic value if the fence is not approved.

Mr. Mitherz asked where the fence is proposed along A1A Beach Boulevard.

Mr. Law said the Phase II addition is on the north side of the Embassy Suites property site, so the fence will go along the north property line up to the Boulevard. Staff recommendation is for the temporary construction fence to not exceed eight feet in height.

Ms. Odom asked that the record reflect that Mr. Pranis recused himself from this agenda item.

Mr. Law said the LDRs specify if a temporary construction fence exceeds six months from the date it was approved by the Planning and Zoning Board, the developers have to appear back before the Board to request an extension.

Mr. Kincaid asked how long the Embassy Suites Phase II temporary construction fence is expected to be in place.

Jason Kern, 300 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, said he's the general manager of Embassy Suites in St. Augustine Beach. They are hoping to have Phase II finished by September 2021. The fence would be in place until near completion, when the landscaping and outside modifications are done.

Mr. Kincaid suggested approval of the temporary construction fence be granted for a year, as it almost seems punitive to make the developer come back in six months to ask for an extended approval to keep the fence up when they know construction will be going on for about a year and the fence will have to stay up until it's done.

Mr. Law suggested a motion to allow the temporary construction fence proposed for Embassy Suites Phase II be allowed for a period not to exceed one year under the conditions that it be maintained in good aesthetic order and in the interest of public safety.

**Motion:** to approve the temporary construction fence proposed for Embassy Suites Phase II for a period not to exceed one year with the conditions that the fence be maintained in good aesthetic order and in the interest of public safety. **Moved** by Ms. Odom, **seconded** by Mr. Mitherz, **passed 7-0** by the Board by unanimous voice-vote.

- B. Conditional Use File No. CU 2020-03, for a conditional use permit for proposed new construction of a single-family residence in a commercial land use district on Lot 18, St. Augustine Beach Subdivision, at 16 5<sup>th</sup> Street, James G. Whitehouse, St. Johns Law Group, Agent for Michael Collier Sr. and Wai Yee Young, Applicants

Ms. Miller said this conditional use application pertains to the property at 16 5<sup>th</sup> Street, which is zoned commercial. The current owners and applicants wish to build a single-family home on this lot, which requires, per Section 3.02.02 of the LDRs, a conditional use permit granted by the City Commission, with the Board's recommendation to the Commission to approve or deny the application. This lot was previously granted a conditional use permit

by the Commission last year, on December 2, 2019, and the conditional use was granted as transferable but with an expiration date of one year. Since then, the ownership of the property has changed, and since City Code and the LDRs do not have any specifications for allowing extensions of the expiration date as stated on originally approved orders, the new owners, who live in the Washington State and bought the property on February 28, 2020, shortly before the COVID-19 pandemic occurred, are now applying for a new conditional use permit with the conditions as approved in the original conditional use order. Staff's recommendation is that the new single-family home be built with minimum 25-foot front and rear setbacks, minimum 10-foot side setbacks, maximum 35 percent lot coverage, and maximum 50 percent impervious surface ratio (ISR) coverage, with an additional 15 percent allowed for 10 percent or greater permeable pavers. Mr. Whitehouse is the agent for the new owners and is here to answer any additional questions the Board or members of the public may have.

Mr. Kincaid said it is his understanding there is no change from the original conditional use permit.

Mr. Miller said correct. The original conditional use permit expires December 2, 2020, and the new owners are applying for a new conditional use permit, which, if approved by the City Commission at its meeting next month on November 9, 2020, would expire one year from this date, unless the applicants ask for more time.

James Whitehouse, St. Johns Law Group, 104 Seagrove Main Street, St. Augustine Beach, Florida, 32080, said he represents the new owners of 16 5<sup>th</sup> Street, who are asking for a new conditional use permit. As Ms. Miller explained, they have to apply for a new conditional use permit pursuant to the way City Code is written, and they are not asking for any changes from the originally approved conditional use order. The reason for this reapplication is really a matter of the fact that the new owners ran into a lot of issues with the COVID-19 pandemic and travelling, number one, and number two, dealing with some contractors.

Mr. Mitherz said the information copied to the Board for this application included a design of a house. He asked if this house design was done for the previous owners, or the current owners.

Mr. Whitehouse said this house design was done for the previous owners, but his clients are asking for the same conditional use permit, as they plan on building the same house.

Mr. Kincaid asked for public comment. There was none.

Ms. Odom said she can see with the current conditions going on with the pandemic that there was no way of knowing, when the new owners bought this property in late February, that they wouldn't be able to complete the project by the time the conditional use order expired, so she thinks what they are asking for is a fair request.

Mr. Whitehouse said obviously, if the new owners change anything pertaining to the exterior or layout of the footprint, they'll have to come back to this Board for a recommendation to the Commission for amended approval.

Mr. Kincaid asked if the applicants would have to come back to the Board if anything that is changed still fits in with all the building codes and requirements of the City.

Mr. Law said no, and he'd like to discuss with the Board and City Attorney whether applicants really need to spend the money to design a building prior to approval if they're conforming to every provision in the Code. This is something that is going to steer the City for years to come, and he doesn't think it really works to require applicants to submit a proposed house design they have to stick with as long as they're conforming to the building codes and regulations and whatever conditions are attached to the approval of their application. So, the question as to whether they put in a round or a square window or change the guard rails, in his opinion, really isn't relevant. In the case of conditional use permits, what the Board is recommending to the Commission is to allow a single-family residence to be built in a commercial land use district in conformance with medium density regulations per the LDRs. As Ms. Miller illustrated earlier, staff has no mechanism to extend the expiration date of a conditional use permit once it has been granted for a certain time period, because the Building and Zoning Department doesn't

issue zoning permits. Staff may review them for conformance with official submittals, but the Planning and Zoning Board recommends to the Commission whether or not conditional use permits should be approved or denied, so any changes would fall right back under post-permit modifications. If for some unknown reason an applicant couldn't comply with the approval given or he or she wants a variance to any prior approval, obviously, that would have to come back before the Board and City Commission. He believes the intent of the Code pertaining to conditional use permits is to allow residential construction in commercial zoning, and it should be left at that.

Mr. Mitherz asked if it is the intention of the applicants that they live in the proposed new home.

Mr. Whitehouse said the applicants are not here, but he believes that is their intention. Their request is for a conditional use permit to build a single-family residence in a commercial land use district. However, he asked that the Board consider recommending to the Commission Mr. Law's suggestion that the applicants not be held to a particular house design but only to conformance with the building codes and zoning regulations of the City.

Ms. Longstreet said aesthetically, the proposed design is not a very pleasing-looking house, but aside from that, she still has a problem with putting a single-family residence in a commercial zone when everything they've been looking at and talking about pertaining to the City's Vision Plan focuses on trying to bring commercial development into the City, not necessarily large commercial possibilities, like Wal-Mart, but more mom-and-pop developments like the new donut shop on A1A Beach Boulevard or a bike shop and other things like that instead of allowing more and more single-family dwellings in commercial zoning districts.

**Motion:** to recommend the City Commission approve Conditional Use File No. CU 2020-03 to allow new construction of a single-family residence in a commercial land use district at 16 5<sup>th</sup> Street, subject to the following conditions: 1) The new single-family residence shall be built in accordance with the City's LDRs for medium density residential land use districts, 2) No variances for reduced setbacks or maximum 50 percent ISR coverage shall be granted; 3) The Building Department shall require verification of the height of the new single-family residence by a licensed surveyor after the trusses are installed and the roof is on because the approximate height of the structure as shown in the house design submitted with the application is at 34 feet, 10 inches. **Moved** by Ms. Odom, **seconded** by Mr. Pranis, **passed 6-1** by roll-call vote, with Mr. King, Mr. Mitherz, Mr. Pranis, Mr. Kincaid, Ms. Odom, and Mr. Einheuser assenting, and Ms. Longstreet dissenting.

- C. Conditional Use File No. CU 2020-04, for a conditional use permit for proposed new construction of a single-family residence in a commercial land use district on Lots 53 and 54, Atlantic Beach Subdivision, at 17 13<sup>th</sup> Street, Michael Stauffer and Scott Patrou, Agents for Ancient City Ventures LLC, Applicant

Ms. Miller said the next three agenda items involve one property parcel, addressed as 17 13<sup>th</sup> Street, for which a conditional use and two variance applications have been submitted. The Board will have to vote on each application separately, and before they start with the conditional use application requesting to build a single-family residence in a commercial land use district, the first variance application, Land Use Variance File No. VAR 2020-10, which requests setback reductions for the proposed new single-family residence, includes in the application information copied to the Board an incorrect site plan. The application requests a reduced front yard setback from 25 feet to 20 feet, but the site plan copied to the Board shows the front setback at 25 feet, which is incorrect. The applicants were asked to correct the front setback shown on the site plan, which Mr. Stauffer, the architect for this project did, but unfortunately, she forgot to copy the corrected site plan when the meeting packets were put together last week, so the Board members received a copy of the original site plan and not the corrected one, which is displayed on the overhead projector screens showing the requested 20-foot front yard setback. The property parcel at 17 13<sup>th</sup> Street includes three lots, Lots 52, 53, and 54, all zoned commercial, with a single-family residence currently rented as a transient lodging facility, on the southwest corner of 13<sup>th</sup> Street and A1A Beach Boulevard. The applicant, Mr. Scott Patrou, of Ginn and Patrou, a local law firm currently located at 770 A1A Beach Boulevard, would like to purchase the property at 17 13<sup>th</sup> Street to move his law firm into the existing transient rental facility, which would have to be upgraded per the 2017 Florida Building Code (FBC) to

meet the building codes for commercial structures. This is not part of what is before the Board tonight, as this will be handled in-house by the Building Department, but because Mr. Patrou wants to convert the current residential structure to commercial, parking has to be provided and the City's parking requirements for commercial uses have to be met. One parking space is required for every 250 square feet of gross floor area of professional office space, so based on the gross floor area of the existing two-story building, which is 2,843 square feet, 11 parking spaces and one handicap space are required. The site plan for the parking shows nine regular parking spaces and a handicap space running along the north property line directly adjacent to 13<sup>th</sup> Street, and while all these parking spaces are on the 17 13<sup>th</sup> Street property, the parking along 13<sup>th</sup> Street backs directly onto 13<sup>th</sup> Street, which requires a variance because it is not in compliance with Section 6.03.05.C.5 of the LDRs, which states, "Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street." The variance for the proposed new single-family residence in a commercial land use district per conditional use is for a front yard setback reduction from 25 feet to 20 feet and a rear yard setback reduction from 5 feet to 3.5 feet for the existing inground swimming pool, which Mr. Patrou would like to keep as part of the new single-family residence. This new home is proposed to front 13<sup>th</sup> Lane, not 13<sup>th</sup> Street, so the existing swimming pool would then be in the backyard of the new home.

Mr. Mitherz asked where the front entrance to the existing transient rental which will be converted to a commercial building for the law firm will be located.

Mr. Law said the main entrance to the law firm is proposed to be on the western side of the building adjacent to A1A Beach Boulevard. If at some point the new owner wants to change the address of the existing structure from 17 13<sup>th</sup> Street to an A1A Beach Boulevard address, he will need to contact 911 addressing at St. Johns County.

Mr. Kincaid said without objection, he'd like to go through the entire plan, as the conditional use and variance applications all tie in together, and then the Board can vote separately on the different applications at the end, rather than debate and get the same information over and over for each application.

Scott Patrou, 770 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, applicant, said he was under the impression that due to the vicinity of 17 13<sup>th</sup> Street to Ms. Longstreet's property at 11 13<sup>th</sup> Street, she would be recusing herself as she did earlier for the Oceans Thirteen project at 12 13<sup>th</sup> Street.

Mr. Kincaid said Ms. Longstreet recused herself from the Oceans Thirteen agenda item because she testified before the City Commission on that matter. He does not think the proximity of where she lives, in his opinion, requires her to recuse herself from the applications for 17 13<sup>th</sup> Street.

Mr. Taylor said Ms. Longstreet is definitely not required to recuse herself for the 17 13<sup>th</sup> Street applications, but she could recuse herself if she wanted to.

Ms. Longstreet said she is not recusing herself. She asked if the proposed new home will be three-stories and up to 35 feet high, if it will be built on one-and-a-half or two lots, and if it will front 13<sup>th</sup> Lane, not 13<sup>th</sup> Street. This would be setting a precedent that has not been done in the City, as with the exception of oceanfront homes, there are basically no other houses built to front alleys or lanes.

Mr. Patrou said the new home is proposed to be three stories built on approximately one-and-a-half lots, and it will front 13<sup>th</sup> Lane. He thinks there is a precedent established that homes are serviced by the alleys or lanes, regardless of their location on the lanes. In fact, there are homes, and not just oceanfront homes, on the lanes, so he does not think asking to put this new home on 13<sup>th</sup> Lane is a big variation.

Ms. Longstreet so the back of the home will be to 13<sup>th</sup> Street, which is basically a residential street, on which the applicant wants to put nine parking spaces and a handicap space for the conversion of the transient rental to commercial use. These parking spaces will be located along a street that right now has a "No Parking" sign posted to prohibit vehicles from parking on the City right-of-way.

Mr. Patrou said the site plan for these parking spaces along 13<sup>th</sup> Street demonstrate the parking is not on the City right-of-way, but on the subject property at 17 13<sup>th</sup> Street. The "No Parking" signs speak to prohibiting parking in the right-of-way, but this parking will be on the 17 13<sup>th</sup> Street property, not on the right-of-way. Four parking spaces are already along 13<sup>th</sup> Street, so the nine spaces and one handicap space would be an increase of six spaces.

Ms. Longstreet said putting the front of the house on the lane is not aesthetically pleasing for 13<sup>th</sup> Street, and along with this, the applicant is asking to put six more parking spaces in an area already saturated with commercial parking spaces. She asked the applicant if he really needs this many parking spaces.

Mr. Patrou said he does not actually need this many parking spaces for his law firm, and was fighting to have as few spaces as possible, but what he's battling against are the parking requirements per City Code, which require this many spaces. As to the new home facing 13<sup>th</sup> Lane, again, this is because City Code does not allow pools in front yards, so by fronting the home to 13<sup>th</sup> Lane, which already has other houses fronting it so the lane already services these properties, they'll be able to keep the existing pool as part of the property on which the new home will be built. The approach here is to get the conditional use permit to build the new home, parlaying off what was said earlier, with the understanding that any conditional use approval has to comply with the LDRs, so whether or not the elevations, roof pitch or style, etc. is changed, any deviations will have to be in compliance with any conditions attached to the approval as well as the LDRs and other applicable codes.

Mr. Kincaid asked Mr. Patrou if he plans on using all of the proposed commercial building entirely for his law firm, or if he plans on subdividing some of it and leasing out some space to another business.

Mr. Patrou said his intention right now is to just use it for his law firm.

Mr. Kincaid asked what the requirements are for a buffer between non-conforming uses. Specifically, would there be buffer requirements between the commercial use and the proposed residential use, if the conditional use to allow new construction of a single-family residence is approved?

Mr. Law said no, it is his opinion no buffer is required, because the applicant is electing to build a single-family home in commercial zoning. This is different from building a new commercial facility next to an existing residential subdivision, as is the case with Corral Dental being built right next to the existing residential subdivision behind it. In this case, the zoning of the lot for which the conditional use permit is requested to build a single-family home does not change, so the two properties will still be commercial next to commercial.

Mr. Patrou said the conditional use permit would allow residential use within commercial zoning.

Mr. Kincaid said he walked the area and looked around, and 13<sup>th</sup> Lane, to him, looks like a goat path that doesn't support any sort of real traffic. It looks like an emergency access zone for something. He asked if there are any planned improvements to this lane, and if the variance request for a front yard setback reduction for the proposed new home from 25 feet to 20 feet is measured from the centerline of that lane.

Mr. Patrou said no, the requested 20-foot front setback is measured from the property line to the front building wall of the proposed new home.

Mr. Mitherz said 13<sup>th</sup> Lane is very narrow. He drove down it and was hard-put to turn around to go the other way and get back out of it.

Mr. Patrou said the proposed design of this house includes a two-car garage, so with the driveway, there would be room for backing out and turning around in the lane.

Mr. King said he has concerns about the effect of reducing the front setback to 20 feet will have on parking in the driveway, and having enough room to back out and maneuver, because 13<sup>th</sup> Lane is tiny. If this ever becomes a transient rental, it won't have enough parking. He asked what the parking requirements are for transient rentals.

Mr. Law said transient rentals are built as single-family residences, so they follow the standard parking regulations. Residential structures with one, two, or three bedrooms are required to have two parking spaces, and those with four, five, or six bedrooms are required to have one parking space per bedroom. The proposed house design has four bedrooms, requiring four parking spaces. It has two parking spaces in the garage, and two in the driveway.

Mr. Patrou said again, it's his understanding that if the conditional use permit is granted to allow construction of the proposed new single-family home, anything built there will have to follow the medium density regulations set forth in the LDRs. Regarding the variance request for the parking for the commercial building to back directly out onto 13<sup>th</sup> Street, he took a few photographs, which he displayed on the overhead screens, of other business in close proximity that have parking backing directly onto sidewalks and street rights-of-way. Parking for Anastasia Law at 107 11<sup>th</sup> Street backs out directly onto the sidewalk and 11<sup>th</sup> Street, and so does the parking for Café 11, next door to Anastasia Law. Parking for the newly-built donut shop at 400 A1A Beach Boulevard also backs straight out onto the right-of-way of 16<sup>th</sup> Street, the parking for the office building on the southwest corner of F Street and A1A Beach Boulevard backs straight out onto the right-of-way of F Street, parking for Coneheads Ice Cream on the corner of 7<sup>th</sup> Street and A1A Beach Boulevard backs straight out onto the right-of-way of 7<sup>th</sup> Street, parking for Endless Summer Realty on the northwest corner of A1A Beach Boulevard and 11<sup>th</sup> Street backs straight out onto 11<sup>th</sup> Street, and across the street from 17 13<sup>th</sup> Street, parking for Sunset Grille backs straight out onto 15<sup>th</sup> Street. Parking for FA Café across from Embassy Suites backs straight out onto A1A Beach Boulevard. By the nature of their business, most of these businesses have a significantly higher customer turnover than his law firm will have.

Ernest Crews, 16 12<sup>th</sup> Street, Unit C, St. Augustine Beach, Florida, 32080, said he lives in Oceans Six Condominiums, and represents the Oceans Six Condo Association. Two other members emailed their concerns to the Board members, who hopefully received these emails, otherwise, he can read them aloud for the record. Oceans Six consists of the two triplexes between 12<sup>th</sup> Street and 13<sup>th</sup> Lane. The main driveways for the triplexes are on 12<sup>th</sup> Street, and a small back driveway is on 13<sup>th</sup> Lane.

Mr. Kincaid said he did not get these emails.

Mr. Crews said he'll start with Mr. Beech, the owner of 16 12<sup>th</sup> Street Unit B, who wrote, "Dear Planning and Zoning Board Members, this email is to express opposition to Land Use Variance VAR 2020-10 for variance of reduction of the minimum front setback of 25 feet to 20 feet for proposed new construction of a single-family residence and reduction of the minimum rear yard setback of 5 feet to 3.5 feet. First, the available plan drawing shows a 25-foot setback from the property line, not 20 feet, and it appears to be a 3,000-square-foot residence, i.e., 1,012 square feet per floor times three, can be built without the variance. Therefore, it is unclear if an even larger house will be built if the variance is granted. Clarification of what is being requested and the intent needs to be made before this variance is granted. Secondly, the proposed structure will be built on a portion of a subdivided parcel of land where the pool and deck take up approximately 25 percent of the subdivided parcel. This requested 5-foot variance is almost 10 percent of the subdivided parcel lot depth. This is not a small adjustment to get the building footprint to work within available space, which indicates the proposed building is too large for the available space and will appear even larger when moved closer to the street. For these reasons, a 5-foot variance is requested not to be granted. Also, are there any safety concerns with only a 3.5-foot setback from the property line to the pool? Finally, is it normal for residences to front into lanes which are only one vehicle wide? Thank-you for your comments and considerations, John and Teresa Beech." The other email is from Tim Foster, who lives at 14 12<sup>th</sup> Street, Unit C, who writes, "Dear Planning Commission, I am sending an email to express my concerns regarding the proposed variance for a building to be constructed on the lot behind our properties, which is known as the Oceans Six Association. I am not an engineer or planning expert, however, granting a variance to this property behind us makes no sense as it would only benefit those seeking the variance. We access the backs of our properties via a small alley, which is barely passable now. I do not believe these alleys were intended for primary access into properties as it seems every other property has access from the street. It seems we have enough problems with people parking obliquely to get to the beach, and I can only see a



development such as this making the problems worse for everyone.” The things he wanted to bring up concern the 8-foot width of the lane, which is always congested already. Given all the nightmares they’ve had on 12<sup>th</sup> Street with the wedding houses and the parties, he’s concerned about where all the cars are going to go. The front setback reduction to 20 feet ties into this, because this will be less space to move around to get out of the driveway, which as shown on the proposed site plan is directly opposite the driveway of the Oceans Six residents. He thinks this is just going to cause more congestion and people driving on their lawns to get in and out. Finally, in calculating the parking space, he asked if this has been done based on the footprint of the proposed new home, or the actual square footage of both the proposed new home and existing transient rental structure.

Mr. Law said the parking for the conversion of the transient rental building to commercial use is based on the gross floor area, which is essentially square footage of usable space, and the parking for the new home is calculated separately, and is based on the number of bedrooms only. He did not do the calculations for the parking, these were performed by a state-licensed architect, Mr. Mike Stauffer, hired by Mr. Patrou. Porches are not included as gross floor area, which is the actual space utilized by people.

Mr. Crews said the parking plan for the commercial building shows nine spaces and one handicap space on the north side of the property along 13<sup>th</sup> Street. He asked if the parking also includes the two spaces that are in the current garage on the south side of the existing structure.

Mr. Kincaid said yes, that is where the extra two spaces, for a total of 12 parking spaces, come from.

Michael Longstreet, 11 13<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, said he has issues with a number of things, one of which is that the new home is proposed to front 13<sup>th</sup> Lane. All of the lanes have an existing house at the end of them that can only be accessed through the lane, which is the only reason residents living along the lanes cannot vacate the lanes. His house has been there for 66 years, and the property at 17 13<sup>th</sup> Street has been there almost as long, which is why their setback off 13<sup>th</sup> Lane is only 9 feet and his setback is only 13 feet off the lane, as these structures were built before the current codes and required setbacks were in place. When they first tried to put in a deck or a few things on their house, they had to get variances because their house was nonconforming, even though it was not their fault the house was built before the current codes existed. His issue is that they are trying to put in a new house fronting the lane when the other houses that use the lane are mainly oceanfront and built before the current codes existed. So, this is setting a precedent that does not really work well in his mind. The other issue is the size of the lot proposed to be re-platted as Parcel 2 for the new home and swimming pool. The LDRs specify a minimum lot size, but the fact that the City has platted lots that are smaller than that means that if you have an existing lot smaller than the minimum lot size, and here, they’re trying to make a lot that is smaller than the minimum lot size, and it is a very unusual-shaped lot because they’re trying to make the pool and the parking for the commercial use of the current structure all fit in. Also, the applicant wants to turn the existing transient rental at 17 13<sup>th</sup> Street into a commercial building, meaning more parking space is required and to get this, they have to apply for a variance to the code that says parking cannot back straight out onto the street. The parking that is proposed really puts the back of the cars right on the edge of the street, while most of the examples the applicant showed had an extra 4-10 feet of space to maneuver a little bit while they’re backing out, so vehicles are not right in the road initially as they’re backing out. The parking for the commercial use at 17 13<sup>th</sup> Street will back straight onto a residential street that has people coming from the west side of the Boulevard to access the beach. They have plenty of room to add more parking that would not back directly onto the street on the south side of the existing pool, where they are asking to build a new home. Another issue is when the Oceans Thirteen development on the northeast corner of 13<sup>th</sup> Street and the Boulevard was built, it had to have commercial drainage, so if the applicant is turning a residential property into a commercial use and adding all this parking, he thinks there would be a requirement to install more drainage. By building a new home on the portion of the property the applicant wants to cut out and replat, all the water run-off is going to go straight into the street, and there is nowhere to do any onsite drainage for the commercial use. Residential properties, especially those in existence before the codes, get away with it, but since the applicant is changing the use of the residential transient

rental building to commercial, and the property is zoned commercial, it should have to conform to any commercial codes concerning drainage or anything else. If the additional parking for the commercial use is put on the south side of the pool, there would also be room for drainage improvements, so he has an issue with requesting to build a three-story, 3864-square-foot house on a 4668-square-foot lot, and they're asking for the front yard setback reduction to get that extra square footage in the house. They do not have to make the house that big, a smaller house that fits could be put on the lot without asking for a variance, but they are just trying to push every limit. His biggest issue is putting that many parking spaces on a residential street. Some of this parking is existing, as this property has been a quasi-commercial use as a transient rental, but the four existing parking spots have been there since before the current codes were in place. Adding the extra parking spaces and overlooking City Code prohibiting parking from backing directly onto a street is unacceptable and needs to be reviewed really closely.

Sonia Kulyk, 114 13<sup>th</sup> Street, St. Augustine Beach, Florida, 32080, said after everything they've been through with the parking on 13<sup>th</sup> Street, it just seems not prudent to grant a variance to add more parking pulling onto that already congested street. This is all she wanted to add, and it seems like this has already been pretty well covered.

Mr. Pranis asked if the square footage for the existing building proposed for commercial use requires 11 parking spaces and one handicap space, as is proposed for the parking plan.

Mr. Law said parking calculations are done by taking the square footage determined as the floor space, or usable space, divided by 250, which if he recalls, comes out to 11.37 parking spaces, and the proposed parking plan shows 11 regular spaces and one handicap space, which is definitely required, with no exceptions.

Mr. Pranis said the applicant said he does not need all this parking, so he was wondering if there is a way to alleviate the parking spaces directly off 13<sup>th</sup> Street adjacent to the pool.

Mr. Law said the Board definitely has the authority to reduce the amount of parking based on some sort of data. His department, however, has no options but to follow the code the way it is written. But this Board can decree that the applicant apply for another variance for a reduction in the number of parking spaces.

Mr. Kincaid said he thinks there are a number of places where commercial occupancies have been granted less than the required amount of parking. Once these properties change hands, however, it can become an issue later.

Mr. Law said as is the case here, they have an existing house that was built almost 50 years ago in a commercial zoning district. The Building Department will review the proposed change of occupancy of this structure from residential to commercial under the existing 2017 FBC, but pertaining to parking requirements, this comes from the LDRs, which were adopted in 1991. Anything built before then would just be what it is, so unless Mr. Patrou wants to apply for a variance for a reduction in parking, he's basically stuck with having to adhere to the current parking regulations, even if he doesn't need this much parking for his law firm and its customers.

Mr. Patrou said he'd be hesitant to apply for another variance now because of the timeline he is operating under to purchase this property. They're in the due diligence period now, and basically have through tonight to figure out if this is going to work or not. He would be open to potentially doing some semblance of a study to determine how much parking is truly needed for the law office, but to have to go through another variance application would not be cost-effective and virtually not possible considering the time limit they're operating under. To circle back to some of the public comments made, he believes it was Mr. Longstreet who spoke to the creation of a non-conforming lot size of 4668-square feet for the proposed new single-family residence, but this is incorrect, as the proposed lot size for the new single-family residence is actually just over 5300 square feet, per the survey he has at his office, which regrettably, he did not bring with him tonight. He thinks what happened was that the paperwork for the variance was prepared prior to the official survey of the re-platted lot for the new home being completed. Regarding size, it is not a nonconforming lot, as it is over 5000 square feet.

Mr. King asked if Mr. Patrou would entertain the idea of maintaining a 25-foot front setback in the driveway, and

only asking for the front setback reduction to 20 feet for the residence. With the narrow alleyway or lane, he would have trouble allowing a 20-foot setback for the driveway. With 25 feet, there is a little more room for vehicles to maneuver when backing out onto the lane, and the house could easily be bumped out to 20 feet.

Mr. Patrou said yes, certainly, he is not opposed to that, as long as the measurement for the length of the garage is not compromised to where vehicles cannot get in the garage. It may actually make sense to have a deeper garage so vehicles can actually get out of the road.

Mr. Law said the house is 27.5 feet long, so if the garage was cut back five feet, the total length of the outside of the garage building would be 22.5 feet long. A standard garage is traditionally 22 feet long. Obviously, a Ford Excursion is not going to fit, and six inches, or a foot for the building walls front and rear, will leave 21.5 feet for the inside length of the garage. This would provide five more feet in the driveway, which would then be 25 feet back off 13<sup>th</sup> Lane, which would give vehicles more room to maneuver. So, the variance could be for a front yard setback reduction to 20 feet for the house only, and the front of the garage is to maintain a 25-foot front setback. That will also allow a little architectural styling if the Board sees fit to grant the variance along these lines.

Mr. Kincaid asked for any other questions or comments from the Board. There were none. He'd like to address the applications one at a time for a motion and vote, starting with the conditional use permit, because if this isn't approved, the variances are irrelevant. He asked for any questions or comments pertaining to the conditional use permit to allow new construction of a single-family residence in a commercial land use district. He thinks it would be difficult, if not impossible, for a commercial use to be built on this lot, so if the conditional use is not approved to allow the new single-family residence, it kind of takes away the ability to use this property at all. He doesn't know what kind of commercial use could be built because this lot is kind of back in a corner and off of a path.

**Motion:** to recommend the City Commission approve Conditional Use File No. CU 2020-04, to allow proposed new construction of a single-family residence in a commercial land use district on Lots 53 and 54, Atlantic Beach Subdivision, currently addressed as 17 13<sup>th</sup> Street (the address for the proposed new residence shall be assigned a new address on 13<sup>th</sup> Lane at time of building permit application), subject to the conditions that the new home shall be built in accordance with current Land Development Regulations for medium density residential land use districts. **Moved** by Mr. Kincaid, **seconded** by Mr. King, **passed 7-0** by the Board by unanimous voice-vote.

Mr. Kincaid said the Board will now move on the variances requested for this property. He asked Ms. Miller to briefly go over and recap each variance request individually

- D. Land Use Variance File No. VAR 2020-10, for a variance for reduction of the minimum front yard setback requirement of 25 (twenty-five) feet, to 20 (twenty) feet, for proposed new construction of a single-family residence and reduction of the minimum rear yard setback requirement of 5 (five) feet to 3.5 (three-and-one-half) feet for an existing pool and pool deck in a commercial land use district on Lots 53 and 54, Atlantic Beach Subdivision, at 17 13<sup>th</sup> Street, Michael Stauffer and Scott Patrou, Agents for Ancient City Ventures LLC, Applicant

Ms. Miller said this variance is for a front yard setback reduction from 25 feet to 20 feet for the single-family home to be constructed per the granting of a conditional use permit to allow this in commercial zoning. The Board discussed with the applicant that the requested front yard setback reduction to 20 feet will be for the new home only, as the garage will maintain a 25-foot front setback. This variance application also includes the request for the rear yard setback reduction from 5 feet to 3.5 feet for the existing pool on site.

Mr. Kincaid said he has an issue with the hardship here. In order for this Board to grant a variance or to properly evaluate a variance, a hardship needs to be looked at, and he's having a hard time with the applicant saying because there's already a pool there, it's a hardship. That presents a difficulty to him when the Board looks at future variances that will come before them, because he doesn't believe a pre-existing, self-inflicted condition is a hardship, or that you can create your own hardship like that or that the Board should reward somebody for creating their own hardship, so to speak. However, he does think there is a hardship created in the size and layout

of the property and its potential uses, as there are not a lot of potential uses without granting some sort of variance to allow for a building. He does not know that he is sympathetic to the requested five-foot variance reduction in the front to build a 3800-square-foot house, as this is a fairly big house.

Mr. Patrou said keep in mind, they do not have a full set of plans yet for this house, this is just what was prepared and proposed as to what size house this lot would permit. This basically just demonstrates the maximum and does not have any direct correlation to any present intention as to what will actually or necessarily be built there other than it is representative of a single-family home pursuant to the medium density residential regulations.

Mr. Kincaid said the Board has to look, to some extent, at the intention as well. He absolutely agrees with Mr. King about the impact of a shortened driveway on the alley and the ability to make that turn to access and exit the new house without driving over people's lawns, and he also has concerns about the size of that alley or lane supporting additional traffic. He understands there are houses at the end of the alley for which the lane is their only access, so he doesn't think it's fair to deny the applicant access to the property from the lane. But he thinks the suggestion Mr. King made regarding the front yard setback reduction for the house only is reasonable. He does not have an issue with the reduced rear yard setback to 3.5 feet for the pool, because it affects nobody, and backs up to the parking adjacent to 13<sup>th</sup> Street. If a 25-foot front yard setback is maintained for the garage and the reduced 20-foot front yard setback is granted for the house only, he does not have an issue with that either.

Ms. Longstreet said she still has a problem with this because it seems weird to have a house fronting on the lane.

Ms. Odom asked if this would be setting a precedent if the Board voted to approve the variance for the house.

Mr. Taylor said if Ms. Odom is talking about the access on the lane, it is his understanding there are already houses using the lane as their primary access.

Ms. Odom asked about allowing a house to front the lane.

Ms. Longstreet said other houses use the lane as their primary access, but do not front the lane.

Mr. Taylor said he thinks the Board would be in danger of causing issues with not allowing this, because there are already properties using the lane as their primary access, so the Board can't designate it as not-navigable or unable to be used as access. He also cannot point to any portion of City Code that says the house cannot face the lane.

Mr. Law said with the proposed parking for the commercial use, which is required per City Code, the front of the house has to access 13<sup>th</sup> Lane. City Code does not regulate what the front or back of the house has to look like, so it all depends on architectural styling. Regarding addressing the house on 13<sup>th</sup> Lane, he's unaware of anything that prohibits that, and as it's already been pointed out, up and down every lane, there are at least two to four oceanfront homes that are addressed to the lanes. Keep in mind this a very creative instance where the lots have to be created and re-platted to accommodate the City's parking regulations for the proposed commercial use of the existing residential building. The applicant will still be bound by the maximum 35 percent lot coverage for the proposed new home per conditional use, maximum 50 percent ISR coverage, with an extra 15 percent allowed for permeable pavers, and he is already at a disadvantage because of the pool, which is included in ISR coverage. So all of this will have to be taken into consideration when the house is designed and submitted for a formal zoning review, which is why staff continuously reiterates that the proposed new single-family residence shall be constructed in accordance with medium density residential guidelines per the LDRs. One thing he'd like the Board to ponder, however, is if the variance is granted for a front yard setback reduction from 25 feet to 20 feet for the non-garage areas of the new residence only, what will happen if the applicant wants to build a bump-out on the second floor, above the garage? Would the 25-foot front yard setback maintained for the garage be continued all the way up to whatever height is proposed up to 35 feet, or not? The basis of the variance is to maintain a 25-foot front yard setback for the garage to allow more maneuvering room for vehicles accessing the lane, but the Board may want to allow a cantilevered floor system above the garage to have a 20-foot front setback.

Mr. Patrou said it would be his hope that the 25-foot front setback would be maintained for the garage only, so the residence will be allowed to have more of a normal shape as it continues up in height.

Mr. Law said if a motion is made to allow a front yard setback reduction from 25 feet to 20 feet for non-garage areas only, anything built above the garage would be allowed to be built with a 20-foot front setback.

**Motion:** to approve Variance File No. VAR 2020-10 for a rear yard setback reduction from 5 feet to 3.5 feet for the existing inground swimming pool and a front yard setback reduction from 25 feet to 20 feet for the non-garage areas of the proposed new single-family residence only on Lots 53 and 54, Atlantic Beach Subdivision, currently addressed as 17 13<sup>th</sup> Street (the address for the proposed new single-family residence shall be assigned a new address on 13<sup>th</sup> Lane at time of building permit application). **Moved** by Mr. Kincaid, **seconded** by Mr. Einheuser, **passed 7-0** by unanimous voice-vote,

- E. Land Use Variance File No. VAR 2020-11, for a variance to allow parking for a commercial office building in a commercial land use district on Lots 52 and 53, Atlantic Beach Subdivision, at 17 13<sup>th</sup> Street, Michael Stauffer and Scott Patrou, Agents for Ancient City Ventures LLC, Applicant

Mr. Kincaid said this last variance is to allow the required parking for the commercial use to back directly onto 13<sup>th</sup> Street instead of through an alleyway, driveway, or other access point.

Mr. Patrou said he would just like to point back to the photos he displayed to demonstrate how consistent that is with other businesses in the City, particularly with existing structures.

Mr. Einheuser asked if the applicant were granted a reduction of the number of parking spaces required per City Code, could the parking plan be redone with parallel parking?

Mr. Law said parallel parking will not support this facility just because of the length of parallel parking spaces, which he believes is 22 feet. Aside from this, everyone knows how much fun parallel parking is. If Mr. Patrou opts to apply to reduce the required number of parking spaces later on, and provides data to the Board demonstrating how much parking is actually needed for the commercial use of the structure for his law firm, the Board could consider this, but it would definitely require another variance application at some point. Keep in mind a conversion from a single-family residence built in 1975 to a commercial structure that has to meet today's commercial building codes is going to get creative and take some doing, but Mr. Patrou and Mr. Stauffer are aware of this.

Mr. Kincaid said this falls in line with the City trying to encourage commercial development along the Boulevard. He is comforted by the fact that the applicant is not planning on using the number of parking spaces required per City Code, but he does not think this will have no impact on the City. Any time a new commercial establishment goes in, it has an impact on the City regarding traffic, safety, and all sorts of other issues. Personally, he thinks this project will be a benefit to the City, as they're trading a transient rental for a commercial office building, and the applicant is leaving a current commercial office building that can't become a transient rental facility but will become an office for somebody else or some other business. He also thinks that to deny this variance for the parking along 13<sup>th</sup> Street would basically kill the whole project, as he sees that each application is dependent upon each other, like a house of cards. As he lives on 11<sup>th</sup> Street, he is aware of the number of businesses that have parking that actually backs out onto public streets and rights-of-way, including the Boulevard. In order to encourage what they are looking for in the City, he is going to support this.

Ms. Longstreet said she is still not happy with it.

**Motion:** to approve Land Use Variance File No. VAR 2020-11 to allow the required parking for the proposed commercial use of the existing structure in a commercial land use district on Lots 52 and 53, Atlantic Beach Subdivision, at 17 13<sup>th</sup> Street, to back onto and directly access the right-of-way of 13<sup>th</sup> Street. **Moved** by Ms.

Odom, **seconded** by Mr. Pranis, **passed 5-1** by roll-call vote, with Mr. Kincaid, Ms. Odom, Mr. Einheuser, Mr. King, Mr. Mitherz, and Mr. Pranis assenting, and Ms. Longstreet dissenting.

#### **VIII. BOARD COMMENT**

Ms. Longstreet said the Board is losing Mr. Mitherz, as this is his last meeting, and his is going to be missed.

Mr. Mitherz said there is a good group here, everyone does their homework, so the Board is in good hands and they will be all right without him.

Mr. Kincaid said they all owe Mr. Mitherz a debt for his leadership, mentorship, experience, and everything he's presented and done for this Board over the years. He himself has learned a tremendous amount listening to Mr. Mitherz, so on behalf of himself, this Board, and hopefully the City as well, he thanked Mr. Mitherz for his many years of service as a Board member.

Mr. Mitherz thanked everyone and said he appreciates this very much.

Ms. Miller asked Mr. Kincaid if he would present to Mr. Mitherz a plaque from the City in honor of his actual total of 12 years of service on the Board, from December 2008 to November 2020. Mr. Mitherz's term does not formally expire until 12:01 p.m. on November 17, 2020, but tonight's meeting will be the last meeting he will attend as a Board member.

Mr. Kincaid presented Mr. Mitherz with the plaque from the City, followed by a photograph taken by staff and applause from the Board members and the public audience.

#### **IX. ADJOURNMENT**

The meeting was adjourned at 8:36 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

November 2020

**TO:** MAYOR/COMMISSIONERS

**FROM:** DANIEL P. CARSWELL, CHIEF OF POLICE

### DEPARTMENT STATISTICS –October 26 - November 22

**CALLS FOR SERVICE 672**

**OFFENSE REPORTS 54**

**CITATIONS ISSUED 57**

**LOCAL ORDINANCE CITATIONS 7**

**DUI 1**

**TRAFFIC WARNINGS 165**

**TRESSPASS WARNINGS 11**

**ANIMAL COMPLAINTS 5**

**ARRESTS 11**

- 2 Drug Possess- Control Substance W/O Prescription
- 2 Drug Possess- Possession of Methamphetamine
- 1 DUI
- 1 Drug Equip-Possess
- 1 Resisting Officer- Obstruct W/O violence
- 1 Flee/Elude Police at high speed
- 1 Moving Traffic Violation
- 1 Larceny- Petit Theft
- 1 Disorderly Conduct

### ANIMAL CONTROL:

- St. Johns County Animal Control handled 5 complaints in St. Augustine Beach area.

### MONTHLY ACTIVITIES:

Activities canceled/limited due to COVID-19

- November 19<sup>th</sup> 7-9am: Coffee with a Cop at Starbucks/Publix location

## MEMORANDUM

Date: November 24, 2020  
To: Max Royle, City Manager  
From: Bill Tredik, P.E., Public Works Director  
Subject: November 2020 - Public Works Monthly Report

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### **Funding Opportunities**

Public Works is managing the following five (5) active grants:

- **City of St. Augustine Beach Vulnerability Assessment**  
Florida Resilient Coastlines Program - Resilience Planning Grant  
Grant amount - \$72,500; no match required  
Status – Revenue agreement has been executed. Work is underway.
- **Mizell Pond Weir and Stormwater Pump Station**  
Districtwide Cost Share – St. Johns River Water Management District  
Grant amount \$632,000; FEMA HMGP money as match  
Status – Revenue agreement has been executed. Bidding will commence upon FEMA final approval.
- **Mizell Pond Weir and Stormwater Pump Station**  
HMGP grant – FEMA/FDEM  
Grant amount \$2.58 Million; SJRWMD Districtwide Cost Share as match  
Status – Awaiting Final FEMA Approval for Construction.
- **Ocean Hammock Park Phase 2A - Construction**  
Florida Recreation Development Assistance Program  
Grant amount - \$106,500; \$35,500 match required  
Status – The Grant Agreement has been executed.
- **Ocean Hammock Park Phase 2B - Design & Permitting**  
Coastal Partnership Initiative Grant – NOAA funded  
Grant amount \$25,000; \$25,000 match required  
Status – The Grant Agreement has been executed.



Public Works has also applied for the following grants for Ocean Hammock Park:

- **Ocean Hammock Park Phase 2B – Construction 2B(1)**  
Coastal Partnership Initiative Grant – NOAA funded  
Grant amount \$60,000; \$60,000 match required  
Status – Grant Applied for on 9/24/2020. Decision expected in May 2021
- **Ocean Hammock Park Phase 2B - Construction 2B(2)**  
Florida Recreation Development Assistance Program  
Grant amount - \$200,000; \$200,000 match required  
Status – Grant Application Due 10/15/20. Decision expected in May 2021

Public Works will continue to explore grant opportunities for capital projects.

### **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 needs for rights-of-way and parkettes are decreasing as winter approaches. For the fall and winter season, Public Works will focus on other functions such as beautification of rights-of-way and parkettes and annual building and facility maintenance.

**Splash Park** – Splash Park and the adjacent children's play area remains closed until further notice to reduce the potential for transmission of the COVID-19 virus.

**Mickler Boulevard Landscaping** – Construction of landscaping improvements between the sidewalk and the edge of pavement will be installed upon completion of resurfacing of this section of roadway in the second quarter of FY21.

**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.

**CARES Funding** – Public Works has received an additional sanitization fogging machine and sanitization supplies through CARES funding. A new mini-split has also been installed in the upstairs office at Public Works. Additional equipment anticipated to be received through CARES funding in the next month includes, HVAC UV sanitization devices and portable Air purifiers with UV sanitization.

**Lakeside Park Dock Repair [DESIGN]** – Repair of Lakeside Park dock is anticipated to be bid in early 2021. The dock will be closed for approximately two months during repair activities.

### **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. Phase 1 (design and permitting) is complete and the city has received reimbursement from the Florida Division of Emergency Management (FDEM). FDEM has submitted Phase 2 (construction) to FEMA for final project approval. FEMA approval includes Tribal consultation and review by the State Historic Preservation Officer. Comments from Tribal consultation are due in early December. Bidding for construction will commence upon Phase 2 approval by FEMA. FEMA will reimburse of 75% of the total construction cost, with the remaining 25% to be funded by the St. Johns River Water Management District (SJRWMD) FY2021 districtwide cost-share program. Construction is anticipated to commence in early 2021.

**Ocean Hammock Park Phase 2A [FINAL DESIGN]** –Public Works is completing design of 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 early 2021 upon completion of design and permitting.

**Ocean Hammock Park Phase 2B [DESIGN]** – Public Works is beginning 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. Design will be completed in FY2021.

**Vulnerability Assessment [UNDERWAY]** – Work is underway on the vulnerability assessment. The vulnerability assessment is to be conducted in three (3) phases, with the 1<sup>st</sup> phase being completed by year's end. 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 [DESIGN]** – 11th Street is experiencing subsidence in several locations due to leaks in existing pipe joints. Public works has installed temporary patches to level and improve the safety and drivability of the roadway and is initiating design of improvements which will be constructed in FY21. Design of improvements is underway.

**Roadway Resurfacing [FINAL DESIGN]** – Roadway resurfacing projects for FY21 are under design and will begin construction in the 2<sup>nd</sup> quarter of the fiscal year. Planned roads for resurfacing in FY21 include Mickler Boulevard, Oceanside Circle, Atlantic Alley, and Tides End Drive. Paving on Tides End Drive and Mickler Boulevard is anticipated in early 2021, followed by Atlantic Alley. Pavement of Oceanside Circle will be last, due to the need to improve drainage concurrently with paving.

#### **Streets / Rights of Way / Drainage**

**Mickler Boulevard Ditch Cleaning 11<sup>th</sup> Street to A Street [UNDERWAY]** - Public Works has completed removal of vegetation from the Mickler Boulevard Ditch between 11<sup>th</sup> Street and A Street. Removal of accreted muck will take place in FY2021

**Ocean Walk Drainage Interim Improvements [UNDERWAY]** – Public Works has advertised for bids for a trailer-mounted stormwater pump to allow stormwater in the Lee Drive area to be pumped into the Mickler Boulevard drainage system. The bid opening for the stormwater pump is scheduled for November 30, 2020. Public Works will install the remainder of the interim improvements upon receipt of the backflow prevention device from the supplier.

**Ocean Walk Drainage Study [RFQ]** – Public works has advertised a request for qualifications (RFQ) to conduct a drainage study of the Ocean Walk watershed. Responses to the RFQ are in early December, 2020. The consultants will be ranked based upon their qualifications, and staff will bring the ranking to the commission for approval and authorization to begin negotiations with the highest ranked firm.

**Oceanside Circle Drainage [DESIGN]** – Survey and geotechnical investigation is underway on Oceanside Circle to determine options for improving drainage in the area. Design and permitting will follow with construction planned for mid-2021. Paving of Oceanside Circle will be done after installation of drainage improvements.

### **Street Lighting**

- Seven (7) new streetlights have been installed at unlit intersections along S.R. A1A. Public Works is coordinating with FPL to install one (1) additional streetlight at the Sevilla Street intersection.
- FPL is proceeding with ten (10) new streetlights at poorly lit locations along A1A Beach Boulevard.
- Staff has coordinated with FPL regarding appropriate LED lamp types for various locations throughout the City and is developing a phased plan for conversion to LED fixtures. Staff will presenting the phased conversion plan to the Commission in 2021.

**Holiday Lighting** – Public Works has installed holiday lighting and decorations for the current holiday season. Public Works is also preparing decoration concepts for the FY22 holiday season, when FPL will no longer allow fixtures to draw power from their poles.

**Electric Vehicle Charging Station** – The city is awaiting a contract from NovaCharge, LLC for the installation and operation of the electric vehicle charging station. The contract is anticipated to come to the City commission for approval in January, 2021.

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## MEMORANDUM

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** MONTHLY REPORT  
**DATE:** 11/24/2020

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### **Finance**

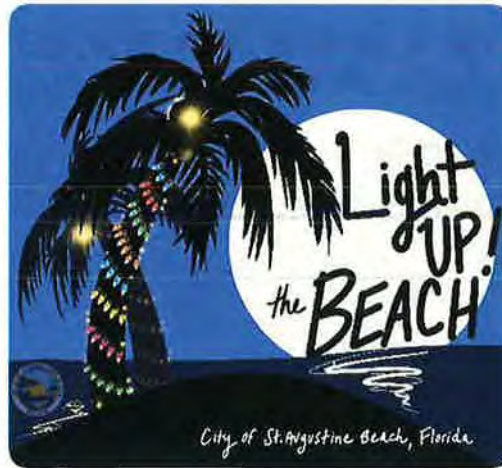
The first month of the new year financials have been finalized and with 8.33% of the year completed, our expenses are at 7.3%. We will continue to monitor the monthly financials to ensure we are meeting our budget.

### **Communications and Events**

Melinda has been working diligently to make sure our *Light Up the Beach!* events are successful. Our first event is happening Saturday, November 28<sup>th</sup> with the art walk. Attached is a copy of the event schedule for the holiday season.

### **Technology**

The IT Staff has no updates currently



#### **Art walk/Shop & Dine the Beach - November 28, 2020**

**4:00 P.M. – 8:00 P.M. – Pope Road to A Street** - Come take a stroll down A1A Beach Boulevard and visit our local artists in various locations including our parkettes as well as outside our local businesses. In association with the Art Studio of St. Augustine Beach, this event will feature artists and artisans with many diverse items from paintings, photography, prints, pottery, sculpture, jewelry and stained glass. Offerings include many holiday themed pieces as well as affordable gift items. All handmade, all local. Many local businesses are offering something special during the event, from hosting artists, special sales, and even entertainment, there is something for everyone.

#### **Surf Illumination – December 5, 2020**

**4:00 P.M. – 7:00 P.M. – St. Augustine Beach Pier Park** - Put on by the St. Augustine Beach Civic Association, this annual event is a family favorite. Featuring the lighting of the St. Augustine Beach Christmas tree, the event will also have Santa Claus and a balloon twister for children of all ages to enjoy! Several vendors will have arts & crafts including holiday themed gifts. For information contact 904-347-8007.

#### **Holiday Night Market – December 12, 2020**

**4:00 P.M. – 8:30 P.M. – St. Augustine Beach Pier Park** - Bring the whole family to the first annual Holiday Market at the Pier. Stroll through the market where you will find local vendors with offerings for everyone on your holiday gift list. The market will offer gift wrapping for your one-of-a-kind purchases. Capture the family fun in our Grinchy-themed photo booth, discover delicious treats to take home, all while enjoying the vibrant light displays at Pier Park. The event is put on in association with the Wednesday Pier Farmers Market.

#### **Art walk/Shop & Dine the Beach - December 19, 2020**

**4:00 P.M. – 8:00 P.M. – Pope Road to A Street** - Come take a stroll down A1A Beach Boulevard and visit our local artists in various locations including our parkettes as well as outside our local businesses. In association with the Art studio of St. Augustine Beach, this event will feature artists and Artisans with many diverse items to offer from paintings, photography, prints, pottery, sculpture, jewelry and stained glass. Offering many holiday themed pieces as well as affordable gift items. All handmade, all local. Many local businesses are offering something special during the event, from hosting artists, special sales, and even entertainment, there is something for everyone.

Contact Melinda Conlon, Communications & Events Coordinator for more information. [events@cityofsab.org](mailto:events@cityofsab.org).

November 18, 2020  
04:47 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: 10/01/20 to 10/31/20  
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Ref Num
PO #	Item	Description				Contract Ref Seq Acct
001TDOPERATING						
43751	10/09/20	ADVANC010 ADVANCED DISPOSAL SERVICES				10/31/20 1560
20-02264	1	RECYCLE CONTRACT FEES SEP-20	11,215.48	001-3400-534-3400	Expenditure	51 1
				GARBAGE		
43752	10/09/20	ADVANC010 ADVANCE AUTO PARTS				10/31/20 1560
20-02251	1	VEHICLE #112 WIPER BLADES	26.78	001-2100-521-4630	Expenditure	43 1
				LAW ENFORCEMENT		
21-00030	1	VEHICLE CLEANING SUPPLIES	30.36	001-2100-521-4630	Expenditure	92 1
				LAW ENFORCEMENT		
			57.14			
43753	10/09/20	AFLAC005 AFLAC				10/31/20 1560
20-02265	1	PREMIUMS SEP-20	465.24	001-229-2100	G/L	52 1
				Insurance-Other Employee Paid		
43754	10/09/20	AMERIC10 AMERICAN CROSSROADS APPAREL CO				10/31/20 1560
20-02244	1	BLDG UNIFORMS	206.00	001-2400-524-5210	Expenditure	36 1
				PROT INSPECTIONS		
43755	10/09/20	ASCAP010 ASCAP				10/31/20 1560
21-00005	1	MUSIC LICENSE	367.76	001-7200-572-4832	Expenditure	55 1
				PARKS AND REC		
43756	10/09/20	BETTY010 BETTY GRIFFIN CENTER				10/31/20 1560
20-02237	1	EVENT BOND REFUND-CS#3489	300.00	001-220-0000	G/L	29 1
				Deposits for Events		
43757	10/09/20	BOZAR010 BOZARD FORD COMPANY				10/31/20 1560
21-00011	1	VEHICLE #103 REPAIR	587.53	001-2100-521-4630	Expenditure	62 1
				LAW ENFORCEMENT		
43758	10/09/20	COLON010 COLONIAL SUPPLEMENTAL INSURANC				10/31/20 1560
21-00021	1	SUPPLEMENTAL INS PREM OCT-20	572.28	001-229-2100	G/L	73 1
				Insurance-Other Employee Paid		
43759	10/09/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC				10/31/20 1560
20-02250	1	PLAQUES	10.00	001-2100-521-5290	Expenditure	42 1
				LAW ENFORCEMENT		
21-00022	1	NAMEPLATE AND PLAQUE	90.00	001-1100-511-4990	Expenditure	74 1
				LEGISLATIVE		
			100.00			
43760	10/09/20	CSAB-030 CSAB - POLICE EDUCATION FUND				10/31/20 1560
20-02243	1	PE FROM FINES	127.68	001-351-500	Revenue	35 1
				Court Fines		
43761	10/09/20	DEBOR010 DEBORAH K CHRISTOPHER				10/31/20 1560
20-02245	1	SEP-20 PAYROLL 72 HOURS	2,160.00	001-2100-521-3400	Expenditure	37 1
				LAW ENFORCEMENT		

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PO #	Item	Description							
001	TD	OPERATING	Continued						
43762	10/09/20	DGGTA010 DGG UNIFORMS & WORK APPAREL				10/31/20	1560		
20-02239	1	PD UNIFORM POLOS	162.00	001-2100-521-5210	Expenditure		31	1	
				LAW ENFORCEMENT					
20-02248	1	UNIFORM INSIGNIA	326.00	001-2100-521-5210	Expenditure		40	1	
				LAW ENFORCEMENT					
			488.00						
43763	10/09/20	DIVIS030 DIVISION OF MOTORIST SERVICES				10/31/20	1560		
21-00004	1	REPLACEMENT CONFIDENTIAL TAG	31.95	001-2100-521-4630	Expenditure		54	1	
				LAW ENFORCEMENT					
43764	10/09/20	EDCOA005 EDCO AWARDS & SPECIALTIES				10/31/20	1560		
20-02246	1	AWARD	110.62	001-2100-521-5290	Expenditure		38	1	
				LAW ENFORCEMENT					
43765	10/09/20	EVIDE010 EVIDENT INC				10/31/20	1560		
20-02247	1	GLOVES	40.00	001-2100-521-5290	Expenditure		39	1	
				LAW ENFORCEMENT					
43766	10/09/20	FIRST070 FIRST BANKCARD				10/09/20	VOID		0
43767	10/09/20	FIRST070 FIRST BANKCARD				10/09/20	VOID		0
43768	10/09/20	FIRST070 FIRST BANKCARD				10/31/20	1560		
20-02198	1	VET DENTIST K9 KILO	2,226.66	001-2100-521-4640	Expenditure		1	1	
				LAW ENFORCEMENT					
20-02216	1	AMAZON-BLDG PAPER ROLLS	50.99	001-2400-524-5100	Expenditure		2	1	
				PROT INSPECTIONS					
20-02217	1	AMAZON-PD PENS	10.00	001-2100-521-5100	Expenditure		3	1	
				LAW ENFORCEMENT					
20-02218	1	AMAZON-PD OFFICE SUPPLIES	19.95	001-2100-521-5100	Expenditure		4	1	
				LAW ENFORCEMENT					
20-02219	1	AMAZON-PD OFFICE SUPPLIES	7.36	001-2100-521-5100	Expenditure		5	1	
				LAW ENFORCEMENT					
20-02220	1	AMAZON-PD VEH#114 FLOOR MATS	110.98	001-2100-521-4630	Expenditure		6	1	
				LAW ENFORCEMENT					
20-02221	1	AMAZON-PD LEGAL PAPER	12.99	001-2100-521-5100	Expenditure		7	1	
				LAW ENFORCEMENT					
20-02222	1	AMAZON-PD FLAG AWARDS	179.90	001-2100-521-5290	Expenditure		8	1	
				LAW ENFORCEMENT					
20-02223	1	AMAZON-PD LAPTOP CABLE	40.63	001-2100-521-5290	Expenditure		9	1	
				LAW ENFORCEMENT					
20-02224	1	AMAZON-PD FLAG CASE	179.90	001-2100-521-5290	Expenditure		10	1	
				LAW ENFORCEMENT					
20-02225	1	READYREFRESH-BLDG WATER	55.96	001-2400-524-5100	Expenditure		11	1	
				PROT INSPECTIONS					
20-02226	1	ICC BLDG PERMIT TECH	219.00	001-2400-524-5430	Expenditure		12	1	
				PROT INSPECTIONS					
20-02227	1	TRI-STATE CONSULT-BLDG PERMIT	111.95	001-2400-524-5430	Expenditure		13	1	
				PROT INSPECTIONS					
20-02228	1	ICC-BLDG ENERGY INSPECTOR	219.00	001-2400-524-5430	Expenditure		14	1	
				PROT INSPECTIONS					



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PO #	Item	Description							
001TDOPERATING				Continued					
43768	FIRST	BANKCARD		Continued					
20-02229	1	FACE-BLDG RECERT	50.00	001-2400-524-5420 PROT INSPECTIONS	Expenditure		15		1
20-02230	1	FGFOA DUES-P DOUYLLIEZ	50.00	001-1300-513-5420 FINANCE	Expenditure		16		1
20-02231	1	ZOOM-COVID VIRTUAL MEETG SVC	16.58	001-1100-511-5290 LEGISLATIVE	Expenditure		17		1
20-02232	1	ETSY-PD AWARD ITEM	33.00	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		18		1
20-02233	1	SJC TAX-BLDG VEH#26 TAG	120.49	001-2400-524-6410 PROT INSPECTIONS	Expenditure		19		1
20-02259	1	CHEWY-PD K-9 KILO FOOD	55.09	001-2100-521-4640 LAW ENFORCEMENT	Expenditure		47		1
20-02261	1	EMBASSY SUITES-ACCREDITATION	297.00	001-2100-521-5440 LAW ENFORCEMENT	Expenditure		49		1
			<u>4,067.43</u>						
43769	10/09/20	FLAGL030 FLAGLER CARE CENTER				10/31/20	1560		
20-02240	1	DRUG SCREENS/PHYSICAL	669.00	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		32		1
43770	10/09/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY				10/31/20	1560		
21-00026	1	COVID JANITORIAL SUPPLIES	195.00	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		86		1
21-00026	2	JANITORIAL SUPPLIES	565.11	001-1900-519-5290 OTHER GOVERNMENTAL	Expenditure		87		1
			<u>760.11</u>						
43771	10/09/20	FLORI180 FLORIDA LEAGUE OF CITIES, INC.				10/31/20	1560		
21-00033	1	MEMBERSHIP FY21	924.00	001-1300-513-5420 FINANCE	Expenditure		95		1
43772	10/09/20	FLORI190 FLORIDA MUNICIPAL INSUR TRUST				10/31/20	1560		
21-00023	1	INSURANCE PREMIUM OCT-20	56,104.57	001-155-0000 Prepaid Items	G/L		75		1
43773	10/09/20	FLORI230 FLORIDA POLICE CHIEFS ASSOCIAT				10/31/20	1560		
21-00006	1	FPCA MEMB DUES 10/1/20-9/30/21	210.00	001-2100-521-5420 LAW ENFORCEMENT	Expenditure		56		1
43774	10/09/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				10/31/20	1560		
20-02234	1	ELECTRICITY	114.77	001-1900-519-4310 OTHER GOVERNMENTAL	Expenditure		20		1
20-02234	2	ELECTRICITY	128.01	001-3400-534-4310 GARBAGE	Expenditure		21		1
20-02234	3	ELECTRICITY	198.66	001-131-1000 Due From Road & Bridge Fund	G/L		22		1
20-02235	1	ELECTRICITY	25.61	001-7200-572-4310 PARKS AND REC	Expenditure		23		1
20-02235	2	ELECTRICITY	23.44	001-7200-572-4310 PARKS AND REC	Expenditure		24		1

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TD	OPERATING			Continued					
43774	FLORIDA	POWER & LIGHT COMPANY	Continued						
20-02235	3	ELECTRICITY	652.92	001-1900-519-4310	Expenditure		25	1	
				OTHER GOVERNMENTAL					
20-02235	4	ELECTRICITY	435.29	001-2400-524-4310	Expenditure		26	1	
				PROT INSPECTIONS					
20-02235	5	ELECTRICITY	799.19	001-2100-521-4310	Expenditure		27	1	
				LAW ENFORCEMENT					
			<u>2,377.89</u>						
43775	10/09/20	FLORI440 FLORIDA NOTARY SERVICE				10/31/20	1560		
21-00007	1	NOTARY RENEWAL - D FITZGERALD	94.95	001-1300-513-5420	Expenditure		57	1	
				FINANCE					
43776	10/09/20	FOPL0005 FOP LODGE 113					1560		
21-00019	1	MEMBERSHIP DUES - BRYAN WRIGHT	8.34	001-229-1000	G/L		71	1	
				Miscellaneous Deductions					
43777	10/09/20	GALLS010 GALLS LLC				10/31/20	1560		
20-02249	1	UNIFORM-HARRELL	143.95	001-2100-521-5210	Expenditure		41	1	
				LAW ENFORCEMENT					
43778	10/09/20	GRIFF005 GRIFFIN SERVICE				10/31/20	1560		
20-02238	1	PD LADIES BATHROOM	404.30	001-1900-519-4610	Expenditure		30	1	
				OTHER GOVERNMENTAL					
43779	10/09/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				10/31/20	1560		
21-00014	1	HOZE NOZZLE	4.59	001-2100-521-4610	Expenditure		65	1	
				LAW ENFORCEMENT					
21-00027	1	PWD TRASH CAN	14.99	001-1900-519-5290	Expenditure		88	1	
				OTHER GOVERNMENTAL					
21-00027	2	SPLASH PARK SUPPLIES	41.72	001-7200-572-5290	Expenditure		89	1	
				PARKS AND REC					
			<u>61.30</u>						
43780	10/09/20	INNOV015 INNOVATIVE CREDIT SOLUTIONS				10/31/20	1560		
21-00031	1	CREDIT CHECK MEMBERSHIP	75.00	001-2100-521-5420	Expenditure		93	1	
				LAW ENFORCEMENT					
43781	10/09/20	INSTI010 INSTITUTE OF POLICE TECHNOLOGY				10/31/20	1560		
21-00012	1	INTERNAL AFFAIR TRAIN-HARRELL	895.00	001-2100-521-5430	Expenditure		63	1	
				LAW ENFORCEMENT					
43782	10/09/20	KATHI005 KATHI M HARRELL				10/31/20	1560		
21-00013	1	REIMBURSE-COMPUTER HARD DRIVE	54.99	001-2100-521-5290	Expenditure		64	1	
				LAW ENFORCEMENT					
43783	10/09/20	LEADS005 LEADSONLINE				10/31/20	1560		
21-00003	1	LEADS ONLINE 10/15/20-10/14/21	2,128.00	001-2100-521-4930	Expenditure		53	1	
				LAW ENFORCEMENT					

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PO #	Item	Description							
001TDOPERATING				Continued					
43784	10/09/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				10/31/20	1560		
21-00020	1	DEFERRED COMPENSATION	1,914.52	001-235-0000 Deferred Compensation	G/L		72	1	
43785	10/09/20	NORTH020 NORTHEAST FLA LEAGUE OF CITIES				10/31/20	1560		
21-00010	1	MEMBER DUES 10/1/20-9/30/21	100.00	001-1300-513-5420 FINANCE	Expenditure		61	1	
43786	10/09/20	PINNA005 PINNACLE PUBLIC FINANCE, INC				10/31/20	1560		
21-00008	1	VEHICLE LEASE	26,577.06	001-1700-517-7100	Expenditure		58	1	
21-00008	2	VEHICLE LEASE	1,699.63	001-1700-517-7200	Expenditure		59	1	
			<u>28,276.69</u>						
43787	10/09/20	PIPPR010 PIP PRINTING				10/31/20	1560		
20-02253	1	BUSINESS CARDS-CARSWELL/JENSEN	201.00	001-2100-521-4700 LAW ENFORCEMENT	Expenditure		45	1	
43788	10/09/20	PRIDE030 PRIDE ENTERPRISES				10/31/20	1560		
21-00032	1	TARGETBACKS FOR TRAINING	216.52	001-2100-521-5430 LAW ENFORCEMENT	Expenditure		94	1	
43789	10/09/20	PRSR005 PRS RACE TIMING LLC				10/31/20	1560		
20-02254	1	RETURN EVENT DEPOSIT	300.00	001-220-0000 Deposits for Events	G/L		46	1	
43790	10/09/20	SAFET020 SAFETY PRODUCTS, INC.				10/31/20	1560		
21-00025	1	GLOVES	410.40	001-3400-534-5290 GARBAGE	Expenditure		85	1	
43791	10/09/20	SIRCH005 SIRCHIE FINGERPRINT LABS				10/31/20	1560		
20-02241	1	TEST KIT	154.50	001-2100-521-5230 LAW ENFORCEMENT	Expenditure		33	1	
43792	10/09/20	SMITH010 SMITH BROS. PEST CONTROL				10/31/20	1560		
21-00015	1	PEST CONTROL OCT-20	25.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		66	1	
21-00015	2	PEST CONTROL OCT-20	52.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		67	1	
21-00015	3	PEST CONTROL OCT-20	30.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		68	1	
21-00015	4	PEST CONTROL OCT-20	52.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		69	1	
21-00015	5	PEST CONTROL OCT-20	25.00	001-1900-519-4610 OTHER GOVERNMENTAL	Expenditure		70	1	
			<u>184.00</u>						
43793	10/09/20	STAUG225 ST AUGUSTINE TIRE & TOWING				10/31/20	1560		
20-02252	1	VEHICLE #103 TOW	45.00	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		44	1	

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PO #	Item	Description					Ref Seq Acct
001TDOPERATING				Continued			
43794	10/09/20	STJOH010 ST JOHNS COUNTY CHAMBER OF COM				10/31/20	1560
21-00009	1	BUSINESS BUILDER MEMBERSHIP	700.00	001-1300-513-5420 FINANCE	Expenditure		60 1
43795	10/09/20	SUNLI010 SUN LIFE FINANCIAL				10/31/20	1560
21-00024	1	LIFE INSURANCE PREM NOV-20	4.56	001-1200-512-2300 EXECUTIVE	Expenditure		76 1
21-00024	2	LIFE INSURANCE PREM NOV-20	63.91	001-1300-513-2300 FINANCE	Expenditure		77 1
21-00024	3	LIFE INSURANCE PREM NOV-20	14.15	001-1500-515-2300 COMP PLANNING	Expenditure		78 1
21-00024	4	LIFE INSURANCE PREM NOV-20	40.35	001-1900-519-2300 OTHER GOVERNMENTAL	Expenditure		79 1
21-00024	5	LIFE INSURANCE PREM NOV-20	219.12	001-2100-521-2300 LAW ENFORCEMENT	Expenditure		80 1
21-00024	6	LIFE INSURANCE PREM NOV-20	40.63	001-2400-524-2300 PROT INSPECTIONS	Expenditure		81 1
21-00024	7	LIFE INSURANCE PREM NOV-20	45.01	001-3400-534-2300 GARBAGE	Expenditure		82 1
21-00024	8	LIFE INSURANCE PREM NOV-20	69.84	001-131-1000 Due From Road & Bridge Fund	G/L		83 1
21-00024	9	LIFE INSURANCE PREM NOV-20	407.61	001-229-2100 Insurance-Other Employee Paid	G/L		84 1
			905.18				
43796	10/09/20	TARAB005 TARA BARNETT				10/31/20	1560
21-00029	1	AWARDS FOR ANNUAL BANQUET	525.00	001-2100-521-5240 LAW ENFORCEMENT	Expenditure		91 1
43797	10/09/20	THEBA005 THE BANCORP BANK				10/31/20	1560
20-02260	1	VEHICLE LEASES #128 & #114	814.49	001-2100-521-4431 LAW ENFORCEMENT	Expenditure		48 1
43798	10/09/20	TICHY010 WAYNE TICHY				10/31/20	1560
21-00028	1	REIMBURSE CDL LICENSE RENEWAL	95.25	001-3400-534-5290 GARBAGE	Expenditure		90 1
43799	10/09/20	TOMNE010 TOM NEHL TRUCK COMPANY				10/31/20	1560
20-02236	1	VEHICLE #75 BRAKE LIGHT SWITCH	106.45	001-3400-534-4630 GARBAGE	Expenditure		28 1
43800	10/09/20	VERIZ010 VERIZON WIRELESS				10/31/20	1560
20-02262	1	PD CELL PHONES	869.65	001-2100-521-4100 LAW ENFORCEMENT	Expenditure		50 1
43801	10/09/20	WATER015 WATERLOGIC				10/31/20	1560
20-02242	1	WATER SYSTEM SERVICE	49.99	001-2100-521-5290 LAW ENFORCEMENT	Expenditure		34 1
43802	10/23/20	ADVAP010 ADVANCE AUTO PARTS				10/31/20	1564
21-00049	1	BRAKE LIGHT VEH#112	0.60	001-2100-521-4630 LAW ENFORCEMENT	Expenditure		80 1

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/void Contract	Ref Num	Ref Seq	Num Acct
PO #	Item	Description							
001TDOPERATING				Continued					
43802	ADVANCE	AUTO PARTS		Continued					
21-00087	1	CAR WASH	5.97	001-2100-521-4630	Expenditure		132	1	
				LAW ENFORCEMENT					
			6.57						
43803	10/23/20	ALLWE005 ALL WEATHER CONTRACTORS				10/31/20	1564		
21-00045	1	REFUND-CANCEL PERMIT	94.74	001-202-4000	G/L		76	1	
				Accounts Payable - Other					
43804	10/23/20	ARCHI005 ARCHIVESOCIAL				10/31/20	1564		
21-00075	1	ARCHIVE STANDARD 399	4,788.00	001-1100-511-5280	Expenditure		109	1	
				LEGISLATIVE					
43805	10/23/20	ATLAN040 ATLANTIC DODGE-CHRYSLER-JEEP				10/31/20	1564		
21-00085	1	VEHICLE #116 MAINTENANCE	76.04	001-2100-521-4630	Expenditure		130	1	
				LAW ENFORCEMENT					
43806	10/23/20	BOZAR010 BOZARD FORD COMPANY				10/31/20	1564		
20-02274	1	VEHICLE #66 MAINTENANCE	58.81	001-2100-521-4630	Expenditure		15	1	
				LAW ENFORCEMENT					
21-00047	1	VEHICLE #105 MATNTENANCE	235.08	001-2100-521-4630	Expenditure		78	1	
				LAW ENFORCEMENT					
			293.89						
43807	10/23/20	BUILD015 BUILDERS STAINLESS.COM					1564		
21-00051	1	SPLASH PARK MAINT SUPPLIES	7.60	001-7200-572-5290	Expenditure		133	1	
				PARKS AND REC					
21-00051	2	10TH ST RESTRM MAINT SUPPLIES	12.33	001-1900-519-4610	Expenditure		83	1	
				OTHER GOVERNMENTAL					
			19.93						
43808	10/23/20	CANON010 CANON FINANCIAL SERVICES				10/31/20	1564		
20-02283	1	CANON LEASE & USAGE	125.00	001-2400-524-4430	Expenditure		34	1	
				PROT INSPECTIONS					
20-02283	2	CANON LEASE & USAGE	67.51	001-2400-524-4700	Expenditure		35	1	
				PROT INSPECTIONS					
20-02283	3	CANON LEASE & USAGE	125.00	001-2100-521-4430	Expenditure		36	1	
				LAW ENFORCEMENT					
20-02283	4	CANON LEASE & USAGE	92.17	001-2100-521-4700	Expenditure		37	1	
				LAW ENFORCEMENT					
20-02283	5	CANON LEASE & USAGE	125.00	001-1300-513-4430-	Expenditure		38	1	
				FINANCE					
20-02283	6	CANON LEASE & USAGE	95.92	001-1300-513-4700	Expenditure		39	1	
				FINANCE					
20-02283	7	CANON LEASE & USAGE	47.84	001-1900-519-4430	Expenditure		40	1	
				OTHER GOVERNMENTAL					
20-02283	8	CANON LEASE & USAGE	53.36	001-3400-534-4430	Expenditure		41	1	
				GARBAGE					
20-02283	9	CANON LEASE & USAGE	82.80	001-131-1000	G/L		42	1	
				Due From Road & Bridge Fund					
20-02283	10	CANON LEASE & USAGE	3.61	001-1900-519-5100	Expenditure		43	1	
				OTHER GOVERNMENTAL					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING									
Continued									
43808	10/23/20	CANON FINANCIAL SERVICES							
20-02283	11	CANON LEASE & USAGE	4.03	001-3400-534-5100	Expenditure		44	1	
				GARBAGE					
20-02283	13	CANON LEASE & USAGE	6.27	001-131-1000	G/L		45	1	
				Due From Road & Bridge Fund					
			828.51						
43809	10/23/20	CHARL005 CHARLES ROTH					1564		
21-00042	1	REFUND-COMM TRASH CAN EXCHANGE	40.62	001-369-900	Revenue		70	1	
				Other Miscellaneous Revenues					
43810	10/23/20	CLERK020 CLERK OF CIRCUIT COURT				10/31/20	1564		
20-02277	1	FILING FEES SEP-20	40.00	001-2100-521-5290	Expenditure		18	1	
				LAW ENFORCEMENT					
21-00046	1	CITATION SABP01226-FINLEY	58.00	001-354-300	Revenue		77	1	
				Ordinance Violation Fines					
			98.00						
43811	10/23/20	CLINE010 BRUCE CLINE					1564		
21-00083	1	REIMB-K9 SEMINAR LUNCHES 4X\$10	40.00	001-2100-521-4000	Expenditure		128	1	
				LAW ENFORCEMENT					
43812	10/23/20	COMCA015 COMCAST				10/31/20	1564		
21-00048	1	CABLE TV NEWS OCT-20	65.40	001-2100-521-4330	Expenditure		135	1	
				LAW ENFORCEMENT					
43813	10/23/20	CONTI010 CONTINENTAL AUTO/TRUCK SERVICE				10/31/20	1564		
20-02286	1	VEHICLE #76 REPAIR	431.45	001-3400-534-4630	Expenditure		53	1	
				GARBAGE					
43814	10/23/20	CRAFT010 CRAFT'S TROPHIES & AWARDS INC				10/31/20	1564		
21-00065	1	NAME PLATE-CARSWELL	12.00	001-1100-511-4990	Expenditure		95	1	
				LEGISLATIVE					
21-00077	1	BANQUET AWARDS	195.00	001-2100-521-5290	Expenditure		112	1	
				LAW ENFORCEMENT					
			207.00						
43815	10/23/20	DOUGL005 DOUGLAS LAW FIRM				10/31/20	1564		
21-00082	1	LEGAL OCT-20	6,000.00	001-1300-513-3100	Expenditure		127	1	
				FINANCE					
43816	10/23/20	FEDER005 FEDERAL EASTERN INTERNATIONAL				10/31/20	1564		
20-02281	1	VEST - MCNETT	1,362.14	001-2100-521-5210	Expenditure		33	1	
				LAW ENFORCEMENT					
43817	10/23/20	FLGIS005 FLGISA					1564		
21-00066	1	RENEW ANNUAL MEMBERSHIP	200.00	001-1300-513-5420	Expenditure		96	1	
				FINANCE					
43818	10/23/20	FLORI020 FLORIDA ASSOC OF CITY CLERKS				10/31/20	1564		
21-00068	1	FACC MEMBERSHIP - RADDATZ	75.00	001-1300-513-5420	Expenditure		134	1	
				FINANCE					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING				Continued					
43819	10/23/20	FLORI170 FLORIDA JANITOR & PAPER SUPPLY				10/31/20	1564		
21-00053	1	JANITORIAL SUPPLIES	35.60	001-1900-519-5290	Expenditure		85	1	
				OTHER GOVERNMENTAL					
43820	10/23/20	FLORI190 FLORIDA MUNICIPAL INSUR TRUST					1564		
21-00078	1	INSURANCE PREMIUM NOV-20	6,929.56	001-229-2000	G/L		113	1	
				Health Insurance-Employee Portion					
21-00078	2	INSURANCE PREMIUM NOV-20	2,860.63	001-229-2100	G/L		114	1	
				Insurance-Other Employee Paid					
21-00078	3	INSURANCE PREMIUM NOV-20	650.57	001-1200-512-2300	Expenditure		115	1	
				EXECUTIVE					
21-00078	4	INSURANCE PREMIUM NOV-20	5,439.87	001-1300-513-2300	Expenditure		116	1	
				FINANCE					
21-00078	5	INSURANCE PREMIUM NOV-20	991.96	001-1500-515-2300	Expenditure		117	1	
				COMP PLANNING					
21-00078	6	INSURANCE PREMIUM NOV-20	3,728.13	001-1900-519-2300	Expenditure		118	1	
				OTHER GOVERNMENTAL					
21-00078	7	INSURANCE PREMIUM NOV-20	2,906.29	001-2400-524-2300	Expenditure		119	1	
				PROT INSPECTIONS					
21-00078	8	INSURANCE PREMIUM NOV-20	4,575.43	001-3400-534-2300	Expenditure		120	1	
				GARBAGE					
21-00078	9	INSURANCE PREMIUM NOV-20	2,202.98	001-7200-572-2300	Expenditure		121	1	
				PARKS AND REC					
21-00078	10	INSURANCE PREMIUM NOV-20	6,439.48	001-131-1000	G/L		122	1	
				Due From Road & Bridge Fund					
21-00078	11	INSURANCE PREMIUM NOV-20	19,428.59	001-2100-521-2300	Expenditure		123	1	
				LAW ENFORCEMENT					
			56,153.49						
43821	10/23/20	FLORI330 FLORIDA SHORE & BEACH					1564		
21-00038	1	MEMBERSHIP DUES	500.00	001-1100-511-5420	Expenditure		57	1	
				LEGISLATIVE					
43822	10/23/20	FLORI395 FLORIDA U C FUND				10/31/20	1564		
20-02278	1	REEMPLOYMENT TAX	96.74	001-1900-519-2500	Expenditure		19	1	
				OTHER GOVERNMENTAL					
20-02278	2	REEMPLOYMENT TAX	107.91	001-3400-534-2500	Expenditure		20	1	
				GARBAGE					
20-02278	3	REEMPLOYMENT TAX	167.46	001-131-1000	G/L		21	1	
				Due From Road & Bridge Fund					
			372.11						
43823	10/23/20	FLOWE010 FLOWERS BY SHIRLEY INC				10/31/20	1564		
21-00036	1	FUNERAL DISH GARDEN-RADDATZ	84.95	001-1300-513-5290	Expenditure		55	1	
				FINANCE					
43824	10/23/20	FOPL0005 FOP LODGE 113					1564		
21-00069	1	MEMBERSHIP DUES - BRYAN WRIGHT	8.34	001-229-1000	G/L		98	1	
				Miscellaneous Deductions					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING			Continued						
43825	10/23/20	GALLS010 GALLS LLC				10/31/20	1564		
20-02275	1	UNIFORM ITEMS-JENSEN	26.54	001-2100-521-5210	Expenditure		16	1	
				LAW ENFORCEMENT					
20-02276	1	UNIFORM ITEMS-JENSEN	127.41	001-2100-521-5210	Expenditure		17	1	
				LAW ENFORCEMENT					
			<u>153.95</u>						
43826	10/23/20	GTDIS005 GT DISTRIBUTORS				10/31/20	1564		
21-00039	1	UNIFORM BELT - HARRELL	68.75	001-2100-521-5210	Expenditure		58	1	
				LAW ENFORCEMENT					
43827	10/23/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				10/31/20	1564		
21-00079	1	10TH STREET RESTROOM SUPPLIES	56.07	001-1900-519-4610	Expenditure		124	1	
				OTHER GOVERNMENTAL					
43828	10/23/20	HOMED010 HOME DEPOT				10/31/20	1564		
21-00054	1	STRIPING SUPPLIES-PD PARK LOT	57.41	001-1900-519-4610	Expenditure		86	1	
				OTHER GOVERNMENTAL					
21-00081	1	10TH ST RESTROOM SUPPLIES	28.97	001-1900-519-4610	Expenditure		126	1	
				OTHER GOVERNMENTAL					
			<u>86.38</u>						
43829	10/23/20	INDIA010 INDIANHEAD EXPLORATION, LLC				10/31/20	1564		
20-02280	1	SW DISPOSAL FEES SEP-20	1,985.80	001-3400-534-4940	Expenditure		32	1	
				GARBAGE					
43830	10/23/20	LEGAL005 LEGALSHIELD				10/31/20	1564		
21-00071	1	PREPAID LEGAL	15.95	001-229-2100	G/L		100	1	
				Insurance-Other Employee Paid					
43831	10/23/20	LVHIE010 L.V. HIERS INC.				10/31/20	1564		
21-00043	1	596 GAL DIESEL FUEL	1,068.63	001-141-0000	G/L		71	1	
				Inventories - Fuel					
21-00043	2	402 GAL UNLEADED 87 OCTANE	750.45	001-141-0000	G/L		72	1	
				Inventories - Fuel					
21-00076	1	355 GAL DIESEL FUEL	671.97	001-141-0000	G/L		110	1	
				Inventories - Fuel					
21-00076	2	293 GAL REGULAR 87 OCTANE	555.24	001-141-0000	G/L		111	1	
				Inventories - Fuel					
			<u>3,046.29</u>						
43832	10/23/20	MARIO010 MARIOTTI'S					1564		
20-02284	1	UNIFORM DRYCLEAN SVC SEP-20	140.67	001-2100-521-5210	Expenditure		46	1	
				LAW ENFORCEMENT					
43833	10/23/20	MICHA040 MICHAEL STAUFFER, ARCHITECT LL					1564		
20-02056	1	OCEAN HAMMOCK PARK RESTROOMS	675.00	001-7200-572-6320	Expenditure		1	1	
				PARKS AND REC					
43834	10/23/20	MICRO010 MICROSOFT				10/31/20	1564		
20-02215	1	EQP2 MICROSOFT OFFICE LICENSE	1,344.00	001-1100-511-5290	Expenditure		2	1	
				LEGISLATIVE					



Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING				Continued					
43834		MICROSOFT		Continued					
20-02215	2	EOP2 MICROSOFT OFFICE LICENSE	96.00	001-1300-513-5290	Expenditure			3	1
				FINANCE					
20-02215	3	EOP2 MICROSOFT OFFICE LICENSE	96.00	001-2100-521-5290	Expenditure			4	1
				LAW ENFORCEMENT					
20-02215	4	EOP2 MICROSOFT OFFICE LICENSE	96.00	001-3400-534-5290	Expenditure			5	1
				GARBAGE					
20-02215	5	EOP2 MICROSOFT OFFICE LICENSE	96.00	001-131-1000	G/L			6	1
				Due From Road & Bridge Fund					
20-02215	6	EOP2 MICROSOFT OFFICE LICENSE	96.00	001-2400-524-5290	Expenditure			7	1
				PROT INSPECTIONS					
			1,824.00						
43835	10/23/20	NATIO090 NATIONWIDE RETIREMENT SOLUTION				10/31/20		1564	
21-00070	1	DEFERRED COMPENSATION	1,914.52	001-235-0000	G/L			99	1
				Deferred Compensation					
43836	10/23/20	NEXTR005 NEXTRAN				10/31/20		1564	
21-00052	1	FUEL ADDITIVE	87.00	001-3400-534-5220	Expenditure			84	1
				GARBAGE					
43837	10/23/20	OHLIN005 OHLIN SALES INC/OSI BATTERIES				10/31/20		1564	
21-00086	1	BATTERIES	62.42	001-2100-521-5290	Expenditure			131	1
				LAW ENFORCEMENT					
43838	10/23/20	PATCH005 PATCH PLAQUES & MORE				10/31/20		1564	
21-00050	1	DESK PLATE - ADERHOLD	65.45	001-2100-521-5290	Expenditure			81	1
				LAW ENFORCEMENT					
43839	10/23/20	PUBLI020 PUBLIX				10/31/20		1564	
21-00037	1	R GRAY-30 YEAR ANNIV	112.03	001-1100-511-4990	Expenditure			56	1
				LEGISLATIVE					
43840	10/23/20	QUAOI005 QUADIENIT LEASING USA INC				10/31/20		1564	
21-00044	1	MAIL MACINE LEASE 11/5-2/4/21	99.21	001-1300-513-4430	Expenditure			73	1
				FINANCE					
21-00044	2	MAIL MACINE LEASE 11/5-2/4/21	27.06	001-2100-521-4430	Expenditure			74	1
				LAW ENFORCEMENT					
21-00044	3	MAIL MACINE LEASE 11/5-2/4/21	54.12	001-2400-524-4430	Expenditure			75	1
				PROT INSPECTIONS					
			180.39						
43841	10/23/20	QUILL010 QUILL LLC				10/31/20		1564	
21-00040	1	OFFICE SUPPLIES	37.69	001-1300-513-5100	Expenditure			59	1
				FINANCE					
21-00040	2	OFFICE SUPPLIES	147.18	001-2400-524-5230	Expenditure			60	1
				PROT INSPECTIONS					
21-00040	3	OFFICE SUPPLIES	80.38	001-2100-521-5100	Expenditure			61	1
				LAW ENFORCEMENT					
21-00040	4	OFFICE SUPPLIES	6.51	001-1900-519-5100	Expenditure			62	1
				OTHER GOVERNMENTAL					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING				Continued					
43841	QUILL LLC			Continued					
21-00040	5	OFFICE SUPPLIES	7.99	001-3400-534-5100	Expenditure		63	1	
				GARBAGE					
21-00040	6	OFFICE SUPPLIES	3.84	001-7200-572-5290	Expenditure		64	1	
				PARKS AND REC					
21-00040	7	OFFICE SUPPLIES	11.26	001-131-1000	G/L		65	1	
				Due From Road & Bridge Fund					
21-00041	1	OFFICE SUPPLIES	27.14	001-2100-521-5100	Expenditure		66	1	
				LAW ENFORCEMENT					
21-00041	2	OFFICE SUPPLIES	24.96	001-2100-521-5100	Expenditure		67	1	
				LAW ENFORCEMENT					
21-00041	3	OFFICE SUPPLIES	12.74	001-2100-521-5100	Expenditure		68	1	
				LAW ENFORCEMENT					
21-00041	4	OFFICE SUPPLIES	12.74	001-2100-521-5100	Expenditure		69	1	
				LAW ENFORCEMENT					
			372.43						
43842	10/23/20	SHERW010 SHERWIN WILLIAMS					1564		
21-00080	1	10TH ST RESTROOM SUPPLIES	156.45	001-1900-519-4610	Expenditure		125	1	
				OTHER GOVERNMENTAL					
43843	10/23/20	STADV010 STAPLES				10/31/20	1564		
21-00064	1	OFFICE SUPPLIES	508.32	001-1300-513-5100	Expenditure		87	1	
				FINANCE					
21-00064	2	OFFICE SUPPLIES	118.86	001-2400-524-5100	Expenditure		88	1	
				PROT INSPECTIONS					
21-00064	3	OFFICE SUPPLIES	200.23	001-2100-521-5100	Expenditure		89	1	
				LAW ENFORCEMENT					
21-00064	4	OFFICE SUPPLIES	34.20	001-2100-521-5230	Expenditure		90	1	
				LAW ENFORCEMENT					
21-00064	5	OFFICE SUPPLIES	19.53	001-1900-519-5100	Expenditure		91	1	
				OTHER GOVERNMENTAL					
21-00064	6	OFFICE SUPPLIES	23.97	001-3400-534-5100	Expenditure		92	1	
				GARBAGE					
21-00064	7	OFFICE SUPPLIES	11.54	001-7200-572-5290	Expenditure		93	1	
				PARKS AND REC					
21-00064	9	OFFICE SUPPLIES	33.72	001-131-1000	G/L		94	1	
				Due From Road & Bridge Fund					
			950.37						
43844	10/23/20	STAUG110 ST AUGUSTINE RECORD				10/31/20	1564		
20-02269	1	LEGAL ADVERTISING	94.24	001-2400-524-4810	Expenditure		10	1	
				PROT INSPECTIONS					
20-02270	1	LEGAL ADVERTISING	80.78	001-1300-513-4810	Expenditure		11	1	
				FINANCE					
20-02271	1	LEGAL ADVERTIZING	592.35	001-1300-513-4810	Expenditure		12	1	
				FINANCE					
20-02272	1	LEGAL ADVERTISING	578.89	001-1300-513-4810	Expenditure		13	1	
				FINANCE					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/void Contract	Ref Num	Ref Seq	Acct
PO #	Item	Description							
001TDOPERATING				Continued					
43844	ST AUGUSTINE RECORD	Continued							
20-02273	1	LEGAL ADVERTISING	219.89	001-1500-515-4810	Expenditure		14		1
				COMP PLANNING					
			1,566.15						
43845	10/23/20	STJOH110 ST. JOHNS COUNTY SOLID WASTE					1564		
20-02268	1	DISPOSAL FEES SEP-20	13,530.34	001-3400-534-4940	Expenditure		9		1
				GARBAGE					
43846	10/23/20	STJOH140 ST. JOHNS COUNTY UTILITY DEPAR				10/31/20	1564		
20-02279	1	WATER SERVICE SEP-20	112.80	001-2100-521-4320	Expenditure		22		1
				LAW ENFORCEMENT					
20-02279	2	WATER SERVICE SEP-20	59.90	001-1900-519-4320	Expenditure		23		1
				OTHER GOVERNMENTAL					
20-02279	3	WATER SERVICE SEP-20	66.81	001-3400-534-4320	Expenditure		24		1
				GARBAGE					
20-02279	4	WATER SERVICE SEP-20	103.68	001-131-1000	G/L		25		1
				Due From Road & Bridge Fund					
20-02279	5	WATER SERVICE SEP-20	568.41	001-1900-519-4320	Expenditure		26		1
				OTHER GOVERNMENTAL					
20-02279	6	WATER SERVICE SEP-20	378.95	001-2400-524-4320	Expenditure		27		1
				PROT INSPECTIONS					
20-02279	7	WATER SERVICE SEP-20	132.18	001-7200-572-4320	Expenditure		28		1
				PARKS AND REC					
20-02279	8	WATER SERVICE SEP-20	499.85	001-7200-572-4320	Expenditure		29		1
				PARKS AND REC					
20-02279	9	WATER SERVICE SEP-20	464.25	001-7200-572-4320	Expenditure		30		1
				PARKS AND REC					
20-02279	10	WATER SERVICE SEP-20	164.71	001-7200-572-4320	Expenditure		31		1
				PARKS AND REC					
			2,551.54						
43847	10/23/20	TARAB005 TARA BARNETT				10/31/20	1564		
21-00034	1	AWARDS FOR ANNUAL BANQUET	525.00	001-2100-521-5240	Expenditure		54		1
				LAW ENFORCEMENT					
43848	10/23/20	USBAN005 US BANK VOYAGER FLEET SYSTEMS				10/31/20	1564		
20-02267	1	FUEL 9/8 - 10/8/20	3,776.24	001-2100-521-5220	Expenditure		8		1
				LAW ENFORCEMENT					
43849	10/23/20	USPS0010 US POSTAL SERVICE (HASLER)				10/31/20	1564		
21-00067	1	POSTAGE	500.00	001-155-0000	G/L		97		1
				Prepaid Items					
43850	10/23/20	VERIZ010 VERIZON WIRELESS				10/31/20	1564		
20-02285	1	CELL PHONES SEP-20	0.92	001-1300-513-4100	Expenditure		47		1
				FINANCE					
20-02285	2	CELL PHONES SEP-20	440.42	001-1900-519-4100	Expenditure		48		1
				OTHER GOVERNMENTAL					
20-02285	3	CELL PHONES SEP-20	126.49	001-2400-524-4100	Expenditure		49		1
				PROT INSPECTIONS					

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PO #	Item	Description							
001TDOPERATING									
Continued									
43850	VERIZON WIRELESS	Continued							
20-02285	4	CELL PHONES SEP-20	237.55	001-3400-534-4100	Expenditure		50	1	
				GARBAGE					
20-02285	5	CELL PHONES SEP-20	58.92	001-2100-521-4100	Expenditure		51	1	
				LAW ENFORCEMENT					
20-02285	6	CELL PHONES SEP-20	237.56	001-131-1000	G/L		52	1	
				Due From Road & Bridge Fund					
			1,101.86						
43851	10/23/20	WATER015 WATERLOGIC				10/31/20	1564		
21-00084	1	WATER COOLER SERVICE	139.91	001-2100-521-5290	Expenditure		129	1	
				LAW ENFORCEMENT					
43852	10/23/20	WINDS005 WINDSTREAM				10/31/20	1564		
21-00072	1	PHONE/INTERNET OCT-20	629.36	001-1300-513-4100	Expenditure		101	1	
				FINANCE					
21-00072	2	PHONE/INTERNET OCT-20	28.61	001-1500-515-4100	Expenditure		102	1	
				COMP PLANNING					
21-00072	3	PHONE/INTERNET OCT-20	1,430.36	001-2100-521-4100	Expenditure		103	1	
				LAW ENFORCEMENT					
21-00072	4	PHONE/INTERNET OCT-20	286.07	001-2400-524-4100	Expenditure		104	1	
				PROT INSPECTIONS					
21-00072	5	PHONE/INTERNET OCT-20	114.43	001-1900-519-4100	Expenditure		105	1	
				OTHER GOVERNMENTAL					
21-00072	6	PHONE/INTERNET OCT-20	143.04	001-3400-534-4100	Expenditure		106	1	
				GARBAGE					
21-00072	7	PHONE/INTERNET OCT-20	57.21	001-7200-572-4100	Expenditure		107	1	
				PARKS AND REC					
21-00072	8	PHONE/INTERNET OCT-20	171.64	001-131-1000	G/L		108	1	
				Due From Road & Bridge Fund					
			2,860.72						
Checking Account Totals									
		Paid	Void	Amount Paid	Amount Void				
	Checks:	100	2	231,964.61	0.00				
	Direct Deposit:	0	0	0.00	0.00				
	Total:	100	2	231,964.61	0.00				
002IMPACTFEES									
1586	10/30/20	STJOH020 ST JOHNS COUNTY FINANCE DEPT					1565		
21-00123	1	IMPACT FEES OCT 2020	32,547.58	001-208-0000	G/L		1	1	
				Due to Other Governments					
Checking Account Totals									
		Paid	Void	Amount Paid	Amount Void				
	Checks:	1	0	32,547.58	0.00				
	Direct Deposit:	0	0	0.00	0.00				
	Total:	1	0	32,547.58	0.00				
101TDBANKRDBRG									
20767	10/09/20	AWACO010 AWA CONTRACTING CO. INC.				10/31/20	1559		
20-02263	1	MIZELL POND REPAIR SERVICES	350.00	101-4100-541-6380	Expenditure		22	1	
				ROADS & BRIDGES					

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
101TDBANKRDBRG			Continued				
20768	10/09/20	CMT00005 CMT				10/31/20	1559
20-02214	1	SJRWD FUNDING APPLICATION	2,987.50	101-4100-541-6383	Expenditure		4 1
				ROADS & BRIDGES			
20769	10/09/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				10/09/20 VOID	0
20770	10/09/20	FLORI250 FLORIDA POWER & LIGHT COMPANY				10/31/20	1559
20-02257	1	ELECTRICITY	16.89	101-4100-541-4310	Expenditure		7 1
				ROADS & BRIDGES			
20-02257	2	ELECTRICITY	36.95	101-4100-541-4310	Expenditure		8 1
				ROADS & BRIDGES			
20-02257	3	ELECTRICITY	815.65	101-4100-541-4310	Expenditure		9 1
				ROADS & BRIDGES			
20-02257	4	ELECTRICITY	103.13	101-4100-541-4310	Expenditure		10 1
				ROADS & BRIDGES			
20-02258	1	ELECTRICITY	94.07	101-4100-541-5320	Expenditure		11 1
				ROADS & BRIDGES			
20-02258	2	ELECTRICITY	4,324.63	101-4100-541-5320	Expenditure		12 1
				ROADS & BRIDGES			
20-02258	3	ELECTRICITY	13.35	101-4100-541-4310	Expenditure		13 1
				ROADS & BRIDGES			
20-02258	4	ELECTRICITY	11.55	101-4100-541-4310	Expenditure		14 1
				ROADS & BRIDGES			
20-02258	5	ELECTRICITY	282.96	101-4100-541-4310	Expenditure		15 1
				ROADS & BRIDGES			
20-02258	6	ELECTRICITY	10.89	101-4100-541-4310	Expenditure		16 1
				ROADS & BRIDGES			
20-02258	7	ELECTRICITY	11.55	101-4100-541-4310	Expenditure		17 1
				ROADS & BRIDGES			
20-02258	8	ELECTRICITY	11.84	101-4100-541-4310	Expenditure		18 1
				ROADS & BRIDGES			
20-02258	9	ELECTRICITY	27.81	101-4100-541-4310	Expenditure		19 1
				ROADS & BRIDGES			
20-02258	10	ELECTRICITY	14.12	101-4100-541-4310	Expenditure		20 1
				ROADS & BRIDGES			
20-02258	11	ELECTRICITY	17.65	101-4100-541-4310	Expenditure		21 1
				ROADS & BRIDGES			
			5,793.04				
20771	10/09/20	FORTE005 FORTERRA PIPE & PRECAST LLC				10/31/20	1559
20-02031	1	STORM DRAIN TYPE C BOX	1,100.00	101-4100-541-6380	Expenditure		1 1
				ROADS & BRIDGES			
20772	10/09/20	FUTCH015 FUTCH'S POWER DEPOT				10/31/20	1559
21-00017	1	SCAG REPAIR	76.99	101-4100-541-4620	Expenditure		24 1
				ROADS & BRIDGES			
20773	10/09/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				10/31/20	1559
20-02256	1	REPAIR TO STORM DRAIN	7.18	101-4100-541-6380	Expenditure		6 1
				ROADS & BRIDGES			

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
101TDBANKRDBRG			Continued				
20774	10/09/20	HOMED010 HOME DEPOT				10/31/20	1559
21-00018	1	DRAINAGE SUPPLIES-SABOR DELSOL	87.85	101-4100-541-6380	Expenditure		25 1
				ROADS & BRIDGES			
20775	10/09/20	PALFI005 PALFINGER USA LLC				10/31/20	1559
20-02255	1	REPAIR TO BUCKET LIFT-VEH#61	187.95	101-4100-541-4630	Expenditure		5 1
				ROADS & BRIDGES			
20776	10/09/20	SRM00005 SRM MATERIALS				10/31/20	1559
20-02213	1	MIZELL POND EMERGENCY REPAIRS	544.59	101-4100-541-6380	Expenditure		2 1
				ROADS & BRIDGES			
20-02213	2	MIZELL POND EMERGENCY REPAIRS	550.26	101-4100-541-6380	Expenditure		3 1
				ROADS & BRIDGES			
			1,094.85				
20777	10/09/20	THELA020 THE LAKE DOCTORS				10/31/20	1559
21-00016	1	WATER MANAGEMENT SVC OCT-20	595.00	101-4100-541-3400	Expenditure		23 1
				ROADS & BRIDGES			
20778	10/23/20	ADVAP010 ADVANCE AUTO PARTS				10/31/20	1563
21-00055	1	VEH#66 REPAIR PARTS	26.67	101-4100-541-4630	Expenditure		1 1
				ROADS & BRIDGES			
20779	10/23/20	AMERI080 AMERICAN PUBLIC WORKS ASSOC				10/31/20	1563
21-00062	1	APWA MEMBERSHIP - GATCHELL	218.00	101-4100-541-5420	Expenditure		19 1
				ROADS & BRIDGES			
20780	10/23/20	EVANS010 EVANS AUTOMOTIVE				10/31/20	1563
21-00056	1	VEH#69 REPAIRS	89.00	101-4100-541-4630	Expenditure		2 1
				ROADS & BRIDGES			
20781	10/23/20	FLST0020 FLORIDA STORMWATER ASSOCIATION					1563
21-00063	1	FSA MEMBERSHIP-TREDICK	500.00	101-4100-541-5420	Expenditure		8 1
				ROADS & BRIDGES			
20782	10/23/20	FUTCH010 FUTCH'S TRACTOR DEPOT				10/31/20	1563
21-00057	1	REPAIR TO MOWER DECK	162.38	101-4100-541-4620	Expenditure		3 1
				ROADS & BRIDGES			
20783	10/23/20	HAGAN020 HAGAN ACE MANAGEMENT CORP				10/31/20	1563
21-00059	1	DIP NET VEH#63 DRAINAGE	26.99	101-4100-541-5290	Expenditure		5 1
				ROADS & BRIDGES			
21-00092	1	PAINT SUPPLIES	9.99	101-4100-541-5290	Expenditure		20 1
				ROADS & BRIDGES			
21-00093	1	WASP/HORNET KILLER	55.08	101-4100-541-5290	Expenditure		17 1
				ROADS & BRIDGES			
			92.06				
20784	10/23/20	HOMED010 HOME DEPOT				10/31/20	1563
21-00094	1	HOLIDAY LIGHTS	6.96	101-4100-541-6361	Expenditure		18 1
				ROADS & BRIDGES			

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
101TDBANKRDBRG Continued							
20785	10/23/20	JACKW010 JACK HANANIA CHEVROLET					1563
21-00061	1	VEH#66 AIRBAG SYS REPAIR	841.68	101-4100-541-4630	Expenditure		7 1
				ROADS & BRIDGES			
20786	10/23/20	LVHIE010 L.V. HIERS INC.				10/31/20	1563
21-00076	3	115 GAL MARINE GAS 89 OCTANE	224.63	101-4100-541-5220	Expenditure		9 1
				ROADS & BRIDGES			
20787	10/23/20	MUNIC020 MUNICIPAL SUPPLY & SIGN CO.				10/31/20	1563
21-00058	1	DEAD END STREET SIGNS	151.30	101-4100-541-5310	Expenditure		4 1
				ROADS & BRIDGES			
20788	10/23/20	SANFO005 SANFORD AND SON AUTO PARTS INC				10/31/20	1563
21-00060	1	VEH #66 REPAIR PARTS	252.57	101-4100-541-4630	Expenditure		6 1
				ROADS & BRIDGES			
21-00089	1	VEHICLE #67 PARTS	58.76	101-4100-541-4630	Expenditure		13 1
				ROADS & BRIDGES			
21-00090	1	CORE DEPOSIT CREDIT	9.30	101-4100-541-4630	Expenditure		14 1
				ROADS & BRIDGES			
			302.03				
20789	10/23/20	STJOH245 ST JOHNS SALES & SERVICE				10/31/20	1563
21-00088	1	SCAG MOWER REPAIRS	37.55	101-4100-541-4620	Expenditure		10 1
				ROADS & BRIDGES			
21-00088	2	SCAG MOWER REPAIRS	95.59	101-4100-541-4620	Expenditure		11 1
				ROADS & BRIDGES			
21-00088	3	SCAG MOWER REPAIRS	98.16	101-4100-541-4620	Expenditure		12 1
				ROADS & BRIDGES			
			231.30				
20790	10/23/20	TAYLO020 TAYLOR RENTAL				10/31/20	1563
21-00091	1	REPAIR SUPPLIES-SANTA CLAUS	19.98	101-4100-541-6361	Expenditure		15 1
				ROADS & BRIDGES			
Checking Account Totals							
		Paid	Void	Amount Paid	Amount Void		
	Checks:	23	1	15,146.35	0.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	23	1	15,146.35	0.00		
Report Totals							
		Paid	Void	Amount Paid	Amount Void		
	Checks:	124	3	279,658.54	0.00		
	Direct Deposit:	0	0	0.00	0.00		
	Total:	124	3	279,658.54	0.00		

Totals by Year-Fund					
Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	0-001	47,730.43	127.68	1,957.67	49,815.78
ROAD & BRIDGE FUND	0-101	<u>11,520.52</u>	<u>0.00</u>	<u>0.00</u>	<u>11,520.52</u>
Year Total:		59,250.95	127.68	1,957.67	61,336.30
GENERAL FUND	1-001	100,946.92	98.62	113,650.87	214,696.41
ROAD & BRIDGE FUND	1-101	<u>3,625.83</u>	<u>0.00</u>	<u>0.00</u>	<u>3,625.83</u>
Year Total:		104,572.75	98.62	113,650.87	218,322.24
Total of All Funds:		<u>163,823.70</u>	<u>226.30</u>	<u>115,608.54</u>	<u>279,658.54</u>



Totals by Fund					
Fund Description	Fund	Expend Total	Revenue Total	G/L Total	Total
GENERAL FUND	001	148,677.35	226.30	115,608.54	264,512.19
ROAD & BRIDGE FUND	101	15,146.35	0.00	0.00	15,146.35
Total Of All Funds:		163,823.70	226.30	115,608.54	279,658.54

Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
GENERAL FUND	0-001	47,730.43	0.00	0.00	0.00	47,730.43
ROAD & BRIDGE FUND	0-101	11,520.52	0.00	0.00	0.00	11,520.52
Year Total:		59,250.95	0.00	0.00	0.00	59,250.95
GENERAL FUND	1-001	100,946.92	0.00	0.00	0.00	100,946.92
ROAD & BRIDGE FUND	1-101	3,625.83	0.00	0.00	0.00	3,625.83
Year Total:		104,572.75	0.00	0.00	0.00	104,572.75
Total of All Funds:		163,823.70	0.00	0.00	0.00	163,823.70

## PENDING ACTIVITIES AND PROJECTS

Revised November 24, 2020

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 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. Information for review of the City Manager was provided to the Commission in October. As Chief Hardwick has been elected Sheriff of St. Johns County, there is no need for the Commission to do his review as he will be leaving his position as Police Chief.
2. **LAND DEVELOPMENT REGULATIONS.** The Building Department staff prepared revisions to the Regulations to implement the new policies in the Comprehensive Plan that was approved by the state in February. The first phase of the revisions was submitted to the Commission at its October 5<sup>th</sup> meeting. They concern levels of service for recreational facilities in the City. The Commission passed the ordinance adopting the changes on first reading at its November 9<sup>th</sup> meeting. The ordinance is scheduled for its first public hearing and second reading at the Commission's December 7<sup>th</sup> meeting.

Another revision to the Regulations is needed to allow mobile food dispensing vehicles, or food trucks, in the City. At this time, mobile food vending is prohibited anywhere in the City except in connection with a special event permit issued by the City. A new state law mandates that cities and counties cannot completely ban food trucks. The Commission discussed proposed regulations to allow food trucks in the City at its November 9, 2020 meeting. The City Attorney will prepare an ordinance for the Commission's December 7<sup>th</sup> meeting.

At the Commission's November 9<sup>th</sup> meeting, the Building Official proposed four more changes:

- a. to remove obsolete language concerning occupancy limits
- b. to include medium low-density residential land use districts as subject to the same impervious surface ratio that applies to medium density residential land use districts
- c. to adopt by reference the currently adopted Florida Building Code concerning unsafe buildings
- d. to show that the number of regular members of the Code Enforcement Board is seven.

The City Attorney will prepare an ordinance for the Commission's December 7<sup>th</sup> meeting.

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. At its October 5<sup>th</sup> meeting, a Commissioner proposed that paid parking be discussed again. This may happen at a workshop meeting next spring.
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. Because of the social distancing requirement caused by the pandemic, the Commission will be asked in early 2021 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. Ms. Beverly Raddatz, the City Clerk, will propose more updates to the Manual at Commission meetings in 2021.
7. **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 new lights erected. The City Manager has approved the agreement and a contract has been submitted to FPL. Seven streetlights were put up in November 2020.
8. **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.
9. **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 was signed. FPL now must do the design and install the lights. The Public Works Director has verified the locations of the lights proposed to be changed. The FPL is moving forward with the design of 10 of the 12 lights and the contract for these lights have been signed. These lights will be put up in December or January. The remaining two lights will be re-evaluated as to whether there is a need to change them to provide better illumination of the Boulevard.

10. 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 Governor approved the appropriation and now the Florida Department of Environmental Protection has sent the contract, which the City Manager has signed. The restrooms are being designed by a local architect.
- 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 has hired a consultant to design and permit the project starting October 1<sup>st</sup>. The Public Works Director is preparing a contract with Gulfstream Design, LLC. Contract will be signed in early December. Project is to be completed by November 2021, which is when the contract will expire.

The Public Works Director has applied for another Partnership grant for \$60,000 for additional improvements to Ocean Hammock Park. The application was submitted on September 25, 2020. The City will not know until May 2021 whether it has received the grant.

- c. Florida Resilient Coastlines Program 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 approved the funding, the civil engineer has been hired and work on the project has started.
- 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. District approved the funding for this program in September 2020. The contract has been executed. Once FEMA has given its approval, the City will advertise for bids. Construction will begin in early 2021.

- e. Florida Recreation Development Assistance Group. The Public Works Director has prepared and submitted grant for more improvements to Ocean Hammock Park. The state will inform the City in May 2021 whether the City's application has been recommended for funding. Funding will depend on the Legislature appropriating the money and the Governor approving the funding
11. REQUEST TO ST. AUGUSTINE PORT, WATERWAY AND BEACH COMMISSION FOR FUNDING FOR PROJECTS. In the spring of 2021, City staff will ask the Port Commission to provide money in its Fiscal Year 2022 budget for beach access walkovers.
  12. REQUEST FOR FUNDING FROM TOURIST DEVELOPMENT COUNCIL FOR BEACH-RELATED PROJECTS. Requests for funding are on hold because of the significant decline in revenue from the bed tax due to the pandemic.
  13. 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.

The non-conforming sign for Antonio's Pizza/Rita's Ice was recently struck by a delivery truck. The replacement sign will be lower to meet the 12-foot height limit.
  14. 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 met with the company that builds the stations to determine the location for the station, which will be two charging stations next to Building C on the west side of the south city hall parking lot. The City is waiting for a contract from the company that will install the charging station. Installation will be done after the contract is accepted by the City Commission.
  15. FLOODING COMPLAINTS. Citizens have expressed concerns about the following areas:
    - a. 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, CMT, to review the project. At the Commission's September 14<sup>th</sup> meeting, the City's civil engineering consultant, Mr. Gary Sneddon of CMT, described project and its technical basis for piping the Mickler Boulevard ditch. At its October 5<sup>th</sup> meeting, the City Commission didn't approve an amendment to the contract with CMT for an investigation and flood control improvements for the Ocean Walk subdivision and asked the Public Works Director to prepare a Request for Qualifications, so that the Commission can consider an engineering firm to review the Ocean Walk drainage issues. The deadline for responses to the RFQ was November 23, 2020. The Public Works Director prepared an addendum, which was advertised before Thanksgiving. The deadline for the RFQ is December 8<sup>th</sup>.

- b. Oceanside Drive. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. The Public Works Department is having a survey on the area done, to determine the appropriate drainage solutions. The solutions will be done in connection with the redesign of the street.
  - c. St. Augustine Beach and Tennis Complex and Private Pond between Ocean Trace Road and the Sabor de Sal Subdivision. The private retention pond for the Beach and Tennis condo complex is too small and floods during periods of heavy rainfall. The flooding threatens the condo units that border the pond. The Sabor de Sal subdivision had a pond that is owned by the adjacent property owners. It also floods and threatens private property. The area needs a master plan that will involve the City, private property owners and the Florida Department of Transportation. The Public Works Director plans a town hall meeting the affected parties, to discuss a possible private/public partnership. A preliminary step will be the hiring of a consulting engineer to do an assessment and develop project alternatives.
  - d. A resident of 6<sup>th</sup> Street east of the Boulevard has complained about flooding on adjacent streets. The Public Works Director is investigating the causes.
16. STORMWATER UTILITY FEE. For a funding source to pay for improvements to the City's drainage system, the Public Works Director proposed a stormwater utility fee at the City Commission's October 5<sup>th</sup> meeting. The Commission decided not to levy the fee at this time. However, it likely will be discussed at a workshop or special meeting in April or May 2021.
  17. SOLID WASTE COLLECTION AND RECYCLING. The City Commission in early 2021 will hold a workshop meeting to discuss whether the City should outsource its collection of household waste and recyclables to a private company.
  18. REFURBISHING AND HIGHLIGHTING CITY'S CIVIL RIGHTS MONUMENT. The monument is located on the south side of pier park and adjacent to the bocce courts. It commemorates the attempt by black citizens to integrate the "whites only beach" in front of the former city hall in the summer of 1964. The monument was erected by July 2002 and paid for by the Northrup Grumman Corporation. At its September 22, 2020, meeting, the City Commission asked the City Manager to work on a vision for the monument, to take pictures of it for the City's website and social media, to have a picture of it put in the city hall corridor, and to seek funding to repair the monument, which has a metal base that's been corroded.
  19. SEEKING NEW POLICE CHIEF. With the election of Chief Rob Hardwick to the position of County Sheriff, the Commission at its October 5, 2020, meeting, appointed Commander Dan Carswell of the Police Department to be Interim Police Chief for six months. In April, the Commission will consider whether to make permanent the appointment of Interim Chief Carswell or to begin the process of advertising for candidates in Florida.
  20. BEACH RESTORATION. St. Johns County is the local sponsor of beach restoration in the City, as money from the bed tax is used to pay the County's share of the cost for each restoration project. According to the County's Coastal Manager, the next renourishment of the City's beach is scheduled to be done

in 2023. In the meantime, the County is discussing whether a renourishment project may need to be done sooner because of severe erosion of the beach in the vicinity of the County fishing pier.

21. QUARTERLY REPORTS ON PROGRESS OF PROJECTS. At its September 22<sup>nd</sup> budget meeting, the City Commission asked the City Manager to provide at the end of each quarter in the Fiscal year a report on the progress of projects and expenditures for them. The first quarter's report is due in January 2021.