


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 2nd Street West of 2nd Avenue

At your November 9th 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 2nd 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 7th 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 7th 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 7th.

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 2ND STREET WEST OF 2ND 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 2ND STREET WEST OF 2ND 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 2ND Street west of 2ND 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 2nd Street west of 2nd 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 2nd Street west of 2nd 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 2nd Street west of 2nd Avenue is necessary in order to fund a comprehensive, coordinated, and efficient construction of 2nd Street within the City of St. Augustine Beach.

Section 3. Legal Description of Area Subject to Levy. the lots bordering 2nd Street west of 2nd 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 7th day of December 2020, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.


Margaret England, Mayor

ATTEST:

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 2nd Street West of 2nd Avenue

BACKGROUND

At your November 9th meeting, you reviewed material provided by the staff concerning the two ways the costs to construct 2nd street west of 2nd 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 9th meeting when you discussed how to pay the costs to construct 2nd 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 2nd Street east of 2nd 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 2nd Street.

For 2nd Street west of 2nd 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 2nd Street east of 2nd 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: 2nd 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 2nd Street west of A1A Beach Boulevard to 22 feet wide
- Extending the paved portion of 2nd Street westward to the terminus of the 2nd Street right-of-way
- Constructing curb and gutter on the widened and extended portions of 2nd Street
- Constructing sidewalk on the widened and extended portions of 2nd 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 2nd Avenue is deemed as the "Extension" and work east of the eastern right-of-way of 2nd Avenue is deemed as the "Widening."

The estimated cost for the "Extension" is:

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

The estimated cost for the "Widening" is:

- \$108,553 for work east of the eastern 2nd 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 2nd 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 2nd 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:

Lot Dedication for Conservation Scenario	"Extension" Total Cost to Lot Owners	"Extension" Total Cost to City	"Extension" Individual Cost to Owners of Developable Lots
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.

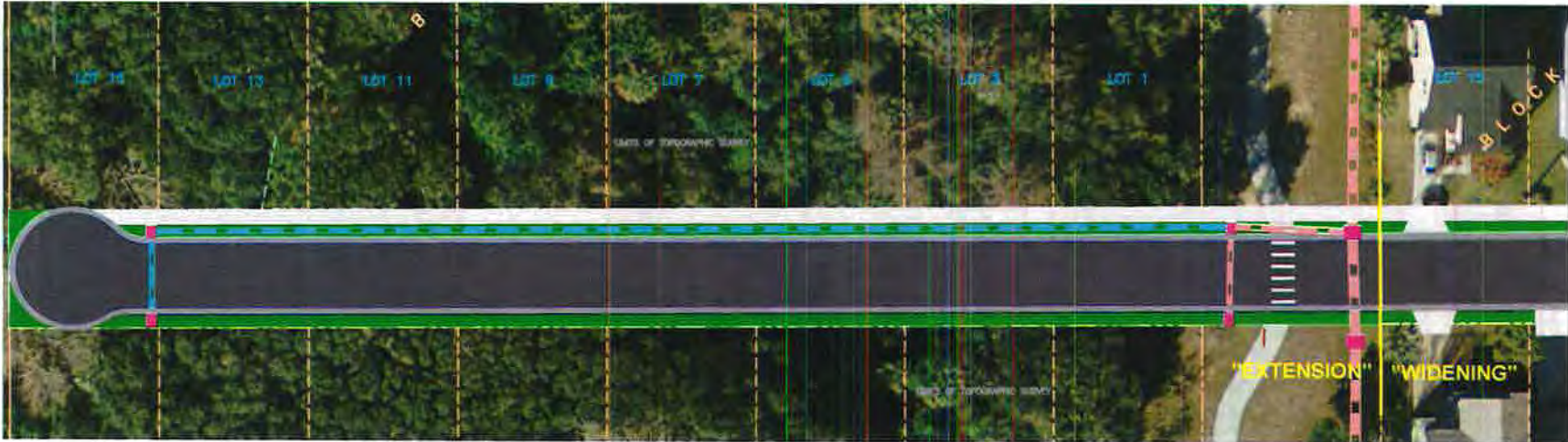
2nd Street "Extension"

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	TOTAL ROADWAY COST \$211,714.33

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	TOTAL UTILITY COST \$115,858.77

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	TOTAL ROADWAY COST \$108,553.23



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

7. Constructing Unbuilt Section of 2nd Street West of 2nd 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 2nd 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 2nd 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.