



AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 4, 2021, AT 6:00 P.M.

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

NOTICE TO THE PUBLIC

THE CITY COMMISSION HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE COMMISSION UNDER "PUBLIC COMMENTS."

RULES OF CIVILITY FOR PUBLIC PARTICIPATION

1. The goal of Commission meetings is to accomplish the public's business in an environment that encourages a fair discussion and exchange of ideas without fear of personal attacks.
2. Anger, rudeness, ridicule, impatience, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
3. When persons refuse to abide by reasonable rules of civility and decorum or ignore repeated requests by the Mayor to finish their remarks within the time limit adopted by the City Commission, and/or who make threats of physical violence shall be removed from the meeting room by law enforcement officers, either at the Mayor's request or by an affirmative vote of a majority of the sitting Commissioners.

"Politeness costs so little." – ABRAHAM LINCOLN

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF SPECIAL BUDGET COMMISSION MEETING AND REGULAR COMMISSION MEETING ON SEPTEMBER 13, 2021
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO ORDER TO TOPICS ON THE AGENDA
- VII. PRESENTATIONS
 - A. Interviews of Candidates for Two Alternative Positions on the Comprehensive Planning and Zoning Board
 - Mr. R. Conner Dowling
 - Mr. Kyle Vincent Lewis

- B. Proclamation to Declare October 2021 as Domestic Violence Awareness Month as Requested by the Betty Griffin Center
- C. Anastasia Island Environmental Stewardship Awards by Ms. Sandra Krempasky, Chair of Sustainability and Environmental Planning Advisory Committee
- D. Northeast Florida COVID-19 Recovery Plan by Representatives of the Northeast Florida Regional Council

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

- 1. Ordinance 21-10, Second Public Hearing and Final Reading: to Amend the Land Development Regulations Concerning Home Occupations and Conditional Use Permits (Presenter: Brian Law, Building Official)

XI. CONSENT

XII. OLD BUSINESS

- 2. 2nd Street: Review of Proposed Construction Plans (Presenter: Bill Tredik, Public Works Director)
- 3. Stormwater Utility Fee: Continuation of Discussion (Presenter: Bill Tredik, Public Works Director)
- 4. Proposal Ordinance: to Amend the City's General Code to Prohibit the Release of Helium or Lighter-Than-Air Balloons (Presenter: Lex Taylor, City Attorney)

XIII. NEW BUSINESS

- 5. Owner-Provided Solid Waste Services: Review of Proposed Ordinance (Presenter: Bill Tredik, Public Works Director)
- 6. American Rescue Plan: Discussion of Allowable Users of Funds and Possible Projects (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

- 1. **TEMPORARY SUSPENSION OF RECYCLING COLLECTION.** Due to labor shortages, the City will suspend recycling collection service starting Monday, October 4, 2021. The service will be resumed in the future after the City has purchased a truck and hired additional employees. Until it is resumed, residents can dispose of recyclables with their regular household waste.

2. **NATIONAL NIGHT OUT CELEBRATION.** The St. Augustine Beach Police Department, Sheriff's Department and St. Augustine Police Department will host this event on Tuesday, October 5, 2021, from 5:00 p.m. to 8:00 p.m. at pier park.
3. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE (SEPAC).** It will hold its monthly meeting on at 6:00 p.m. on Wednesday, October 13, 2021, in the Commission meeting room at city hall.
4. **COMPREHENSIVE PLANNING AND ZONING BOARD.** The Board will not meet in October because there are no topics to consider.

NOTE:

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

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

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



MINUTES

SPECIAL CITY COMMISSION BUDGET MEETING

MONDAY, SEPTEMBER 13, 2021, AT 5:01 P.M.

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

I. CALL TO ORDER

Mayor England called the meeting to order at 5:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

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

Mayor England advised that Item 4 of the Regular Commission meeting will be moved to this meeting to discuss it under the budget.

Commission agreed.

Mayor England moved to Item IV.A.

IV. REVIEW OF FISCAL YEAR 2022 BUDGET

A. Discussion of Proposed Budget, Millage and First Reading of Ordinance 21-11: to Adopt Operating and Debt Millage (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

B. Ordinance 21-12, First Reading: to Adopt FY 2022 Budget (Presenter: Patty Douylliez, Finance Director)

Mayor England introduced Item IV.A. and asked City Manager Royle for a staff report.

City Manager Royle recapped the overview of the budget. He advised that after the review the recycling item will be discussed.

Finance Director Douylliez showed a PowerPoint presentation, Exhibit 1, and that the budget has been composed at a millage rate of 2.47. She explained that the non-ad valorem assessment as discussed at the previous Commission meeting will be a total of \$315 per resident and is included in the proposed budget. The total revenues are \$15,476,520 for FY

21-22. She advised that the revenues encompass some of the funded projects that are in the capital outlay. Capital projects in FY 21-22 are budgeted at \$5.4 million, \$3.1 million are funded by impact fees to cover roads and some grant funding. The largest project is the weir, which is over \$2.9 million. The total amount of reserves in the General Fund is \$131,703. It helps with any issues that may arise during the year and will help towards our audit requirement that the City has 20% of reserves in the budget for an emergency. The FY 2021 budget was set at 2.45 millage and 2.47 millage is a slight increase in the proposed budget for FY 21-22. That would be an increase of \$39.70 per average home value for the year. At 2.45 millage rate the increase would be at \$31.41 per average home value. The Commission would need to decide on setting the millage and the total budget. She explained that at the next budget meeting the final budget will be completed.

Mayor England asked if the American Rescue Plan Act (ARPA) funds were included in this proposed budget.

Finance Director Douylliez advised no. The ARPA agreement has been received for slightly over \$3 million and City Attorney Taylor has reviewed the contract. She advised that they have reviewed some of the guidance from the Florida League of Cities and if the Commission agrees to take the money, ARPA needs to have the signed contract sent back to them as soon as possible.

Mayor England advised that there are four areas in the ARPA contract, and she believed that the City could apply for funds under all four areas. She advised that the Commission could get with Finance Director Douylliez with their ideas individually or the Commission could have a special meeting to discuss what could be done with the funds. She advised that the ARPA funds could be used for stormwater mitigation, bonus pay, and other items.

Finance Director Douylliez advised that bonus pay is not allowed. She advised that the ARPA funding is not in the budget and the City has not signed the contract to accept it yet. She advised if the contract is signed the federal government will be sending half of the money and she would be setting up a separate bank account with very strict guidelines.

Mayor England asked that the Commissioners communicate their ideas with City Manager Royle and Finance Director Douylliez on how to use the ARPA funding.

City Manager Royle asked that the ideas be sent to him, and the Finance Director and he will review them and make sure that they follow the guidelines of the ARPA funding. He explained that he would bring the entire list to the Commission at a meeting in the near future.

Mayor England suggested using the ARPA funding for recycling.

Vice Mayor Samora asked if there were any projects in the budget that the ARPA funding could cover.

Finance Director Douylliez advised no because many of the other projects are funded by other grants, so ARPA would not fund them. The equipment for recycling would not be covered under ARPA funding.

Mayor England advised that infrastructure can be used with ARPA funding in 2023. She advised that the City has until 2026 to spend the money. She advised that infrastructure, public health, economic impact, premium pay, revenue lost, overtime, etc., are some ideas on how to use

the ARPA funding.

Commissioner George asked about the Green Infrastructure Model Parkette that SEPAC is looking for funding on.

Finance Director Douylliez advised that ARPA funding would apply only if it were stormwater related. ARPA funding is for stormwater, drainage, and utilities. Since we do not have broadband, electric or water facilities in the City, stormwater would be the only allowable ARPA funding the City would qualify for.

Commissioner George advised that if the Greenway was capturing localized stormwater, which some of these infrastructures would be, that should qualify.

Finance Director Douylliez advised that she could research it with someone that is more knowledgeable about that type of infrastructure. The agreement is very specific. She explained that in this year's budget is a proposal for a stormwater master plan, which would give guidance on what direction the ARPA funding could be used for. She explained that by 2024 the City needs to commit the projects to ARPA, or the funding will end. If the City encumbered the expenses, then the City needs to complete the projects by December 2026. It is a short timeline as far as identifying the projects, bidding, and starting the projects.

Commissioner George asked if it is in the budget, it doesn't preclude from the City using ARPA funds.

Finance Director Douylliez advised that was correct.

Mayor England asked what the total increase was for salaries.

Finance Director Douylliez advised the salary increases are 3% plus a 1.3% COLA, which would total 4.3%. She explained that the COLA was at a minimum this year even though the COLA is projected this year at 5.4%.

Commissioner George advised that the greatest increases were with personnel costs and insurance.

Mayor England advised that the Commission can not do much about insurance increases with COVID-19 costs. Also, infrastructure is needed in the City. She advised that on her tax bill most of the agencies held their millage to the same rate as last year. Staff is asking for an increase from 2.45 to 2.47.

Vice Mayor Samora advised that he would like to look at the budget instead of a number and see what is needed this year.

Commissioner George advised that the City has some unusual infrastructure expenses this year; however, we are not just increasing the millage rate but also the non-ad valorem for solid waste and recycling. She explained that the budget is already going up and the revenues are going up too. She said that all of the infrastructure requirements are making costs higher, and the City needs to increase their reserves in case of an emergency. She asked how many more years the auditors want the City to meet the 20% reserve funding.

Finance Director Douylliez advised it would be this year; otherwise, we would receive a finding.

She explained that the City was off by ½ percent last year; however, until all the expenses are finalized for this year, she would not know how much the General Fund reserves would be off.

Commissioner George asked if the City puts the \$131,000 in reserves, how close would the City be to meet the 20% goal.

Finance Director Douylliez advised if the Commission sets the millage at 2.47 then the goal would be met this year. She advised that the auditors have notated for two years that we have not met the reserve level by our Charter. She advised that she is also concerned about meeting the cash flow needed for all the upcoming projects. The weir of \$2.9 million is a significant outlay ahead of receiving the grant funding. She explained that the City right now is \$300,000 out of pocket on the weir project until September 31, 2021. Revenues are limited for the rest of the year and the City is taking from the savings accounts to fund these projects until more money is received.

Mayor England asked if St. Johns County would help with a loan for our cash flow.

Finance Director Douylliez advised that St. Johns County did not want to do that. She advised that for the weir project monthly billing will have to be done in order to meet the cash flow issue. The Water Management District only wants to fund quarterly, so we will have to work around that; however, the Hazard Mitigation Grant Program through FEMA has agreed that monthly funding could be done.

Mayor England moved on to recycling.

Public Works Director Tredik showed a PowerPoint presentation, Exhibit 2, to recap what the status is for recycling. He explained that the recycling tonnage has gone down, which means that there will be an increase for FY 21-22. He explained what types of materials should be recycled. He explained that he has found one truck that has been used for demonstration purposes and has not been used for solid waste or recycling and has 6,000 miles on it. He explained that this could be purchased right away instead of ordering one and waiting six to eight months and it would cost less than a new truck. He advised that Tampa Train wants a commitment letter that the City will purchase the truck because others are interested in it. Financing for the truck cannot be done until December 2021, so they are requesting a commitment letter. He could start service by January 1, 2021. Other employees are needed for the extra pickups, and it has been hard to get employees and keep employees in this economy. He advised he needs a full staff as soon as possible so he can start the recycling service correctly. Public outreach and education are important. He explained that picking up solid waste and recycling on the same day may be a prudent option. The materials collected should be changed because some items do not have a strong market. Items that should be collected are; type 1 and 2 plastics, metals, paper, and cardboard, but education for the residents will be important. He asked Mayor England to sign a letter of commitment, to hire as soon as possible the employees needed to become fully staffed, and to start a public outreach program.

Mayor England said that staff should have sent the Commission an article that was in the St. Augustine Record from Beaches Go Green from Neptune Beach, Jacksonville Beach, and Atlantic Beach. The article explained the limitations on recycling and the Beaches Go Green organization would be happy to help the City with the marketing campaign for recycling. She explained that they will teach what products to purchase that can be recycled and educate the public how to recycle correctly. She could work with Melinda Conlon the City's

Communications Coordinator to hold workshops on how to recycle and answer the residents' questions. Beaches Go Green also has grant monies that she could give to the City as well. She explained that COVID is the reason why all the employee shortages have occurred, the infrastructure of recycling has been brought in-house to the City, a purchase of a new recycling / solid waste truck needs to be purchased, which is one of the categories for ARPA funding. She suggested the City move forward on this and use the ARPA funding for all the cost associated with this. She asked that City Attorney Taylor and the Florida League of Cities research whether ARPA funding could be used for this.

Commissioner George advised that was a good idea.

Mayor England advised that the Commission needs to decide when to stop the contract for recycling, when to educate the public, and when staff will restart recycling. She explained that to restart recycling cannot be sooner than January 1, 2021, when the new truck has been purchased.

Public Works Director Tredik agreed with January 1, 2021.

Mayor England said that there needs to be a cold stop in recycling in order to educate the public on recycling and what materials we will pick up. She explained that the cold stop would allow for education to stop the bad habits because of all the contamination and start fresh with new materials that will be picked up instead.

Commissioner Rumrell called John Peters, City Manager of the City of Deltona, and discussed this issue. He explained that Deltona completely stopped recycling all together because most of the recycling has contamination and ends up in the landfill anyway. The State of Florida has lowered their mandate as well on this because of the contamination. Mr. Peters advised that only 15% of the recycled materials was actually being recycled and the rest went to the landfill. He explained that if the recycling contract was stopped with Advanced Disposal, it would be a savings of \$87,000. In the budget it is proposed to raise the millage to 2.47, but in raising the non-ad valorem tax there is the \$30,000 that would cover increasing the millage. He advised that one-third of the \$87,000 would go to tipping fees, which would cost approximately \$29,000. So, if an educational program would be done up to May 31, 2022, that would net the City \$58,000. The truck purchase will save the City a net of \$78,000. He suggested keeping the millage rate the same, take \$78,000 from the \$30,000 to put back into reserves, that would leave \$48,000 remaining to the City that should go back into the Public Works Department for the trash fees.

Mayor England asked when Commissioner Rumrell would stop recycling.

Commissioner Rumrell advised October 1, 2021, or October 15, 2021.

Gregg Huntington, Waste Management, 6501 Greenland Road, Jacksonville, FL, thanked the City Commission for understanding the situation Waste Management has with the labor shortages due to COVID. He was hopeful that it would dissipate when the federal funding stopped, but it didn't. He explained that Waste Management has raised salaries, given bonuses, and nothing has helped. He explained a situation that happen in Clay County and advised that they stopped recycling. Waste Management sent postcards to residents saying that they were stopping recycling and there would be drop off zones for them to bring their recyclables to. The residents participated very well. He advised that Waste Management would supply the postcards to the City of St. Augustine Beach residents to stop recycling

temporarily.

Commissioner Rumrell agreed with the education component, but he wants when recycling starts again to not be missed. The residents want consistency. He suggested getting the employees on earlier than May to help with other projects that need to be done by the Public Works Department while the educational programs are going on. He said that Public Works employees are overworked and there is not enough staffing. The employees are going to have to learn the routes and the recyclable material before the City starts recycling again.

Discussion ensued regarding that the Public Works Department would continue to pick up the bins if the residents put them out after notification up to two weeks; leaving notes in the bins to stop recycling; costs of tipping fees will increase by 30%; will have to adjust the trucks per day; Public Works Department would be able to pick up on October 1st or October 15th if necessary; mowing and street maintenance may lag for a time with lack of staff; and hiring is challenging presently.

Commissioner Torres advised that recycling has already stopped because of the inconsistency and if there is not a good messaging to the residents, the City is failing to do its job. He agreed stopping on October 1st.

City Attorney Taylor cautioned the Commission that before they vote, public comment would be needed.

Commissioner Torres requested a recycling drop off site be done during the period the City is stopping because the residents are still being charged for the service. He would like to fine the vendor for not performing their contract.

Discussion ensued regarding where to have drop off sites; working with the vendor to manage the sites; not using the Public Works Department facility; costs would be associated with the drop off sites; whether Waste Management would pay for the drop off sites; amendment to the Waste Management's contract through the stoppage of recycling for the drop off sites; termination of the contract with the amendment to the contract for drop off sites; charges would be paid by the City for the drop off sites; and costs may be reimbursable under ARPA funding because of COVID-19.

Commissioner Rumrell advised that he was concerned about mixed messaging and the contamination rate. He explained that if Waste Management does drop off sites, then there will be no cost savings.

Commissioner Torres advised that this is a cost that the residents are paying for and should not be suspended.

Vice Mayor Samora asked Finance Director Douylliez what the recycling costs are.

Finance Director Douylliez advised it is \$40 per year.

Vice Mayor Samora advised that he has a problem suspending the service and paying for it. He advised that we must stop the recycling and re-educate the residents on contamination, etc. He suggested resuming on January 1, 2022.

Mayor England asked if recycling does not resume until January 1, 2022, can the recycling fee

be reduced.

Finance Director Douylliez advised that she must certify the tax roll by tomorrow. She advised that just because we are stopping recycling does not mean that there are not more costs for disposal and collection for solid waste.

Commissioner George advised that the drop off sites work well in other communities. She is concerned that stopping recycling and then starting again may make people stop recycling altogether.

Commissioner Rumrell advised that the City has already lost residents recycling because of the inconsistencies in pickups.

Public Works Director Tredik advised that employees could tag garbage cans too if they have the same routes that recyclables are not going to be collected.

Commissioner George advised that would be better than a mailing. The list should go to the renter, not the owner. Also, a media board could be used too.

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

Ray Hammel, 13 Bermuda Runway, St. Augustine Beach, FL, recycling being delayed causes recyclables to fly all over the neighborhoods and asked the vendor to pay at least a week behind.

John Grapsas 7 16th Street, St. Augustine Beach, FL, advised that recycle is horrendous and not picking up consistently. They are also only picking up selective items.

Sandra Krempasky, 7 C Street, St. Augustine Beach, FL, SEPAC discussed this issue and did not want to suspend the service. She advised that SEPAC would help with marketing.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, drop off sites are very labor intensive to make sure they are put in the right bins. In the last two years the budget was raised \$241 and now another \$178. The solid waste went from \$74 to \$315. When will it stop? ARPA should be moved forward quickly using it for underground utilities for hurricane protection.

Beth Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, advised that their recyclables were out for days, and the critters are getting into them and the recyclables are flying everywhere. She suggested using a claw truck.

Ed Pritchett, 1121 Overdale Road, St. Augustine Beach, FL, complained about the trash being everywhere and no one picks it up. He asked to stop the contract.

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

Discussion ensued regarding when to stop the contract and how to go about stopping the contract legally.

Mr. Huntington advised that Waste Management agrees to terminate the contract with the City on the date that the Commission sets. He is concerned about getting the postcards out

before October 1st and getting the verbiage correct.

Commission Rumrell asked City Attorney Taylor if the contract stops on October 1st, but Waste Management continues until October 15th to make sure, would that be legal?

City Attorney Taylor advised not to terminate the contract until the service is completely stopped.

Mayor England suggested October 15th to draft the correct message on the postcards and to notify the residents.

Vice Mayor Samora suggested moving it to October 18th, which is a Monday.

Commissioner Rumrell advised that it would give enough time to select drop off points.

Mr. Huntington suggested notifying the commercial accounts on the recycling as well.

Discussion ensued regarding whether to tell the residents on the postcard when it will start and resume.

Commissioner George advised that not telling the residents when it will resume will make some residents stop recycling altogether. She suggested saying that the City is making a business move and recycling will stop for a short time and will be resume as soon as possible.

Mayor England asked Commissioner George to give her first draft to the City Manager for him to share with the rest of the Commission.

City Attorney Taylor advised that staff could put together the verbiage from all the comments from the Commission and then send the postcards out.

Commissioner Rumrell announced his concerns over not getting the solid waste truck that is available and then having to wait nine months to get a new one.

Commission George suggested for the postcard verbiage that the stop date would be October 18th and the presumptive start date would be January 1, 2022, and there would be changes to the service which could impact the days of service as well as the nature of the materials that can be recycled. She also would like to include on the postcards to be engaged in the education that will be provided. Have it on the City's website and Facebook pages.

Discussion ensued regarding whether the budget had two trucks or one.

Public Works Director Tredik advised that nothing has been ordered and only one refuse truck is in the budget.

Finance Director Douylliez advised that it will be a wash with the leasing of the truck in the budget. She commented that we do not have the cash, so the City is financing it. She explained that through the Florida League of Cities there would only be \$500 charge to piggyback on the other City's vehicles.

Public Works Director Tredik advised that a commitment letter is needed so no one else purchases it; otherwise, to order a new truck it would take nine months.

Mayor England suggested another meeting if necessary to discuss recycling.

Motion: to suspend recycling as of October 18, 2021, with a startup date of January 1, 2022.
Moved by Commissioner Rumrell.

Commissioner Torres advised that he does not agree with the motion because it only gives staff two and a half weeks to come up with the verbiage for the postcards and mailings. He agrees with the commitment letter for the truck.

Motion: to amend his motion to suspend recycling and resume recycling as of January 1, 2022.
Moved by Commissioner Rumrell, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Discussion ensued regarding when to terminate the contract and how long it would take to provide the messaging for the postcards.

City Attorney Taylor had a concern about when to terminate the contract, when staff would start in-house recycling, and that the record reflects that it is not just a budget reason why the contract is being stopped. He advised that there are problems in the market that the vendor is not performing, the City does not have the staff for recycling or have the equipment, etc. There are many reasons why the contract has stopped, and staff is not able to decide when they will be able to take over this function.

Commissioner George asked to discuss the termination date. She advised that the service would continue for four weeks if we stop it on October 18th. She said there is trash in the streets, and it needs to stop sooner so it doesn't negatively impact the community. She was concerned over the extra volume of trash that staff must collect and whether there is enough staff now to do the job.

Public Works Director Tredik advised that it has been a challenge to hire staff and the department is down three staff members now. It will take at least three weeks to get more staffing. He said mid-October would give him more time to handle the volume; however, he will do whatever the Commission wants.

Commissioner Rumrell suggested October 4th as the date to stop the recycling, so the motion is passed.

Mayor England advised that it would give three weeks.

Commissioner Torres advised that if the vendor missed a pickup that it would be agreed upon for the number of pickups not weeks that Waste Management would have to pick up.

Commissioner Rumrell amended his motion.

Motion: to suspend recycling due to the COVID-19 pandemic that has not allowed the City to have consistent recycling pick up dates for an end date of October 4, 2021, which would be three full pickups; and for the City and staff to come back to the Commission by the end of the year for a start date; and findings of facts due to Waste Management dealing with COVID-19 and not being able to fulfill the contract; due to increase trash on the streets; sanitary reasons; migrating trash onto private property; neighbors having to pick up neighbors' recycling because

they are not picked up consistently; difficulty of staff to hire employees to continue the service in-house; not having the extra refuse truck available to the City for the service due to shortages of vehicles due to COVID-19. **Moved by** Commissioner Rumrell, **Seconded by** Vice Mayor Samora.

MAYOR ENGLAND	YES
VICE MAYOR SAMORA	YES
COMMISSIONER GEORGE	YES
COMMISSIONER RUMRELL	YES
COMMISSIONER TORRES	YES

Motion passes 5 to 0.

Public Works Director Tredik asked if the drop off sites are needed because it would not help with vermin and contamination.

Commissioner George advised that there are three category of dumpsters and would give the authority to staff to research that information.

Motion: to give staff the authority to explore and report back to the Commission, even if it is a Special Commission meeting, on the potential ability for a drop off recycling bins until staff can gear up hire staff and get the vehicle necessary if there is any delay in getting the recycling program back up and running again. **Moved by** Mayor England, **Seconded by** Commissioner Torres. Motion passed unanimously.

Discussion ensued regarding whether to give the staff the decision-making authority.

Public works Director Tredik advised that he would prefer the Commission know the costs and locations before implementing the recycling drop off compartmentalized dumpsters.

MAYOR ENGLAND	YES
VICE MAYOR SAMORA	YES
COMMISSIONER GEORGE	YES
COMMISSIONER RUMRELL	YES
COMMISSIONER TORRES	YES

Motion passes 5 to 0.

Motion: to approve the letter of commitment for the refuse collection truck. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

MAYOR ENGLAND	YES
VICE MAYOR SAMORA	YES
COMMISSIONER GEORGE	YES
COMMISSIONER RUMRELL	YES
COMMISSIONER TORRES	YES

Motion passes 5 to 0.

City Manager Royle advised that Waste Management and City staff will work on the message to the residents and not bring it back to the Commission.

Mayor England advised that the Commission would like to see the message before it is sent

out via email.

City Manager Royle advised that there is not a lot of time.

Commissioner George advised to send it to the Commission tomorrow. She also asked to include in the message for residents to retain their blue bins. She also asked for not a lot of verbiage.

Mayor England requested the Commission to send their verbiage to City Manager Royle.

Discussion ensued regarding when the additional staff should be hired and what was allocated in the budget.

Motion: to allow the Public Works Director two additional Service Worker 1 employees in anticipation of additional personnel needs for picking up extra household trash and/or recycling in the future. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Vice Mayor Samora asked if what has been approved changes the budget figures.

Finance Director Douylliez advised no, because she is going to make the adjustment from terminating Waste Management's contract to wages, salaries, and benefits for the new hires. She explained that the remainder of the monies would go to the disposal fees. She advised that a budget amendment could be brought back to the Commission later.

Vice Mayor Samora asked if the millage rate would have to be changed.

Finance Director Douylliez advised no.

Commissioner George asked how much the service contract was.

Finance Director Douylliez advised the recycling contract / labor was \$104,755.

Commissioner George proposed to include in the budget SEPAC's request for \$10,000.

Sandra Krempasky, 7 C Street, St. Augustine Beach, handed out Exhibit 3 to the Commission and advised that Public Works Director Tredik advised that \$5,000 for Green Infrastructure in the parkettes could be given from the Impact Fee Fund. She is requesting \$5,000 for the other projects.

Discussion ensued regarding renewing Survey Monkey for recycling and SEPAC's uses; whether there is staff time included in the proposal; not having a line item for SEPAC's expenses because they are not a department; whether SEPAC has to complete a Financial Disclosure Form 1; the Commission gives approval for SEPAC; and SEPAC does not have a checking account; and whether to give SEPAC \$5,000 or \$10,000.

Mayor England advised that SEPAC members are so knowable and asked why they need to hire arborists.

Ms. Krempasky advised that there were four Master Gardeners on the Board; however, now

there is only one.

Mayor England asked Communications Coordinator Conlon to ask residents if there were any Master Gardeners in the community who would like to help with the project before spending the money.

The Commission agreed to giving the SEPAC \$5,000 for their projects.

Public Works Director Tredik was concerned overspending money without knowing how much the recycling drop off sites will be.

Mayor England has reservations on the 2.47 millage rate but does not know where to take it out of the line items.

Commissioner Torres advised that he was comfortable with the 2.47 millage rate because of the FY 2022 capital projects are included (this sentence does not make sense). He is satisfied with staff increases of 4.3%. He is in favor of the increase with the caveat that the capital projects are very important to the City and he is in favor of them.

Commissioner Rumrell asked if all the capital projects were covered under the millage rate of 2.45.

Finance Director Douylliez advised that's correct. The 2.47 millage rate would give \$131,000 that would go into the General Fund, which would help with cash flow and meet the 20% in reserves.

Commissioner Torres advised that if the millage rate needs to be lowered it could be done by cutting anywhere.

Finance Director Douylliez agreed.

Commissioner George asked what the ramifications were for not meeting the 20% goal in the reserves.

Finance Director Douylliez advised that we would be out of compliance with the City codes and would get another auditor finding against the City.

Commissioner George asked if that hurts the City's credit rating.

Finance Director Douylliez advised no; however, the bonding companies always receive a copy of the audit of the financials.

Mayor England said that in FY 2021 the City did not spend all the money and it does not look like the City will spend all the money in FY 2022. She believed that 2.45 millage should be sufficient for FY 2022.

Commissioner Rumrell agreed because the assessed values of homes have increased and there still will be an increase to the taxpayers. He agrees with the 2.45 millage because the capital projects are funded. The reserves will be less if 2.45 millage is approved, but by how much.

Finance Director Douylliez advised that she would not know until the end of the year and the budget for FY 2021 is closed.

Commissioner Torres asked what is the City giving up if 2.45 millage rate is approved.

Finance Director Douylliez advised \$30,000 for reserves.

Mayor England feels that \$30,000 could be saved across the departments by the expenditures not being as high as projected.

Finance Director Douylliez advised that in FY 2021 because of COVID-19, staff could not go to conferences, etc., but they are opening now. She explained that she would feel more comfortable taking it out of the reserves or the contingencies. She explained that if there is money not used for expenditures, it would automatically go into reserves or contingencies. She commented that she would not want to short expenditures.

Mayor England agreed.

Discussion ensued regarding staff training; whether there is a cap for the year; whether the employee has to stay with the City or do they have to pay the money back; and whether there should be a cap on education and not certifications.

Mayor England made a motion.

Motion: to keep the millage rate at 2.45. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England asked City Attorney Taylor to read the full ordinance.

City Attorney Taylor read the full ordinance.

Mayor England reopened the Public Hearing. The following addressed the Commission:

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that the millage rate even at 2.45 is an increase because the assessed value of the homes have gone up greatly and the non-ad valorem assessment has been increased.

Mayor England closed the Public Hearing and then asked for the vote.

MAYOR ENGLAND	YES
VICE MAYOR SAMORA	YES
COMMISSIONER GEORGE	YES
COMMISSIONER RUMRELL	YES
COMMISSIONER TORRES	YES
Motion passes 5 to 0.	

Millage rate was approved at 7:29 p.m.

Mayor England moved to Ordinance 21-12.

Motion: to approve the budget less \$30,000 in the contingency fee. **Moved by** Mayor England,

Seconded by Commissioner Rumrell.

Mayor England asked City Attorney Taylor to read the title of the ordinance.

City Attorney Taylor read the title of the Ordinance 21-12.

Mayor England asked for a motion.

MAYOR ENGLAND	YES
VICE MAYOR SAMORA	YES
COMMISSIONER GEORGE	YES
COMMISSIONER RUMRELL	YES
COMMISSIONER TORRES	YES
Motion passed 5 to 0	

Mayor England moved on to IV.C.

- C. Scheduling of Date and Time for Second Public Hearing and Final Reading of the Millage and Budget Ordinances for FY 22 on Monday, September 27, 2021, 5:01 p.m. (Presenter: Max Royle, City Manager)

Mayor England introduced Item VI.C. and asked City Manager Royle for his report.

City Manager Royle advised that he would like to schedule the Final Budget Hearing on the millage and budget on Monday, September 27, 2021, at 5:01 p.m.

After discussion, the Commission agreed to have the final budget hearing on September 27, 2021, at 5:01 p.m.

Mayor England asked for a motion.

Motion: to schedule the Final Budget Hearing on September 27, 2021, at 5:01 p.m. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item V.

V. ADJOURNMENT

Mayor England adjourn the Special Budget Hearing at 7:32 p.m.

Margaret England, Mayor

Attest:

Beverly Raddatz, City Clerk



MINUTES
REGULAR CITY COMMISSION MEETING
MONDAY, SEPTEMBER 13, 2021, AT 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor England called the meeting to order at 7:38 p.m. after the completion of the Special Budget Commission meeting.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON AUGUST 11, 2021

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

Motion: to approve the Regular Commission minutes for August 11, 2021. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

Mayor England advised that Item 4 was discussed under the Special Commission Budget meeting earlier this evening and would be available on YouTube or the City's website tomorrow.

City Manager Royle advised that VII.A. has been postponed per Craig Thomson's request.

VI. CHANGES TO ORDER TO TOPICS ON THE AGENDA

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

VII. PRESENTATIONS

- A. Green Infrastructure Model for Parkettes by Mr. Craig Thomson and Dr. Lonnie Kaczmarzsky of the Sustainability and Environmental Planning Advisory Committee

Item VII. A has been postponed.

VIII. PUBLIC COMMENTS

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

Ed Pritchett, 1121 Overdale Road, St. Augustine Beach, FL, thanked the Commission for all they do and asked people to thank the Police Department for doing a fantastic job. He also thanked Public Works Director Tredik for fixing a problem for Sea Grove residents so quickly.

Roger Wentz, 117 Spanish Oaks Lane, St. Augustine Beach, FL, advised that next time there was a \$30,000 expense in the budget, just put a counter expense line item in the budget; suggested not to recycle glass because there is no market for it; he advised that the Commission requested residents' ideas on revenue streams and suggested making a different homeowner tax rate for owner occupied and non-owner occupied homes; suggested having a beach tag for hotel and Airbnb guests to go on the beach and those monies would be used for beach cleanings, lifeguards, etc.; and strictly enforce no parking and have a contract with a towing company for revenues. He also suggested to purchase a lot between 4th and 5th Street to make a parking garage and have parking fees to all non-residents.

Mayor England closed the Public Comments section and then moved to Item IX.

IX. COMMISSIONER COMMENTS

Mayor England asked Vice Mayor Samora if he had any comments.

Vice Mayor Samora commented that he has had discussions with Police Chief Carswell and City Manager Royle regarding creating an ordinance restricting park hours regarding Ocean Hammock Park.

Police Chief Carswell advised that there are ordinances regarding regulations of no overnight parking, etc.; however, nothing regarding City parks. He suggested composing an ordinance because that would regulate Ocean Hammock Park and Splash Park as well.

Vice Mayor Samora suggested that the ordinance be done before the restrooms are completed at Ocean Hammock Park because of all the residents' comments and concerns. He suggested language of no parking overnight or after dark at City parks.

Commissioner George advised that she thought there were specific ordinances for that park.

Police Chief Carswell advised that it is governed by the signage at the gate and there is an ordinance about camping overnight.

Commissioner George advised that there is an no alcohol ordinance at Ocean Hammock Park, she believed.

Police Chief Carswell advised that there is no alcohol at County parks, which is adopted by the City,

but not a City ordinance.

Commissioner George advised that there was an ordinance for no alcohol for that specific park and asked for that to be researched. She remembered Mayor Snodgrass was a strong advocate for that and she opposed it because she wanted to keep the heritage of the City with allowing containers.

City Manager Royle advised that the Police Chief and he would research it.

Commissioner George asked if staff was responding to the Linda Mar residents about the condition of the commercial property immediately adjacent to them and what could be done about the maintenance of the property.

Mayor England asked Public Works Director Tredik to address what has been done on this issue.

Public Works Director Tredik advised that he did not have Ms. McConnell's letter in front of him, but he can address what has been done along Versaggi Drive. He advised that signage of "No Outlet" has been added as well as other requests in the letter. He explained that one sign that was requested has not been done because it would encourage pedestrians to go into the neighborhood to the beach and would not deter people from driving into the area. He commented that there are some things that are related to the Alvin's Island property that have not be completed, such as the fencing along the back of their property and there is no dumpster enclosure, but the property conforms generally with what was approved.

Mayor England asked Public Works Director Tredik to send an email to City Manager Royle and copy her on what has been done, what the owner promised to do, but hasn't, and what the City can do about it. She advised that she would respond since the letter was addressed to her attention. She commented that the letter mentioned that there was going to be another court hearing and some confusion regarding the date and notice.

City Attorney Taylor explained that according to the court hearing they are requesting that the City have a rehearing on this issue even though the City has put in the access at the property.

Mayor England advised that there was a hearing and reinstituted the City's decision. She asked if there was another court hearing that needs to be done.

City Attorney Taylor advised yes. The judge has ruled that the City's code says the City is supposed to have a traffic study done before the City approved that decision and the City did not. There was some confusion by one of the Commissioners whether or not the Commission could deny it even if the City wanted to. So, the judge is asking for another hearing in the future. The date has not been decided because the City was not given proper notice of the appeal and the permit was issued for access. The judge did not address that issue in his ruling so City Attorney Taylor is not sure if the decision of another hearing would change the judge's decision. He advised that he needs to speak with the owner of Alvin's Island to see their position and whether they would be involved in the lawsuit. It has been confusing, but their attorney has been good to work with the City so far. He commented that he would be looking to see if the code needs to be changed so this does not happen again. He explained that Public Works Director Tredik advised that a traffic study is not necessary because he can tell the number of homes that are there. This code could be a problem with any commercial property abutting residential property, so he is researching the code. He explained that he does not know the next step until he talks with the owner of Alvin's Island. He explained that this has been a problem because the City has been caught in the middle between the residents and Alvin's Island's property where the residents do not want any changes and Alvin's

Island's owner is saying that they have a right to those access driveways. The judge did not award attorney's fees to either side and said that another hearing is necessary.

Mayor England advised that these are residents of the City and we need to work with them to make sure that whatever they believe needs to be done, like the traffic study, should be done. She asked for City Attorney Taylor's help in responding to the Ms. McConnell's letter this week.

Commissioner Rumrell commented that 20 years ago 246 people went to sleep in preparation for their morning flights, 2,606 people went to sleep in preparation for work, in the morning 343 firefighters went to sleep for their morning shift the next day, 60 police officers went to sleep for their morning patrol, and 8 paramedics went to sleep in preparation for their shift. None of them saw past 10 a.m. on September 11, 2001. As we remember 20 years ago, he thanked those who fought to keep us free, the people who sacrificed their lives back in 2001 and thereafter and also thanked our police officers, retired military in the City and appreciated what we have done as a nation. He prays every day that we wake up and it's September 12th where we all unite and come back together.

Mayor England commented that that was well said, and it brings back memories of that day and thanked Commissioner Rumrell. She then advised that she did send a letter to St. Johns County asking for their help with parking and that she will follow up with a meeting with them. She advised that the Arts Council said if the City had that strip of property at Pier Park, they could do a community building with all the office space that is needed. She commented that the City needs more space and she will be pursuing the topic of the fire station with St. Johns County.

Mayor England moved on to Item X.

X. PUBLIC HEARINGS

1. Ordinance 21-09, Second Public Hearing and Final Reading: to Amend the Land Development Code to Have Second Public Hearing of Ordinance to Amend the Comprehensive Plan and/or Code Done by the Comprehensive Planning and Zoning Board (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1 and asked Building Official Law to give his staff report.

Building Official Law advised this is the final reading to change the Land Development Regulations to allow the Comprehensive Planning and Zoning Board to hear one public hearing and bring the number of public hearings from four to three. He advised that there was no opposition from the Comprehensive Planning and Zoning Board. There have been no changes from the public hearing last month.

Mayor England advised that the ordinance says the Comprehensive Planning and Zoning Board will hear the case first at a public hearing and then it would go to the Commission for two public hearings. She asked whether the Commission would want to hear the change to the Land Development Regulations first to see if the Commission would want to change the language.

Building Official Law advised that he does not change the codes unless the Commission tell him to.

Mayor England advised that suggestions to change the Land Development Regulations would be done at a public hearing with the Commission first and then to the Comprehensive Planning and Zoning Board at the second public hearing and then back to the Commission for the final public hearing.

Commissioner George advised that there are supposed to be three public hearings. She commented that according to the ordinance it only shows two public hearings.

City Attorney Taylor advised that only two public hearings are required, but usually at a public meeting the Commission will discuss it first. He explained that the first public hearing would be at the Comprehensive Planning and Zoning Board meeting. As a practice, the Commission has an agenda item first and then goes to the public hearings. He advised that there are three public meetings where the public can discuss the topic.

City Manager Royle explained that this only applies to Land Development Regulations and Comprehensive Plan changes and restated the process for the Commission.

Commissioner George commented that it will now be three meetings instead of four.

Building Official Law advised that the Commission could send it back to the Comprehensive Planning and Zoning Board if they do not agree with their recommendations for another public hearing.

Commissioner George asked if it would come back to the Commission if the Comprehensive Planning and Zoning Board denies the changes to the Land Development Regulations.

Building Official Law advised yes.

Commissioner George requested to change some language of the proposed ordinance.

City Attorney Taylor advised that he would make the changes that were requested by the Commission.

Mayor England opened the Public Hearing. As there were no comments, Mayor England closed the Public Hearing and made a motion.

Motion: to approve Ordinance 21-09 with the changes to Section 12.05.03, which reads "Upon first reading by the Comprehensive Planning and Zoning Board, the Building Official shall refer the recommendation on the application to amend these Land Development Regulations to the City Commission for second public hearing at the City Commission's next regularly scheduled meeting."

Moved by Mayor England, **Seconded by** Commissioner George with the clarification that the Building Official references shall be amended to read "Building Official or designee."

Mayor England agreed with the clarification from Commissioner George.

Mayor England asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the preamble.

Mayor England asked for the vote.

Motion passed unanimously.

Mayor England moved on to Item 2.

2. Ordinance 21-10, First Public Hearing and Second Reading: to Amend the Land Development Regulations Concerning Home Occupations and Conditional Use Permits (Presenter: Brian Law, Building Official)

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

Building Official Law advised that the small modifications requested by the Commission on pages 4 and 7 were done. He explained that he addressed the Comprehensive Plan changes regarding the mixed-use districts which was left out of the final reading. He commented that there is another public hearing on this item.

Mayor England opened the Public Hearing. Being there were no comments, Mayor England closed the Public Hearing and asked for a motion.

Motion: to approve Ordinance 21-10. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Torres.

Mayor England asked City Attorney Taylor to read the preamble.

City Attorney read the preamble.

Mayor England asked for the vote.

Motion passed unanimously.

Mayor England moved on to Item 3.

XI. CONSENT

3. Resolution 21-30, Authorizing the City Manager to Sign Grant Agreement for Funding for Ocean Walk Subdivision Resilience Improvements

Mayor England opened the Consent Agenda and asked for a motion if the Commission had no discussion on the item.

Motion: to approve the Consent Agenda. **Moved by** Commissioner Rumrell, **Seconded by** Vice Mayor Samora. Motion passed unanimously.

Mayor England moved on to Item 4.

XII. OLD BUSINESS

4. Recycling Service: Request for Guidance from the Commission (Presenter: Bill Tredik, Public Works Director)

This item was discussed in the Special Budget Commission Meeting, September 13, 2021, at 5:01 p.m.

Mayor England moved on to Item 5.

5. Public Parking Improvements: Review of Recommendations from the Comprehensive Planning and Zoning Board (Presenter: Max Royle, City Manager)

Mayor England introduced Item 5 and asked City Manager Royle to give his report.

City Manager Royle advised that the Commission requested the Comprehensive Planning and Zoning Board to recommend possible parking areas in the City. He commented that they did give their recommendations and from the recommendations staff provided specific projects by fiscal year for the Commission. He explained that the primary areas staff is considering are the plazas on the west side of A1A Beach Boulevard between A Street and 1st Street, north side of 4th Street, the unimproved plaza by the auto repair shop on 7th Street, 8th Street, the north side of 5th Street, and in fiscal year 2026 he suggests additional parking spaces at Ocean Hammock Park. He asked the Commission to give staff a project for fiscal year 2022. There is money in the budget for improving parking. The Comprehensive Planning and Zoning Board recommended to the Commission not to take any beautified areas and convert those areas to parking. The plazas on the west side of A1A Beach Boulevard between A Street and 1st Street are the most complicated because of the slope to the west and the new brewery. Next to the brewery is Jacks BBQ, which is sits at ground level. The City needs to make sure that any improvements would not harm Jacks BBQ. He explained that the City would get an expert to tell staff what the best parking layout and construction method would be to avoid flooding the adjacent property as well as improving the appearance of those plazas.

Public Works Director Tredik showed Exhibit 1.

Commissioner Rumrell advised that the brewery parking is substantially higher than the grade of the dirt parking lot. He was concerned how the City is going to level that out.

Public Works Director Tredik advised that there is a drainage system that goes to an underground drainage system that discharges to the rear of the west towards 2nd Avenue, so it will not come into the parking lot. He explained that the grade would have to remain the same.

Commissioner Rumrell asked with the improvements would drainage be part of the project.

Public Works Director Tredik advised yes. He advised that he has already talked with St. Johns County for a coordination meeting about the access. The plans are not to use the access on A1A Beach Boulevard to stop traffic accidents on A Street. He explained that north to south works better than south to north. There will be concerns from 1st Street residents about traffic and he will research the options.

Commissioner Rumrell advised that there will be less spacing by paving, but hopefully there will be less traffic driving back off 1st Street.

Public Works Director Tredik advised that Jack's BBQ owner was against driving right by the building, so Option B on Exhibit 1 was opposed. Either way there will be four to five spaces less than the dirt parking lot.

Mayor England commented that she did not feel that many spaces would be lost. She remarked that the change in appearance and improvements offsets the parking spaces that are being lost.

Public Works Director Tredik agreed.

Commissioner George advised that Jack's BBQ has a parking lot behind his restaurant also.

Discussion ensued regarding traffic plans and what the best direction to stop accidents from happening.

Mayor England asked Jack's BBQ's owner to redo his back lot when the City does the other parking lot.

Public Works Director Tredik advised that he would have to speak with City Manager Royle about that.

Mayor England asked staff to encourage and request a meeting to discuss with the owner to redo Jack's BBQ back parking lot at the same time.

Commissioner Torres requested landscaping be part of the project on the side of 1st Street because of limited parking on the left and right. He would like barriers to stop illegal parking.

Public Works Director Tredik advised that he would have to do something because it would be a line of sight issue if not done especially on the east side.

Mayor England asked if there was more comprehensive parking in that area off 1st Street to widen the street and where people can park and where they cannot. She commented that City Manager Royle asked to select what project to start with. She said that the Comprehensive Planning and Zoning Board did a comprehensive listing for the Commission.

Discussion ensued regarding parking areas on 1st Street, with no conclusion.

It was the consensus of the Commission to start with the plazas on A1A Beach Boulevard between A Street and 1st Street for fiscal year 2022.

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

Sandra Krempasky, 7 C Street, St. Augustine Beach advised that Public Works Director Tredik answered her question regarding the River to Sea Trail.

Mayor England closed the Public Comments section and moved on to Item 6.

XIII. NEW BUSINESS

6. Helium Balloons: Request to Ban Outdoor Release of Them (Presenter: Ms. Lana Bandy, Vice Chair of the Sustainability and Environmental Planning Advisory Committee)

Mayor England introduced Item 6 and asked Ms. Bandy to come to the podium.

Ms. Lana Bandy, Vice Chair of SEPAC, showed a PowerPoint presentation, Exhibit 2. She explained the history of the ban on releasing balloons and explained that legislation still allows ten balloons per person per day to be released. She requested Nicole Crosby from St. Johns County to speak regarding an ordinance to stop helium balloons from being released.

Ms. Nicole Crosby, 1169 Neck Road, Ponte Vedra Beach, FL, presented Exhibit 3, which was Ordinance 2021-14 to ban helium balloons completely. She explained that she is also requesting St. Johns County to adopt an ordinance to ban balloons. She commented that not only are the balloons a problem, but the strings are too. She explained that even biodegradable balloons could

take up to four years to decompose. She advised that balloons are the most single deadly marine debris deceiver for birds and third most deadly to sea turtles and mammals. Florida has more miles of coastline than any other state in the lower 48. She explained that 90 percent of sea turtles nested in Florida's coastlines and balloons look like jellyfish which threatens every sea turtle. She remarked that mylar balloons when release can cause power outages when they are caught on powerlines. The City of St. Augustine passed their ban on balloon releases on August 9, 2021, and she asked the City of St. Augustine Beach Commission to please ban releases of balloons as well. She advised that usually balloon releases are planned and some people are aware of the regulations and laws and enforcement, so enforcement would not be an issue for police.

Mayor England advised that it is littering and is destructive.

Commissioner George advised that she was in full support of this ban.

Commissioner Rumrell advised that St. Johns County oversees the beach and is not in the City's jurisdiction. He asked City Attorney Taylor whether an ordinance could be done.

City Attorney Taylor advised that the City enforces the laws of St. Johns County through the Police Department.

Police Chief Carswell advised that the City Police Department has adopted St. Johns County's beach code.

Mayor England advised that St. Johns County would have to regulate it; however, the City could encourage St. Johns County to pass an ordinance or do something.

Commissioner George advised that there could be a City-wide ban.

Mayor England thanked Ms. Crosby for bringing it to the Commission's attention and asked City Attorney Taylor to look at the City of St. Augustine's ordinance and start to create an ordinance for the City.

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

XIV. STAFF COMMENTS

Mayor England asked City Manager Royle if he had any comments.

City Manager Royle asked if the Commission would like to continue to receive can water or if they would like to bring their own.

It was the consensus of the Commission's decision to bring their own water.

City Manager Royle read a thank you letter to the Public Works Department for helping a resident bag her yard waste before the truck left. She was truly grateful to the employees.

Police Chief Carswell advised that National Night Out is on October 5th at 5 p.m. at Pier Park.

Vice Mayor Samora asked what the status was on the construction at city hall.

Building Official Law advised that the Building C will be complete by the end of the week and the Public Works offices are painted and trimmed. He explained that he is waiting on the doors, but it is operational.

City Manager Royle advised the Commission that this City has employees with amazing skills. He commented that it would have taken a lot more money to complete these projects without these employees and he thanked all who were involved.

XV. ADJOURNMENT

Mayor England made a motion.

Motion: to adjourn to meeting. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Meeting was adjourned at 9:01 p.m.


Margaret England, Mayor

Attest:

Beverly Raddatz, City Clerk

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 16, 2021

SUBJECT: Presentations:

- A. Interview of Candidates for Two Alternate Positions on the Comprehensive Planning and Zoning Board
 - 1) Mr. R. Conner Dowling
 - 2) Mr. Kyle Vincent Lewis
- B. Proclamation to Declare October 2021 as Domestic Violence Awareness Month as Requested by the Betty Griffin Center
- C. Anastasia Island Environmental Stewardship Awards by Ms. Sandra Krempasky, Chair of the Sustainability and Environmental Planning Advisory Committee
- D. Northeast Florida Covid-19 Economic Recovery Plan by Representatives of the Northeast Florida Regional Council

ITEM A. INTERVIEWS

Both the Senior and Junior Alternate positions on the Planning Board need to be filled. Fortunately, the City has an applicant for each. Their applications are attached:

- 1) Pages 1-5, Mr. Dowling
- 2) Pages 6-8, Mr. Lewis

Both have said they will attend your October 4th meeting for the customary interview.

Action Requested

It is that you interview each applicant in alphabetical order and then decide which one will be the Senior Alternate and which the Junior Alternate.

ITEM B. PROCLAMATION

It is attached as page 9. Representatives from the Betty Griffin Center will be at your meeting to speak about it.

ITEM C. AWARDS

Attached is page 10 is an email from Ms. Krempasky, in which she lists the recipient of each award and the criterion used for selecting the recipients. Ms. Krempasky will be at your meeting to present the awards.

ITEM C. COVID-19 ECONOMIC RECOVERY PLAN

Attached as pages 11-12 is an email from Mr. Scott Lahav of the Northeast Regional Council, in which he provides basic information about the plan. The PowerPoint he'll present is attached as pages 13-33.



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

FOR APPOINTMENTS TO COMMITTEES INVOLVED IN LAND USE

Date received by City 9/3/2021

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: R. CONNER DOWLING

Address: 695 16th St.

Phone #: 904.770.5277 E-Mail Address: connared@cityarchitecture.com

How long have you been a legal resident of the City of St. Augustine Beach? 1.5 yrs.

I am a full-time X part-time _____ resident.

I am X am not _____ a registered voter in St. Johns County.

List all active professional licenses and certifications: LICENSED ARCHITECT
IN FLORIDA + OREGON

Educational background: Professional Bachelors Degree in ARCHITECTURE
from UNIVERSITY OF MIAMI 2005, SAHS 2000

Past work experience: SEE RESUME

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

1. American Institute of ARCHITECTS
2. Friends of Matanzas

3. ST. AUGUSTINE ROTARY 4. _____

Please list the location and size of all parcels of property in St. Augustine Beach of which you have ownership: 695 16th St, SARGLE FAMILY RESIDENCE

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.)

OPEN CITY ARCHITECTURE, LLC

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. Evenings only ☐
- c. Anytime ☒

List three (3) personal or professional references:

1. Les Thomas, Architect, 904.824.9508
2. Phillip McDaniel 904.806.1440
3. Joe Boles 904.824.4298

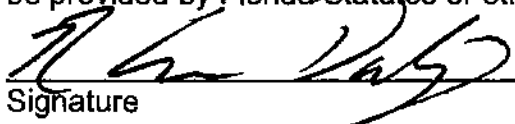
You may use this space for a brief biographical profile or to list certain skills you possess that may be relevant to the appointment you are seeking. Please indicate whether you have had experience with the reading of blueprints, technical drawings or diagrams. (Indicate below if you are attaching a resume.)

SEE RESUME

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 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.


Signature

9/3/21
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!

R. Conner Dowling, AIA
Principal

conner@opencityarchitecture.com
904.770.5277
Licensed Architect OR, FL



Practice / Professional

Open City Architecture – Principal – Saint Augustine, Florida 2020–Present
Principal Architect/Founder of architecture and design firm based in St. Augustine, Florida, with specialty in Commercial, Institutional, and Residential design.

Bora Architects – Associate – Portland, Oregon 2011–2020

Project Designer (PD) and various supporting roles for various project types in all phases of work {Concept Design, Schematic Design (SD), Design Development (DD), Construction Documents (CD) and Construction Administration (CA)}

K–12 Schools

- De La Salle North Catholic High School, (\$24M) PD lead for 40K sqft renovation and ground up construction for a new high school campus, SD through CD – Portland, OR
- La Salle Catholic College Preparatory, (\$3.5M) PD lead for approx. 25K sqft of renovation and new construction additions to existing campus, Concept Design through CA
- Crystal Springs Uplands School Middle School, concept design studies and support for new 45K sqft Middle School and surrounding Campus – Hillsborough, CA
- Faubion School PK–8, (\$100K) Project Architect/Manager for additional scope addressing various user requests for interior and exterior, SD through CA – Portland, OR

Higher Education

- University of Washington, Global Innovation Exchange (GIX) (\$14M) PD lead and construction administrator for tenant build out of 85K sqft innovation and business graduate program building, Concept Design through CA – Bellevue, WA (Design/Build Project with Skanska USA)
- Community College of Denver, South Classroom Building renovation (\$12M) PD lead for renovation of 100K sqft existing community college classroom and administration building, redesign of exterior 15K sqft courtyard, Concept Design through CA – Denver, CO
- Oregon State University, Learning Innovation Center (\$53M) Co-Designer and Construction Manager for 90K sqft new classroom and administration building, DD through CA – Corvallis, OR
- Community College of Denver, Confluence Building, (\$30M) design studies and support for new administration and classroom building, Construction Documents through CA – Denver, CO
- Harvey Mudd College, Teaching & Learning Center, design studies and support for new building – Claremont, CA

Commercial

- Microsoft, Troon Campus Plaza and meeting PODs, PD lead for remodel of 20K sqft corporate office park plaza and construction of new, small, meeting room 'Pods', Concept Design through CA – Redmond, WA (Design/Build Project with Skanska USA)
- Water Avenue Yards, Co- PD for development study and concept design of waterfront parcel located in the transforming eastside industrial neighborhood, Concept Design – Portland, OR

- Google, Tenant Improvement for People Ops, design team member for 400k sqft tenant improvement of Google's People Operations department, SD through CD – Mountain View, CA

Professional and Management Qualifications

- Full design leadership, client meeting facilitation, construction detailing, consultant coordination, code research/analysis, accessibility, material/product research, permitting, construction administration, contract review, specification review, building science/ performance (LEED)
- Marketing and development: proposal development/ production, project interviewing

Architecture W – Architectural Designer – Portland, Oregon 2009–2011

Architectural designer and various supporting roles for various project types in concept and schematic design phases of work.

- City of Portland, Memorial Coliseum Adaptive Re-Use Concept Design – Portland, OR
- Embassy of the State of Kuwait, conceptual design – Tokyo, Japan
- Newark Visitor Information Center, design competition – Newark, NJ

Arquitectonica – Architectural Designer – Miami, FL and Paris, FR 2005–2008

Architectural designer and various supporting roles for various project types in all phases of work.

- Ransom Everglades Middle School, PD lead for new administrative and gymnasium building, SD through CD – Miami, FL
- Eos Office Building – building envelope design for 9 story office tower, SD through CD – Paris, France
- SmartCity Mixed-Use Development – architectural designer/project assist for office, condo, hotel and residential development, SD through DD – Malta
- Tour Mozart / Bureau d'Equwater Office Tower – Project assist for 25 story office tower, CD – Paris, France
- Waterfront Mixed-Use Development, with Foster and Partners, concept design – Monaco

Les Thomas Architect – Architectural Intern – St. Augustine, FL 2001–2005

Architectural intern providing supporting roles for various project types in all phases of work.

- City of St. Augustine, West Augustine Community Center – St. Augustine, FL
- St. Johns County, St. Augustine Amphitheater– St. Augustine, FL
- Limelight Theater Remodel – St. Augustine, FL
- Various Tenant Improvements in Historic Buildings and Retail Spaces – St. Augustine, FL
- Various Private Residences – St. Augustine, FL

Education

University of Miami – Miami, FL – 2000–2005

Professional Bachelor of Architecture, Cum Laude

Civic and Community Involvement

- Architects Without Borders Volunteer Team Member – Portland, Oregon – 2008–2009
- Architects in Schools Program – Portland, Oregon – 2014–2015



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

FOR APPOINTMENTS TO COMMITTEES INVOLVED IN LAND USE

Date received by City 9/2/2021

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: Kyle Vincent Lewis

Address: 108 F Street, SAINT Augustine, FL 32080

Phone #: 215.499.1896 E-Mail Address: Kyle@Leader.com

How long have you been a legal resident of the City of St. Augustine Beach? 3 yrs

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: FRLA - SAFE STAFF
Cert. Water Quality Tech.

Educational background: Bachelor's in Science - Business Mgmt + Tourism

Past work experience: Film Production, NYC - Food + Beverage
Manager - New Hope, P.A. - Water Quality Technician - P.A.

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

1. Water Quality Association 2. _____

3. _____ 4. _____

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

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.)

Embassy Suites

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

- | | |
|--|-------------------------------------|
| 1. Code Enforcement Board | <input type="checkbox"/> |
| 2. Comprehensive Planning & Zoning Board | <input checked="" type="checkbox"/> |
| 3. Other | <input type="checkbox"/> |

I am available for meetings

- | | |
|------------------------|-------------------------------------|
| a. During the day only | <input type="checkbox"/> |
| b. Evenings only | <input type="checkbox"/> |
| c. Anytime | <input checked="" type="checkbox"/> |

List three (3) personal or professional references:

1. Karie Ursery - Embassy H.R. Director : 407.244.2021
2. Matt Robinson - Independent Contractor - 904.577.9664
3. Richard Ranick - Dean / Golf Coach - 904.451.0753


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.)

I have a brief overall understanding of blueprints and technical drawings from my experience in the food+beverage industry, as well as having family and friends in the construction business.

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 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.



Signature

9/21/21

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!

PROCLAMATION

WHEREAS, domestic violence is a serious and pervasive crime affecting millions of women, men, children, and communities in the United States every year; and

WHEREAS, all persons have a basic right to feel safe from harm, especially in their homes, yet more than 1,300 helpline calls were made to Betty Griffin Center in St. Johns County last year; and

WHEREAS, domestic violence affects people of all ages, racial, socioeconomic, educational religious, and occupational segments of our society, especially children; and

WHEREAS, children from violent homes are physically abused or seriously neglected at a rate significantly higher than the national average and have greater risks of alcohol/drug abuse, juvenile delinquency, cognitive and developmental problems as well as fear, anxiety and guilt; and

WHEREAS, domestic violence is not a private family matter but a crime, the consequences of which reach with devastating effect on the communities, schools, and workplaces of our nation; and

WHEREAS, domestic violence represents a pattern of assault and coercive behavior that will escalate in frequency and severity if intervention does not occur,

WHEREAS, domestic violence violates an individual's privacy, dignity, security and humanity; and

WHEREAS, public awareness and education about domestic violence and needed as well as uniform efforts on the part of government, health professionals, law enforcement, religious organizations, educators, and community associations to address domestic violence through prevention, intervention, and treatment for victims and perpetrators.

NOW, THEREFORE, BE IT PROCLAIMED, the City of St. Augustine Beach does hereby designate the month of October 2021 as **Violence Awareness Month** in the City of St. Augustine Beach and remember that each day of the year is an opportunity to create change for the future.

PASSED AND ADOPTED in regular session this 4th day of October 2021.

ATTEST:

Max Royle, City Manager



Margaret England, Mayor

Max Royle

From: Sandra Krempasky <sandra.krempasky@gmail.com>
Sent: Thursday, September 9, 2021 11:48 AM
To: Max Royle
Subject: AIESA Information

Mr. Royle:

We selected:

Sea Oats Chapter - Florida Native Plant Society as the Group Award Winner (non-profit)

Dr. Sandy Bond as the Individual Award Winner (non-profit)

No 'for profit' individuals or groups were nominated this year.

The criterion used in selection - demonstration of

- reducing environmental impacts;
- conserving resources;
- enhancing ecosystems;
- restoring impacts;
- proven ongoing culture of environmental stewardship;
- environmental education and outreach opportunities;
- commitment to growth of sustainable programs;
- innovation and exceptional achievement in environmental stewardship.

Let me know if you need further information. Thanks.

Sandra

Max Royle

From: Sean Lahav <slahav@nefrc.org>
Sent: Thursday, September 16, 2021 10:55 AM
To: Max Royle
Cc: Forde, Sheron; Payne, Elizabeth
Subject: OUTSIDE ATTACHMENT:RE: Covid Recovery Plan
Attachments: NEFRC - St. Augustine Beach 10-4-21.pptx

* * * * * This message originated from outside of your organization! DO NOT click any links or open any attachments unless you validate the sender and know the content is safe. Please forward this email to IT@cityofsab.org if you believe the email is suspicious. * * * * *

Mr. Royle, please find the presentation attached with a synopsis of the presentation below.

“Northeast Florida COVID-19 Economic Recovery Plan” Mr. Sean Lahav, Resiliency Coordinator, NEFRC

The Northeast Florida Regional Council (NEFRC), a government agency that serves seven counties and 25 municipalities, recently announced the official release of the “Northeast Florida COVID-19 Economic Recovery Plan.” The recovery plan, which outlines detailed recommendations for economic recovery, was developed by the “Northeast Florida Economic Resilience Task Force,” a policy group of more than 20 leaders from across the region representing local governments, regional economic development organizations, private sector companies, and nonprofit organizations.

Task Force meetings facilitated in Spring 2021 identified policy recommendations across three priority areas: (1) infrastructure; (2) small business relief and support; and (3) equity. These recommendations ultimately informed the structure of the economic recovery plan. Recommendations included in the plan relate to expanding affordable broadband access, further developing public-private partnerships, strengthening mental health resources, expanding small business support services to rural areas, and a wide array of other priority topic areas.

Mr. Sean Lahav, Resiliency Coordinator for the NEFRC, will address specific components of the economic recovery plan as they relate to local needs and priorities in each individual county. For more information, please visit: <https://www.nefrc.org/taskforce>

Sean D. Lahav, MPA

Resiliency Coordinator
Northeast Florida Regional Council
100 Festival Park Avenue
Jacksonville, FL-32202
Phone: (904) 279-0880 ext. 111

From: Payne, Elizabeth <epayne@nefrc.org>
Sent: Thursday, September 16, 2021 10:22 AM
To: Max Royle <mroyle@cityofsab.org>
Cc: Sean Lahav <slahav@nefrc.org>; Forde, Sheron <sforde@nefrc.org>
Subject: RE: Covid Recovery Plan

Max

Thank you for reaching out. NEFRC is thrilled with the opportunity to present the work of the Northeast Florida Economic Recovery Taskforce with St. Augustine Beach.

Mr. Sean Lahav will be providing the presentation and has a PowerPoint that he can send to you. The agenda item can be titled "Northeast Florida COVID -19 Economic Recovery Plan". Attached is a copy of the Plan for reference.

Please let me know what else you need from us.

Thanks!

Beth Payne, AICP

Chief Executive Officer

Northeast Florida Regional Council

904.279.0880 x 133

904.233.0423 - cell

epayne@nefrc.org



From: Max Royle <mroyle@cityofsab.org>

Sent: Thursday, September 16, 2021 10:12 AM

To: Payne, Elizabeth <epayne@nefrc.org>

Subject: Covid Recovery Plan

Ms. Payne,

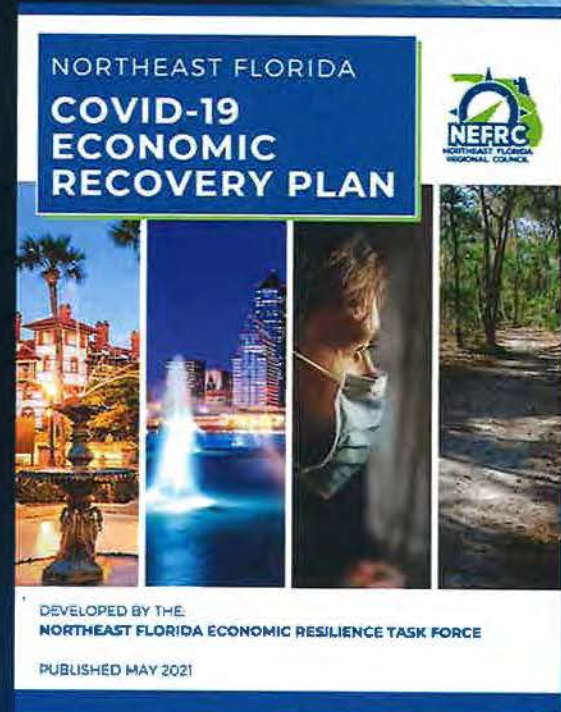
I have scheduled the Northeast Florida Recovery Plan presentation by members of the NEFRC for the St. Augustine Beach City Commission's October 4th meeting, but I've received no information from NEFRC that I can put in the agenda books. Can you send it to me? Also, representatives from your organization will need to be at the 10-4 meeting to make the presentation. If PowerPoint is to be used, it will have to be loaded before the meeting.

Max



Northeast Florida COVID-19 Economic Recovery Plan

SEAN LAHAV, RESILIENCY COORDINATOR





**NORTHEAST FLORIDA
REGIONAL COUNCIL**



BRINGING COMMUNITIES TOGETHER

SERVING BAKER, CLAY, DUVAL, FLAGLER, NASSAU, PUTNAM AND ST. JOHNS COUNTIES

Defining Economic Resilience

- **Economic resilience** refers to the ability of economies to “bounce back” to normal conditions after losing function because of an uncontrollable event.
- Resilient economies have the capacity to quickly respond to, withstand, and recover from adverse situations such as a global health pandemic or hurricane.
- For resilience strategies to be successful, **equity** must be an integrated component of plans – ensuring that ALL who live and work, within a given community, have access to a good education, affordable housing and transportation, and are able to **prosper**.

Updated: 1 April 2020 | Updates Highlighted in RED

Dealing with Impacts from COVID-19 Resources for Small Businesses in Northeast Florida

Sean Lahav, MPA | Resiliency Coordinator | Northeast Florida Regional Council (NEFRC)
Phone: (904) 279-0800 ext. 111 | Email: slahav@nefrc.org

FEDERAL & STATE GUIDANCE

- **U.S. Small Business Administration: Coronavirus (COVID-19): Small Business Guidance & Loan Resources** – Health and government officials are working together to maintain the safety, security, and health of the American people. Small businesses are encouraged to do their part to keep their employees, customers, and themselves healthy.
<https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>
- **Center for Disease Control and Prevention, Interim Guidance for Businesses and Employers** – The following interim guidance may help prevent workplace exposures to acute respiratory illnesses, including COVID-19, in non-healthcare settings. The guidance also provides planning considerations if there are more widespread outbreaks of COVID-19.
<https://www.cdc.gov/coronavirus/2019-nCoV/community/guidance-business-response.html>
- **U.S. Department of Labor: Guidance on Preparing Workplaces for COVID-19** – This guidance is intended for planning purposes. Employers and workers should use this planning guidance to help identify risk levels in workplace settings and to determine any appropriate control measures to implement. Additional guidance may be needed as COVID-19 outbreak conditions change, including as new information about the virus, its transmission, and impacts, becomes available.
<https://www.osha.gov/Publications/OSHA3980.pdf>
- **Florida Department of Health: What you need to know about COVID-19 in Florida** – Adults 50 and older and those with underlying medical conditions like heart disease, diabetes and lung disease are more likely to develop serious illness. Here's what you can do right now.
<https://floridahhs.gov/covid19/>



Forecasting the Economic Impacts of COVID-19 in Northeast Florida:

Utilizing REMI PI+ Model

Published on June 2, 2020

Northeast Florida Regional Council (NEFRC)
Jack Shad, Economic Development Project Manager
Sean Lahav, Resiliency Coordinator



Results Summary:

- Overall, the model suggests that the economic effects of even a "best case scenario" will be severe.
- Northeast Florida will see effects about 15% more severe than the national average.
- The model suggests that a 2.7% decline in national gross domestic product (GDP) will result in the loss of more than 41,000 jobs locally, 4.2% of the workforce.
- Job losses will likely not be spread evenly across the regional economy but will be concentrated in certain industries. According to the model, Northeast Florida will see the highest percentage job losses in the following industries: Construction, Finance & Insurance, Real Estate, Health Care, Accommodation & Food Service, and Other Services.

Northeast Florida Regional Council | 100 Festival Park Avenue, Jacksonville, Florida 32256 | www.nefrc.org

Northeast Florida Economic Resilience Task Force

Task Force Membership List

- | | |
|---|---|
| • Valerie Jenkins, Wells Fargo | • Taco Pope, Nassau County |
| • Bill Garrison, Jimerson Birr | • Jeff Sheffield, North Florida TPO |
| • Jessie Spradley Jr., NEFBA | • Dr. Perry Bechtel, Mayo Clinic |
| • Denise Bevan, City of Palm Coast | • Darryl Register, Baker Chamber |
| • Jonathan Griffith, City of Palatka | • Bill Lazar, St. Johns Housing Partnership |
| • Greg Anderson, JAXUSA Partnership | • Kristopher Smith, LISC Jacksonville |
| • Cathy Hagan, SBDC at UNF | • Reuben Franklin, City of St. Augustine |
| • Hon. Roxanne Horvath, City of St. Augustine | • Bob Porter, St. Johns County Chamber |
| • Wendell Chindra, Clay Chamber | • Hon. Jeff Rawls, Putnam County |
| • Bruce Ferguson, CareerSource NE Florida | • Rebecca Livingston, CareerSource NE Florida |

Task Force Deliverable Timeline



NORTHEAST FLORIDA ECONOMIC RESILIENCE TASKFORCE BRIEFING GUIDE

Establishing Regional Context for
COVID-19 Economic Recovery

Published November 2020
Northeast Florida Regional Council (NEFRC)



3: PRE-PANDEMIC DEMOGRAPHIC ANALYSIS



Section Purpose

The purpose of this section is to provide a detailed overview of pre-pandemic economic conditions across St. Johns County. These conditions can be used as a baseline for developing a better understanding of where the regional economy stood before the coronavirus pandemic enveloped the globe in March of 2020. This section is divided by individual county, where for each jurisdiction, the following resources are provided: (a) demographic overview and summary; (b) quality of life and demographic data measure fact sheets; and (c) GIS maps that provide spatial interpretation.

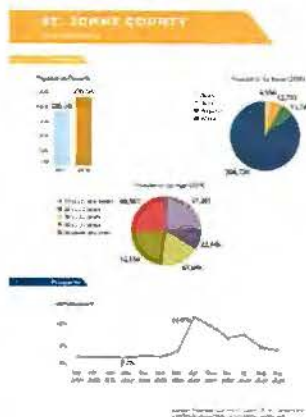
Individual County Demographic Analysis Explanation

The county demographic breakdowns in Sections 3.1 through 3.7 provide greater detail for various demographic indicators, including population growth, unemployment, median household income, and geographic information. These indicators are evaluated by age group, race/ethnicity, and gender, providing a broader view of each county before COVID-19. The American Community Survey (ACS) provides a wide range of information for the jurisdiction. ACS data is the primary source for the majority of the data presented in this report. ACS data is the most recent available for each of the seven counties. In terms of race and ethnicity, the four largest groups nationwide are white, black, Asian, and Hispanic. The other groups comprise a small percentage of the population. However, these are not necessarily the same groups as the sample size under the data point being used in the county average.

Regional Demographic Indicators

Section 3.8 provides regional data related to median household income, unemployment, and population. This is a good overview of the regional economy and the impact of COVID-19 on the regional economy.

1



2



3

3.7: St. Johns County Demographics Summary

Population Change
From 2011 to 2018, the population of St. Johns County increased by 26,524. The age group 18-24 years and over experienced the highest growth (an increase of 5,541). Age 18-24 increased by 20% and age 25-34 increased by 20%. Each of the two largest race and ethnicity groups saw their population grow: Asians increased by 67%, Hispanics by 44%, blacks by 26%, and whites by 20%.

Unemployment

Regarding unemployment, only one age group (18-24) was above 6% unemployment in 2018. That group had an 18.3% unemployment rate. Black unemployment during the time was 14.0%.

Household Income

Median household income in St. Johns County increased by 30.3% during the time (2011-2018). In 2018, St. Johns County had the highest median household income of any county in Florida. By 2018, the county had the highest median income (\$70,000) followed by Alachua (\$68,111) and Duval (\$67,111). Female households (median) earned \$26,738 (compared to \$24,477 for male).

Educational Attainment

60.3% of those were high school graduates or higher in 2018, whereas 22.7% of those earned a bachelor's degree or higher. That number decreased to 16.1% for black, 14.1% for white, and 24.1% of those are Hispanic. The highest percentage of those with a bachelor's degree earned \$26,738 more than high school graduates in 2018. Those with a graduate or professional degree earned almost \$20,000 more than individuals with a bachelor's degree. Females with some college or an associate degree averaged almost \$7,000 more than high school graduates.

Main Takeaways

- Largest population growth 18-24 age group (55% increase); Hispanic population increased by almost 30%.
- 18-24 age group saw the highest growth with an unemployment rate above 10%.
- In 2018, St. Johns County had the highest median income in the state.
- Had the highest percentage of female and Hispanic who earned 4-year college degrees in the region.

4



5



6

NORTHEAST FLORIDA
**COVID-19
ECONOMIC
RECOVERY PLAN**



DEVELOPED BY THE:
NORTHEAST FLORIDA ECONOMIC RESILIENCE TASK FORCE

PUBLISHED MAY 2021

This plan would have not been possible without the support and commitment of partners at the local, regional, and national levels.



Special thank you to the partner organizations that made this possible!

TASK FORCE MEMBERSHIP

Established in August 2020, the Northeast Florida Economic Resilience Task Force is a policy group comprised of 20 regional leaders from the public, private, and nonprofit sectors. These members were responsible for developing this plan.



INFRASTRUCTURE POLICIES

1.1 Expand affordable broadband access

In an era of remote structures in work, telehealth, education, and other realms, reliable and affordable access to broadband has become more integral than ever before to the economic viability of urban and rural communities

1.2 Build and modernize rural infrastructure

The State of Florida is projected to add 4 million people to its population by 2032. This population growth, whether desirable or not, will undoubtedly have an impact on rural communities

1.3 Create best-in-class infrastructure investment

Florida is the 3rd most populated state in the U.S. with 900 people moving to the state every day. In managing current growth and preparing for future growth, smart investments are critical

1.4 Confront the challenges of legacy infrastructure

COVID-19 has brought into focus the challenges faced by low-income and minority communities in dealing with the impacts of historical infrastructure gaps

1.1 Expand affordable broadband access

In an era of remote structures in work, telehealth, education, and other realms, reliable and affordable access to broadband has become more integral than ever before to the economic viability of urban and rural communities

Context

- HB 969, passed by the Florida Legislature in 2021, tasked the Florida Department of Economic Opportunity (DEO) with several directives related to identifying gaps in broadband access across the state
- The Florida Broadband Initiative maintains, "Every household and business in Florida should have access to affordable, reliable, high-speed Internet Services"

Policy Mechanisms

- Initiate partnerships with state agencies, local and county governments, and other entities to kickstart broadband investments
- Explore the viability of establishing a Rural Broadband Pilot Program, based on lessons learned from the Eastside Jacksonville Broadband Program
- Leverage anchor institutions (such as schools, libraries, medical facilities, and government buildings) to provide rapid community internet services
- Improve broadband coverage maps and identify where gaps exist
- Coordinate and expand broadband affordability programs
- Track and monitor ongoing legislation related to broadband
- Explore the viability of establishing a regional broadband working group to share best practices and evaluate/recommend opportunities for implementation
- Identify funding and financing sources for broadband deployment
- Utilize Federal Stimulus allocations to specifically address gaps in broadband infrastructure across urban and rural communities

Case Study Examples

- Cambria County, Pennsylvania announced the completion of a \$11 million project designed to expand the availability of broadband internet service in underserved parts of the county's rural northern half. Funding for the project came from Cambria County's share of the CARES Act
- Smart North Florida is a newly created non-profit organization that is currently involved in developing a trial project to provide broadband access to the East Jacksonville neighborhood. This project uses newly developed OnCo CBRS transmitter devices to create a wide area private LTE network which is faster and has a wider range than current WIFI systems – the entire 2 square mile East Jacksonville neighborhood is covered by only 9 transmitters

SMALL BUSINESS RELIEF

2.1 Strengthen relationships across ecosystem

With many partners assisting small businesses across the region, there is a need to further integrate the business support environment to not only include small business assistance programs but also a collaboration between entrepreneurship and other similar programs to strengthen the region's competitiveness.

2.2 Identify and communicate scalable best practices

The pandemic's effect on small businesses and the environment in which small business operates has heightened the need to identify and communicate scalable best practices. Small businesses must be able to adapt not only to the pandemic but also to norms and regulations that will continue to change in the years to come.

2.3 Leverage public-private partnerships

The region's ability to spur and support innovation and adaption for small businesses is essential for these businesses to adapt to the challenges ahead in economic recovery. The ability to leverage private-public partnerships will assist the region's businesses to become more innovative and adaptable.

2.4 Utilize investment-based crowdsourcing

The use of investment-based crowdsourcing can provide the needed innovation finance tools that small businesses can utilize to support creation, retention, and growth.

2.5 Expand urban services to rural areas

With many small businesses confronting challenges from the economic downturn, there is a need for small businesses to have direct access to courses, mentorship programs, assistance from potential investors, and other resources. Many of these services, however, are heavily concentrated in urban areas. Expanding access to these urban resources is vital for rural small business owners across the region.

2.1 Strengthen Relationships Across the Ecosystem

With many partners assisting small businesses across the region, there is a need to further integrate the business support environment to not only include small business assistance programs but also a collaboration between entrepreneurship and other similar programs to strengthen the region's competitiveness.



Context

- The development of a regional ecosystem, one that incorporates a collaborative partnership model between county chamber of commerce partners and business development centers, is an important step to spur greater economic development.
- At the 2/19/2021 Economic Resilience Taskforce meeting, Dr. Carlton Robinson from the Jacksonville Chamber of Commerce provided a visual of the limited number of small business resources that exist outside of the region's urban areas. The development of a digital ecosystem will provide the resources and support small businesses need to succeed moving into the future.

Policy Mechanisms

- Driving an interconnected regional business pipeline is essential to further interconnect the region and provide a more competitive environment for the region overall. The Federal Small Business Innovation Research and Small Business Technology Transfer Program could assist in growing the region's participation in the research and development sector of the economy.
- Explore the viability of establishing a partnership non-profit with all regional and county small business assistance actors to assist in regional collaboration between these groups and assist small businesses in acquiring necessary resources.
- Develop and utilize a concept map for the region to connect small businesses within the region to the nearest resources based on their jurisdiction and location.

Case Study Examples

- If possible, a regional business development agency or nonprofit could collaborate with the state to apply for the Small Business Administration's Federal and State Technology Partnership to increase proposals for the SBIR/STTR awards to grow the region's research and development sector. Wichita State University, a regional public university in Kansas, is the central location for the state in assisting small businesses in commercializing high-tech innovation.
- The Jacksonville Chamber of Commerce's digital transformation program is focused on improving business processes, customer experience outcomes, and identifying channels of distribution.
- JaxSmallBizHelp.org and NorthFloridaSmallBizHelp.org represent government and non-profit organizations that assist small businesses with resources. The mission is to bring partners together to share information, to exchange ideas, to coordinate assistance activities, and to advocate on behalf of their small business members/clients.

DRIVING EQUITY

3.1 Enhance mental health resources

The toll on mental health due to the pandemic is widespread, with many citizens requiring mental health resources, which have been historically underfunded.

3.2 Protect essential workers in vulnerable sectors

Our region and economy rely on workers that face great risks due to the nature of their jobs and require resources and support to ensure the best possible protection from COVID-19 transmission.

3.3 Protect landlords and tenants

Low- to moderate-income tenants and small, independent property owners are bearing the brunt of the pandemic, inducing economic downturn and require broad rental assistance.

3.4 Ensure all have access to affordable housing

The pandemic has worsened the state's considerable affordable housing shortage, with cost-burdened households at greater risk of eviction and foreclosures. Supporting affordable housing infrastructure across the region has become critical.

3.1 Enhance mental health resources

The toll on mental health due to the pandemic is widespread, with many citizens requiring mental health resources, which have been historically underfunded.

Context

- Several existing healthcare care organizations such as the Healthcare Coalitions (both Northeast and North Central) and the Health Planning Councils (Northeast and West Florida) work with healthcare facilities in the seven-county region on a span of issues that include mental health services and providers.
- Engaging organizations with current programs, knowledge, and relationships can more effectively and efficiently understand the present mental health situation in Northeast Florida and what additional services, funds, and resources are needed.

Policy Mechanisms

- Advance parity of esteem and address the inequities between mental and physical health care by engaging with mental health organizations to better understand their needs and to identify where gaps in care exist.
- Provide Mental Health First Aid training to enhance knowledge about mental health and substance-use issues, reduce its stigma, and improve responsiveness to signs of an emerging problem or crisis.
- Explore the viability of hosting recurring virtual town halls on mental health to discuss and raise awareness of mental health challenges and resources.
- Develop a means for residents to get immediate mental health assistance, such as through a three-digit prevention lifeline number or a crisis text line, and build upon existing programs designed to help communities deal with trauma.
- Engage communities of color and reduce barriers to accessing treatment by partnering with community and faith-based organizations to identify and respond to specific needs in culturally appropriate ways.

Case Study Examples

- Alachua County, Florida, developed an evidence-based strategy to assist county employees in identifying and appropriately responding to mental health issues. The county's training initiative was recognized with an Achievement Award from the National Association of Counties.
- The City of Jacksonville is working with Hearts 4 Minds, a volunteer organization, to raise awareness about mental health.
- An effort is underway to create a "drop-in mental health clinic" somewhere along State Road 100 in Flagler County. This is similar in concept to medical clinics that offer health services to people without the need for an appointment, are generally open longer hours, and can even offer 24-hour services.

American Rescue Plan Resource Center



www.flicg.org/american-rescue-plan-resources/

ARPA Estimated Allocations for NEFL

County/Municipality	Allocations	County/Municipality	Allocations
Baker County	\$5,665,100	Clay County	\$42,522,575
Glen St. Mary	\$193,302	Green Cove Springs	\$3,604,246
Mocclenny	\$2,916,342	Orange Park	\$3,708,041
		Keystone Heights	\$645,882
		Penney Farms	\$350,045
Duval County	\$349,565,161		
Atlantic Beach		Flagler County	\$22,319,251
Baldwin		Palm Coast	\$12,672,984
Jacksonville	\$163,814,476	Beverly Beach	\$180,696
Jacksonville Beach		Bunnell	\$1,235,714
Neptune Beach		Flagler Beach	\$2,152,798
		Marriland	\$4,622
Nassau County	\$17,188,273		
Callahan	\$571,502	Putnam County	\$14,452,889
Fernandina Beach	\$5,533,906	Palatka	\$4,391,742
Hilliard	\$1,371,185	Interlachen	\$618,147
		Pomona Park	\$386,604
St. Johns County	\$51,331,505	Weloka	\$301,299
St. Augustine	\$6,477,725	Crescent City	\$645,041
St. Augustine Beach	\$2,943,236		

Eligible ARPA Project Focus Areas

- **Behavioral Healthcare:** New or enhanced state and local government services that may be needed to meet mental health, substance use, and other behavioral needs.
- **Small Businesses:** Loans and grants to mitigate financial hardship; Loans, grants, and in-kind assistance to implement COVID-19 prevention or mitigation tactics; Technical Assistance.
- **Investing in Housing & Neighborhoods:** Services to support individuals experiencing homelessness; Affordable housing development; Housing vouchers, residential counseling, navigation assistance.
- **Water and Sewer infrastructure:** Includes improvements to infrastructure, such as buildings or upgrading facilities and transmission, distribution, and storage systems; Eligible uses aligned to Environmental Protection Agency project categories across the Clean Water State Revolving Fund and Drinking Water State Revolving Fund.
- **Broadband Infrastructure:** Focus on households and businesses without a wireline connection capable of reliably delivering 25 Mbps download/ 3 Mbps upload; Fund projects that deliver reliable service (minimum 100 Mbps download/100 Mbps upload speeds unless impracticable); Complement broadband investments made through the separate Capital Projects Fund.

Model Example: Nassau Prosperity Plan



- Nassau County developed a prosperity plan to guide the spending of American Rescue Plan (ARP) funding.
- Focus of CARES Act was on economic stabilization; whereas focus of ARP is on prosperity.
- Nassau Prosperity Plan can be utilized as a reference example to guide spending decisions in other jurisdictions.

EDA's Investing in America's Communities

- Build Back Better Regional Challenge (\$1 billion)
- Good Jobs Challenge (\$500 million)
- Economic Adjustment Assistance Challenge (\$500 million)
- Travel, Tourism, and Outdoor Recreation Grants (\$750 million)
- Statewide Planning, Research, and Networks Grants (\$90 million)



Technical Assistance Opportunities

- Local governments can utilize recovery plan as a reference for informing ARPA spending decisions.
- NEFRC can assist with local ARPA planning needs related to data collection and lessons learned from other local governments.
- NEFRC, as the designated Economic Development District of Northeast Florida, can assist local governments with additional EDA funding opportunities that were recently announced (i.e., grant development process and writing, inclusion in the regional CEDS plan, liaison to Florida EDA officer).

Staff Contact Information

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Links to Recovery Plan Materials

- [Northeast Florida Economic Resilience Task Force](#)
- [Northeast Florida COVID-19 Economic Recovery Plan](#)
- [Economic Resilience Task Force Briefing Guide](#)




SEAN D. LAHAV, MPA

Resiliency Coordinator
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MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 14, 2021

SUBJECT: Ordinance 21-10, Second Public Hearing and Final Reading: to Amend the Land Development Regulations Concerning Home Occupations and Conditional Use Permits

BACKGROUND

At this time, most conditional use permits must be approved by the City Commission. The Planning Board does review requests for such permits and makes a recommendation to you as to whether they should be approved. The Board does approve permits for home occupations.

At your May 18th joint meeting with the Planning Board and the Sustainability and Environmental Planning Advisory Committee, you discussed and approved the staff's suggestion that the Planning Board approve certain conditional use permits, such as for drive-thru windows, the outside serving of food and beverages, and the outside storage or merchandise.

The Planning Board reviewed this proposal at its June 15th meeting and by unanimous consensus recommended that an ordinance be drafted to revise the Land Development Regulations to give the Board the authority to review and grant or deny all conditional use permit applications except those that request construction of new single-family and multifamily residences in commercial land use districts.

After June 15th, the Building Official became aware of a new state law, House Bill 403, which amends Florida Statute 559.955 to pre-empt the authority of cities to regulate home occupations. Mr. Law decided that the ordinance to allow the Planning Board to approve most conditional use permits should also include the provision in House Bill 403 concerning home occupations, so that the City's Land Development Regulations would be in compliance with Florida Statute 559.955.

You reviewed Ordinance 21-10 at your August 11th meeting, when you passed it on first reading. The Comprehensive Planning and Zoning Board reviewed the Ordinance at its August 17th meeting, and by unanimous vote recommended that you approve it.

You held the first public hearing on the Ordinance at your September 13th meeting, when you passed it without changes on second reading.

ATTACHMENTS

Attached for your review is the following:

- a. Page 1, the recommendation made by the Planning Board at its June 15th meeting that it have the authority to issue certain conditional use permits.
- b. Pages 2-14, Ordinance 21-10
- c. Page 15, a memo from the Building Department's Executive Assistant, Ms. Bonnie Miller, in which she states the Board's recommendation that ordinance 21-10 be approved.

ACTION REQUESTED

It is that you hold the second public hearing and approve Ordinance 21-10 on its final reading.

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: PZB Authority to Grant Certain Conditional Use Permits
Date: Wednesday, June 16, 2021

Please be advised at its regular monthly meeting held Tuesday, June 15, 2021, the City of St. Augustine Beach Comprehensive Planning and Zoning Board agreed by unanimous oral consensus to recommend the City Commission move forward with the drafting of an ordinance to revise the City's Land Development Regulations (LDRs) to give the Planning and Zoning Board the authority to consider, review, and grant or deny certain conditional use permit applications.

Per Section 10.03.04 of the City's LDRs, the Planning and Zoning Board currently has the sole authority to grant or deny conditional use permit applications for home occupations only. All other conditional use permit applications, including those requesting to build single-family and multi-family residences and condominiums on commercially-zoned lots, outdoor dining, food service and sales outside of enclosed buildings, outdoor displays and sales of merchandise, and drive-thru windows for commercial restaurants and businesses, require applicants to attend and present their applications at two meetings: first, the application is reviewed and considered by the Planning and Zoning Board, which makes a recommendation of approval or denial to the City Commission, and second, the applicant then presents the application to the City Commission for the Commission's review and final say on the approval or denial of the application.

The Board agreed, by unanimous oral consensus, to recommend the City Commission move forward on the drafting of an ordinance to revise the City's LDRs to give the Planning and Zoning Board the sole authority to consider, review and grant or deny all conditional use permit applications except those which request construction of new single-family and multi-family residences and condominiums in commercial land use districts.

ORDINANCE NO. 21-10

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING LAND DEVELOPMENT REGULATIONS OF ARTICLE 3 DEFINING USES, ARTICLE 6 DEFINING IMPERVIOUS SURFACE COVERAGE, ARTICLE 7 HOME OCCUPATIONS, ARTICLE 10 CONDITIONAL USE PERMITS, 11 COMPREHENSIVE PLANNING AND ZONING, AND ARTICLE 12 PROCEDURES FOR AMENDING THE COMPREHENSIVE ZONING PLAN FOR THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City Commission finds that it is in the best interests of the citizens of Saint Augustine Beach, Florida to allow the Comprehensive Planning and Zoning Board review some of the Conditional Use permits for the City of Saint Augustine Beach, Florida;

WHEREAS, the City has a Planning and Zoning Board which routinely reviews changes to land development and land use matters within the City;

WHEREAS, the City seeks to streamline the processes and agenda items and delegate authority to the Planning and Zoning Board;

WHEREAS, the State of Florida adopted House Bill 403 which made a change to Fla. Stat. 559.955 that preempts local regulation of some home-based business and the Code needed to be changed to come into compliance with those changes;

WHEREAS, in a previous ordinance amending section 6.01.02, the mixed use district was inadvertently left out of the table;

WHEREAS, the purposes of this article are to establish uniform procedures for the application to the City which comply with Florida Law.

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. Amend Chapter 3 of the City's Land Development Code as follows:

Sec. 3.02.02. Uses.

- A. Except as provided in subsection B. herein, the permitted and conditional uses for all land use districts except mixed use districts are listed in Table 3.02.02. Uses for mixed use districts are listed in section 3.02.02.01. The list of uses contained in said table are exclusive, and any use not included under permitted or conditional uses shall be prohibited in such districts.
- B. Pharmacies may be located only in those commercial areas located within the city of St. Augustine Beach along State Road A1A from Pope Road south along the State Highway to the city's southern limits, including the area located within the Anastasia Plaza.
- C. For all uses designated as C-2 in section 3.02.02, the Comprehensive Planning and Zoning Board may stand in the place of the City Commission for the purposes of this section.

**TABLE 3.02.02
TABLE OF USES BY LAND USE DISTRICT**

Legend: P=Permitted; C-1= Conditional Use approved by the City Commission; C-2 = Conditional Use approved by the Comprehensive Planning and Zoning Board; X = Prohibited

Uses	Land Use District							
	L	ML	M	H	CO	I	R	C N
<i>Residential</i>								
Single-family	P	P	P	P	C-1	X	X	X
Mobile home	X	X	X	X	X	X	X	X
Multifamily, condominiums	X	X	P	P	C-1	X	X	X
Adult congregate living facility (group home)	C-1	C-1	C-1	C-1	X	X	X	X
Childcare (in the home)	X	X	X	C-2	C-2	X	X	X
Bed and breakfast	X	X	C-2	C-2	P	X	X	X
Rooming house	X	X	X	C-2	C-2	X	X	X
Temporary residences (construction, model home)	C-2	C-2	C-2	C-2	X	X	X	X

<u>Business Activities as defined under Fla. 559.955</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	X	X
<u>All home occupations not defined as business activities under Fla. Stat. 559.955</u>	<u>C-2</u>	<u>C-2</u>	<u>C-2</u>	<u>C-2</u>	<u>C-2</u>	X	X	X
<i>Offices</i>								
Professional offices	X	X	X	X	P	X	X	X
Business offices	X	X	X	X	P	X	X	X
Banks (drive-up facilities allowed)	X	X	X	X	P	X	X	X
Post offices, including mailing, and customer services such as messenger answering services	X	X	X	X	P	X	X	X
Government offices (other than city offices)	X	X	X	X	P	P	X	X
<i>Retail Sales</i>								
Retail outlets for sale of antiques, art, artist supplies, arts and crafts supplies, bait and tackle, bicycles, books, clothing, confectionery, drug and sundries, gifts, hardware, jewelry, luggage, leather goods, office supplies, optical goods, paint, photography supplies, radios, televisions and electronic equipment, satellite equipment, shoes, souvenirs, sporting goods, and tapes and records	X	X	X	X	P	X	X	X
Farmer's market (as defined by section 12-51(f) of the City of St. Augustine Beach Code) Operated by organizations exempt from City Licensure pursuant to section 12-51(f) of such code	X	X	X	X	X	P	X	X
Garage sale (no more than two (2) per year)	P	P	P	P	X	X	X	X
Garage sale by charitable, civic or religious organization (no more than two (2) per year)	X	X	X	X	P	P	P	X

Grocery stores, delicatessens, meat markets (no live poultry or stock), and convenience type stores (beer and wine to be sold and carried off premises only, and as an integral part of grocery item displays and sales)	X	X	X	X	P	X	X	X
Pet shop (but not animal kennel)	X	X	X	X	C-2	X	X	X
Shopping centers	X	X	X	X	P	X	X	X
<i>Services, Hotels, and Restaurants</i>								
Service establishments: barber and beauty shops, bakery (but not wholesale), bicycle rentals, costuming shops, dry cleaner (using nonflammable solvents only), electronic and light mechanical repair stores, florists, interior decorator, laundromat, photography studio, printing, shoe repair, tailor, travel agency, upholstery shop, and video rentals	X	X	X	X	P	X	X	X
Catering	X	X	X	X	C-2	X	X	X
Condominium hotels	X	X	X	X	C-1	X	X	X
Day care center	X	X	X	X	C-2	X	X	X
Equipment rental	X	X	X	X	C-2	X	X	X
Food and/or beverage service or consumption outside of an enclosed building on the premises of a restaurant or hotel/motel	X	X	X	X	C-2	X	X	X
Funeral home	X	X	X	X	C-2	X	X	X
Hotel/motel (including ancillary uses such as restaurants, lounges and night clubs)	X	X	X	X	P	X	X	X
Live theaters, satellite presentations, and motion pictures (not drive-in)	X	X	X	X	P	X	X	X
Mini-storage warehouses	X	X	X	X	C-2	X	X	X
Pest control	X	X	X	X	C-2	X	X	X

Pharmacy	X	X	X	X	P	C-2	X	X
Restaurant operated wholly within an enclosed building including servicing of alcoholic beverages incidental to the restaurant business only (no drive-up facility)	X	X	X	X	P	X	X	X
Restaurant operated wholly within an enclosed building with drive-up facilities (including serving of alcoholic beverage incidental to the restaurant business only within the restaurant, but not at the drive-up facility)	X	X	X	X	C-2	X	X	X
Services, hotels (but not hotels in a condominium form of ownership), and restaurants	X	X	X	X	P	X	X	X
Veterinarian and animal hospital (without an outside kennel)	X	X	X	X	C-2	X	X	X
<i>Educational, Cultural, Religious Uses</i>								
Elementary, middle and high schools	P	P	P	P	P	P	P	X
Vocational schools	X	X	X	X	C-2	P	X	X
Churches, synagogues, and temples	P	P	P	P	P	P	P	X
Libraries, art museums	X	X	X	X	P	P	P	X
Social, fraternal clubs, lodges	X	X	X	X	P	X	X	X
Auditoriums	X	X	X	X	P	P	X	X
<i>Recreational, Amusement, and Entertainment</i>								
Arcades	X	X	X	X	C-2	X	X	X
Uses where activity is conducted entirely within an enclosed building (bowling alleys, skating rinks, exercise facilities, billiards, pool parlors, dance studios and martial arts studios)	X	X	X	X	P	X	X	X

Privately owned recreational facilities such as golf courses, country clubs, swimming or tennis clubs	C- 2 1	C- 2 1	C- 2 1	C- 2 <u>21</u>	P	X	P	X
Publicly or privately recreational facilities of any kind and special events not involving amplified noise or sound outside of a structure between the hours of 10:00 p.m. and 9:00 a.m. the following day on land owned by St. Johns County or the city (See section 9.02.15)	X	X	X	C- 2	P	P	P	X
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skateboard parks and similar commercial ventures	X	X	X	X	P	X	P	X
<i>Medical Related Facilities</i>								
Physician offices	X	X	X	X	P	X	X	X
Medical clinics	X	X	X	X	P	P	X	X
Hospital	X	X	X	X	C- 2 1	P	X	X
<i>Motor Vehicle Related Sales and Service</i>								
Service stations or public mechanical garages including automobile washing as an ancillary use (vehicle repair not allowed outside of an enclosed building)	X	X	X	X	P	X	X	X
<i>Miscellaneous Facilities</i>								
Public utility lines	P	P	P	P	P	P	P	P
Utility facility	C- 2 1	C- 21	C- 2 1	C- 2 1	P	P	C- 2 <u>21</u>	X
Minor structures with state required permits on environmentally sensitive land, such as dune walkovers	P	P	P	P	P	P	P	P

City-owned or city-operated offices and facilities of any kind	P	P	P	P	P	P	P	X
Construction facilities (such as trailers, vehicles, equipment, and materials) in connection with road or drainage work performed by the State of Florida, St. Johns County, or the city, or by contractors employed by said governmental entities	P	P	P	P	P	P	P	P
Parking lots	X	X	X	X	P	X	X	X

(Ord. No. 18-07, § 1(Exh. 1), 5-7-18; Ord. No. 19-01, § 2, 3-4-19; Ord. No. 21-__, § ____)

SECTION 3. Amend Chapter 6 of the City's Land Development Code as follows

s 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 ¹
Low density residential	0.40*
Medium density residential	0.50
Medium low density residential	0.50
High density residential	0.70
<u>Mixed Use District</u>	<u>0.70</u>
Commercial	0.70

¹ 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. 20-15 , § 3, 1-4-21; Ord. No. 21- , §)

SECTION 4. Amend Chapter 7 of the City's Land Development Code as follows

Sec. 7.02.01. -- Home occupations.

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

- A. All home occupation uses allowed under Fla. Stat. 559.955 are allowed within the City. Should any home occupation not be regulated under Fla. Stat. 559.955, this section shall control those home occupations.
- B. No more than two persons other than members of the family residing on the premises shall be engaged in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character of the structure.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, unless a sign is required by state law. Said sign shall not exceed minimum state requirements.
- ~~E. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.~~
- F. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
- G. No equipment, tools or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
- H. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition and providing no retail sales are made at the home.

- I. Outdoor storage of materials shall not be permitted.
- J. A home occupation shall be subject to all applicable city occupational licensing requirements, fees, and other business taxes.

(Ord. No. 91-7, § 2 Ord. No. 21- , §)

SECTION 5. Amend Chapter 10 of the City's Land Development Code as follows:

Sec. 10.03.00. Conditional use permits.

Sec. 10.03.01. Procedures.

- A. *Rules.* The city commission shall make rules for the conduct of hearings for the granting of conditional use permits. These rules shall include at least the right of any party to:
 - 1. Present his case or defense by oral and documentary evidence.
 - 2. Submit rebuttal evidence and conduct such cross-examination as may be required for a full and true disclosure of the facts.
 - 3. Submit proposed findings and conclusions and supporting reasons therefor.
 - 4. Make offers of compromise or proposals of adjustment.
 - 5. Be accompanied, represented and advised by counsel or represent himself.
 - 6. Be promptly notified of any action taken by the city commission concerning his request for the granting of a conditional use permit, or any decisions concerning procedures for the granting of such a permit.
- B. *Evidence.* The city commission shall receive into evidence that which is admissible in civil proceedings in the courts of Florida, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled, and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.
- C. *Record.* The city commission shall promulgate appropriate rules and regulations providing for the establishment and maintenance of a record of all requests for conditional use permits. A verbatim transcript of the record is not required, but the commission shall establish such record in sufficient degree to disclose the factual basis for its final determination with respect to requests for permits.
- D. *Orders.* A final order on each request for a conditional use permit shall be made within thirty (30) calendar days of the last hearing at which such request was considered. Each final order shall contain findings upon which the commission's order is based and may include such conditions and safeguards as prescribed by the commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

- E. *Limitations.* A conditional use permit shall not be granted if the proposed use will not be compatible with other uses existing in the neighborhood or the proposed use will conflict with the public interest.
- F. *Violations.* The violation of any condition or safeguard when made a part of the terms under which a conditional use permit is granted shall be deemed a violation of this Code.
- G. For all uses designated as C-2 in section 3.02.02, the Comprehensive Planning and Zoning Board may stand in the place of the City Commission for the purposes of this section.

(Ord. No. 91-7, § 2; Ord. No. 95-1, § 13; Ord. No. 21-__, § __)

Sec. 10.03.03. Appeal of decisions.

- A. Appeal of decisions on conditional use permits made by the city commission shall be made to the circuit court of St. Johns County.
- B. Appeal of decisions on conditional use permits ~~for home occupations~~ made by the comprehensive planning and zoning board shall be made to the city commission.

(Ord. No. 91-7, § 2; Ord. No. 93-14, § 8; Ord. No. 21-__, § __)

Sec. 10.03.04. ~~Home occupations.~~ Conditional Use Permit Hearings by the Comprehensive Planning and Zoning Board.

~~A. The comprehensive planning and zoning board shall have the authority to grant or deny a conditional use permit for a home occupation. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to grant or denial of a conditional use permit for a home occupation.~~

~~B. The procedures and limitations provided under sections 10.03.01 and 10.03.02 shall apply to conditional use permits for home occupations, except that any reference to the "city commission" or "commission" shall be read as the "comprehensive planning and zoning board."~~
 Ⓟ

- A. The comprehensive planning and zoning board shall have the authority to grant or deny a conditional use permit for all the uses designated as C-2 in the table found in section 3.02.02. It shall not be necessary for the City Commission to approve or confirm the decision of the comprehensive planning and zoning board in respect to grant or deny a conditional use permit for those uses designated as C-2.
- B. The procedures and limitations provided under sections 10.03.01 and 10.03.02 shall apply to conditional use permits for the uses designated C-2 in section 3.02.02, except any reference to the "City Commission" or "Commission" shall be read as the "Comprehensive Planning and Zoning Board".

(Ord. No. 93-14, § 7; Ord. No. 21-__, § __)

SECTION 6. Amend Chapter 11 of the City's Land Development Code as follows:

Sec. 11.02.03. General functions, powers and duties.

- A. The board shall obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the city.
- B. The building and zoning department, under the direction of the building official shall serve as staff to the board. The board may request information from any city department or official.
- C. Pursuant to and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, the board is hereby designated as the local planning agency for the city and shall perform the functions and duties as prescribed in the Act.
- D. The board shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the city commission that are consistent with the St. Augustine Beach Comprehensive Plan.
- E. The city commission may ask the board for advice about specific land use issues and policies.
- F. The board shall keep the commission and the general public informed and advised on the land use policies of St. Augustine Beach.
- G. The board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the St. Augustine Beach Comprehensive Plan and provisions of this Code.
- H. The board may make or obtain special studies on the location, condition and adequacy of specific facilities of St. Augustine Beach, including housing and commercial and facilities, parks, playgrounds, beaches and other recreational facilities, public buildings, private utilities, transportation and parking.
- I. The board shall review any redevelopment plans prepared under Chapter 163, Part III, Florida Statutes.
- J. The board shall perform other lawfully assigned duties.
- K. The board shall review and act upon applications for development review pursuant to this Code.
- L. Pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, the comprehensive planning and zoning board is hereby designated to be the land development regulation commission and shall perform the duties and functions prescribed in the Act.

M. The Comprehensive Planning and Zoning Board shall hear all conditional use permits designated as C-2 in Section 3.02.02 and procedurally shall have all the same powers as the City Commission in the specific authority to review and grant conditional use permits for those uses designated C-2.

(Ord. No. 91-7, § 2; Ord. No. 21-__, § ____)

SECTION 7. Amend Chapter 12 of the City's Land Development Code as follows:

Sec. 12.06.02. Appeals from decisions of the comprehensive planning and zoning board.

A developer, an adversely affected party, or any person who appeared orally or in writing before the comprehensive planning and zoning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit designated as C-2 in section 3.02.02, or an appeal under section 12.06.01 reached at the conclusion of an administrative hearing to the city commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 15; Ord. No. 93-14, § 9; Ord. No. 21-__, § ____)

SECTION 8. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 9. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 10. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2021.

MAYOR

Published in the _____ on the ____ day of _____, 2021. Posted on www.staugbch.com on the ____ day of _____, 2021.

MEMO

To: Max Royle, City Manager
From: Bonnie Miller, Executive Assistant
Subject: Ordinance No. 21-10
Date: Wednesday, August 18, 2021

Please be advised at its regular monthly meeting held Tuesday, August 17, 2021, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve passage of Ordinance No. 21-10 on final reading.

Passed on first reading by the City Commission at its regular monthly meeting held Wednesday, August 11, 2021, this proposed ordinance amends Sections 3.02.02, 7.02.01, 10.03.01, 10.03.03, 10.03.04, 11.02.03, and 12.06.02 of the City of St. Augustine Beach Land Development Regulations (LDRS) to designate approval of certain conditional use permits by the City's Comprehensive Planning and Zoning Board and approval of all other conditional use permits by the City Commission; and to amend Section 6.01.02.D of the LDRs to specify maximum impervious surface ratio (ISR) coverage for mixed use land use districts.

The motion to recommend the City Commission approve passage on final reading of Ordinance No. 21-10 as drafted was made by Ms. Odom, seconded by Mr. Sarris, and passed 7-0 by unanimous voice-vote.

MEMORANDUM

TO: Max Royle, City Manager
FROM: William Tredik, P.E. Public Works
DATE: October 4, 2021
SUBJECT: 2nd Street Extension Update

DISCUSSION

The Public Works Director and Design Consultant CMT will present a project update on the progress of the design, permitting and scheduled construction for the 2nd Street Extension and Widening Project.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 24, 2021

SUBJECT: Stormwater Utility Fee: Continuation of Discussion

Please note the following concerning the fee:

1. We are not asking that you approve levying the fee now or anytime in FY 2022. All we are asking is that you approve the process for the levying of the fee. Once that process is completed, you can then decide whether or not to levy the fee.
2. The City's drainage infrastructure is growing, and a dedicated funding source is needed to provide a source of money to pay the maintenance costs.
3. A stormwater fee will provide money to pay the maintenance costs, thereby helping you and future Commissions from possibly having to use property taxes to pay those costs.

Attached is a memo and a presentation from the Public Works Director.

MEMORANDUM

Date: October 4, 2021

To: Max Royle, City Manager

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

Subject: Stormwater Utility Fee: Continuation of Discussion

BACKGROUND

On June 17, 2021, the City Commission conducted a workshop to discuss the potential implementation of a stormwater utility fee to address future stormwater needs within the City. The Public Works Director presented the following estimated costs for future stormwater projects:

Vulnerability Study Projects	\$ 3.6 million
2004 Stormwater Master Plan Remaining Projects	\$ 1.8 million
<u>Future Drainage Projects (Master Plan Update)</u>	<u>\$ 4.8 million</u>
TOTAL ESTIMATED COST	\$10.2 million

The following sampling Stormwater Utility Fees in Florida was also presented for comparison:

St. Augustine	\$ 7.50 per month (\$90/year)
Palm Coast	\$18.91 per month (\$227/year)
Ormond Beach	\$ 7.00 per month (\$84/year)
City of Flagler Beach	\$ 8.83 per month (\$106/year)
Daytona Beach	\$10.07 per month (\$121/year)
Jacksonville Beach	\$ 5.00 per month (\$50/year)
New Smyrna Beach	\$ 7.67 per month (\$92/year)
Cocoa Beach	\$ 6.75 per month (\$81/year)
Green Cove Springs	\$10.42 per month (\$125/year)

It was discussed that an assessment similar to Flagler Beach's would generate approximately \$500,000 in annual revenue; allowing up to \$250,000 to be spent on maintenance and \$250,000 to be spent on projects annually.

Also discussed was the following work necessary to implement a Stormwater Utility Fee and the possibility of hiring a consultant to assist the City in this effort:

- Establishing a structure for equivalent residential units (ERUs).
- Quantifying impervious and semi-impervious surface area for all City commercial properties and assigning a number of ERUs to each commercial property
- Establishing a rate for undeveloped properties
- Establishing any exemption or credit policies
- Establishing a schedule of projects to be implemented.

Commission Direction from 6/17/21

The City Commission discussed the potential for a stormwater utility and determined they did not have sufficient information to proceed at that time. Direction to Staff included the following:

- More information was necessary before hiring a consultant
- More information was required on project prioritization
- Desired to see an updated Stormwater Master Plan to better understand project costs

DISCUSSION

The existing Stormwater Master Plan was developed in 2004. The majority of work identified in the 2004 Study has been accomplished, with approximately \$1.8 million of projects remaining, including:

1. 7th, 8th and 9th Street Drainage Connections
2. Mickler Ditch Piping (16th Street to 11th Street)
3. 16th Street Piping
4. Mickler Ditch Piping (11th Street to A Street)

The above projects are presented in order of tentative prioritization based upon existing drainage concerns. Though these projects could be funded through a stormwater utility fee, the city is investigating their eligibility for funding through the American Rescue Plan Act of 2021 (ARPA).

Future Projects

In addition to the unfinished projects in the 2004 Master Plan, the estimated \$3.6 million of projects identified in the Vulnerability Study and the \$4.8 million of potential future drainage improvement projects need to be thoroughly vetted and refined through the following:

Stormwater Master Plan Update - An Update to the Stormwater Master Plan is planned for FY 2022. This update will:

- Update Citywide stormwater modeling
- Benefit/Cost Analysis (BCA) on potential future drainage projects
- Develop prioritization of projects based upon BCA
- Develop an implementation strategy based upon project costs and funding

Adaptation Plan - The City has applied to the State for a grant to fund an Adaptation Plan to further refine the sea level rise and storm surge recommendations identified in the 2021 Vulnerability Study. The Adaptation Plan is the next step in developing these recommendations into actual projects eligible for funding through other vehicles such as the Hazard Mitigation Grant Program (HMGP). The Adaption Plan will:

- Further Develop Vulnerability Study recommendations
- Refine concepts

- Provide detailed cost estimates
- Identify partnering requirements and opportunities
- Identify permitting requirements

Due to the need to further refine these future projects, in conjunction with the potential for project funding from other vehicles, it is reasonable to defer inclusion of the aforementioned stormwater capital projects into a Stormwater Utility Fee until FY 2024.

Operation and Maintenance (O&M) Costs

O&M expenditures, however, are essential, ongoing, predictable and increasing in magnitude as stormwater infrastructure is added, upgraded or repaired. Several benefits are realized though fully funding stormwater O&M costs via non-ad valorem assessment, including:

- Dedicated revenue source for recurring costs
- Ensure that proper maintenance is funded
- Guaranteed funding of staff who perform O&M for the City
- Funding of materials and equipment necessary to provide stormwater maintenance

Additionally, all properties within the City will benefit from the ensuring that the City's drainage infrastructure is appropriately maintained in a fully functional condition.

Development of Stormwater Utility Fee to support O&M costs

Residential Dwellings - Equivalent Residential Units (ERUs) are the base from which a Stormwater utility fee is assessed. Residential dwellings are typically assigned one (1) ERU, though some jurisdictions employ tiered systems to better proportion fee to the actual impervious area of a residential property. Such a tiered system, however, is more challenging to implement as a detailed analysis of every residential property within the City is required to assign an appropriate tier to each property. A flat rate ERU system is significantly easier to implement and does not require annual review of existing properties to determine if a residence has moved into a higher tier.

Commercial Properties – ERUs are typically assigned to a commercial properties based upon the amount of impervious surface area on the property divided by the adopted square footage of impervious area per ERU.

Order of Magnitude Estimate of Potential Stormwater Utility Fee

In order to determine the square footage of impervious surface area per ERU, a review and analysis of aerial photographs and property appraiser records is required. For the purposes of this order of magnitude estimate, the following general assumptions are made:

- Approximately 2,800 residential units within City
- Approximately 2,800 square feet (sf) impervious surface area per residential unit

- 2,100 sf House + garage
- 600 sf Driveway
- 100 sf Other (patio, porch, etc.)
- ➔ 1 ERU = 2,800 sf impervious surface area
- Approximately 250 acres of commercial property within the City
 - Estimate of 45% of commercial property is impervious
 - ⇒ Approximately 113 acres (4.9M sf) of commercial impervious surface area
 - ⇒ Approximately 1,750 Commercial ERUs

Based upon the above assumptions there may be as many as 4,550 ERUs within the City of St. Augustine Beach. The determination of the actual number of ERUs will depend upon analysis discussed above and may be more or less than this number.

Estimation of Operation and Maintenance Costs

The following estimate is for Projected FY 2023 O&M costs related to stormwater:

Item	FY23 Anticipated Costs
Salaries + benefits	\$ 114,000
Mizell Pond O&M	\$ 18,000
Versaggi Pump Sta. O&M	\$ 10,000
Sandpiper Pump O&M	\$ 10,000
Ocean Walk Pump O&M	\$ 2,000
Ditch Maintenance	\$ 15,000
Drg. Structure Repair and Maint.	\$ 25,000
Pipe Cleaning and Repair	\$ 15,000
TOTAL	\$ 209,000

Note that the above projected Stormwater O&M costs are order of magnitude estimates intended to approximate the cost of operating and maintaining existing and pending stormwater facilities within the City. They do not capture all staff related expenses for stormwater and only consider 1.0 FTE for the Stormwater Foreman and 0.25 FTE for the Civil Engineer. Actual stormwater costs associated with other staff's time is not considered in this analysis.

Estimate of Cost per ERU to fund Stormwater O&M

Based upon the estimated \$209,000 annual O&M cost – and the estimated 4,550 ERUs within the City – the annual stormwater utility fee per ERU would be \$45.93. This equates to \$3.83 per month per ERU. The actual cost per ERU would be finalized in early Summer 2022 once analysis of properties within the City is complete.

Future Projects

If the Commission decides to pursue the implementation of a stormwater non-ad valorem assessment for FY 2023, a range establishing the maximum annual fee would be established in Spring 2022. The Commission could opt to establish the range sufficiently high to accommodate the inclusion of future projects while setting set the year-1 fee at a lower amount to only fund Stormwater O&M costs.

Next Steps

The schedule required for implementing a Stormwater Fee in FY 2023 is as follows:

October 4, 2021	<i>Authorize staff to advertise for a public meeting to adopt a resolution indicating intent to adopt a stormwater non-ad valorem assessment. Ad must run four (4) consecutive weeks prior to the meeting)</i>
December 6, 2021	Pass resolution expressing intent to adopt a non-ad valorem assessment
by January 1, 2022	Notify the Tax Collector of the intent to adopt a non-ad valorem assessment
April 4, 2022	Set annual and total ranges for the non-ad valorem assessment: set the first year assessment; set the term for the assessment; set the total assessment to be collected
June 2022	Hold Public Hearing and set the initial assessment rate
August 1, 2022	Pass resolution and enter agreement with Tax Collector

DIRECTION REQUESTED

Staff seeks direction from the City Commission whether to advertise for a public meeting on December 6, 2021 to consider a resolution stating the City's desire to adopt a non-ad valorem stormwater utility fee for FY 2023. The advertisement must run four (4) consecutive weeks prior to the public meeting.



CITY OF ST. AUGUSTINE BEACH

*Regular City Commission Meeting
Monday October 4, 2021*

*Stormwater Utility Fee
Continuation of Discussion*

William Tredik, P.E. Public Works Director

JUNE 17, 2021 WORKSHOP DISCUSSION

- **Drainage Projects**
 - **\$3.6 million - Vulnerability Study Projects**
 - **\$1.8 million - Remaining 2004 Stormwater Master Plan Projects**
 - **\$4.8 million - Other Drainage Projects**
- **Other Jurisdictions' Fees**
 - **Fees vary, average between \$5 and \$10 per month**
- **Commission Direction**
 - **Not ready to hire consultant**
 - **More information required on project prioritization**
 - **Desire to see updated Stormwater Master Plan to better understand project costs**

ADDITIONAL INFORMATION NEEDED FOR PROJECTS

- **Stormwater Master Plan Update**
 - **Refined cost estimates**
 - **Prioritization of projects**
 - **Understanding of overall funding needs**
 - **Strategy for implementation**
- **Adaptation Plan**
 - **Further develop Vulnerability Study recommendations**
 - **Permitting requirements / environmental challenges**
 - **Refined cost estimates**
 - **Strategy for funding**

ESTIMATED FY 2023 OPERATION AND MAINTENANCE (O&M) COSTS

Item	FY23 Anticipated Costs
Salaries + benefits	\$ 114,000
Mizell Pond O&M	\$ 18,000
Versaggi Pump Sta. O&M	\$ 10,000
Sandpiper Pump O&M	\$ 10,000
Ocean Walk Pump O&M	\$ 2,000
Ditch Maintenance	\$ 15,000
Drg. Structure Repair and Maint.	\$ 25,000
Pipe Cleaning and Repair	\$ 15,000
TOTAL	\$ 209,000

STORMWATER NON-AD VALOREM FEE FOR O&M

- Maintenance is not optional; Costs are predictable
- **Dedicated revenue source** for recurring costs
- Less initial cost than most stormwater assessments
- **All properties benefit** from operation and maintenance of the City's drainage infrastructure
- If range is set appropriately, fee can be adjusted annually to cover project costs as needed

DEVELOPMENT OF FEE

- Determine the Equivalent Residential Unit (ERU)
 - Averaging residential impervious area from aerials and property appraiser records
- Measuring commercial impervious surface areas
 - Utilization of aerial photography
 - Assignment of ERUs based upon impervious area
- Determinization of exemptions and/or credits and assessment for vacant land
 - Research of other successful fee methodologies
- Set range sufficient for incorporation of future projects

ERU ESTIMATES

Key Assumptions

- 2,800 Single Family Residential Properties
 - 2,800 sf Average Impervious Surface Area
 - 2,100 sf house + garage
 - 600 sf driveway
 - 100 sf patio / porch / other
- 1 ERU = 2,800 SF

COMMERCIAL ERU ESTIMATES

Key Assumptions

- 250+/- Acres of Commercial Property
- 45% impervious
- 113+/- acres of impervious surface area (4.9M SF)
- Estimated # of Commercial ERUs = 1,750

TOTAL Estimated ERUs = 2,800 (Res) + 1,750 (Comm) = 4,550

MAINTENANCE COST PER ERU

- \$209,000 FY23 maintenance cost
- 4,550 ERUs

→ **Annual Maintenance Cost per ERU = \$45.93 / year
(\$3.83 / month)**

STEPS TO IMPLEMENT FEE IN FY23

- | | |
|--------------|---|
| Oct. 2021 | Authorize staff to advertise for a public meeting to adopt a resolution indicating intent to adopt a stormwater non-ad valorem assessment. Ad must run four (4) consecutive weeks prior to the meeting) |
| Dec. 2021 | Pass resolution expressing intent to adopt assessment |
| Jan. 1, 2022 | Notify the Tax Collector of the intent to adopt assessment |
| April 2022 | Set annual and total ranges for the non-ad valorem assessment; set the first year assessment; set the term for the assessment; set the total assessment to be collected |
| June 2022 | Hold Public Hearing and set the initial assessment rate |
| Aug. 2022 | Pass resolution and enter agreement with Tax Collector |


DIRECTION REQUESTED TODAY

Staff seeks direction from the City Commission whether to advertise for a public meeting on December 6, 2021 to consider a resolution stating the City's desire to adopt a non-ad valorem stormwater utility fee for FY 2023

The advertisement must run four (4) consecutive weeks prior to the public meeting.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 22, 2021

SUBJECT: Proposed Ordinance, to Amend the City's General Code to Prohibit the Release of Helium or Lighter-Than-Air Balloons

At your September 13, 2021, meeting, Ms. Lana Bandy, Vice Chair of the Sustainability and Environmental Planning Advisory Committee, and Ms. Crosby, a Ponte Vedra resident, presented their proposal that the release of helium-filled balloons be banned in the City. Mayor England asked the City Attorney to review St. Augustine's ordinance that bans the release of such balloons and to work on an ordinance for our City.

That ordinance is attached. Mr. Taylor can explain it and answer your questions.

If you agree with the ordinance, then you can pass it on first reading. It would be Ordinance 21-13.

ORDINANCE NO. 21-__

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING ARTICLE 1, SECTION 5-9 TO INCLUDE THE RELEASE OF BALLOONS AS LITTERING FOR THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the release of helium, foil, mylar or "biodegradable" balloons into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate; and

WHEREAS, these balloons inevitably return to our land and to our waterways as litter, they can travel thousands of miles, and create a blight in pristine, remote areas; and

WHEREAS, these balloons, many of which land in rivers, streams, marshes, and the oceans, represent one of the most common and destructive forms of floating garbage; and

WHEREAS, even biodegradable balloons can take up to four years to decompose and therefore cause the same injury to animals as non-biodegradable balloons; and

WHEREAS, latex and mylar balloons released outdoors kill countless animals that become entangled in the string or attempt to ingest the balloon; and

WHEREAS, experts rate balloons the single most deadly debris to sea birds and third most deadly to sea turtles and marine mammals; and

WHEREAS, Florida has more miles of coastline than any other state in the lower forty eight and 90% of all nesting sea turtles in the U.S. nest on Florida's beaches; and

WHEREAS, sea turtles ingest balloons, mistaking them for jellyfish thereby threatening and endangering all sea turtles worldwide; and

WHEREAS, mylar balloons can cause power outages when caught on power lines. In Kissimmee, Florida, a total of 4,200 homes and businesses have lost power in three separate incidents of balloons entangling in power lines according to the Kissimmee Utility Authority. Many outages have also occurred in the Florida Keys due to mylar balloons; and

WHEREAS, the Florida Legislature in Florida Statutes section 379.233 found that the release of balloons poses a danger and nuisance to the environment, particularly to wildlife and marine animals; and

WHEREAS, a ban on balloon releases would have a negligible impact on the balloon and party industry, since nearly all balloons are purchased for indoor decoration; and

WHEREAS, the City Commission of the City of St. Augustine Beach believes balloon releases should be prohibited to protect the air, land, and waters of the City; and

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

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. Amend Article 1 – Section 5-9 as follows:

Sec. 5-9. - Trash and litter.

a) It is unlawful for any person to deposit, discard, throw, place or pile any trash, litter of any type, paper, garbage, cans, cartons, bottles, cigarette butts, filters, products containing tobacco or used for consuming tobacco products or other waste or discard materials on the city beach or any public street, right-of-way or other public places in the city, except in public receptacles, in authorized private receptacles for collection, or in the official city trash disposal site.

b) It shall be unlawful for any person, group, or corporation to intentionally release any helium or lighter-than-air gas filled balloons into the air within the city limits except for:

a) 1. Balloons released by a person on behalf of an educational institution, governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.

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b)c) The chief of police is authorized to print or cause to be printed "litter citations" which shall contain blank spaces and have the following information:

1. Name of person alleged to have violated this section;
2. Description of the alleged violation;
3. Date, time and place of the alleged violation;
4. Witnesses, if any;
5. Name of officer charging the violation;
6. The date, time and location of the scheduled judicial hearing on the offense charged.

The litter citation will also contain a space where the alleged violator of this section may sign to indicate that he received a copy of the citation.

The litter citation will also indicate the penalty established herein for violation of this section.

~~e)d)~~ ____ A person shall be charged with violation of this section by citation.

~~d)c)~~ ____ A person cited for a violation of this section shall:

1. Post a bond which shall be equal to one-half ($\frac{1}{2}$) of the maximum penalty described in subsection (e); or
2. Sign and accept a citation indicating his receipt of a copy of the citation.

~~e)f)~~ Any person found guilty of violating this section shall be guilty of an offense punishable by a fine not to exceed the amount of fifty dollars (\$50.00).

~~f)g)~~ Any person who willfully refuses to post a bond or accept and sign a citation shall be guilty of an offense punishable by confinement not exceeding ten (10) days in the county jail or a fine not to exceed two hundred dollars (\$200.00) or both such fine and imprisonment.

~~g)h)~~ ____ Any person charged with violation of this section may:

1. Pay one-half ($\frac{1}{2}$) of the maximum penalty set forth in subsection (c), either by mail or in person, within ten (10) days of the date of receiving the citation; or
2. If he has posited bond, forfeit the bond by not appearing at the scheduled judicial hearing; or
3. Appeal at a scheduled judicial hearing to contest the charge.

~~h)i)~~ If the person cited follows either paragraphs (1) or (2) above, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of violation of this section and the amount paid or forfeited shall be deemed payment of the fine in full.

(Ord. No. 156, § 9, 5-23-86; Ord. No. 19-11, § 1, 8-5-19; Ord. No. 2021-____, § 2)

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

SECTION 4. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2021.

MAYOR

Published in the _____ on the _____ day of
_____, 2021. Posted on www.stangbeh.com on the _____ day of _____,
2021.

MEMORANDUM

Agenda Item # 5

Meeting Date 9-27-21

Date: October 4, 2021

To: Max Royle, City Manager

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

Subject: First Reading – Ordinance 21-14
Owner Provided Solid Waste Services : Review of Proposed Ordinance

BACKGROUND

On August 3, 2020 the City Commission Adopted Ordinance 20-09 modifying and restating Chapter 10 – Garbage and Trash, of the City Code. Several changes to Chapter 10 were adopted, including changes to Section 10-4 Residential Waste and 10-13 Commercial Waste providing for dwelling units within mixed-use buildings to be able to use the commercial dumpster or commercial trash area of the mixed-use building. The modifications adopted on August 3, 2020, however, did not account for buildings no longer being considered “mixed-use” if dwelling units within the building were operated as commercial service premises.

DISCUSSION

The proposed changes associated with Ordinance 21-14 modify Section 10-13 (f) to eliminate the language in this subsection pertaining to mixed-use buildings, and instead allows the owner or owners of a building containing a commercial dumpster or commercial trash area to permit up to four (4) commercial service premises within the building to use the building's commercial dumpster or commercial trash area.

ACTION REQUESTED

Review, recommend any modifications and approve first reading of Ordinance 21-14.

ORDINANCE NO: 21-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO GARBAGE AND TRASH; AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE BEACH, CHAPTER 10, GARBAGE AND TRASH, TO AMEND, REVISE AND RESTATE THE SECTION 10-13 OF THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

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

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

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

SECTION 2. Amend Article 1 – Section 10-13 of the Code of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Chapter 10 - GARBAGE AND TRASH

ARTICLE I. - IN GENERAL

Sec. 10-13. - Commercial waste.

- (a) Every commercial service premises, including, but not limited to, hotels and motels and transient rentals, shall pay to the city for the collection and disposal of waste collected by the city, or the availability of such service, the service charges provided in this section.

- (b) After September 30,2020, commercial service premises having six (6) or more dwelling units are not eligible for City solid waste collection, disposal and recycling services, except as provided in subsection (c) below, and must secure private collection and disposal services from a City licensed private solid waste management company.
- (c) Commercial service premises having six (6) or more dwelling units which receive solid waste collection, disposal and recycling service from the City, as of the date of adoption of this ordinance, may petition the City to continue City service for all of its dwelling units beyond September 30,2020 due to hardship associated with the infeasibility to convert to dumpster service or obtain private collection. Hardship petitions willbe reviewed and processed by the City Manager. Denied petitions may be appealed to the City Commission.
- (d) Dwelling units within condominium or apartment complexes which continue to receive solid waste collection, disposal and recycling services from the City after September 30,2020 are not required to purchase waste carts from the city and shall be allowed to place for collection the maximum quantities per dwelling unit provided in Section 10-04 - Residential Waste.
- (e) Condominium or apartment complexes which continue to receive City provided solid waste collection, disposal and recycling services for its dwelling units after September 30,2020 shall be billed the commercial rate for condominiums and apartment complexes as established by resolution.
- (f) ~~The owner or owners of a dwelling unit contained within a mixed-use building may utilize the commercial dumpster or commercial trash area associated with the mixed-use building, upon filing of permission from the commercial services premises in the mixed-use building. When a dwelling unit within a mixed-use building elects to utilize the commercial dumpster or commercial trash area associated with the mixed-use building, the dwelling unit may request exemption from the solid waste non-ad valorem special assessment, and all solid waste collection and disposal fees for the mixed-use building will be the responsibility of the commercial services premises. The owner or owners of the commercial service premises in the mixed-use building must provide a notarized affidavit indicating their authority and agreement to allow the dwelling unit within the mixed-use building to utilize the commercial dumpster or commercial trash area on the mixed-use building property~~ The owner or owners of a building containing a commercial dumpster or commercial trash area may allow up to five (4) commercial service premises within the building to utilize the building's commercial dumpster or commercial trash area associated with the building, upon filing of permission from the owner responsible for the building's dumpster or commercial trash area. When a commercial service premises within a building elects and is authorized to utilize the commercial dumpster or commercial trash area associated with the building, all collection and disposal fees

for the electing commercial service premises will be paid by the owner or owners of the building. The owner or owners of the building responsible for the dumpster or commercial trash area must provide a notarized affidavit indicating their authority and agreement to allow the commercial service premises within the building to utilize the building's commercial dumpster or commercial trash area.

- (g) Commercial services premises which ~~generate, or generate or~~ have historically generated more than an average of ten (10) thirty-two-gallon waste receptacles (or equivalent volume) of solid waste per week will not be eligible for city solid waste collection services and must a secure private hauler for solid waste collection and disposal services, provided the hauler is duly franchised and authorized to collect solid waste within the city.
- (h) Authorized commercial containers; collection.
 - (1) Commercial service premises shall purchase, from the city, waste carts with a volume between sixty-four (64) and ninety-six (96) gallons for use in city solid waste collection. The number I total volume of waste carts to be purchased shall be based upon historic can count information for each commercial services premises. In cases where historic can count information is unavailable, the business owner will coordinate with the public works director to determine the appropriate "starting solid waste volume" based upon similar businesses. Carts purchased from the city will be uniquely identified and will be picked up during normal solid waste collection schedules without the assessment of additional fees, provided the carts are placed appropriately per Sec. 10-3. - Placement, are in proper working order, and are not overfilled so that the lids do not completely close. Cart purchase prices will be adjusted annually by the City Manager, based upon actual material and labor costs.
 - (2) For the disposal of garbage, rubbish, and trash contained in sixty-four (64) through ninety-six 96) gallon waste carts as designated pursuant to subsection (1) hereof, excluding garden trash, each commercial service premises shall pay a monthly charge for each authorized waste cart purchased from the city, Monthly charges for waste carts will be established by resolution.
 - (3) Unauthorized receptacles. Solid waste in unauthorized cans, carts, bags or other containers will be logged and assessed additional pickup fees as established by resolution. The volume of any solid wasted collected from unauthorized receptacles will be measured and logged. If a commercial service premises utilizes unauthorized receptacles more than six (6) times in a twelve (12) month period, the commercial service premise will be required to purchase additional waste carts of sufficient volume so as to avoid future solid waste overages. An authorized receptacle which is overstuffed so that the lid does not completely close, or not placed per Sec. 10-3.

- Placement, will be deemed an unauthorized receptacle, and will be logged and assessed an additional pickup fee.

- (4) Uncontainerized solid waste. Uncontainerized solid waste will be charged additional pickup fees, depending upon the quantity, volume and type of material collected. A fee schedule for uncontainerized solid waste will be set by resolution.
- (5) Change in commercial solid waste volume. If a business undergoes changes resulting in the reduction of solid waste generation, they may request an adjustment of the mandated number / volume of solid waste carts. The business must submit, in writing, to the City Manager's office, a request for a revaluation of solid waste fee. Upon receipt, the Public Works Department will conduct a random audit of the business's solid waste volume, to determine if a fee reduction is warranted. The random audit will be conducted within a six (6) month period to account for seasonal variation. If it is determined that a fee reduction is warranted, the business must return the appropriate number of waste carts to the city, and the monthly cart fee will be adjusted accordingly. A business may request a reduction of the mandated number / volume of solid waste carts a maximum of once per 12-month time period.
- (6) The owner of a commercial service premises may elect, as provided in subsection (m) hereof, on a form designated by the city manager to exempt the commercial service establishment from collection by the city provided that the commercial garbage dumpster, waste receptacle storage area, waste cart storage area or commercial trash area meets the requirements of Sec. 10-3. Placement (d).
 - (i) The quantity of garbage and rubbish which a commercial services premises may place for collection is limited to that which will fit within the business's purchased authorized commercial receptacles. The quantity of trash, white goods and recyclable material which a commercial service premises may place for collection by the city is subject to the same maximum limits provided for a single-family residence under subsection 10-4(a).
 - (j) This section does not prohibit an owner from placing for collection garbage, rubbish, trash, white goods, and recyclable material in excess of the maximum quantities provided under subsection (i) when the city has previously agreed with the owner to collect such excess quantities. Quantities in excess of the maximum quantities will be assessed an additional pickup fee as set by resolution.
 - (k) The city will not collect commercial waste contained in a garbage dumpster from any service premises.

- (l) The service charges provided in this section shall be due and by the end of the calendar month in which the invoice for such services is rendered and shall be regarded as delinquent thereafter.
- (m) A commercial service premises may be exempted from payment of the service charges upon written notice delivered to the office of the city manager, stating that the owner elects not to receive any waste collection and disposal service from the city, provided the owner furnishes evidence of a contract for dumpster service. It shall be a violation of this Code punishable as provided in section 10-11 hereof to collect dumpster garbage and trash between the hours of 7:00 p.m. of any day and 7:00 a.m. of the ensuing day.
- (n) The city manager is hereby authorized, from time to time, to determine the cost to the city for the utilization of landfills and to promulgate waste disposal service charges for each equivalent container to be charged pursuant to this section hereof in accordance with such costs. Such charges shall become effective as of the beginning of the next ensuing fiscal quarter after a copy thereof has been furnished to the city commission, unless the city commission shall, by ordinance, provide some other fee or charge or direct that no charge be made.
- (o) Commercial garden trash collection shall be provided to each commercial service premises once per week and be subject to the same rules governing the collection of uncontainerized and containerized residential garden trash waste. The amount charged by the city for such collection shall be set by resolution.
- (p) Up to two (2) cubic yards of commercial construction debris per week, if generated by the business occupant with a valid building permit, if such a permit is required, is to be collected from each commercial service premises that receives solid waste collection and disposal services from the city. (Construction debris generated by a contractor shall not be collected by the city and the contractor shall be responsible for disposal regardless of whether the waste is residential or commercial)
- (q) Collection of garbage and refuse for commercial service premises may be permitted in excess of one (1) day per week on a subscription basis. Commercial service premises shall pay an additional fee for each additional collection day plus the standard disposal costs as required with basic collection services. Commercial service premises may have up to one (1) additional collection days per week, provided an application for such service is made to the city and the city manager or his designee determines the public works department has capacity to provide the additional service. No garbage or refuse will be collected on Wednesdays, weekends or City holidays. Fees for the additional collection services shall be set from time to time by resolution of the city commission.

- (r) In lieu of receiving garbage collection service from the city, commercial service businesses may contract with a private hauler for garbage and refuse collection services provided the hauler is duly franchised and authorized to collect garbage within the city

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

SECTION 4. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2021.

MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2021.

MAYOR

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: September 23, 2021

SUBJECT: American Rescue Plan: Discussion of Allowable Uses of Funds and Possible Projects

INTRODUCTION

In light of comments made at your September 13th meeting concerning the American Rescue Plan and suggested uses of money from it, we provide information here about how much money the City is eligible to receive, the rules governing the uses of the money and a recommendation that you consider stormwater improvement projects as the best use of the money for the City. This use will be within the City's staff resources to accomplish, will benefit the largest number of residents, is most clearly within the law's definition of an allowable use, and will allow money from the City's other revenue sources, such as property taxes, to be used in future fiscal years for other projects and expenses, such as road paving.

SUMMARY OF ALLOCATIONS

- a. Title of legislation approved by Congress: American Rescue Plan Act (ARPA)
- b. Total appropriated: \$1.9 trillion
- c. \$350 billion to states, counties, cities, and tribal governments
- d. \$130.2 billion to local governments
- e. \$19.5 billion to cities with fewer than 50,000 residents
- f. \$3,507,979 to St. Augustine Beach based on a population of 7,004 residents
- g. Money to be provided in two phases: half, \$1,753,989, no later than 60 days after the date on which certification by the U.S. Treasury Department is required; the remaining half no later than one year later.
- h. As of the date of this memo, the City hasn't received any ARPA funds.
- i. Funding must be committed (encumbered) to be spent by December 31, 2024, and spent by December 31, 2026.

ATTACHED INFORMATION

Because the great amount of information available online about ARPA obviously cannot be forwarded to you here, we decided to provide information from two basis sources, plus the agreement that Mayor

England signed in September so that the City can receive the first phase of funding.

- a. Pages 1-4, recommended guiding principles from the Government Finance Officers Association for the spending of ARPA funds.
- b. Pages 5-38, frequently asked questions from the U.S. Treasury Department concerning the uses of ARPA funds.
- c. Pages 39-63, the agreement Mayor England signed for receiving and spending ARPA funds. Please note that pages 39-41 describe allowable uses of the funds.
- d. Page 64, from the Public Works Director a list with estimated costs of major stormwater projects that the City needs to do to cope with flooding.

ELIGIBLE USES OF ARPA FUNDS

In the Treasury Department's FAQ, the questions and answers concerning eligible uses are divided into four categories beginning with Section 2 on page 8. The four categories are:

- Responding to the Public Health Emergency/Negative Economic Impacts
- Revenue Loss
- Premium Pay
- Water, Sewer, and Broadband Infrastructure

In the Water, Sewer and Broadband Infrastructure category, construction of stormwater systems is stated as an allowable use. The administration recommends that you approve spending the ARPA money on stormwater improvements because such is clearly an allowable use, and the improvements are needed to help protect areas from flooding.

There are two other sections that concern ARPA funds:

- General, pages 22-30, which state various regulations
- Ineligible Uses, page 38

PLEASE NOTE: If the City spends ARPA money for an ineligible purpose, the City could be required to give back the money to the federal government. Depending on the amount, the give-back could have a significant and negative effect on a future City budget.

ACTIONS REQUESTED

There are two: First, that you discuss with the Finance Director the allowable uses of the ARPA money and the timetable for spending it.

Second, if you agree that the ARPA money should be spent on stormwater improvements, you discuss the projects with the Public Works Director, the update of the master stormwater plan that needs to be done, when the advertising for an engineering firm to do the update will be done and an estimate of when the updated plan will be completed.



American Rescue Plan Spending: Recommended Guiding Principles

Signed into law on March 11, 2021, [The American Rescue Plan Act of 2021](#) (“ARPA”) provides \$350 billion in additional funding for state and local governments. [Please click here for GFOA’s analysis of ARPA](#). The state funding portion is approximately \$195 billion with \$25.5 billion distributed equally among the 50 states and the District of Columbia and the remaining amount distributed according to a formula based on unemployment.

The local funding portion is approximately \$130 billion, equally divided between cities and counties. Localities will receive the funds in two tranches—the first after the U.S. Treasury certifies the proceeds to each jurisdiction and the second one year later.

For cities, \$65 billion is divided between jurisdictions that are Community Development Block Grant (CDBG) entitlement jurisdictions and those that are not. \$45.5 billion of the \$65 billion will be allocated to metropolitan cities utilizing a modified CDBG formula, and the remaining amount for jurisdictions that are non-entitlement CDBG, will be allocated according to population. For the non-entitlement jurisdictions, the amount will not exceed seventy- five percent of their most recent budget as of January 27, 2020. Additionally, non-entitlement jurisdictions proceeds will be allocated through the state for redistribution to local governments.

For counties, the \$65 billion will be allocated based on the county’s population. Counties that are CDBG recipients will receive the larger of the population or CDBG-based formula.

Eligible uses of these funds include:

- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency,
- COVID-19 expenditures or negative economic impacts of COVID-19, including assistance to small businesses, households, and hard-hit industries, and economic recovery,
- Premium pay for essential workers,
- Investments in water, sewer, and broadband infrastructure.

Restrictions on the uses of these funds include:

- Funds allocated to states cannot be used to directly or indirectly to offset tax reductions or delay a tax or tax increase;
- Funds cannot be deposited into any pension fund.

Funding must be spent by the end of calendar year 2024.

As with previous COVID-19 relief packages, implementation will be an extensive process as new or updated guidance and FAQs are developed and released by the **U.S. Treasury**. For example, the legislation requires each jurisdiction's executive to "certify" that the funds will be used for eligible purposes. That process is currently under development by the U.S. Treasury.

GFOA will provide regular updates as information becomes available. If you have specific questions or need clarification, GFOA has launched an **online portal** to gather member questions to help shape engagement and solicit answers from the Administration.

For many jurisdictions, the funding provided under ARPA is substantial and could be transformational for states and local governments in their pandemic rescue and recovery efforts. Elected leaders will need to decide how to best use the additional funding consistent with the ARPA requirements, which are very broad. Finance officers play a critical role in advising elected leaders on the prudent spending of moneys received under ARPA. *Finance*

officers are best positioned to help ensure the long-term value of investments and financial stability of its government using this one-time infusion of resources. When considering how to best advise elected officials and plan for the prudent use of ARPA funds, we offer the following outline of Guiding Principles for the use of ARPA funds:

GFOA American Rescue Plan Act Guiding Principles

Temporary Nature of ARPA Funds. ARPA funds are non-recurring so their use should be applied primarily to non-recurring expenditures.

- Care should be taken to avoid creating new programs or add-ons to existing programs that require an ongoing financial commitment.
- Use of ARPA funds to cover operating deficits caused by COVID-19 should be considered temporary and additional budget restraint may be necessary to achieve/maintain structural balance in future budgets.
- Investment in critical infrastructure is particularly well suited use of ARPA funds because it is a non-recurring expenditure that can be targeted to strategically important long-term assets that provide benefits over many years. However, care should be taken to assess any on-going operating costs that may be associated with the project.

ARPA Scanning and Partnering Efforts. State and local jurisdictions should be aware of plans for ARPA funding throughout their communities.

- Local jurisdictions should be cognizant of state-level ARPA efforts, especially regarding infrastructure, potential enhancements of state funding resources, and existing or new state law requirements.
- Consider regional initiatives, including partnering with other ARPA recipients. It is possible there are many beneficiaries of ARPA funding within your community, such as schools, transportation agencies and local economic development authorities. Be sure to understand what they are planning and augment their efforts; alternatively, creating

cooperative spending plans to enhance the structural financial condition of your community.

Take Time and Careful Consideration. ARPA funds will be issued in two tranches to local governments. Throughout the years of outlays, and until the end of calendar year 2024, consider how the funds may be used to address rescue efforts and lead to recovery.

- Use other dedicated grants and programs first whenever possible and save ARPA funds for priorities not eligible for other federal and state assistance programs.
- Whenever possible, expenditures related to the ARPA funding should be spread over the qualifying period (through December 31, 2024) to enhance budgetary and financial stability.
- Adequate time should be taken to carefully consider all alternatives for the prudent use of ARPA funding prior to committing the resources to ensure the best use of the temporary funding.

The influx of funds will undoubtedly benefit state and local finances, and aid in the recovery from the budgetary, economic, and financial impacts of the pandemic. Rating agencies will evaluate a government's use of the ARPA funds in formulating its credit opinion and, importantly, will consider your government's level of reserves and structural budget balance, or efforts to return to structural balance, as part of their credit analysis. Finance officers will play a critical role in highlighting the need to use ARPA funds prudently with an eye towards long-term financial stability and sustainable operating performance. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize.

Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF JULY 19, 2021

This document contains answers to frequently asked questions regarding the Coronavirus State and Local Fiscal Recovery Funds (CSFRF / CLFRF, or Fiscal Recovery Funds). Treasury will be updating this document periodically in response to questions received from stakeholders. Recipients and stakeholders should consult the [Interim Final Rule](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- For general questions about CSFRF / CLFRF, please email SLFRP@treasury.gov
- Treasury is seeking comment on all aspects of the Interim Final Rule. Stakeholders are encouraged to submit comments electronically through the Federal eRulemaking Portal (<https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>) on or before July 16, 2021. Please be advised that comments received will be part of the public record and subject to public disclosure. Do not disclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Questions added 5/27/21: 1.5, 1.6, 2.13, 2.14, 2.15, 3.9, 4.5, 4.6, 10.3, 10.4 (noted with “[5/27]”)

Questions added 6/8/21: 2.16, 3.10, 3.11, 3.12, 4.7, 6.7, 8.2, 9.4, 9.5, 10.5 (noted with “[6/8]”)

Questions added 6/17/21: 6.8, 6.9, 6.10, 6.11 (noted with “[6/17]”)

Questions added 6/23/21: 1.7, 2.17, 2.18, 2.19, 2.20, 3.1 (appendix), 3.13, 4.8, 6.12 (noted with “[6/23]”)

Question added 6/24/21: 2.21 (noted with “[6/24]”)

Questions added 7/14/21: 1.8, 3.14, 3.15, 4.9, 4.10, 4.11, 4.12, 6.13, 6.14, 6.15, 6.16, 6.17, 10.3 updated (noted with “[7/14]”)

Answers to frequently asked questions on distribution of funds to non-entitlement units of local government (NEUs) can be found in this [FAQ supplement](#), which is regularly updated.

1. Eligibility and Allocations

1.1. Which governments are eligible for funds?

The following governments are eligible:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities
- Non-entitlement units, or smaller local governments

1.2. Which governments receive funds directly from Treasury?

Treasury will distribute funds directly to each eligible state, territory, metropolitan city, county, or Tribal government. Smaller local governments that are classified as non-entitlement units will receive funds through their applicable state government.

1.3. Are special-purpose units of government eligible to receive funds?

Special-purpose units of local government will not receive funding allocations; however, a state, territory, local, or Tribal government may transfer funds to a special-purpose unit of government. Special-purpose districts perform specific functions in the community, such as fire, water, sewer or mosquito abatement districts.

1.4. How are funds being allocated to Tribal governments, and how will Tribal governments find out their allocation amounts?¹

\$20 billion of Fiscal Recovery Funds was reserved for Tribal governments. The American Rescue Plan Act specifies that \$1 billion will be allocated evenly to all eligible Tribal governments. The remaining \$19 billion will be distributed using an allocation methodology based on enrollment and employment.

There will be two payments to Tribal governments. Each Tribal government's first payment will include (i) an amount in respect of the \$1 billion allocation that is to be divided equally among eligible Tribal governments and (ii) each Tribal government's pro rata share of the Enrollment Allocation. Tribal governments will be notified of their allocation amount and delivery of payment 4-5 days after completing request for funds in the Treasury Submission Portal. The deadline to make the initial request for funds is June 21, 2021.

The second payment will include a Tribal government's pro rata share of the Employment Allocation. There is a \$1,000,000 minimum employment allocation for Tribal governments. In late-June, Tribal governments will receive an email notification to re-enter the Treasury Submission Portal to confirm or amend their 2019 employment numbers that were submitted to the Department of the Treasury for the CARES Act's Coronavirus Relief Fund. To receive an Employment Allocation, including the minimum employment allocation, Tribal governments must confirm employment numbers by July

¹ The answer to this question was updated on July 19, 2021.

23, 2021. Treasury will calculate employment allocations for those Tribal governments that confirmed or submitted amended employment numbers by the deadline. In August, Treasury will communicate to Tribal governments the amount of their portion of the Employment Allocation and the anticipated date for the second payment.

1.5. My county is a unit of general local government with population under 50,000. Will my county receive funds directly from Treasury? [5/27]

Yes. All counties that are units of general local government will receive funds directly from Treasury and should apply via the [online portal](#). The list of county allocations is available [here](#).

1.6. My local government expected to be classified as a non-entitlement unit. Instead, it was classified as a metropolitan city. Why? [5/27]

The American Rescue Plan Act defines, for purposes of the Coronavirus Local Fiscal Recovery Fund (CLFRF), metropolitan cities to include those that are currently metropolitan cities under the Community Development Block Grant (CDBG) program but also those cities that relinquish or defer their status as a metropolitan city for purposes of the CDBG program. This would include, by way of example, cities that are principal cities of their metropolitan statistical area, even if their population is less than 50,000. In other words, a city that is eligible to be a metropolitan city under the CDBG program is eligible as a metropolitan city under the CLFRF, regardless of how that city has elected to participate in the CDBG program.

Unofficial allocation estimates produced by other organizations may have classified certain local governments as non-entitlement units of local government. However, based on the statutory definitions, some of these local governments should have been classified as metropolitan cities.

1.7. In order to receive and use Fiscal Recovery Funds, must a recipient government maintain a declaration of emergency relating to COVID-19? [6/23]

No. Neither the statute establishing the CSFRF/CLFRF nor the Interim Final Rule requires recipients to maintain a local declaration of emergency relating to COVID-19.

1.8. Can non-profit or private organizations receive funds? If so, how? [7/14]

Yes. Under section 602(c)(3) of the Social Security Act, a State, territory, or Tribal government may transfer funds to a “private nonprofit organization . . . , a Tribal organization . . . , a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government.” Similarly, section 603(c)(3) authorizes a local government to transfer funds to the same entities (other than Tribal organizations). The Interim Final Rule clarifies that the lists of transferees in sections 602(c)(3) and 603(c)(3) are not exclusive, and recipients may transfer funds to constituent units of government or private entities beyond those

specified in the statute. A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be considered to be a subrecipient and will be expected to comply with all subrecipient reporting requirements.

The ARPA does not authorize Treasury to provide CSFRF/CLFRF funds directly to non-profit or private organizations. Thus, non-profit or private organizations should seek funds from CSFRF/CLFRF recipient(s) in their jurisdiction (e.g., a State, local, territorial, or Tribal government).

2. Eligible Uses – Responding to the Public Health Emergency / Negative Economic Impacts

2.1. What types of COVID-19 response, mitigation, and prevention activities are eligible?

A broad range of services are needed to contain COVID-19 and are eligible uses, including vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.

2.2. If a use of funds was allowable under the Coronavirus Relief Fund (CRF) to respond to the public health emergency, may recipients presume it is also allowable under CSFRF/CLFRF?

Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under CSFRF/CLFRF, with the following two exceptions: (1) the standard for eligibility of public health and safety payrolls has been updated; and (2) expenses related to the issuance of tax-anticipation notes are not an eligible funding use.

2.3. If a use of funds is not explicitly permitted in the Interim Final Rule as a response to the public health emergency and its negative economic impacts, does that mean it is prohibited?

The Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. The Interim Final Rule also provides flexibility for recipients to use Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but which meet the objectives of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency with respect to COVID-19 or its negative economic impacts.

2.4. May recipients use funds to respond to the public health emergency and its negative economic impacts by replenishing state unemployment funds?

Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020, or to pay back advances received for the payment of benefits between January 27, 2020 and the date when the Interim Final Rule is published in the Federal Register.

2.5. What types of services are eligible as responses to the negative economic impacts of the pandemic?

Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries.

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training.

Assistance to small business and non-profits includes, but is not limited to:

- loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and
- Technical assistance, counseling, or other services to assist with business planning needs

2.6. May recipients use funds to respond to the public health emergency and its negative economic impacts by providing direct cash transfers to households?

Yes, provided the recipient considers whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. Additionally, cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, state, local, territorial, and Tribal governments may consider and take guidance from the per person amounts previously provided by the federal government in response to the COVID crisis.

2.7. May funds be used to reimburse recipients for costs incurred by state and local governments in responding to the public health emergency and its negative economic impacts prior to passage of the American Rescue Plan?

Use of Fiscal Recovery Funds is generally forward looking. The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021.

2.8. May recipients use funds for general economic development or workforce development?

Generally, not. Recipients must demonstrate that funding uses directly address a negative economic impact of the COVID-19 public health emergency, including funds used for economic or workforce development. For example, job training for unemployed workers may be used to address negative economic impacts of the public health emergency and be eligible.

2.9. How can recipients use funds to assist the travel, tourism, and hospitality industries?

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic.

Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

2.10. May recipients use funds to assist impacted industries other than travel, tourism, and hospitality?

Yes, provided that recipients consider the extent of the impact in such industries as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, nationwide the leisure and hospitality industry has experienced an

approximately 17 percent decline in employment and 24 percent decline in revenue, on net, due to the COVID-19 public health emergency. Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

Recipients should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

2.11. How does the Interim Final Rule help address the disparate impact of COVID-19 on certain populations and geographies?

In recognition of the disproportionate impacts of the COVID-19 virus on health and economic outcomes in low-income and Native American communities, the Interim Final Rule identifies a broader range of services and programs that are considered to be in response to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services are eligible uses when provided in a Qualified Census Tract (QCT), to families living in QCTs, or when these services are provided by Tribal governments.

Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination for how the pandemic disproportionately impacted the populations, households, or geographic areas to be served.

Eligible services include:

- Addressing health disparities and the social determinants of health, including: community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
- Building stronger neighborhoods and communities, including: supportive housing and other services for individuals experiencing homelessness, development of affordable housing, and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity;
- Addressing educational disparities exacerbated by COVID-19, including: early learning services, increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, and supports for students' social, emotional, and mental health needs; and
- Promoting healthy childhood environments, including: child care, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

2.12. May recipients use funds to pay for vaccine incentive programs (e.g., cash or in-kind transfers, lottery programs, or other incentives for individuals who get vaccinated)?

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to respond to the COVID-19 public health emergency, including expenses related to COVID-19 vaccination programs. See 31 CFR 35.6(b)(1)(i). Programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit.

2.13. May recipients use funds to pay “back to work incentives” (e.g., cash payments for newly employed workers after a certain period of time on the job)? [5/27]

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to unemployed workers. See 31 CFR 35.6(h)(4). This assistance can include job training or other efforts to accelerate rehiring and thus reduce unemployment, such as childcare assistance, assistance with transportation to and from a jobsite or interview, and incentives for newly employed workers.

2.14. The Coronavirus Relief Fund (CRF) included as an eligible use: "Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What has changed in CSFRF/CLFRF, and what type of documentation is required under CSFRF/CLFRF? [5/27]

Many of the expenses authorized under the Coronavirus Relief Fund are also eligible uses under the CSFRF/CLFRF. However, in the case of payroll expenses for public safety, public health, health care, human services, and similar employees (hereafter, public health and safety staff), the CSFRF/CLFRF does differ from the CRF. This change reflects the differences between the ARPA and CARES Act and recognizes that the response to the COVID-19 public health emergency has changed and will continue to change over time. In particular, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, including first responders, to the extent that the employee's time that is dedicated to responding to the COVID-19 public health emergency.

For administrative convenience, the recipient may consider a public health and safety employee to be entirely devoted to mitigating or responding to the COVID-19 public health emergency, and therefore fully covered, if the employee, or his or her operating unit or division, is primarily dedicated (e.g., more than half of the employee's time is dedicated) to responding to the COVID-19 public health emergency.

Recipients may use presumptions for assessing whether an employee, division, or operating unit is primarily dedicated to COVID-19 response. The recipient should

maintain records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on the COVID-19 response. Recipients need not routinely track staff hours. Recipients should periodically reassess their determinations.

2.15. What staff are included in “public safety, public health, health care, human services, and similar employees”? Would this include, for example, 911 operators, morgue staff, medical examiner staff, or EMS staff? [5/27]

As discussed in the Interim Final Rule, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, for the portion of the employee’s time that is dedicated to responding to the COVID-19 public health emergency.

Public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians, medical examiner or morgue staff) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. Human services staff include employees providing or administering social services; public benefits; child welfare services; and child, elder, or family care, as well as others.

2.16. May recipients use funds to establish a public jobs program? [6/8]

Yes. The Interim Final Rule permits a broad range of services to unemployed or underemployed workers and other individuals that suffered negative economic impacts from the pandemic. That can include public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker’s occupation or level of training. The broad range of permitted services can also include other employment supports, such as childcare assistance or assistance with transportation to and from a jobsite or interview.

The Interim Final Rule includes as an eligible use re-hiring public sector staff up to the government’s level of pre-pandemic employment. “Public sector staff” would not include individuals participating in a job training or subsidized employment program administered by the recipient.

2.17. The Interim Final Rule states that “assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category.” Are recipients

required to demonstrate that each individual or business experienced a negative economic impact for that individual or business to receive assistance? [6/23]

Not necessarily. The Interim Final Rule allows recipients to demonstrate a negative economic impact on a population or group and to provide assistance to households or businesses that fall within that population or group. In such cases, the recipient need only demonstrate that the household or business is within the population or group that experienced a negative economic impact.

For assistance to households, the Interim Final Rule states, “In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic.” This would allow, for example, an internet access assistance program for all low- or moderate-income households, but would not require the recipient to demonstrate or document that each individual low- or moderate income household experienced a negative economic impact from the COVID-19 public health emergency apart from being low- or moderate income.

For assistance to small businesses, the Interim Final Rule states that assistance may be provided to small businesses, including loans, grants, in-kind assistance, technical assistance or other services, to respond to the negative economic impacts of the COVID-19 public health emergency. In providing assistance to small businesses, recipients must design a program that responds to the negative economic impacts of the COVID-19 public health emergency, including by identifying how the program addresses the identified need or impact faced by small businesses. This can include assistance to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency.

As part of program design and to ensure that the program responds to the identified need, recipients may consider additional criteria to target assistance to businesses in need, including to small businesses. Assistance may be targeted to businesses facing financial insecurity, with substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or facing other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. For example, a recipient could find based on local data or research that the smallest businesses faced sharply increased risk of bankruptcy and develop a program to respond; such a program would only need to document a population or group-level negative economic impact, and eligibility criteria to limit access to the program to that population or group (in this case, the smallest businesses).

In addition, recognizing the disproportionate impact of the pandemic on disadvantaged communities, the Interim Final Rule also identifies a set of services that are presumptively eligible when provided in a Qualified Census Tract (QCT); to families and individuals living in QCTs; to other populations, households, or geographic areas

identified by the recipient as disproportionately impacted by the pandemic; or when these services are provided by Tribal governments. For more information on the set of presumptively eligible services, see the Interim Final Rule section on *Building Stronger Communities through Investments in Housing and Neighborhoods* and FAQ 2.11.

2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the Interim Final Rule identifies certain types of services that are eligible uses when provided in a Qualified Census Tract (QCT), to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic.

These programs and services include services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health. The Interim Final Rule provides a non-exhaustive list of eligible services to respond to the needs of communities disproportionately impacted by the pandemic, and recipients may identify other uses of funds that do so, consistent with the Rule's framework. For example, investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Second, recipients may provide assistance to small businesses in all communities. Assistance to small businesses could include support to enhance outdoor spaces for COVID-19 mitigation (e.g., restaurant patios) or to improve the built environment of the neighborhood (e.g., façade improvements).

Third, many governments saw significantly increased use of parks during the pandemic that resulted in damage or increased maintenance needs. The Interim Final Rule recognizes that "decrease[s to] a state or local government's ability to effectively administer services" can constitute a negative economic impact of the pandemic.

2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that "decrease[s to] a state or local government's ability to effectively administer services," such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public

health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government's ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

2.20. Can funds be used to assist small business startups as a response to the negative economic impact of COVID-19? [6/23]

As discussed in the Interim Final Rule, recipients may provide assistance to small businesses that responds to the negative economic impacts of COVID-19. The Interim Final Rule provides a non-exclusive list of potential assistance mechanisms, as well as considerations for ensuring that such assistance is responsive to the negative economic impacts of COVID-19.

Treasury acknowledges a range of potential circumstances in which assisting small business startups could be responsive to the negative economic impacts of COVID-19, including for small businesses and individuals seeking to start small businesses after the start of the COVID-19 public health emergency. For example:

- A recipient could assist small business startups with additional costs associated with COVID-19 mitigation tactics (e.g., barriers or partitions; enhanced cleaning; or physical plant changes to enable greater use of outdoor space).
- A recipient could identify and respond to a negative economic impact of COVID-19 on new small business startups; for example, if it could be shown that small business startups in a locality were facing greater difficulty accessing credit than prior to the pandemic, faced increased costs to starting the business due to the pandemic, or that the small business had lost expected startup capital due to the pandemic.
- The Interim Final Rule also discusses eligible uses that provide support for individuals who have experienced a negative economic impact from the COVID-19 public health emergency, including uses that provide job training for unemployed individuals. These initiatives also may support small business startups and individuals seeking to start small businesses.

2.21. Can funds be used for eviction prevention efforts or housing stability services? [6/24]

Yes. Responses to the negative economic impacts of the pandemic include "rent, mortgage, or utility assistance [and] counseling and legal aid to prevent eviction or homelessness." This includes housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of

domestic abuse or human trafficking, and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing.

This also includes legal aid such as legal services or attorney's fees related to eviction proceedings and maintaining housing stability, court-based eviction prevention or eviction diversion programs, and other legal services that help households maintain or obtain housing.

Recipients may transfer funds to, or execute grants or contracts with, court systems, non-profits, and a wide range of other organizations to implement these strategies.

3. Eligible Uses – Revenue Loss

3.1. How is revenue defined for the purpose of this provision? [appendix added 6/23]

The Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

General Revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. General revenue also includes intergovernmental transfers between state and local governments, but excludes intergovernmental transfers from the Federal government, including Federal transfers made via a state to a locality pursuant to the CRF or the Fiscal Recovery Funds.

Tribal governments may include all revenue from Tribal enterprises and gaming operations in the definition of General Revenue.

Please see the appendix for a diagram of the Interim Final Rule’s definition of General Revenue within the Census Bureau’s revenue classification structure.

3.2. Will revenue be calculated on an entity-wide basis or on a source-by-source basis (e.g. property tax, income tax, sales tax, etc.)?

Recipients should calculate revenue on an entity-wide basis. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the net impact of the COVID- 19 public health emergency on a recipient’s revenue, rather than relying on financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.

3.3. Does the definition of revenue include outside concessions that contract with a state or local government?

Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau's Annual Survey of State and Local Government Finances. According to the Census Bureau's Government Finance and Employment Classification manual, the following is an example of current charges that would be included in a state or local government's general revenue from own sources: "Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas, refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities."

3.4. What is the time period for estimating revenue loss? Will revenue losses experienced prior to the passage of the Act be considered?

Recipients are permitted to calculate the extent of reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues.

Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

3.5. What is the formula for calculating the reduction in revenue?

A reduction in a recipient's General Revenue equals:

$$\text{Max } \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\left(\frac{n}{12}\right)}] - \text{Actual General Revenue}_t ; 0 \}$$

Where:

Base Year Revenue is General Revenue collected in the most recent full fiscal year prior to the COVID-19 public health emergency.

Growth Adjustment is equal to the greater of 4.1 percent (or 0.041) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

n equals the number of months elapsed from the end of the base year to the calculation date.

Actual General Revenue is a recipient's actual general revenue collected during 12-month period ending on each calculation date.

Subscript *t* denotes the calculation date.

3.6. Are recipients expected to demonstrate that reduction in revenue is due to the COVID-19 public health emergency?

In the Interim Final Rule, any diminution in actual revenue calculated using the formula above would be presumed to have been “due to” the COVID-19 public health emergency. This presumption is made for administrative ease and in recognition of the broad-based economic damage that the pandemic has wrought.

3.7. May recipients use pre-pandemic projections as a basis to estimate the reduction in revenue?

No. Treasury is disallowing the use of projections to ensure consistency and comparability across recipients and to streamline verification. However, in estimating the revenue shortfall using the formula above, recipients may incorporate their average annual revenue growth rate in the three full fiscal years prior to the public health emergency.

3.8. Once a recipient has identified a reduction in revenue, are there any restrictions on how recipients use funds up to the amount of the reduction?

The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

However, paying interest or principal on outstanding debt, replenishing rainy day or other reserve funds, or paying settlements or judgments would not be considered provision of a government service, since these uses of funds do not entail direct provision of services to citizens. This restriction on paying interest or principal on any outstanding debt instrument, includes, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt. In addition, the overarching restrictions on all program funds (e.g., restriction on pension deposits, restriction on using funds for non-federal match where barred by regulation or statute) would apply.

3.9. How do I know if a certain type of revenue should be counted for the purpose of computing revenue loss? [5/27]

As discussed in FAQ #3.1, the Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

Recipients should refer to the definition of “General Revenue” included in the Interim Final Rule. See 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule’s definition of “General Revenue,” the recipient may consider the classification and instructions used to complete the Census Bureau’s Annual Survey.

For example, parking fees would be classified as a Current Charge for the purpose of the Census Bureau’s Annual Survey, and the Interim Final Rule’s concept of “General Revenue” includes all Current Charges. Therefore, parking fees would be included in the Interim Final Rule’s concept of “General Revenue.”

The Census Bureau’s Government Finance and Employment Classification manual is available [here](#).

3.10. In calculating revenue loss, are recipients required to use audited financials? [6/8]

Where audited data is not available, recipients are not required to obtain audited data. Treasury expects all information submitted to be complete and accurate. See 31 CFR 35.4(c).

3.11. In calculating revenue loss, should recipients use their own data, or Census data? [6/8]

Recipients should use their own data sources to calculate general revenue, and do not need to rely on published revenue data from the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients’ self-reported general revenue figures may differ somewhat from those published by the Census Bureau.

3.12. Should recipients calculate revenue loss on a cash basis or an accrual basis? [6/8]

Recipients may provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required.

3.13. In identifying intergovernmental revenue for the purpose of calculating General Revenue, should recipients exclude all federal funding, or just federal funding related to the COVID-19 response? How should local governments treat federal funds that are passed through states or other entities, or federal funds that are intermingled with other funds? [6/23]

In calculating General Revenue, recipients should exclude all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a state to a locality pursuant to the Coronavirus Relief Fund or Fiscal Recovery Funds. To the extent federal funds are passed through states or other entities or intermingled with other funds, recipients should attempt to identify and exclude the

federal portion of those funds from the calculation of General Revenue on a best-efforts basis.

3.14. What entities constitute a government for the purpose of calculating revenue loss? [7/14]

In determining whether a particular entity is part of a recipient's government for purposes of measuring a recipient's government revenue, recipients should identify all the entities included in their government and the general revenue attributable to these entities on a best-efforts basis. Recipients are encouraged to consider how their administrative structure is organized under state and local statutes. In cases in which the autonomy of certain authorities, commissions, boards, districts, or other entities is not readily distinguishable from the recipient's government, recipients may adopt the Census Bureau's criteria for judging whether an entity is independent from, or a constituent of, a given government. For an entity to be independent, it generally meets all four of the following conditions:

- The entity is an organized entity and possesses corporate powers, such as perpetual succession, the right to sue and be sued, having a name, the ability to make contracts, and the ability to acquire and dispose of property.
- The entity has governmental character, meaning that it provides public services, or wields authority through a popularly elected governing body or officers appointed by public officials. A high degree of responsibility to the public, demonstrated by public reporting requirements or by accessibility of records for public inspection, also evidences governmental character.
- The entity has substantial fiscal independence, meaning it can determine its budget without review and modification by other governments. For instance, the entity can determine its own taxes, charges, and debt issuance without another government's supervision.
- The entity has substantial administrative independence, meaning it has a popularly elected governing body, or has a governing body representing two or more governments, or, in the event its governing body is appointed by another government, the entity performs functions that are essentially different from those of, and are not subject to specification by, its creating government.

If an entity does not meet all four of these conditions, a recipient may classify the entity as part of the recipient's government and assign the portion of General Revenue that corresponds to the entity.

To further assist recipients in applying the forgoing criteria, recipients may refer to the Census Bureau's *Individual State Descriptions: 2017 Census of Governments* publication, which lists specific entities and classes of entities classified as either independent (defined by Census as "special purpose governments") or constituent (defined by Census as "dependent agencies") on a state-by-state basis. Recipients should note that the Census Bureau's lists are not exhaustive and that Census classifications are based on an analysis of state and local statutes as of 2017 and subject to the Census Bureau's judgement. Though not included in the Census Bureau's publication, state

colleges and universities are generally classified as dependent agencies of state governments by the Census Bureau.

If an entity is determined to be part of the recipient's government, the recipient must also determine whether the entity's revenue is covered by the Interim Final Rule's definition of "general revenue." For example, some cash flows may be outside the definition of "general revenue." In addition, note that the definition of general revenue includes Tribal enterprises in the case of Tribal governments. Refer to FAQ 3.1 (and the Appendix) for the components included in General Revenue.

3.15. The Interim Final Rule's definition of General Revenue excludes revenue generated by utilities. Can you please clarify the definition of utility revenue? [7/14]

As noted in FAQs 3.1 and 3.9, the Interim Final Rule adopts a definition of "general revenue" that is based on, but not identical to, the Census Bureau's concept of "General Revenue from Own Sources" in the Annual Survey of State and Local Government Finances. Recipients should refer to the definition of "general revenue" included in the Interim Final Rule. See 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule's definition of "general revenue," the recipient may consider the classification and instructions used to complete the Census Bureau's Annual Survey.

According to the Census Bureau's Government Finance and Employment Classification manual, utility revenue is defined as "[g]ross receipts from sale of utility commodities or services to the public or other governments by publicly-owned and controlled utilities." This includes revenue from operations of publicly-owned and controlled water supply systems, electric power systems, gas supply systems, and public mass transit systems (see pages 4-45 and 4-46 of the manual for more detail).

Except for these four types of utilities, revenues from all commercial-type activities of a recipient's government (e.g., airports, educational institutions, lotteries, public hospitals, public housing, parking facilities, port facilities, sewer or solid waste systems, and toll roads and bridges) are covered by the Interim Final Rule's definition of "general revenue." If a recipient is unsure whether a particular entity performing one of these commercial-type activities can be considered part of the recipient's government, please see FAQ 3.14.

4. Eligible Uses – General

4.1. May recipients use funds to replenish a budget stabilization fund, rainy day fund, or similar reserve account?

No. Funds made available to respond to the public health emergency and its negative economic impacts are intended to help meet pandemic response needs and provide immediate stabilization for households and businesses. Contributions to rainy day funds

and similar reserves funds would not address these needs or respond to the COVID-19 public health emergency, but would rather be savings for future spending needs. Similarly, funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

4.2. May recipients use funds to invest in infrastructure other than water, sewer, and broadband projects (e.g. roads, public facilities)?

Under 602(c)(1)(C) or 603(c)(1)(C), recipients may use funds for maintenance of infrastructure or pay-go spending for building of new infrastructure as part of the general provision of government services, to the extent of the estimated reduction in revenue due to the public health emergency.

Under 602(c)(1)(A) or 603(c)(1)(A), a general infrastructure project typically would not be considered a response to the public health emergency and its negative economic impacts unless the project responds to a specific pandemic-related public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact of the pandemic (e.g., affordable housing in a Qualified Census Tract).

4.3. May recipients use funds to pay interest or principal on outstanding debt?

No. Expenses related to financing, including servicing or redeeming notes, would not address the needs of pandemic response or its negative economic impacts. Such expenses would also not be considered provision of government services, as these financing expenses do not directly provide services or aid to citizens.

This applies to paying interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt.

4.4. May recipients use funds to satisfy nonfederal matching requirements under the Stafford Act? May recipients use funds to satisfy nonfederal matching requirements generally?

Fiscal Recovery Funds are subject to pre-existing limitations in other federal statutes and regulations and may not be used as non-federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For example, expenses for the state share of Medicaid are not an eligible use. For information on FEMA programs, please [see here](#).

4.5. Are governments required to submit proposed expenditures to Treasury for approval? [5/27]

No. Recipients are not required to submit planned expenditures for prior approval by Treasury. Recipients are subject to the requirements and guidelines for eligible uses contained in the Interim Final Rule.

4.6. How do I know if a specific use is eligible? [5/27]

Fiscal Recovery Funds must be used in one of the four eligible use categories specified in the American Rescue Plan Act and implemented in the Interim Final Rule:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure.

Recipients should consult Section II of the Interim Final Rule for additional information on eligible uses. For recipients evaluating potential uses under (a), the Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. See Section II of the Interim Final Rule for additional discussion.

For recipients evaluating potential uses under (c), the Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. See FAQ #3.8 for additional discussion.

For recipients evaluating potential uses under (h) and (d), see Sections 5 and 6.

4.7. Do restrictions on using Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred beginning on March 3, 2021 apply to costs incurred by the recipient (e.g., a State, local, territorial, or Tribal government) or to costs incurred by households, businesses, and individuals benefiting from assistance provided using Coronavirus State and Local Fiscal Recovery Funds? [6/8]

The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021. This limitation applies to costs incurred by the recipient (i.e., the state, local, territorial, or Tribal government receiving funds). However, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households, businesses, and individuals within the eligible use categories described in the Interim

Final Rule for economic harms experienced by those households, businesses, and individuals prior to March 3, 2021. For example,

- Public Health/Negative Economic Impacts – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households – such as rent, mortgage, or utility assistance – for economic harms experienced or costs incurred by the household prior to March 3, 2021 (e.g., rental arrears from preceding months), provided that the cost of providing assistance to the household was not incurred by the recipient prior to March 3, 2021.
- Premium Pay – Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be “in addition to” wages and remuneration already received and the obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021.
- Revenue Loss – The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. The calculation of lost revenue begins with the recipient’s revenue in the last full fiscal year prior to the COVID-19 public health emergency and includes the 12-month period ending December 31, 2020. However, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
- Investments in Water, Sewer, and Broadband – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to make necessary investments in water, sewer, and broadband. See FAQ Section 6. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the Coronavirus State and Local Fiscal Recovery Funds were incurred after March 3, 2021.

4.8. How can I use CSFRF/CLFRF funds to prevent and respond to crime, and support public safety in my community? [6/23]

Under Treasury’s Interim Final Rule, there are many ways in which the State and Local Fiscal Recovery Funds (“Funds”) under the American Rescue Plan Act can support communities working to reduce and respond to increased violence due to the pandemic. Among the eligible uses of the Funds are restoring of public sector staff to their pre-pandemic levels and responses to the public health crisis and negative economic impacts resulting from the pandemic. The Interim Final Rule provides several ways for recipients to “respond to” this pandemic-related gun violence, ranging from community violence intervention programs to mental health services to hiring of public safety personnel.

Below are some examples of how Fiscal Recovery Funds can be used to address public safety:

- In all communities, recipients may use resources to rehire police officers and other public servants to restore law enforcement and courts to their pre-pandemic levels.

Additionally, Funds can be used for expenses to address COVID-related court backlogs, including hiring above pre-pandemic levels, as a response to the public health emergency. See FAQ 2.19.

- In communities where an increase in violence or increased difficulty in accessing or providing services to respond to or mitigate the effects of violence, is a result of the pandemic they may use funds to address that harm. This spending may include:
 - Hiring law enforcement officials – even above pre-pandemic levels – or paying overtime where the funds are directly focused on advancing community policing strategies in those communities experiencing an increase in gun violence associated with the pandemic
 - Community Violence Intervention (CVI) programs, including capacity building efforts at CVI programs like funding and training additional intervention workers
 - Additional enforcement efforts to reduce gun violence exacerbated by the pandemic, including prosecuting gun traffickers, dealers, and other parties contributing to the supply of crime guns, as well as collaborative federal, state, and local efforts to identify and address gun trafficking channels
 - Investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic
- As discussed in the Interim Final Rule, uses of CSFRF/CLFRF funds that respond to an identified harm must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.
- Recipients may also use funds up to the level of revenue loss for government services, including those outlined above.

Recognizing that the pandemic exacerbated mental health and substance use disorder needs in many communities, eligible public health services include mental health and other behavioral health services, which are a critical component of a holistic public safety approach. This could include:

- Mental health services and substance use disorder services, including for individuals experiencing trauma exacerbated by the pandemic, such as:
 - Community-based mental health and substance use disorder programs that deliver evidence-based psychotherapy, crisis support services, medications for opioid use disorder, and/or recovery support
 - School-based social-emotional support and other mental health services
- Referrals to trauma recovery services for crime victims.

Recipients also may use Funds to respond to the negative economic impacts of the public health emergency, including:

- Assistance programs to households or populations facing negative economic impacts of the public health emergency, including:

- Assistance to support economic security, including for the victims of crime;
 - Housing assistance, including rent, utilities, and relocation assistance;
 - Assistance with food, including Summer EBT and nutrition programs; and
 - Employment or job training services to address negative economic or public health impacts experienced due to a worker's occupation or level of training.
- Assistance to unemployed workers, including:
 - Subsidized jobs, including for young people. Summer youth employment programs directly address the negative economic impacts of the pandemic on young people and their families and communities;
 - Programs that provide paid training and/or work experience targeted primarily to (1) formerly incarcerated individuals, and/or (2) communities experiencing high levels of violence exacerbated by the pandemic;
 - Programs that provide workforce readiness training, apprenticeship or pre-apprenticeship opportunities, skills development, placement services, and/or coaching and mentoring; and
 - Associated wraparound services, including for housing, health care, and food.

Recognizing the disproportionate impact of the pandemic on certain communities, a broader range of services are eligible in those communities than would otherwise be available in communities not experiencing a pandemic-related increase in crime or gun violence. These eligible uses aim to address the pandemic's exacerbation of public health and economic disparities and include services to address health and educational disparities, support neighborhoods and affordable housing, and promote healthy childhood environments. The Interim Final Rule provides a non-exhaustive list of eligible services in these categories.

These services automatically qualify as eligible uses when provided in Qualified Census Tracts (QCTs), low-income areas designated by HUD; to families in QCTs; or by Tribal governments. Outside of these areas, recipient governments can also identify and serve households, populations, and geographic areas disproportionately impacted by the pandemic.

Services under this category could include:

- Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, childhood health and welfare, including:
 - Summer education and enrichment programs in these communities, which include many communities currently struggling with high levels of violence;
 - Programs that address learning loss and keep students productively engaged;
 - Enhanced services for foster youths and home visiting programs; and
 - Summer camps and recreation.
- Programs or services that provide or facilitate access to health and social services and address health disparities exacerbated by the pandemic. This includes Community Violence Intervention (CVI) programs, such as:
 - Evidence-based practices like focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with

- wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance; and,
- Capacity-building efforts at CVI programs like funding more intervention workers; increasing their pay; providing training and professional development for intervention workers; and hiring and training workers to administer the programs.

Please refer to Treasury's Interim Final Rule for additional information.

4.9. May recipients pool funds for regional projects? [7/14]

Yes, provided that the project is itself an eligible use of funds and that recipients can track the use of funds in line with the reporting and compliance requirements of the CSFRF/CLFRF. In general, when pooling funds for regional projects, recipients may expend funds directly on the project or transfer funds to another government that is undertaking the project on behalf of multiple recipients. To the extent recipients undertake regional projects via transfer to another government, recipients would need to comply with the rules on transfers specified in the Interim Final Rule, Section V. A recipient may transfer funds to a government outside its boundaries (e.g., county transfers to a neighboring county), provided that the recipient can document that its jurisdiction receives a benefit proportionate to the amount contributed.

4.10. May recipients fund a project with both ARP funds and other sources of funding (e.g., blending, braiding, or other pairing funding sources), including in conjunction with financing provided through a debt issuance? [7/14]

Cost sharing or matching funds are not required under CSFRF/CLFRF. Funds may be used in conjunction with other funding sources, provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies. The recipient must comply with applicable reporting requirements for all sources of funds supporting the CSFRF/CLFRF projects, and with any requirements and restrictions on the use of funds from the supplemental funding sources and the CSFRF/CLFRF program. Specifically,

- All funds provided under the CSFRF/CLFRF program must be used for projects, investments, or services that are eligible under the CSFRF/CLFRF statute, Treasury's Interim Final Rule, and guidance. See 31 CFR 35.6-8; FAQ 4.6. CSFRF/CLFRF funds may not be used to fund an activity that is not, in its entirety, an eligible use under the CSFRF/CLFRF statute, Treasury's Interim Final Rule, and guidance. For example,
 - CSFRF/CLFRF funds may be used in conjunction with other sources of funds to make an investment in water infrastructure, which is eligible under the CSFRF/CLFRF statute, and Treasury's Interim Final Rule.
 - CSFRF/CLFRF funds could not be used to fund the entirety of a water infrastructure project that was partially, although not entirely, an eligible use under Treasury's Interim Final Rule. However, the recipient could use CSFRF/CLFRF funds only for a smaller component project that does

constitute an eligible use, while using other funds for the remaining portions of the larger planned water infrastructure project that do not constitute an eligible use. In this case, the “project” under this program would be only the eligible use component of the larger project.

- In addition, because CSFRF/CLFRF funds must be obligated by December 31, 2024, and expended by December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of CSFRF/CLFRF funds obligated and expended and when such funds were obligated and expended.

**4.11. May Coronavirus State and Local Fiscal Recovery Funds be used to make loans or other extensions of credit (“loans”), including loans to small businesses and loans to finance necessary investments in water, sewer, and broadband infrastructure?
[7/14]**

Yes. Coronavirus State and Local Fiscal Recovery Funds (“Funds”) may be used to make loans, provided that the loan is an eligible use and the cost of the loan is tracked and reported in accordance with the points below. See 31 CFR 35.6. For example, a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make loans to small businesses. See 31 CFR 35.6(b)(6). In addition, a recipient may use Funds to finance a necessary investment in water, sewer or broadband, as described in the Interim Final Rule. See 31 CFR 35.6(e).

Funds must be used to cover “costs incurred” by the recipient between March 3, 2021, and December 31, 2024, and Funds must be expended by December 31, 2026. See Section III.D of the Interim Final Rule; 31 CFR 35.5. Accordingly, recipients must be able to determine the amount of Funds used to make a loan.

- For loans that mature or are forgiven on or before December 31, 2026, the recipient must account for the use of funds on a cash flow basis, consistent with the approach to loans taken in the Coronavirus Relief Fund.
 - Recipients may use Fiscal Recovery Funds to fund the principal of the loan and in that case must track repayment of principal and interest (i.e., “program income,” as defined under 2 CFR 200).
 - When the loan is made, recipients must report the principal of the loan as an expense.
 - Repayment of principal may be re-used only for eligible uses, and subject to restrictions on timing of use of funds. Interest payments received prior to the end of the period of performance will be considered an addition to the total award and may be used for any purpose that is an eligible use of funds under the statute and IFR. Recipients are not subject to restrictions under 2 CFR 200.307(e)(1) with respect to such payments.
- For loans with maturities longer than December 31, 2026, the recipient may use Fiscal Recovery Funds for only the projected cost of the loan. Recipients may estimate the subsidy cost of the loan, which equals the expected cash flows associated

with the loan discounted at the recipient's cost of funding. A recipient's cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by the recipient or (ii) recently issued by a unit of state, local, or Tribal government similar to the recipient. Recipients that have adopted the Current Expected Credit Loss (CECL) standard may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. Recipients may measure projected losses either once, at the time the loan is extended, or annually over the covered period.

Under either approach for measuring the amount of funds used to make loans with maturities longer than December 31, 2026, recipients would not be subject to restrictions under 2 CFR 200.307(c)(1) and need not separately track repayment of principal or interest.

Any contribution of Fiscal Recovery Funds to a revolving loan fund must follow the approach described above for loans with maturities longer than December 31, 2026. In other words, a recipient could contribute Fiscal Recovery Funds to a revolving loan fund, provided that the revolving loan fund makes loans that are eligible uses and the Fiscal Recovery Funds contributed represent the projected cost of loans made over the life of the revolving loan fund.

4.12. May funds be used for outreach to increase uptake of federal assistance like the Child Tax Credit or federal programs like SNAP? [7/14]

Yes. Eligible uses to address negative economic impacts include work “to improve efficacy of programs addressing negative economic impacts, including through use of data analysis, targeted consumer outreach, improvements to data or technology infrastructure, and impact evaluations.” See 31 CFR 35.6(b)(10). Of note, per the CSFRF/CLFRF Reporting Guidance, allowable use of funds for evaluations may also include other types of program evaluations focused on program improvement and evidence building. In addition, recipients may use funds to facilitate access to health and social services in populations and communities disproportionately impacted by the COVID-19 pandemic, including benefits navigators or marketing efforts to increase consumer uptake of federal tax credits, benefits, or assistance programs that respond to negative economic impacts of the pandemic. See 31 CFR 35.6(b)(12).

5. Eligible Uses – Premium Pay

5.1. What criteria should recipients use in identifying essential workers to receive premium pay?

Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.

The Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

5.2. What criteria should recipients use in identifying third-party employers to receive grants for the purpose of providing premium pay to essential workers?

Any third-party employers of essential workers are eligible. Third-party contractors who employ essential workers in eligible sectors are also eligible for grants to provide premium pay. Selection of third-party employers and contractors who receive grants is at the discretion of recipients.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided.

5.3. May recipients provide premium pay retroactively for work already performed?

Yes. Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.

6. Eligible Uses – Water, Sewer, and Broadband Infrastructure

6.1. What types of water and sewer projects are eligible uses of funds?

The Interim Final Rule generally aligns eligible uses of the Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

Under the DWSRF, categories of eligible projects include: treatment, transmission and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development.

Under the CWSRF, categories of eligible projects include: construction of publicly-owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water

conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act.

As mentioned in the Interim Final Rule, eligible projects under the DWSRF and CWSRF support efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury also encourages recipients to consider projects to replace lead service lines.

6.2. May construction on eligible water, sewer, or broadband infrastructure projects continue past December 31, 2024, assuming funds have been obligated prior to that date?

Yes. Treasury is interpreting the requirement that costs be incurred by December 31, 2024 to only require that recipients have obligated the funds by such date. The period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with Fiscal Recovery Funds.

6.3. May recipients use funds as a non-federal match for the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF)?

Recipients may not use funds as a state match for the CWSRF and DWSRF due to prohibitions in utilizing federal funds as a state match in the authorizing statutes and regulations of the CWSRF and DWSRF.

6.4. Does the National Environmental Policy Act (NEPA) apply to eligible infrastructure projects?

NEPA does not apply to Treasury's administration of the Funds. Projects supported with payments from the Funds may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

6.5. What types of broadband projects are eligible?

The Interim Final Rule requires eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

6.6. For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

6.7. How do I know if a water, sewer, or broadband project is an eligible use of funds? Do I need pre-approval? [6/8]

Recipients do not need approval from Treasury to determine whether an investment in a water, sewer, or broadband project is eligible under CSFRF/CLFRF. Each recipient should review the Interim Final Rule (IFR), along with the preamble to the Interim Final Rule, in order to make its own assessment of whether its intended project meets the eligibility criteria in the IFR. A recipient that makes its own determination that a project meets the eligibility criteria as outlined in the IFR may pursue the project as a CSFRF/CLFRF project without pre-approval from Treasury. Local government recipients similarly do not need state approval to determine that a project is eligible under CSFRF/CLFRF. However, recipients should be cognizant of other federal or state laws or regulations that may apply to construction projects independent of CSFRF/CLFRF funding conditions and that may require pre-approval.

For water and sewer projects, the IFR refers to the EPA Drinking Water and Clean Water State Revolving Funds (SRFs) for the categories of projects and activities that are eligible for funding. Recipients should look at the relevant federal statutes, regulations, and guidance issued by the EPA to determine whether a water or sewer project is eligible. Of note, the IFR does not incorporate any other requirements contained in the federal statutes governing the SRFs or any conditions or requirements that individual states may place on their use of SRFs.

6.8. For broadband infrastructure investments, what does the requirement that infrastructure “be designed to” provide service to unserved or underserved households and businesses mean? [6/17]

Designing infrastructure investments to provide service to unserved or underserved households or businesses means prioritizing deployment of infrastructure that will bring service to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. To meet this requirement, states and localities should use funds to deploy broadband infrastructure projects whose objective is to provide service to unserved or underserved households or businesses. These unserved or underserved households or businesses do not need to be the only ones in the service area funded by the project.

6.9. For broadband infrastructure to provide service to “unserved or underserved households or businesses,” must every house or business in the service area be unserved or underserved? [6/17]

No. It suffices that an objective of the project is to provide service to unserved or underserved households or businesses. Doing so may involve a holistic approach that provides service to a wider area in order, for example, to make the ongoing service of unserved or underserved households or businesses within the service area economical. Unserved or underserved households or businesses need not be the *only* households or businesses in the service area receiving funds.

6.10. May recipients use payments from the Funds for “middle mile” broadband projects? [6/17]

Yes. Under the Interim Final Rule, recipients may use payments from the Funds for “middle-mile projects,” but Treasury encourages recipients to focus on projects that will achieve last-mile connections—whether by focusing on funding last-mile projects or by ensuring that funded middle-mile projects have potential or partnered last-mile networks that could or would leverage the middle-mile network.

6.11. For broadband infrastructure investments, what does the requirement to “reliably” meet or exceed a broadband speed threshold mean? [6/17]

In the Interim Final Rule, the term “reliably” is used in two places: to identify areas that are eligible to be the subject of broadband infrastructure investments and to identify expectations for acceptable service levels for broadband investments funded by the Coronavirus State and Local Fiscal Recovery Funds. In particular:

- The IFR defines “unserved or underserved households or businesses” to mean one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speeds and 3 Mbps of upload speeds.
- The IFR provides that a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make investments in broadband infrastructure that are designed to provide service to unserved or underserved households or businesses and that are designed to, upon completion: (i) reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or (ii) in limited cases, reliably meet or exceed 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download and upload speeds.

The use of “reliably” in the IFR provides recipients with significant discretion to assess whether the households and businesses in the area to be served by a project have access to wireline broadband service that can actually and consistently meet the specified thresholds of at least 25Mbps/3Mbps—i.e., to consider the actual experience of current

wireline broadband customers that subscribe to services at or above the 25 Mbps/3 Mbps threshold. Whether there is a provider serving the area that advertises or otherwise claims to offer speeds that meet the 25 Mbps download and 3 Mbps upload speed thresholds is not dispositive.

When making these assessments, recipients may choose to consider any available data, including but not limited to documentation of existing service performance, federal and/or state-collected broadband data, user speed test results, interviews with residents and business owners, and any other information they deem relevant. In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make the user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier).

The IFR also provides recipients with significant discretion as to how they will assess whether the project itself has been designed to provide households and businesses with broadband services that meet, or even exceed, the speed thresholds provided in the rule.

6.12. May recipients use Funds for pre-project development for eligible water, sewer, and broadband projects? [6/23]

Yes. To determine whether Funds can be used on pre-project development for an eligible water or sewer project, recipients should consult whether the pre-project development use or cost is eligible under the Drinking Water and Clean Water State Revolving Funds (CWSRF and DWSRF, respectively). Generally, the CWSRF and DWSRF often allow for pre-project development costs that are tied to an eligible project, as well as those that are reasonably expected to lead to a project. For example, the DWSRF allows for planning and evaluations uses, as well as numerous pre-project development costs, including costs associated with obtaining project authorization, planning and design, and project start-up like training and warranty for equipment. Likewise, the CWSRF allows for broad pre-project development, including planning and assessment activities, such as cost and effectiveness analyses, water/energy audits and conservation plans, and capital improvement plans.

Similarly, pre-project development uses and costs for broadband projects should be tied to an eligible broadband project or reasonably expected to lead to such a project. For example, pre-project costs associated with planning and engineering for an eligible broadband infrastructure build-out is considered an eligible use of funds, as well as technical assistance and evaluations that would reasonably be expected to lead to commencement of an eligible project (e.g., broadband mapping for the purposes of finding an eligible area for investment).

All funds must be obligated within the statutory period between March 3, 2021 and December 31, 2024, and expended to cover such obligations by December 31, 2026.

6.13. May State and Local Fiscal Recovery Funds be used to support energy or electrification infrastructure that would be used to power new water treatment plants and wastewater systems? [7/14]

The EPA's [Overview of Clean Water State Revolving Fund Eligibilities](#) describes eligible energy-related projects. This includes a "[p]ro rata share of capital costs of offsite clean energy facilities that provide power to a treatment works." Thus, State and Local Fiscal Recovery Funds may be used to finance the generation and delivery of clean power to a wastewater system or a water treatment plant on a pro-rata basis. If the wastewater system or water treatment plant is the sole user of the clean energy, the full cost would be considered an eligible use of funds. If the clean energy provider provides power to other entities, only the proportionate share used by the water treatment plant or wastewater system would be an eligible use of State and Local Fiscal Recovery Funds.

6.14. How should states and local governments assess whether a stormwater management project, such as a culvert replacement, is an eligible project for State and Local Fiscal Recovery Funds? [7/14]

FAQ 6.7 describes the overall approach that recipients may take to evaluate the eligibility of water or sewer projects. For stormwater management projects specifically, as noted in the EPA's [Overview of Clean Water State Revolving Fund Eligibilities](#), "Stormwater projects must have a water quality benefit." Thus, to be eligible under CSFRF/CLFRF, stormwater management projects should be designed to incorporate water quality benefits consistent with the goals of the Clean Water Act. [Summary of the Clean Water Act.](#)

6.15. May recipients use Funds for road repairs and upgrades that occur in connection with an eligible water or sewer project? [7/14]

Yes, recipients may use State and Local Fiscal Recovery Funds for road repairs and upgrades directly related to an eligible water or sewer project. For example, a recipient could use Funds to repair or re-pave a road following eligible sewer repair work beneath it. However, use of Funds for general infrastructure projects is subject to the limitations described in FAQ 4.2. Water and sewer infrastructure projects are often a single component of a broader transportation infrastructure project, for example, the implementation of stormwater infrastructure to meet Clean Water Act established water quality standards. In this example, the components of the infrastructure project that interact directly with the stormwater infrastructure project may be funded by Fiscal Recovery Funds.

6.16. May Funds be used to build or upgrade broadband connections to schools or libraries? [7/14]

As outlined in the IFR, recipients may use Fiscal Recovery Funds to invest in broadband infrastructure that, wherever it is practicable to do so, is designed to deliver service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Treasury interprets “businesses” in this context broadly to include non-residential users of broadband, including private businesses and institutions that serve the public, such as schools, libraries, healthcare facilities, and public safety organizations.

6.17. Are eligible infrastructure projects subject to the Davis-Bacon Act? [7/14]

The Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with award funds from the CSFRF/CLFRF program, except for CSFRF/CLFRF-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds (CSFRF/CLFRF funds or otherwise) to enter into contracts over \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be otherwise subject to the requirements of the Davis-Bacon Act, when CSFRF/CLFRF award funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as “baby Davis-Bacon Acts”) may apply to projects. Please refer to FAQ 4.10 concerning projects funded with both CSFRF/CLFRF funds and other sources of funding.

Treasury has indicated in its Interim Final Rule that it is important that necessary investments in water, sewer, or broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects, but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

Treasury has also indicated in its reporting guidance that recipients will need to provide documentation of wages and labor standards for infrastructure projects over \$10 million, and that that these requirements can be met with certifications that the project is in compliance with the Davis-Bacon Act (or related state laws, commonly known as “baby Davis-Bacon Acts”) and subject to a project labor agreement. Please refer to the Reporting and Compliance Guidance, page 21, for more detailed information on the reporting requirement.

7. Non-Entitlement Units (NEUs)

Answers to frequently asked questions on distribution of funds to NEUs can be found in this [FAQ supplement](#), which is regularly updated.

8. Ineligible Uses

8.1. What is meant by a pension “deposit”? Can governments use funds for routine pension contributions for employees whose payroll and covered benefits are eligible expenses?

Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both: (1) the payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and (2) the payment occurs outside the recipient’s regular timing for making such payments.

Under this interpretation, a “deposit” is distinct from a “payroll contribution,” which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.

8.2. May recipients use Fiscal Recovery Funds to fund Other Post-Employment Benefits (OPEB)? [6/8]

OPEB refers to benefits other than pensions (see, e.g., [Governmental Accounting Standards Board, “Other Post-Employment Benefits”](#)). Treasury has determined that Sections 602(c)(2)(B) and 603(c)(2), which refer only to pensions, do not prohibit CSFRF/CLFRF recipients from funding OPEB. Recipients of either the CSFRF/CLFRF may use funds for eligible uses, and a recipient seeking to use CSFRF/CLFRF funds for OPEB contributions would need to justify those contributions under one of the four eligible use categories.

9. Reporting

On June 17, 2021, Treasury released [Guidance on Recipient Compliance and Reporting Responsibilities for the Coronavirus State and Local Fiscal Recovery Funds](#). Recipients should consult this guidance for additional detail and clarification on recipients’ compliance and reporting responsibilities. A users’ guide will be provided with additional information on how and where to submit required reports.

**AMERICAN RESCUE PLAN ACT
CORONAVIRUS LOCAL FISCAL RECOVERY FUND AGREEMENT**

This Agreement is entered into by and between the State of Florida, Division of Emergency Management (the "Division") and St. Augustine Beach, City of (the "Non-Entitlement Unit" or "Recipient").

RECITALS

- A. Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, §9901) added section 603(a) to the Social Security Act ("ARPA"), which created the Coronavirus Local Fiscal Recovery Fund for the purpose of providing funds to local governments in order to facilitate the ongoing recovery from the COVID-19 pandemic ("Fiscal Recovery Funds"); and
- B. Following the enactment of ARPA, the U.S. Department of the Treasury ("Treasury" or "Secretary") released formal and informal guidance regarding implementation of ARPA, including the disbursement and expenditure of Fiscal Recovery Funds, including Treasury Interim Final Rule, 31 CFR pt. 35, 2021, attending rule guidance published in the Federal Register, Volume 86, No 93,¹ and informal guidance made publicly available by Treasury, which may be amended, superseded, or replaced during the term of this Agreement ("Treasury Guidance"); and
- C. ARPA allocated **\$7,105,927,713.00** for making payments to metropolitan cities, non-entitlement units of local government, and counties in Florida, 21% of which is to be paid directly to metropolitan cities in Florida, 59% of which was paid directly to counties in Florida, and 20% of which is to be paid to the State of Florida for distribution to non-entitlement units of local government; and
- D. The Secretary disbursed **\$5,689,502,590.00** of these funds directly to metropolitan cities and counties; and
- E. A remaining balance of **\$1,416,425,123.00** was reserved for the State of Florida to disburse to non-entitlement units of local government; and
- F. The Division has received these funds from the Secretary through the State of Florida in accordance with the provisions of ARPA; and
- G. Pursuant to the provisions of ARPA, the Division is the state entity responsible for disbursing the funds to the Recipient under this Agreement; and
- H. The Recipient is fully qualified and eligible to receive this funding in accordance with ARPA for the purposes identified therein.

Therefore, in consideration of the mutual promises, terms and conditions contained herein, the Division and the Recipient agree as follows:

- (1) **RECITALS.** The foregoing recitals are true and correct and are incorporated herein by reference.
- (2) **TERM.** This Agreement shall be effective **upon execution** and shall end on **December 31, 2024**, unless terminated earlier in accordance with the provisions of this Agreement. Upon expiration or termination of this Agreement for any reason, the obligations which by their nature are intended to survive expiration or termination of this Agreement will survive.
- (3) **FUNDING.** The State of Florida, through the Division, will make a disbursement of each non-entitlement unit of local government's allocation based on the list of non-entitlement units published by Treasury and based upon the State's calculation of the Recipient's proportional share of the total population of all non-entitlement units in the State. The total Fiscal Recovery Funds allocation for Recipient under this Agreement is **\$3,507,979.00**.
- (4) **USE OF FISCAL RECOVERY FUNDS**
 - a. The State, through the Division, will—within 30 days of receiving payment from the Secretary, or within such other time period as may be permitted by the Secretary—make an initial disbursement to the non-entitlement

¹ <https://www.regulations.gov/document/TREAS-DO-2021-0008-0002> | Federal Register, Vol. 86, No. 93, Pg. 26786 ("Federal Register")

unit of local government of 50% of the total amount allocated to the non-entitlement unit.² Not earlier than 12 months from the date upon which the State makes the initial disbursement, the Secretary is expected to release the Second Tranche amount to the State. The State will—within 30 days of receiving payment from the Secretary, or within such other time period as may be permitted by the Secretary—make a second disbursement to the non-entitlement unit of local government.

- b. Recipients may use payments for any expenses eligible under ARPA Coronavirus State and Local Fiscal Recovery Funds. Payments are not required to be used as the source of funding of last resort.
- c. ARPA requires that Fiscal Recovery Funds may only be used to cover expenses incurred by the non-entitlement unit of local government by December 31, 2024³, such as:
 - i. to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - ii. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the non-entitlement unit of local government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
 - iii. for the provision of government services to the extent of the reduction in revenue of such non-entitlement unit of local government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the non-entitlement unit of local government; or
 - iv. to make necessary investments in water, sewer, or broadband infrastructure.
- d. As specified in the Treasury Guidance, Eligible Use of Fiscal Recovery Funds falls under four categories, including (1) Public Health and Economic Impacts, (2) Premium Pay for Essential Workers, (3) Revenue Loss, and (4) Investments in Infrastructure.
 - i. Public Health and Economic Impacts: Examples of eligible uses of Fiscal Recovery Funds under this category include, but are not limited to:
 - 1. COVID-19 Mitigation and Prevention expenses, such as vaccination programs, medical care, testing, personal protective equipment (PPE), and ventilation improvements;⁴
 - 2. Medical expenses, including both current expenses and future medical services for individuals experiencing prolonged symptoms and health complications from COVID-19;⁵
 - 3. Payroll expenses for public safety, public health, health care, human services, and other similar employees, to the extent that their services are devoted to mitigating or responding to COVID-19;⁶
 - 4. Efforts to remedy the economic impact of the COVID-19 public health emergency on households, individuals, businesses, and state, local, and tribal governments;⁷ and
 - 5. Efforts to remedy pre-existing economic disparities which were exacerbated by the COVID-19 public health emergency.⁸
 - ii. Premium Pay: Fiscal Recovery Funds may also be used to provide premium pay to essential workers, per Treasury Guidance's definition of "essential work."⁹ Examples of essential workers include, but are not limited to:
 - 1. Staff at nursing homes, hospitals, and home care settings;
 - 2. Workers at farms, food production facilities, grocery stores, and restaurants;
 - 3. Janitors, truck drivers, transit staff, and warehouse workers
 - 4. Public health and safety staff;
 - 5. Childcare workers, educators, and other school staff; and

² "First Tranche Amount," American Rescue Plan Act of 2021, H.R. s. 601(b)(7) "Timing"

³ <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

⁴ See Federal Register, pg. 26790.

⁵ *Id.*

⁶ *Id.* at 26791

⁷ *Id.* at 26791-26797

⁸ *Id.*

⁹ *Id.* at 26797

- 6. Social service and human services staff.¹⁰
- iii. Revenue Loss: Recipients may use Fiscal Recovery Funds for the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 Public Health Emergency.¹¹
- iv. Investments in Infrastructure: Treasury Guidance specifies that Fiscal Recovery Funds may be used to improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband services.¹²
- e. Additional guidance regarding eligible uses of Fiscal Recovery Funds, as well as impermissible uses (including for pensions or to offset revenue losses from tax reductions) is set forth in Treasury Guidance.

(5) LAWS, RULES, REGULATIONS, AND POLICIES

- a. Performance under this Agreement is subject to the applicable provisions of 2 CFR Part 200, entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" including the cost principles and restrictions on general provisions for selected items of cost.
 - i. The following 2 CFR policy requirements apply to this assistance listing¹³:
 - Subpart B, General provisions;
 - Subpart C, Pre-Federal Award Requirements and Contents of Federal Awards;
 - Subpart D, Post Federal Award Requirements;
 - Subpart E, Cost Principles; and
 - Subpart F, Audit Requirements.
 - ii. The following 2 CFR policy requirements also apply to this assistance listing: 2 C.F.R. Part 25, Universal Identifier and System for Award Management; 2 C.F.R. Part 170, Reporting Subaward and Executive Compensation Information; and 2 C.F.R. Part 180, OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement). The following 2 CFR Policy requirements are excluded from coverage under this assistance listing: For 2 C.F.R. Part 200, Subpart C; 2 C.F.R. § 200.204 (Notices of Funding Opportunities); 2 C.F.R. § 200.205 (Federal awarding agency review of merit of proposal); 2 C.F.R. § 200.210 (Pre-award costs); and 2 C.F.R. § 200.213 (Reporting a determination that a non-Federal entity is not qualified for a Federal award). For 2 C.F.R. Part 200, Subpart D, the following provisions do not apply to the SLFRF program: 2 C.F.R. § 200.308 (revision of budget or program plan); 2 C.F.R. § 200.309 (modifications to period of performance); C.F.R. § 200.305 (b)(8) and (9) (Federal Payment).
- b. In addition to the foregoing, the Recipient and the Division will be governed by all applicable State and Federal laws, rules and regulations, including those identified in Attachment C. Any express reference in this Agreement to a particular statute, rule, or regulation in no way implies that no other statute, rule, or regulation applies.

(6) NOTICES

- a. All notices under this Agreement shall be made in writing to the individuals designated in this paragraph. In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the new name, title and contact information of the new representative will be promptly provided to the other party, and no modification to this Agreement is required.
- b. In accordance with section 215.971(2), Florida Statutes, the Division's Program Manager will be responsible for enforcing performance of this Agreement's terms and conditions and will serve as the Division's liaison

¹⁰ *Id.*

¹¹ *Id.* at 26799

¹² *Id.* at 26802

¹³ As defined in 2 C.F.R. § 200.1

with the Recipient. As part of his/her duties, the Program Manager for the Division will monitor and document Recipient performance.

- c. The Division's Program Manager for this Agreement is:

Erin White
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
Telephone: 850-815-4458
Email: Erin.White@em.myflorida.com

- d. The name and address of the representative responsible for the administration of this Agreement is:

Melissa Shirah
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
Telephone: 850-815-4455
Email: Melissa.Shirah@em.myflorida.com

- e. The contact information of the representative of the Recipient is:

Authorized Representative: Max Royle
Title: City Manager
Address: 2200 AIA South, St. Aug Beach, FL 32080
Telephone: 904-471-2122
Email: mroyle@CityofSab.org

(7) PAYMENT

- a. In order to obtain funding under this Agreement, the Recipient must file with the Division Program Manager information and documentation, including but not limited to the following:
- Local government name, Entity's Taxpayer Identification Number, DUNS number, and address;
 - Authorized representative name, title, and email;
 - Contact person name, title, phone, and email;
 - Financial institution information (e.g., routing and account number, financial institution name and contact information);
 - Total NEU budget (defined as the annual total operating budget, including general fund and other funds, in effect as of January 27, 2020) or top-line expenditure total (in exceptional cases in which the NEU does not adopt a formal budget);
 - Signed Assurances of Compliance with Title VI of the Civil Rights Act of 1964. (Attachment D); and
 - Signed Award Terms and Conditions Agreement (Attachment E).
- b. Payment requests must include a certification, signed by an official who is authorized to legally bind the Recipient, which reads as follows:

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

(8) RECORDS

- a. As a condition of receiving state or federal financial assistance, and as required by sections 20.055(6)(c) and 215.97(5)(b), Florida Statutes, the Division, the Chief Inspector General of the State of Florida, the Florida Auditor General, or any of their authorized representatives, shall enjoy the right of access to any documents, financial statements, papers, or other records of the Recipient which are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. The right of access also includes timely and reasonable access to the Recipient's personnel for the purpose of interview and discussion related to such documents. For the purposes of this section, the term "Recipient" includes employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement.
- b. The Recipient shall maintain all records related to this Agreement for the period of time specified in the appropriate retention schedule published by the Florida Department of State. Information regarding retention schedules can be obtained at: <http://dos.myflorida.com/library-archives/records-management/general-records-schedules/>.
- c. Florida's Government in the Sunshine Law (section 286.011, Florida Statutes) provides the citizens of Florida with a right of access to governmental proceedings and mandates three, basic requirements: (1) all meetings of public boards or commissions must be open to the public; (2) reasonable notice of such meetings must be given; and (3) minutes of the meetings must be taken and promptly recorded.
- d. Florida's Public Records Law provides a right of access to the records of the state and local governments as well as to private entities acting on their behalf. Unless specifically exempted from disclosure by Florida Statute, all materials made or received by a governmental agency (or a private entity acting on behalf of such an agency) in conjunction with official business which are used to perpetuate, communicate, or formalize knowledge qualify as public records subject to public inspection.

IF THE RECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE RECIPIENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT: (850) 815-4156, Records@em.myflorida.com, or 2555 Shumard Oak Boulevard, Tallahassee, FL 32399.

(9) AUDITS

- a. In accounting for the receipt and expenditure of funds under this Agreement, the Recipient must follow Generally Accepted Accounting Principles ("GAAP"). As defined by 2 CFR §200.49, "GAAP has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).
- b. When conducting an audit of the Recipient's performance under this Agreement, the Division must use Generally Accepted Government Auditing Standards ("GAGAS"). As defined by 2 CFR §200.50, "GAGAS, also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits.
- c. If an audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of and strict compliance with this Agreement and with Section 603(c) of the Social Security Act, the Recipient will be held liable for reimbursement to the Secretary of all funds used in violation of these applicable regulations and Agreement provisions within thirty (30) days after the Division has notified the Recipient of such non-compliance.
- d. The Recipient must have all audits completed by an independent auditor, which is defined in section 215.97(2)(i), Florida Statutes, as "an independent certified public accountant licensed under chapter 473." The independent auditor must state that the audit complied with the applicable provisions noted above. The audits must be received by the Division no later than nine months from the end of the Recipient's fiscal year.
- e. The Recipient must send copies of reporting packages required under this paragraph directly to each of the following:
 - i.

The Division of Emergency Management
DEMSingle_Audit@em.myflorida.com

OR

Office of the Inspector General
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

ii.

The Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

- f. Fund payments are considered to be federal financial assistance subject to the Single Audit Act and the related provisions of the Uniform Guidance.

(10) REPORTS

- a. The Recipient must provide the Secretary with periodic reports providing a detailed accounting of the uses of such funds by such non-entitlement unit of local government including such other information as the Secretary may require for administration of the Coronavirus Local Fiscal Recovery Fund. Concurrently, Recipients must provide to the Division a copy of the report given to the Secretary.
- b. Failure by Recipient to submit all required reports and copies may result in the Division's withholding of further payments until all such documents are submitted to the Division and deemed to be satisfactory.
- c. The Recipient must provide additional program updates or information if requested by the Division.

(11) LIABILITY

Any Recipient which is a state agency or subdivision, as defined in section 768.28, Florida Statutes, agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Division, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in section 768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to which sovereign immunity applies. Nothing herein will be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement.

(12) TERMINATION

- a. The Division may terminate this Agreement immediately for cause upon written notice to Recipient. Cause includes, but is not limited to, misuse of funds, fraud, non-compliance with ARPA, Treasury Guidance, or other applicable rules, laws and regulations, or failure by the Recipient to afford timely public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Florida Statutes.
- b. The Division may terminate this Agreement for convenience upon thirty (30) days' prior written notice to Recipient.
- c. In the event this Agreement is terminated, the Recipient must not incur new obligations for the terminated portion of this Agreement after it has received the notification of termination. The Recipient must cancel as many outstanding obligations as possible. Obligations incurred after receipt of the termination notice will be disallowed. The Recipient will not be relieved of liability to the Division because of any breach of this Agreement by the Recipient. The Division may, if and to the extent permitted by ARPA and Treasury Guidance, withhold payments to the Recipient for the purpose of set-off until the exact amount due the Division from the Recipient is determined and resolved.

(13) MISCELLANEOUS

- a. The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any later submission or response to a Division request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials is incorporated by reference. The inaccuracy of the submissions

or any material changes will, at the option of the Division and with thirty (30) days written notice to the Recipient, cause the termination of this Agreement and the release of the Division from all its obligations to the Recipient.

- b. This Agreement must be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement will be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision is null and void to the extent of the conflict, and is severable, but does not invalidate any other provision of this Agreement.
- c. Any power of approval or disapproval granted to the Division under the terms of this Agreement will survive the term of this Agreement.
- d. This Agreement may be executed in any number of counterparts, any one of which may be taken as an original.
- e. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), which prohibits discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, State and local government services, and telecommunications.
- f. The Recipient must comply with any Statement of Assurances incorporated as Attachment D.
- g. Those who have been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of \$25,000.00 for a period of thirty-six (36) months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.
- h. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, Florida Statutes, or the Florida Constitution.
- i. All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.
- j. Any bills for travel expenses must be submitted in accordance with section 112.061, Florida Statutes.
- k. This Agreement, upon execution, contains the entire agreement of the parties and no prior written or oral agreement, express or implied, shall be admissible to contradict the provisions of this Agreement.
- l. This Agreement may not be modified except by formal written amendment executed by both of the parties.
- m. If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 603 of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fiscal Recovery Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended. The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Division shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provisions contained in Section 274A(e) of the INA will be grounds for unilateral cancellation of this Agreement by the Division.
- n. The Recipient is subject to Florida's Government in the Sunshine Law (section 286.011, Florida Statutes) with respect to the meetings of the Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board. All of these meetings must be publicly noticed, open to the public, and the minutes of all the meetings will be public records, available to the public in accordance with Chapter 119, Florida Statutes.
- o. All expenditures of state or federal financial assistance must be in compliance with the laws, rules and regulations applicable to expenditures of State funds, including but not limited to, the Reference Guide for State Expenditures.
- p. In accordance with section 215.971(1)(d), Florida Statutes, the Recipient may expend funds authorized by this Agreement only for allowable costs resulting from obligations incurred during the specific agreement period.

- q. Any balances of unobligated cash that have been advanced or paid that are not authorized to be retained for direct program costs in a subsequent period must be refunded to the Secretary.
- r. If the purchase of the asset was consistent with the limitations on the eligible use of Fiscal Recovery Funds provided by ARPA and Treasury Guidance, the Recipient may retain the asset. If such assets are disposed of prior to December 31, 2024, the proceeds would be subject to the restrictions on the eligible use of Fiscal Recovery Funds provided by ARPA.

(14) LOBBYING PROHIBITION

- a. 2 CFR §200.450 prohibits reimbursement for costs associated with certain lobbying activities.
- b. Section 216.347, Florida Statutes, prohibits "any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency."
- c. No funds or other resources received from the Division under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.
- d. The Recipient certifies the following:
 - i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
 - ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the Recipient must complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities."
 - iii. The Recipient must require that this certification be included in the award documents for all subawards (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Recipients shall certify and disclose.
 - iv. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(15) REQUIRED CONTRACTUAL PROVISIONS

a. EQUAL OPPORTUNITY EMPLOYMENT

- i. In accordance with 41 CFR §60-1.4(b), the Recipient hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

- 1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

- a. Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
3. The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
5. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
6. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
7. In the event of the contractor's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
8. The contractor will include the portion of the sentence immediately preceding paragraph 1(a)(ii) of this section and the provisions of subparagraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

b. COPELAND ANTI-KICKBACK ACT

- i. The Recipient hereby agrees that, unless exempt under Federal law, it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, the following clause:

"Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 CFR pt. 3 as may be applicable, which are incorporated by reference into this contract."

- ii. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause in subsection b(i) above and such other clauses as the Secretary may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.
- iii. Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 CFR § 5.12.

c. CONTRACT WORK HOURS AND SAFETY STANDARDS

If the Recipient, with the funds authorized by this Agreement, enters into a contract that exceeds \$100,000 and involves the employment of mechanics or laborers, then any such contract must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation.

d. CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

If the Recipient, with the funds authorized by this Agreement, enters into a contract that exceeds \$150,000, then any such contract must include the following provision:

"Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387), and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA)."

e. SUSPENSION AND DEBARMENT

If the Recipient, with the funds authorized by this Agreement, enters into a contract, then any such contract must include the following provisions:

- i. This contract is a covered transaction for purposes of 2 CFR pt. 180 and 2 CFR pt. 3000. As such the contractor is required to verify that neither the contractor, its principals (defined at 2 CFR § 180.995), nor its affiliates (defined at 2 CFR § 180.905) are excluded (defined at 2 CFR § 180.940) or disqualified (defined at 2 CFR § 180.935).
- ii. The contractor must comply with 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction into which it enters.
- iii. This certification is a material representation of fact relied upon by the Division. If it is later determined that the contractor did not comply with 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C, in addition to remedies available to the Division, the Federal Government may pursue available remedies, including, but not limited to, suspension and/or debarment.
- iv. The bidder or proposer agrees to comply with the requirements of 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

f. BYRD ANTI-LOBBYING AMENDMENT

If the Recipient enters into a contract using funds authorized by this Agreement, then any such contract must include the following clause:

"Byrd Anti-Lobbying Amendment, 31 USC § 1352 (as amended). Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Recipient."

(16) ATTACHMENTS. The parties agree to, and incorporate as though set forth fully herein, the following exhibits and attachments:

Exhibit 1	Funding Sources
Attachment A	ARPA Coronavirus Local Fiscal Recovery Fund Eligibility Certification
Attachment B	Certification Regarding Lobbying
Attachment C	Program Statutes and Regulations
Attachment D	Statement of Assurances
Attachment E	Award Terms and Conditions

(17) LEGAL AUTHORIZATION. The Recipient certifies that its governing body has authorized the Recipient's execution of this Agreement and that the undersigned person has the authority to legally execute and bind the Recipient to the terms of this Agreement.

RECIPIENT

St. Augustine Beach, City of

By: *Margaret England*

Name and title: *Margaret England, Mayor*

Date: *September 15, 2021*

FEIN : 590580946

DUNS : 839887549

STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

By: _____

Name and Title: Kevin Guthrie, Director

Date: _____

Exhibit 1

Funding Sources

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT, SUBJECT TO SECTION 215.97, FLORIDA STATUTES, CONSIST OF THE FOLLOWING:

State Project -

State awarding agency: Florida Division of Emergency Management

Catalog of State Financial Assistance title: Coronavirus State and Local Fiscal Recovery Funds (CSFRF)

Catalog of Federal Domestic Assistance number: 21.027

Amount of State Funding: \$3,507,979.00

Attachment A

ARPA Coronavirus Local Fiscal Recovery Fund Eligibility Certification

I, Margaret England, am the Authorized Agent of St. Augustine Beach, City of ("Recipient") and I certify that:

1. I have the authority on behalf of the Recipient to request fund payments from the State of Florida ("State") for federal funds appropriated pursuant to section 603 of the Social Security Act, as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2, Title VI (March 11, 2021).
2. I have submitted to the State the Recipient's Total Budget in effect as of January 27, 2020, as defined by the United States Department of the Treasury, the annual operating budget including general fund and other funds.
3. I understand that the State will rely on this certification as a material representation in making grant payments to the Recipient.
4. I acknowledge that the Recipient should keep records sufficient to demonstrate that the expenditure of funds it has received is in accordance with section 603(a) of the Social Security Act.
5. I acknowledge that all records and expenditures are subject to audit by the United States Department of Treasury's Inspector General, the Florida Division of Emergency Management, and the Florida State Auditor General, or designee.
6. I acknowledge that the Recipient has an affirmative obligation to identify and report any duplication of benefits. I understand that the State has an obligation and the authority to de-obligate or offset any duplicated benefits.
7. I acknowledge and agree that the Recipient shall be liable for any costs disallowed pursuant to financial or compliance audits of funds received.
8. I acknowledge that if the Recipient has not obligated the funds it has received to cover costs that were incurred by December 31, 2024, as required by the statute, those funds must be returned to the United States Department of the Treasury.
9. I acknowledge that the Recipient's proposed uses of the funds provided as grant payments from the State by federal appropriation under section 603 of the Social Security Act will be used only to cover those costs that:
 - a. to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - b. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
 - c. for the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency; or
 - d. to make necessary investments in water, sewer, or broadband infrastructure.

In addition to each of the statements above, I acknowledge on submission of this certification that my jurisdiction has incurred eligible expenses during the period that begins on March 3, 2021 and ends on December 31, 2024.

By: Margaret England

Signature: Margaret England

Title: Mayor, City of St. Augustine Beach

Date: September 15, 2021

Attachment B
Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned Recipient, Margaret England, certifies, to the best of his or her knowledge that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. Sec. 1352 (as amended by the Lobbying Disclosure Act of 119). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Recipient, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, Recipient understands and agrees that the provisions of 31 U.S.C. Sec. 3801 et seq. apply to his certification and disclosure, if any.

By: Margaret C England
Signature: Margaret C England
Title: Mayor
Date: September 15, 2021

Attachment C

Program Statutes and Regulations

42 U.S.C. 801 Social Security Act	Coronavirus State and Local Fiscal Recovery Funds
Title 31, Part 35, Code of Federal Regulations	Treasury Interim Final Rule
Section 215.422, Florida Statutes	Payments, warrants, and invoices; processing time limits; dispute limitation; agency or judicial branch compliance
Section 215.971, Florida Statutes	Agreements funded with federal and state assistance
Section 216.347, Florida Statutes	Disbursement of grant and aids appropriations for lobbying prohibited
CFO MEMORANDUM NO. 04 (2005-06)	Compliance Requirements for Agreements

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Margaret England, Mayor September 15, 2021

St. Augustine Beach, City of

Date

Margaret England

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address:

St. Augustine Beach, City of

Address:

DUNS Number: 839887549


Taxpayer Identification Number: 590560946

Assistance Listing Number: 21.027

Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient: St. Augustine Beach, City of


Authorized Representative:

Title: Margaret C. England, Mayor

Date signed: September 15, 2021

U.S. Department of the Treasury:

Authorized Representative: Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.

b. Federal regulations applicable to this award include, without limitation, the following:

- i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
- ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
- iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
- iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
- v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
- vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
- vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
- viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C.

§§ 4601-4655) and implementing regulations.

ix. Generally applicable federal environmental laws and regulations.

c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and

- Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
- 10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
- 11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
- 12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
- 13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
- 14. Debts Owed the Federal Government.
 - a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are

determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.

- b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR

19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the- job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

Max Royle

From: Bill Tredik
Sent: Wednesday, September 22, 2021 5:57 PM
To: Max Royle
Cc: Patricia Douylliez
Subject: RE: List of Drainage Projects

Max:

Below is the List of Drainage Projects I discussed at the June Stormwater Utility Fee Workshop:

Remaining 2004 Master Drainage Plan Projects (READY TO QUICKLY PROCEED TO DESIGN)

Mickler Ditch Piping (11th St. – 16thSt.)	\$ 500,000
Mickler Ditch Piping (A St. – 11th St.)	\$1,000,000
7th, 8th and 9th St. Drainage Connections	\$ 90,000
16th Street Piping (Mickler to Ocean Woods)	\$ 175,000
TOTAL REMAINING 2004 SDMP COSTS	\$1,765,000

Vulnerability Study Projects (NEED FURTHER PROJECT DEVELOPMENT IN ADAPTATION PLAN)

S.R. 312 (C.R. A1A) Outfalls to Salt Run	\$ 765,000
Pope Road Outfalls	\$ 550,000 (Possibly 75% HMGP)
West Pope Road	\$ 275,000
Sea Grove Area	\$ 410,000
Ocean Trace	\$ 275,000
Oleander Street Wetland	\$ 275,000
Ocean (Pier Park and Pope Road Seawall)	\$ 650,000
Survey and Engineering Cost	\$ 390,000
TOTAL VULNERABILITY PROJECTS COSTS	\$3,630,000

Other Drainage Needs (NEED FURTHER DEVELOPMENT IN UPDATED STORMWATER MASTER PLAN)

Lake Sienna to Lakeside Park Pond Interconnect	\$ 650,000
Seaside Villas Outfall	\$ 600,000
Ocean Oaks Drainage Improvements	\$ 750,000
Mariposa/Poinsettia Drainage Improvements	\$ 700,000
Magnolia Oaks Drainage Improvements	\$1,200,000
Ocean Trace/Sabor Del Sal Drainage Improvements	\$ 900,000
TOTAL OTHER DRAINAGE NEEDS COSTS	\$4,800,000

TOTAL PROJECTED STORMWATER PROJECT NEEDS \$10.2 MILLION

We could quickly move into design and permitting on the 1st group (or some of them) if the Commission desires. I would think they would be eligible for ARPA as they are drainage improvements. They would complete the 2004 Master Drainage Plan. We could also consider paying for the \$400,000 Oceanside Circle (or at least the drainage related portion) with ARPA funds instead of Impact Fees and complete the 3rd Lane drainage project which was only partially constructed. The other projects require further development either through the update to the Master Drainage Plan or through the Adaptation Plan.

Bill

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
OCTOBER 4, 2021**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-14.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's August 17, 2021, meeting are attached as pages 15-21.

SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE

The minutes of the Committee's September 8 2021, will be attached with this report for the November 1st Commission meeting.

POLICE DEPARTMENT

Please see page 22.

PUBLIC WORKS DEPARTMENT

Please see pages 23-26.

CITY MANAGER

1. Complaints

A. Debris on 312 Bridge

A person bicycling over the bridge report large pieces of debris on the right-of-way. As the Florida Department of Transportation owns the bridge, this complaint was forwarded to the local DOT office.

B. Weeds in Bocce Courts

A resident said the courts needed to have weeds removed. As there's no organization in charge of the courts and as the City owns the property, this complaint was forwarded to the Public Works Director.

2. Major Projects

A. Road/Sidewalk Improvements

1) Opening 2nd Street West of 2nd Avenue

Consideration of opening this section of 2nd Street has been discussed at various times by the City Commission and the owners of the vacant lots adjacent to it since 1992. Finally, in 2021, an agreement has been reached for the owners of the lot adjacent to the street to pay the cost of the new road that will benefit their property by making it available for development. At its June 7, 2021, meeting, the City Commission adopted a fee of \$3,940, which each lot owner will pay, or an owner can pay his or her total

share in one payment. The City will also pay a third of the costs. In the meantime, the City's civil engineering consultant is preparing plans for the project. The City Commission will review the plans at its October 4th meeting. If the plans are approved, the City will then advertise for bids.

There are two related matters: First, two lot owners want to dedicate their lots for conservation purposes to the Putnam County Land Trust. In early August, one of the owners notified the City Manager that the first draft of the conservation easement agreement with the Trust had been prepared. As of this report, the City hasn't received the easement agreement. The award of the bid to construct the road will be on the agenda for the Commission's October 4th meeting. Second, the existing section of 2nd Street, which is between 2nd Avenue and A1A Beach Boulevard, will have new pavement and be slightly widened but no sidewalk. The cost of this project will be paid from general revenues, not by assessing the adjacent property owners.

2) Sidewalk and Drainage Improvements for 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. This project has become part of the one to solve the flooding problem along the north side of the street. Vice Mayor Samora and City and County staff met at A Street to review the plan. In addition to the sidewalk, a underground drainage pipe will be constructed. The plans were completed in early September. On September 24th, Vice Mayor Samora and City staff met with County staff to review the plans. The County is going to investigate the dimensions of the sidewalk to diminish the sidewalk's impact to the properties on the north side. Construction is likely to commence in January 2022.

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 16th meeting for funding to improve three parking areas. However, as one TDC member said, revenue from the bed tax will likely decline significantly because of the coronavirus pandemic and the City is not likely to receive at this time any bed tax funds for the improvements. Possibly, road impact fees may be used for improving the right-of-way of certain streets for visitor parking. At a workshop still to be scheduled, the Commission will discuss again a parking plan and whether to have paid parking. In the meantime, in response the resident requests, the City staff posted No Parking signs along the east side of 2nd Avenue between 3rd and 7th Streets. Other residents have requested that No Parking signs be posted along the west side of 2nd Avenue between 3rd and 7th Streets.

At its May 24th continuation meeting, the City Commission discussed locations for a five-year parking improvements plan and requested that the Planning Board develop a list of prioritized projects for a five-year plan. The Board discussed this at its June 15th meeting and decided that each member is to send their respective list to the Building Department's Executive Assistant. Only the Board's chairman provided a list. At its July 20th meeting, the Planning Board reviewed his list and other information and decided to table

the matter because the Board had only four members present for the meeting. At its August 17th meeting, the Board recommended the following: a. for the Commission to continue to explore opportunities for increased and improved parking; b. for the City not to use any currently landscaped parkettes for parking; c. for the City to work with St. Johns County to develop parking along the north side of Pope Road; and for the City to prioritize for improvement the parkette on the west side of A1A Beach Boulevard between A Street and 1st Street. The Commission reviewed these recommendations at its September 13th meeting and decided that the first improvement project will be the parkettes on the west side of A1A Beach Boulevard between A and 1st streets. Money has been appropriated in the Fiscal Year 2022 budget for the project.

Concerning parking along Pope Road: At its August 11th meeting, the City Commission approved Mayor England sending a request to the County that it include the project in a five-year plan.

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. A condition of the two grants is that the City implement the management plan that was part of the applications for the grants. The plan includes such improvements as restrooms, trails, a pavilion and information signs. The Public Works Director 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. The Commission will be asked at its November 1, 2021, meeting to approve the bid to construct the restrooms.

Also, to implement the management plan, 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 City Commission at its October 5, 2020, regular meeting. The plans for the interior park improvements (observation deck, picnic pavilion and trails) are now in the design and permitting phase. Construction should begin in the spring of 2022.

At its August 11, 2021, meeting, the Public Works Director and a park consultant presented an update on the proposed improvements to the Park. The plans will be submitted to the St. Johns River Water Management District during the last week in September. Once permits have been approved, construction of the central trail and observation deck should start in early 2022.

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. Unlike Ocean Hammock Park, there is no management plan for Hammock Dunes Park.

D. Changes to Land Development Regulations

There are currently two. The first will be to allow the Comprehensive Planning and Zoning Board to approve most conditional use permits. The Commission reviewed an ordinance at its August 11th meeting and passed it on first reading. The Planning Board reviewed the ordinance at its August 17th meeting and recommended that the ordinance be approved. The ordinance had its first public hearing at the Commission's September 13th meeting when the Commission passed it on second reading. Its second public hearing and final reading is scheduled for the Commission's October 4th meeting.

The second change is to have the Planning Board hold the first public hearing on changes to the Land Development Regulations. The Commission passed an ordinance on first reading to allow this and held a public hearing on the ordinance at its August 11th meeting. The ordinance was then passed on second reading. A second public hearing was held at the Commission's September 13th meeting when the Commission passed the ordinance on final reading. This topic will no longer be included in this Report.

3. Finance and Budget

A. Fiscal Year 2021 Budget

FY 21 began on October 1, 2020 and will end on September 30, 2021. August 31, 2021, marked the end of the eleventh month of the Fiscal Year. The August monthly financial report shows that for the General Fund, the City had received \$7,337,499, which is \$1,497,739 more than it had received by the end of August 2020, and had spent \$5,953,444, which is only \$91,840 more than it had spent at the end of August 2020. The August 2021 year-to-date surplus of revenues over expenditures is \$1,384,055. A year earlier at the end of August 2020, there wasn't a surplus. Unlike in previous fiscal years, the surplus this year has not diminished significantly during the latter half of the fiscal year. The City receives most of the revenue from property taxes between November and April. By the end of August 2021, the City had received \$3,460,643 from property taxes, or 102% of the total projected for the entire fiscal year. A year earlier, at the end of August 2020, the amount received from property taxes was \$3,161,168, or \$299,475 less than was received by August 31, 2021. Also, other significant sources of revenue by the end of August 2021 were communication services tax (\$525,340), electric utility tax (\$535,467), building permit fees (\$308,484), electric franchise fee (\$316,429) and solid waste service fee (\$471,073).

B. Alternative Revenue Sources

The City Commission has asked the administration to suggest potential sources of money. At its October 5 2020, 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. The Commission discussed the stormwater fee at its workshop meeting on June 17, 2021 but made no decision concerning it. This topic will be on the agenda for the Commission's October 4, 2021, meeting.

C. Fiscal Year 2022 Budget

The preliminary draft of the budget was completed by the Finance Director in early July and meetings with individual Commissioners and the department heads were held later in July. The Commission held the first public review of the budget on July 26th and decided to set the preliminary property tax millage for FY 22 at 2.5998 mills, or \$2.60 per each \$1,000 of the assessed value of each parcel of real estate in the City. The millage for the current fiscal year, FY 21, is 2.45 mills, or \$2.45 per each \$1,000 of assessed value. Thus, the increase is 15 cents for each \$1,000 of assessed value. The Commission also set the debt millage at .50 or half a mill and scheduled the first public hearing on the millage and the budget on Monday, September 13, 2021, at 5 p.m. At the September 13th meeting, the Commission kept the property tax millage at 2.45, which is the same millage the Commission adopted for FY 21. The Commission held a second public hearing on September 27th, when it approved the millage and budget-adoption ordinances on final reading.

4. Miscellaneous

A. Permits for Upcoming Events

During September, the City Manager approve the following permits: 1) the Delta Sigma Pi Beta Eta Chapter's beach cleanup on September 12, 2021; the Friends of A1A beach cleanup on September 18, 2021; 3) the Pups and Sups Dog Surfing Contest on October 2, 2021; and 4) the Anastasia 16 Church's Beach Workshop Service on May 1, 2022.

B. Strategic Plan

The Commission decided at its January 7, 2019, meeting that it and the City staff would update the plan. The Commission agreed with the City Manager's suggestions for goals at its June 10th meeting and asked that the Planning Board and the Sustainability and Environmental Planning Advisory Committee be asked to provide their suggestions for the plan. The responses were reviewed by the Commission at its August 5th meeting. The Commission decided to have a mission statement developed. Suggestions for the statement were provided to the Commission for consideration at its September meeting. By consensus, the Commission asked the City Manager to develop a Mission Statement and provide it at a future meeting. This has been done along with a Vision Statement, a Values Statement and a list of tasks. The City Commission reviewed the proposed plan at its January 14, 2020, continuation meeting, provided comments and asked that the plan be submitted for another review at the City Commission's April 6th meeting. However, because of the need to shorten the Commission meetings because of the pandemic, review of the strategic plan was postponed. The Commission reviewed the plan at its February 8th continuation meeting. Commissioner George suggested changes to the Vision Statement. She will work with the City Manager on the wording.

In the meantime, the City administration will propose from time to time that the Commission review specific strategic plan goals. The first goal, Transparent Communication with Residents and Property Owners, was reviewed at the Commission's April 5, 2021, meeting. The Commission discussed having residents sign up for information, authorizing the use of the City's phone system for event information

and purchasing an electronic message board to replace the old-fashioned manual sign on the west side of the city hall by State Road A1A, and the costs of mailers and text messages, etc. to residents. However, because of budget constraints, the message board has been deleted from the proposed Fiscal Year 2022 budget.

C. Workshops

On March 8, 2021, the Commission held a workshop on the following topics: 1) review of employee salaries and pay ranges; 2) restructuring of the Building Department; 3) history of the Police Department budgets; 4) repair and replacement of City assets, such as vehicles; 5) succession planning for the departments and for the positions of Police Chief and City Manager. The results of that workshop were:

- At its April 5th meeting, the Commission approved the City administration's proposal to bring up the pay of those employees that a study showed were below the average for comparable cities in the northeast Florida area. The adjustments will go into effect on July 1, 2021.
- At its May 3rd meeting, the Commission discussed whether the pay for the Commission needs to be adjusted and decided to leave the current pay unchanged.

Also, at the May 3rd meeting, the Commission decided to hold two workshops: a joint one with the Planning Board and the Sustainability and Environmental Planning Advisory Committee on May 18th and a workshop to review options concerning the City's solid waste/recycling operations on May 24th. Both these meetings were held.

At its June 7th regular meeting, the Commission scheduled a workshop meeting on Thursday, June 17th, to consider adopting a stormwater utility to provide funding for the maintenance of the City's drainage infrastructure; and setting the rate for the non-ad valorem assessment for the collection of household waste, special waste and recyclables. The outcome of the workshop was direction by the Commission to the City administration to make \$211 the yearly non-ad valorem assessment for solid waste and recycling pickup/disposal, to educate residents concerning what's can be put in the recycling bins and what is not recyclable, to investigate the leasing of a garbage truck, and to meet with the company that picks up recyclables in the City concerning what can be done to reduce recycling costs.

At this time, no workshops have been scheduled during the remaining months of 2021.

COSAB NEW CONSTRUCTION SFR LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description	User Code 1
814	612 OCEAN PALM WAY	P1915252	SFR-D	9/10/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
924	108 8TH ST	P1915316	SFR-D	9/23/2019		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
1341	1004 ISLAND WAY	P2000359	SFR-D	2/4/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2095	138 WHISPERING OAKS CIR	P2001973	SFR-D	12/18/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2372	26 SABOR DE SAL RD	P2001362	SFR-D	8/6/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2598	7 6TH ST	P2100089	SFR-D	1/28/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2826	138 RIDGEWAY RD	P2001927	SFR-D	12/4/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2827	394 OCEAN FOREST DR	P2001921	SFR-D	12/4/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2956	31 VERSAGGI DR	P2002022	SFR-D	1/26/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3066	484 OCEAN FOREST DR	P2100066	SFR-D	1/21/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3070	115 D ST	P2100133	SFR-D	2/4/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3073	105 3RD ST	P2100541	SFR-D	4/23/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3101	121 5TH STREET	P2100710	SFR-D	6/3/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3102	125 5TH STREET	P2100725	SFR-D	6/4/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3103	129 5TH STREET	P2100711	SFR-D	6/3/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3173	534 RIDGEWAY RD	P2100306	SFR-D	3/16/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3319	736 OCEAN PALM WAY	P2100390	SFR-D	3/26/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3372	957 DEER HAMMOCK CIR	P2100397	SFR-D	3/30/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3510	315 RIDGEWAY RD	P2100462	SFR-D	4/13/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3614	421 NIGHT HAWK LN	P2100817	SFR-D	6/17/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3655	366 RIDGEWAY RD	P2100879	SFR-D	6/30/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3676	104 3RD ST	P2100598	SFR-D	5/7/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3690	98 RIDGEWAY RD	P2100908	SFR-D	7/8/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3693	370 OCEAN FOREST DR	P2100618	SFR-D	5/18/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3704	695 POPE RD	P2100960	SFR-D	7/21/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3719	1311 SMIUNG FISH LN	P2100688	SFR-D	5/27/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3734	108 7TH ST	P2100660	SFR-D	5/27/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3747	529 RIDGEWAY RD	P2100925	SFR-D	7/15/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4104	2580 A1A S	P2101186	SFR-D	9/10/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

Application Id Range: First to Last

Issue Date Range: 09/01/18 to 09/22/21

Expiration Date Range: First to 09/22/23

Applied For: Y Open: Y

Application Date Range: First to 09/22/21

Use Type Range: First to Last

Hold: Y

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: Y

Work Type Range: SFR-A to SFR-M

User Code Range: RES to RES

Denied: Y

Void: Y

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description	User Code 1
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	COM
1740	116 SEA GROVE MAIN ST	P2000906	COM BUILD OUT	6/9/2020		COMMERCIAL INTERIOR BUILD-OUT FOR OFFICE SPACE/FUTURE TENANT SPACE	COM
1827	681 A1A BEACH BLVD	P2000843	COMMERCIAL NEW	4/7/2020		BUILDING-COMMERCIAL NEW BUILDING--BREWERY 1ST FLOOR AND STORAGE 2ND FLOOR	COM
1842	300 A1A BEACH BLVD	P2001952	COM ADDITION	12/14/2020		LATERAL ADDITION FOR 42 ROOMS TO AN EXISTING 175 UNIT OCEAN FRONT HOTEL	COM
2141	3930 A1A SOUTH	P2001353	COMMERCIAL NEW	8/7/2020		BUILDING ADDITION - SHELL CONSTRUCTION4987 SQUARE FEET 6 UNITS	COM

Application Id Range: First to Last

Issue Date Range: 09/01/18 to 09/22/21

Expiration Date Range: First to 09/22/23

Applied For: Y Open: Y

Application Date Range: First to 09/22/21

Use Type Range: First to Last

Hold: Y

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: Y

Work Type Range: COM ADDITION to COMMERCIAL NEW

User Code Range: COM to COM

Denied: Y

Vold: Y

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

COSAB FY'21 TREE INSPECTIONS

Application Id	Property Location	Building Code 1	Description of Work 1	Work Type	Issue Date	Description
2754	1144 OVERDALE RD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	10/16/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2802	3900 A1A SOUTH	TREE	TREE REMOVAL INSPECTION	TREE REMOVAL	11/2/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2803	1200 MAKARIOS DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	10/29/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2900	685 POPE RD	TREE	19 INCH OAK TREE AND 18 INCH MAGNOLIA	TREE REMOVAL	11/16/2020	19 INCH OAK TREE AND 18 IN MAGNOLIA
3167	115 14TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	1/15/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3460	407 OCEAN DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	5/19/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3465	703 POPE RD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	3/23/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3481	24 DEANNA DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	3/23/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3775	117 BAY BRIDGE DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	6/17/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3786	1 SEA OAKS DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	5/21/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3827	45 OCEAN CT	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	6/15/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4016	208 10TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	6/30/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4097	413 OCEAN DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	7/21/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4098	415 OCEAN DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	7/21/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4364	4 DEANNA DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	9/16/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
Totals						

Application Id Range: First to Last

Issue Date Range: 10/01/20 to 09/22/21

Expiration Date Range: First to 09/22/23

Applied For: Y Open: Y

Application Date Range: First to 09/22/21

Use Type Range: First to Last

Hold: Y

Building Code Range: TREE to TREE

Contractor Range: First to Last

Completed: Y

Work Type Range: First to Last

User Code Range: First to Last

Denied: Y

Void: Y

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

Activity Date Range: 10/01/20 to 09/22/21

Activity Type Range: T-TREE REMOVAL to T-TREE REMOVAL

Inspector Id Range: First to Last

'SENT LETTER': Y Open With No Date: N

COSAB FY'21 ZONING REPORT

Application Id	Parcel Id	Property Location	Building Code	Activity Type	Date	Status
2394	1684200040	9 10TH ST	ZONING	Z-VARIANCE	9/15/2020	APPROVED
2577	1698900180	16 5TH ST	ZONING	Z-COND USE	10/13/2020	APPROVED
2577	1698900180	16 5TH ST	ZONING	Z-COND USE	11/9/2020	APPROVED
2625	1674000000	17 13TH ST	ZONING	Z-COND USE	10/13/2020	APPROVED
2625	1674000000	17 13TH ST	ZONING	Z-COND USE	11/9/2020	APPROVED
2626	1674000000	17 13TH ST	ZONING	Z-VARIANCE	10/13/2020	APPROVED
2627	1674000000	17 13TH ST	ZONING	Z-VARIANCE	10/13/2020	APPROVED
2735	1677800001	ALLEY BETWEEN 13TH ST & 14TH ST	ZONING	Z-VACATE ALLEY	12/15/2020	APPROVED
2735	1677800001	ALLEY BETWEEN 13TH ST & 14TH ST	ZONING	Z-VACATE ALLEY	1/4/2021	APPROVED
2753	1699000000	7 4TH ST	ZONING	Z-VARIANCE	11/17/2020	APPROVED
2762	1698800000	7 6TH ST	ZONING	Z-VARIANCE	10/19/2020	APPROVED
2847	1629610940	455 HIGH TIDE DR	ZONING	Z-VARIANCE	12/15/2020	APPROVED
2897	1676600000	400 A1A BEACH BLVD	ZONING	Z-COND USE	12/15/2020	APPROVED
2897	1676600000	400 A1A BEACH BLVD	ZONING	Z-COND USE	1/4/2021	APPROVED
2908	1629610950	459 HIGH TIDE DR	ZONING	Z-VARIANCE	12/15/2020	APPROVED
2981	1641730020	23 OCEAN PINES DR	ZONING	Z-TREE REMOVAL	12/15/2020	APPROVED
3001	1700400001	ALLEY BETWEEN B AND C STREETS	ZONING	Z-VACATE ALLEY	3/16/2021	APPROVED
3001	1700400001	ALLEY BETWEEN B AND C STREETS	ZONING	Z-VACATE ALLEY	4/5/2021	APPROVED
3044	1684000000	9 11TH ST	ZONING	Z-VARIANCE	1/19/2021	DENIED
3071	1693800100	105 3RD ST	ZONING	Z-COND USE	1/19/2021	APPROVED
3071	1693800100	105 3RD ST	ZONING	Z-COND USE	2/1/2021	APPROVED
3073	1693800100	105 3RD ST	ZONING	Z-VARIANCE	1/19/2021	DENIED
3175	1631510351	2 QUAIL CT	ZONING	Z-TREE REMOVAL	2/16/2021	APPROVED
3261	1687700000	12 6TH ST	ZONING	Z-COND USE	3/16/2021	APPROVED
3261	1687700000	12 6TH ST	ZONING	Z-COND USE	4/5/2021	APPROVED
3298	1693000090	104 3RD ST	ZONING	Z-COND USE	3/16/2021	APPROVED
3298	1693000090	104 3RD ST	ZONING	Z-COND USE	4/5/2021	APPROVED
3308	1709300000	103 E STREET AND 104 F STREET	ZONING	Z-COND USE	3/16/2021	APPROVED
3308	1709300000	103 E STREET AND 104 F STREET	ZONING	Z-COND USE	4/5/2021	APPROVED
3316	1700400001	ALLEY BETWEEN A AND B STREETS	ZONING	Z-VACATE ALLEY	3/16/2021	APPROVED
3316	1700400001	ALLEY BETWEEN A AND B STREETS	ZONING	Z-VACATE ALLEY	4/5/2021	APPROVED
3347	1628201030	109 KINGS QUARRY LN	ZONING	Z-VARIANCE	3/16/2021	DENIED
3458	1705200010	2-B F ST	ZONING	Z-VARIANCE	4/20/2021	DENIED
3912	1693500000	106 2ND ST	ZONING	Z-VARIANCE	7/20/2021	APPROVED
3965	1698900180	16 5TH ST	ZONING	Z-APPEAL	6/21/2021	CANCEL
4253	1630300010	301 A1A BEACH BLVD	ZONING	Z-VARIANCE	9/21/2021	APPROVED

Application Id Range: First to Last

Range of Building Codes: ZONING

to ZONING

Activity Date Range: 09/01/20 to 10/19/21 Activity Type Range: Z-APPEAL to Z-VARIANCE

Inspector Id Range: First to Last

Included Activity Types: Both

Sent Letter: Y

Range: First to Last
Violation Date Range: 10/01/20 to 09/23/21
Ordinance Id Range: First to Last

Use Type Range: First to Last
User Code Range: First to Last

Open: Y
Completed: N
Void: N
Pending: N

Customer Range: First to Last

Inc Violations With waived Fines: Yes

Violation Id: V2100033 Prop Loc: 207 8TH ST
Viol Date: 04/16/21 Status: Open Comp Name: Todd Alexander
Comp Phone: (904)703-2191 Comp Email: wtajax@yahoo.com

Ordinance Id Description

Description: On February 12, 2021, an anonymous complaint was filed regarding a travel trailer at 207 8th St in the driveway.

Later, Todd Alexander sent an email 4-8 to let me know that he was the complaitant. See attached.

Code Enforcement drove past the property and confirmed that the travel trailer was there. It is located in the front driveway.

Created	Modified	Note
05/03/21	05/03/21	Certified Mail Received APRIL 22, 2021 -- SEE ATTACHED
05/03/21	05/03/21	Notice of Violation Sent 4-16-21, removal of trailer requested by May 1st, 2021.

Violation Id: V2100055 Prop Loc: 494 PYRUS ST
Viol Date: 09/10/21 Status: Open Comp Name: Kevin Pessina - 491 pyrus st
Comp Phone: Comp Email: pessinak02@sbcglobal.net

Ordinance Id Description

14-2 Sec. 14-2. - weeds, trash, and unsanitary matter.

Description: Kevin Pessina sent in a complaint via the RSS module on 8-31-21. He claims that 494 Pyrus is neglected and overgrown.

Code enforcement will investigate further.

Code Enforcement drove past the property on 9/21/21. It does appear to be overgrown, with many areas of grass over 12 inches. See attached photos.

Created	Modified	Note
09/22/21	09/22/21	Sent Certified Mail on 9/22/2021 (see attached)

Violation Id: V2100056 Prop Loc: 609 POINSETTIA ST
Viol Date: 09/13/21 Status: Open Comp Name: Katie Levens - 611 Ponsettia
Comp Phone: (937)269-7224 Comp Email: klevens77@hotmail.com

Ordinance Id Description

7.01.03 Sec. 7.01.03. - Fences and retaining walls.

Description: Katie Levens sent an email on 7/29/2021 to complain about her neighbor's fence extending into the front setback area. See attached.

Created	Modified	Note
09/13/21	09/22/21	Certified Letter Sent 9/22/21 see attached

Violation Id: V2100057	Prop Loc: 114 11TH ST	
Viol Date: 09/17/21	Status: Open	Comp Name: RICHARD GRAY - PUBLIC WORKS
Comp Phone:	Comp Email:	

Ordinance Id	Description
--------------	-------------

Description: Richard Gray of Public Works submitted a complaint (see attached) regarding a pile of tree trimming and debris at 114 11th St that is believed to be contractor generated. Richard Gray attempted to contact the owners by knocking on both doors (upper and lower) but there was no answer.

Glenn Brown the City Building Inspector also visited the property on 9/16/2021. He did not speak to the homeowners, but was able to make contact with the tenant who stated that the homeowner should be back in town by 9/17/21.

Code Enforcement sent a certified letter on 9/17/2021, see attached. This letter requested that the debris be removed by 9-24-21 at 12pm.

Created	Modified	Note
09/22/21	09/22/21	Code enforcement spoke to the homeowner who stated that he and his friend trimmed the trees and the debris was not contractor generated. He also provided me with the attached email and the paperwork for renting the machinery.

The tree portion of this case is closed.

Violation Id: V2100058	Prop Loc: 380 A1A BEACH BLVD	
Viol Date: 09/20/21	Status: Open	Comp Name: PUBLIC WORKS / FINANCE DEPT
Comp Phone:	Comp Email:	

Ordinance Id	Description
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10-3 PLACEMENT	GARBAGE & TRASH-PLACEMENT
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Description: Rita's cancelled their trash service through the City on 8/2/2021. Richard Gray of Public Works then noticed that there was a dumpster from Waste Management which is not enclosed.

Created	Modified	Note
09/20/21	09/20/21	Certified Mail and regular USPS mail Sent on 9/20/2021

violation Id: V2100059	Prop Loc: 213 A ST	
Viol Date: 09/22/21	Status: Open	Comp Name: Building Department
Comp Phone:	Comp Email:	

Ordinance Id	Description
--------------	-------------

FBC 105.1	PERMITS 105.1 Required.
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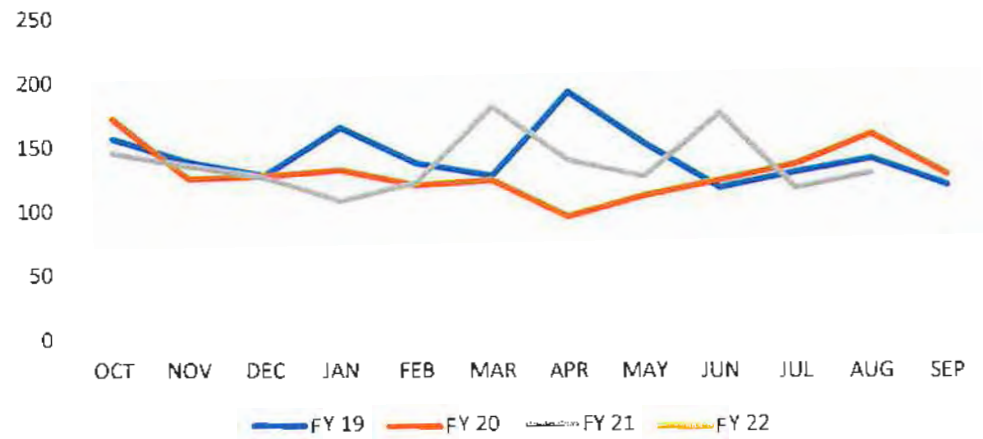
Description: On 9-22-2021 the Building Official noticed that work was being done on a 2nd story deck. There are currently no permits on this property. Code enforcement visited the property and posted a stop work order at 10am on 9/22/21. I knocked on the door and was greeted by a tenant. She then called the homeowner on speakerphone, Shannan Kolbe (Phone 956-296-4165). Ms. Kolbe was unaware that a permit was needed and stated that she has hired a contractor to do the work : VNS Builders Inc, Scott Digregorio. I instructed her that they needed to obtain a permit and not remove the stop work order until then.

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	137	
DEC	129	129	128	
JAN	167	134	110	
FEB	139	122	124	
MAR	129	126	184	
APR	195	98	142	
MAY	155	114	129	
JUN	120	126	179	
JUL	132	139	120	
AUG	143	163	132	
SEP	122	131		
TOTAL	1729	1583	1532	

OF PERMITS ISSUED



OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21	FY 22
OCT	424	298	268	
NOV	255	341	250	
DEC	262	272	315	
JAN	426	383	311	
FEB	334	348	293	
MAR	377	294	360	
APR	306	246	367	
MAY	308	289	226	
JUN	288	288	295	
JUL	312	259	287	
AUG	275	225	347	
SEP	250	281		
TOTAL	3817	3524	3319	

OF INSPECTIONS PERFORMED

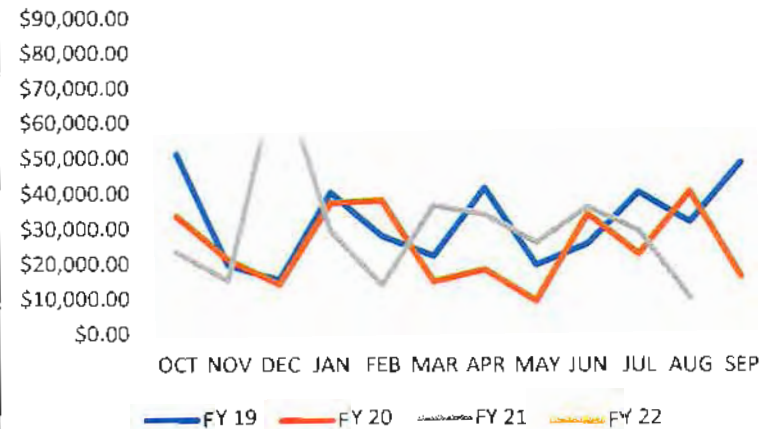


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	\$15,910.52	
DEC	\$16,104.22	\$14,818.54	\$76,639.68	
JAN	\$40,915.31	\$37,993.58	\$30,011.51	
FEB	\$28,526.70	\$38,761.13	\$14,706.76	
MAR	\$22,978.53	\$15,666.80	\$37,447.22	
APR	\$42,292.91	\$19,092.61	\$34,884.49	
MAY	\$20,391.12	\$10,194.02	\$26,753.41	
JUN	\$26,445.26	\$34,939.40	\$37,149.19	
JUL	\$41,120.86	\$23,555.36	\$30,368.01	
AUG	\$32,714.82	\$41,455.38	\$11,236.89	
SEP	\$49,543.66	\$17,169.56		
TOTAL	\$392,880.82	\$309,768.58	\$339,247.58	

BUILDING PERMIT FEE GRAPH



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	\$1,963.00	
DEC	\$2,633.64	\$2,409.62	\$2,738.04	
JAN	\$3,338.69	\$2,768.47	\$1,891.99	
FEB	\$2,601.00	\$2,044.08	\$5,505.00	
MAR	\$2,515.33	\$2,237.73	\$3,163.00	
APR	\$3,801.26	\$1,716.00	\$2,784.79	
MAY	\$2,736.33	\$1,809.00	\$2,637.52	
JUN	\$3,844.54	\$3,417.00	\$2,978.00	
JUL	\$3,286.00	\$2,917.93	\$2,535.39	
AUG	\$2,663.49	\$3,430.11	\$1,870.49	
SEP	\$1,579.42	\$1,621.00		
TOTAL	\$36,360.23	\$30,124.61	\$30,641.84	

MECHANICAL PERMIT FEE REPORT

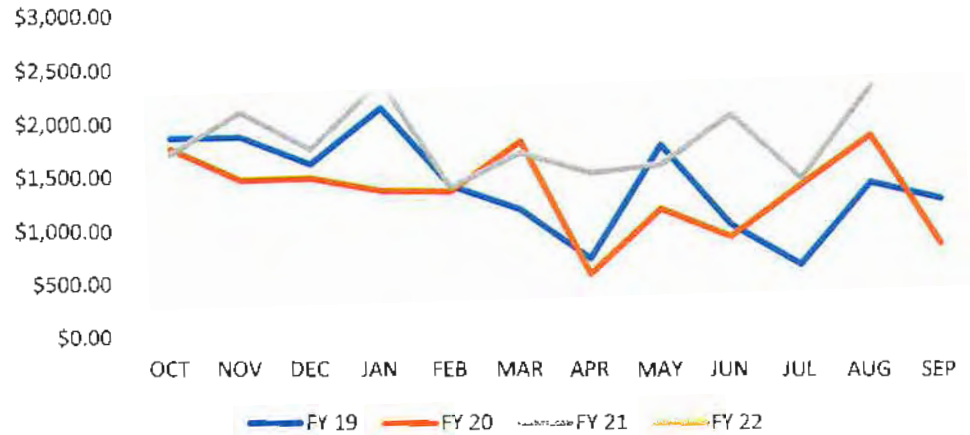


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	\$2,115.00	
DEC	\$1,622.32	\$1,495.00	\$1,770.00	
JAN	\$2,151.66	\$1,380.00	\$2,418.00	
FEB	\$1,425.32	\$1,375.00	\$1,413.00	
MAR	\$1,203.33	\$1,843.00	\$1,740.00	
APR	\$743.00	\$600.00	\$1,553.00	
MAY	\$1,805.00	\$1,215.00	\$1,628.00	
JUN	\$1,065.00	\$955.00	\$2,108.00	
JUL	\$690.00	\$1,443.00	\$1,505.00	
AUG	\$1,460.00	\$1,910.00	\$2,375.00	
SEP	\$1,310.00	\$895.00		
TOTAL	\$17,208.61	\$16,351.00	\$20,343.00	

ELECTRICAL PERMIT FEE REPORT



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	\$1,133.00	
DEC	\$2,783.10	\$1,869.00	\$1,062.00	
JAN	\$3,031.40	\$3,256.00	\$628.00	
FEB	\$2,440.44	\$1,395.00	\$3,449.00	
MAR	\$2,037.24	\$1,125.00	\$2,579.00	
APR	\$3,015.00	\$1,430.00	\$1,411.00	
MAY	\$2,110.00	\$1,459.00	\$1,390.00	
JUN	\$1,590.00	\$1,432.00	\$2,474.00	
JUL	\$1,525.00	\$1,218.00	\$952.00	
AUG	\$1,550.00	\$1,356.00	\$1,500.00	
SEP	\$1,706.00	\$2,270.00		
TOTAL	\$28,671.96	\$21,817.00	\$18,422.00	

PLUMBING PERMIT FEE REPORT



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	\$1,440,841.88	
DEC		\$1,449,915.40	\$9,160,479.89	
JAN		\$3,789,363.81	\$3,088,758.57	
FEB		\$5,519,900.00	\$2,010,259.40	
MAR		\$1,321,570.04	\$4,010,607.80	
APR	\$6,338,617.35	\$1,803,157.19	\$3,939,394.49	
MAY	\$2,731,410.75	\$1,003,140.58	\$3,080,108.00	
JUN	\$2,792,442.43	\$3,519,844.50	\$3,807,580.85	
JUL	\$4,717,293.00	\$2,300,478.87	\$3,279,350.11	
AUG	\$3,393,250.74	\$5,175,949.96	\$1,182,881.00	
SEP	\$4,502,737.63	\$1,475,857.57		
TOTAL	\$24,475,751.90	\$33,259,014.00	\$37,313,560.52	

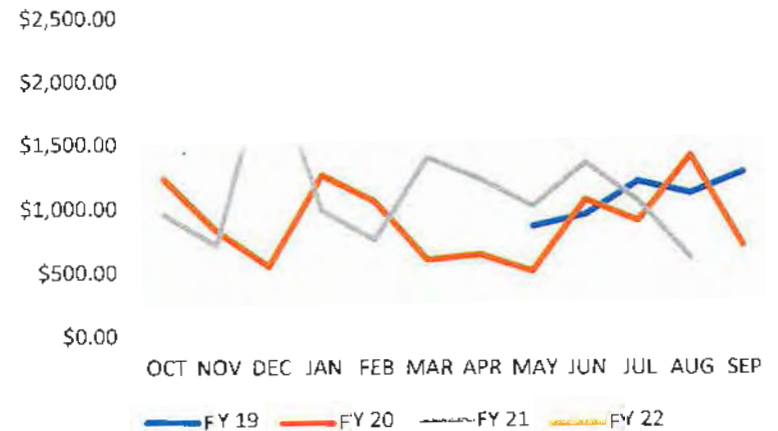
ALTERATION COST



STATE SURCHARGE PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT		\$1,247.45	\$973.01	
NOV		\$845.65	\$729.40	
DEC		\$569.37	\$2,225.95	
JAN		\$1,277.63	\$1,006.45	
FEB		\$1,079.31	\$776.87	
MAR		\$623.46	\$1,417.90	
APR		\$666.54	\$1,250.09	
MAY	\$881.45	\$537.83	\$1,043.38	
JUN	\$972.50	\$1,093.02	\$1,378.01	
JUL	\$1,230.25	\$928.44	\$1,085.45	
AUG	\$1,141.48	\$1,437.49	\$642.86	
SEP	\$1,303.66	\$740.55		
TOTAL	\$5,529.34	\$11,046.74	\$12,529.37	

STATE SURCHARGE PERMIT FEE REPORT



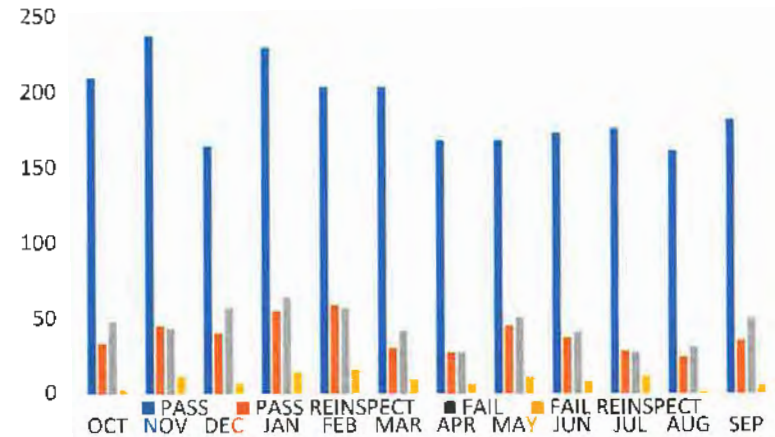
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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
TOTAL	2285	470	550	113

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 20 INSPECTION RESULTS

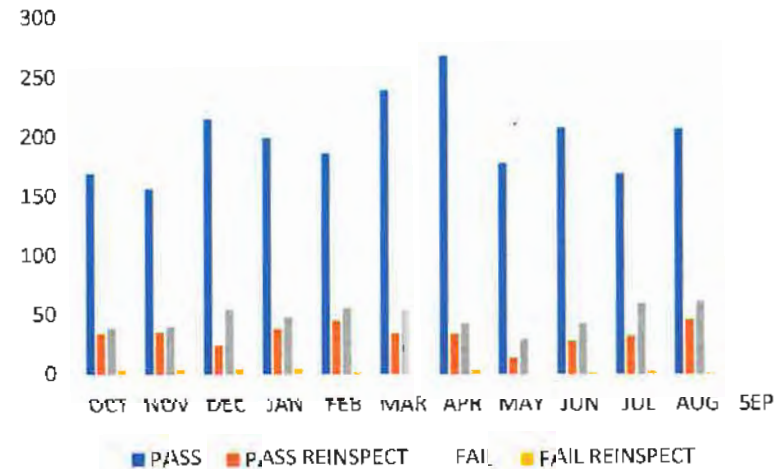


FY 21 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	170	35	40	5
NOV	157	36	41	5
DEC	216	25	56	6
JAN	200	39	49	6
FEB	187	46	57	3
MAR	240	35	55	3
APR	270	35	44	5
MAY	179	15	31	1
JUN	209	29	44	2
JUL	170	33	61	4
AUG	208	47	63	2
SEP				
TOTAL	2206	375	541	42

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 21 INSPECTION RESULTS

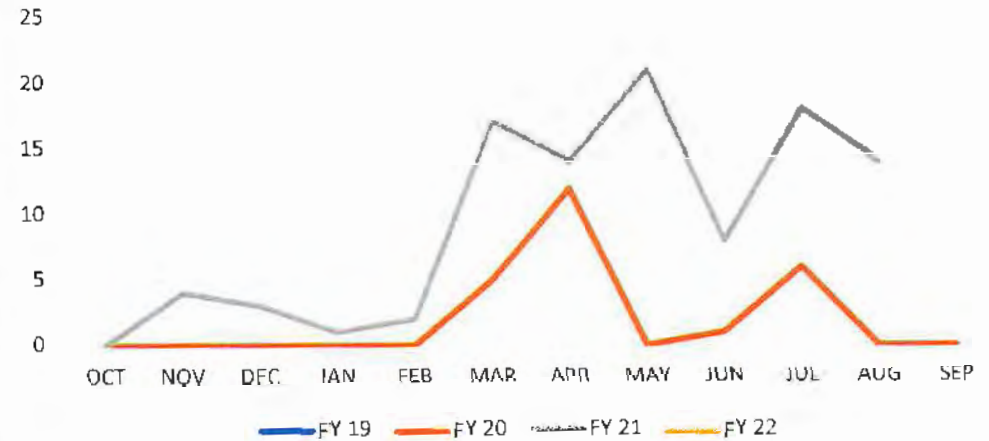


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT		0	0	
NOV		0	4	
DEC		0	3	
JAN		0	1	
FEB		0	2	
MAR		5	17	
APR		12	14	
MAY		0	21	
JUN		1	8	
JUL		6	18	
AUG		0	14	
SEP		0		
TOTAL	0	24	102	

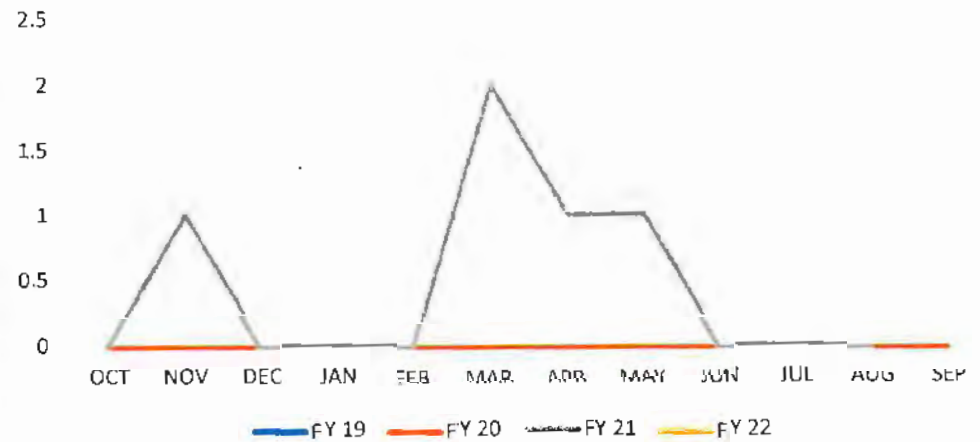
OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER



OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT	0	0	0	
NOV	0	0	1	
DEC	0	0	0	
JAN	0	0	0	
FEB	0	0	0	
MAR	0	0	2	
APR	0	0	1	
MAY	0	0	1	
JUN	0	0	0	
JUL	0	0	0	
AUG	0	0	0	
SEP	0	0		
TOTAL	0	0	5	

OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER

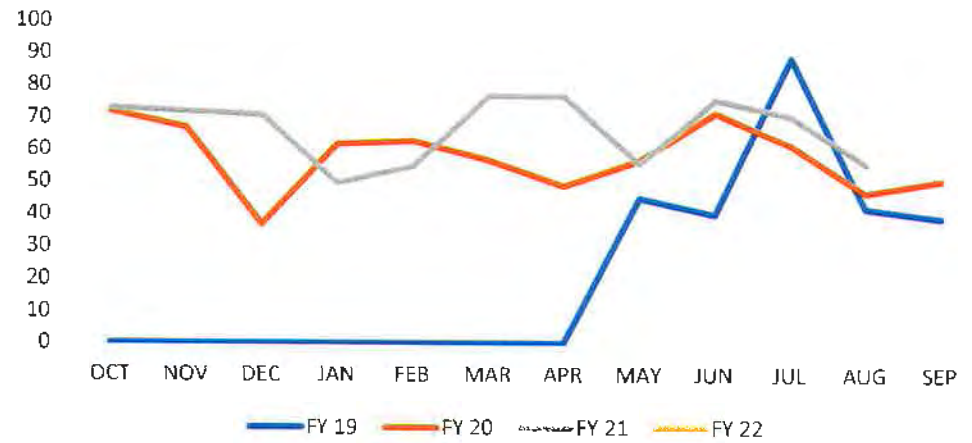


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PLAN REVIEW ACTIVITIES PERFORMED BY BLDG. DEPT.

	FY 19	FY 20	FY 21	FY 22
OCT	0	72	73	
NOV	0	67	72	
DEC	0	37	71	
JAN	0	62	50	
FEB	0	63	55	
MAR	0	57	77	
APR	0	49	77	
MAY	45	57	56	
JUN	40	72	76	
JUL	89	62	71	
AUG	42	47	56	
SEP	39	51		
TOTAL	255	696	734	

OF PLAN REVIEW ACTIVITIES





MINUTES
PLANNING AND ZONING BOARD MEETING
TUESDAY, AUGUST 17, 2021, 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

I. CALL TO ORDER

Chairperson Kevin Kincaid called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL-CALL

BOARD MEMBERS PRESENT: Chairperson Kevin Kincaid, Vice-Chairperson Roberta Odom, Larry Einheuser, Dennis King, Hester Longstreet, Chris Pranis, Victor Sarris.

BOARD MEMBERS ABSENT: Alternate Scott Babbitt.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Recording Secretary Lacey Pierotti.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF JULY 20, 2021

Motion: to approve the minutes of the July 20, 2021 meeting. **Moved** by Ms. Odom, **seconded** by Mr. Sarris, **passed 7-0** by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

- A.** Ordinance No. 21-10, passed on first reading by the City Commission at its regular monthly meeting held August 11, 2021, to amend the following sections of the City's Land Development Regulations (LDRs): Section 3.02.02, Table of Uses by Land Use District, to designate approval of certain conditional use permits by the City's Comprehensive Planning and Zoning Board and approval of all other conditional use permits by the City Commission; Section 6.01.02.D, to specify maximum impervious surface ratio coverage for mixed use land use districts; Section 7.02.01, to allow all home occupation uses within the City as allowed under Florida Statute 559.955 and amend the requirements and regulations for any home occupations not regulated under this statute; Sections 10.03.01, 10.03.03, and 10.03.04, to specify the City's Comprehensive Planning and Zoning Board's authority to review and grant or deny certain conditional use permits as specified in Section 3.02.02; Section 11.02.03, to amend the general functions, powers and duties of the Comprehensive Planning and Zoning Board to allow this Board to review and grant or approve all conditional use permits as designated in Section 3.02.02; Section 12.06.02, to

designate the appeal process for conditional use permits approved or denied by the Comprehensive Planning and Zoning Board by administrative hearing before the City Commission.

Mr. Law said Ordinance No. 21-10 is the culmination of several meetings, including the joint workshop meeting held earlier this year with the City Commission, Planning and Zoning Board, and SEPAC (Sustainability & Environmental Planning Advisory Committee). The intent of this ordinance is to thin out the agendas of the City Commission, which is the City's body of elected government officials, by giving the Planning and Zoning Board greater authority to approve or deny certain conditional use permit applications. This also gives applicants the ability to file appeals to decisions made by the Planning and Zoning Board to the City Commission, instead of having to file appeals to the local circuit court system, as is currently required to appeal decisions made by the Commission. The ordinance amends the Table of Uses by Land Use District in Section 3.02.02 of the LDRs to designate conditional use permits approved by the City Commission as type C-1 and those approved by the Planning and Zoning Board as type C-2. At last week's City Commission meeting, the Commission modified the ordinance as drafted for first reading to include approximately six more things they want to control. The ordinance also includes amendment to Section 7.02.01 of the LDRs, pertaining to regulations for conditional use permits for home occupations, as the newly adopted Florida Statute 559.955 signed by the Governor of Florida strikes away the rule of local jurisdictions over home occupations, as long as they comply with home occupation uses allowed under this statute. Home occupations still need to get a business tax receipt, but conditional use permits for home occupations with residential addresses will no longer be required.

Ms. Odom asked that her comments about the City Commission not be taken negatively, but in reviewing this ordinance, the Mayor said at the last Commission meeting that she had a "bad" feeling about giving this Board the sole authority to grant or deny the conditional use permits specified in the ordinance. This makes her feel the Commission is not taking the positions of the members of this Board seriously.

Mr. Law said everyone has heard him say at Commission meetings that this Board is ready and has the experience. He has no qualms with this Board making the decisions they will be charged with per the adoption of this ordinance.

Ms. Odom commended Mr. Law, as he has said almost exactly those same words at Commission meetings in support of this Board, and she appreciates that.

Mr. Law said the Commission still wants to regulate and control conditional use permits for privately-owned recreational facilities, hospitals, adult congregate living facilities (group homes), utility facilities, and single-family and multi-family residences and condominiums in commercial land use districts.

Motion: to recommend the City Commission approve passage on final reading of Ordinance No. 21-10 as modified. **Moved** by Ms. Odom, **seconded** by Mr. Sarris, **passed 7-0** by unanimous voice-vote.

- B. Continued from the Board's July 20, 2021 regular monthly meeting, discussion of public parking and creating a priority list of projects for creating a five-year plan for improvements to recommend to the City Commission.

Mr. Law said this agenda item is the continuation of the discussion and review of priorities for a five-year plan for parking improvements. As the Board tabled this item at last month's meeting, the Board first has to vote to bring

it off the table and back up for discussion. The Board is under no obligation to provide anything if they think what the Commission is asking for, which is a priority project list, is not within their purview. A couple of Board members submitted memos that have been copied, along with the minutes of last month's meeting, at which the Board heard public comment on this item, as part of the agenda packet. Keep in mind, this is not for the development of Ocean Hammock Park, contrary to the public comment the Board heard last month. The proposed new amenities for Ocean Hammock Park will be handled by the Public Works Director and City Commission.

Ms. Odom said at the end of last week's Commission meeting, Mayor England said the City has been in discussion with St. Johns County about using part of Pope Road that is County-owned property for parking. Instead of eating up the City's greenspace, she suggested the City continue to work with the County on this parking plan.

Mr. Law said the County has been looking into putting parking on County-owned property on the north side of Pope Road for the past few years, but this is all in the infancy stages at this time. There was a movement from two of the Commissioners that the parking lot on the City plaza in front of Jack's Bar-B-Que, on the corner of A Street and A1A Beach Boulevard, needs some work, as this intersection is somewhat the focal point of the City. The Commission has allocated some money in the tentative next fiscal budget for the paving of this parking lot.

Mr. Pranis said he thinks this area needs visual continuity, as the east side of the Boulevard looks nice, but across the street, there are areas that are unkempt. There needs to be a balance of continuity on both sides.

Mr. Sarris asked if the Board's specific role in this is to discuss parking possibilities that may be presented to the Commission.

Mr. Law said the Board has been requested by Mayor England to provide input as to what the best locations would be for the City to essentially create and develop a long-range plan for additional parking. Improvements to the parking lot in front of Jack's Bar-B-Que and the County's proposal to create parking along the north side of Pope Road have been mentioned as possible priorities. The Commission has basically asked the Board to consider what, if anything, they think would be best for the City, in terms of creating and developing additional public parking.

Mr. Kincaid asked if the Board should make a motion to take this agenda item off the table if they want to continue to discuss this further for a resolution and motion for a recommendation to the Commission.

Mr. Taylor said yes.

Motion: to take this agenda item off the table and bring it back up for discussion for resolution of a motion for a recommendation to the City Commission. **Moved** by Ms. Odom, **seconded** by Mr. Sarris, **passed 7-0** by unanimous voice-vote.

Mr. Sarris said he does not necessarily consider this to be a problem for the City, but more a problem for the County, so he would certainly like to see what the County's position is on creating and developing additional parking before suggesting or offering any recommendations for any City-owned property to be utilized for parking. He thinks the Board saw, by the public comment heard at last month's meeting, that there is a general concern with any location that is chosen for parking, so it could be a tough decision to make. He needs to know more about where the County is coming from and what the County's angle is, along with what the County is willing to offer up in regard to parking, before he would be willing to recommend any new parking locations in the City.

Mr. Law said it appears what Mr. Sarris is saying is that he would like the Commission to meet with St. Johns County to come up with a parking plan first, before the City moves forward with any new plans for parking.

Mr. Sarris said yes, he would like to see what the County is offering up in the way of parking, if anything, as the parking problems are not something the City has created.

Mr. Kincaid asked if there are studies or anything that quantifies the parking problem, for example, something that tells them what the problem is, and what needs to be done to solve it. A general feeling that there is a lack of parking was not shared by the members of the public who spoke at last month's Board meeting, though he thinks it is a fact that there are some weekends when there is no available public parking in the City. However, if the citizens do not share the concern that there is a severe lack of parking, they are then trying to fix a problem that has not really been quantified, but only loosely identified, and he is not sure what the Board's role is in solving a loosely identified problem, other than recommendations. They were given eight recommended locations for additional parking, which they were asked to rank in order of priority, so a problem has sort of been identified. He is not sure he is comfortable moving forward with making a recommendation on those eight locations, or on a problem that hasn't been completely identified or quantified, when they don't have the support of the citizens.

Mr. Taylor said he does not think the Board has to craft a recommendation that only addresses the eight potential locations proposed for improved or additional parking, or the ranking of these eight potential locations, but he does think it would behoove the Board to make some sort of recommendation or statement to the Commission.

Mr. Pranis said his concern is that there is no paperwork, no studies, nothing to substantiate why this needs to be done. If the Boulevard is clogged up with more out-of-towners who want to come here to go to the beach, and park in these parking spaces, are these visitors bringing revenue to the City? The eight recommended locations would create 162 additional parking spots at an estimated cost of \$415,000, so this is something that needs to be looked at and considered. He asked how big the County-owned property on the north side of Pope Road is.

Mr. Law said he can't remember, but the parking planned along the north side of Pope Road is all parallel parking. As he said earlier, this is in the infancy stages, but the Board may choose to recommend the Commission continue the conversation with the County to develop parking on the north side of Pope Road.

Ms. Odom said this area along the north side of Pope Road borders Anastasia State Park, so the parking cannot go too deep off the County-owned right-of-way of Pope Road.

Mr. Pranis said he would rather see parking created off the Boulevard in a non-residential area that is kept nice and beautified and does not impact the residents of the City. Whether this becomes a public/private partnership with a long-term concession, or a lease agreement, are things that also need to be looked at and considered.

Mr. Kincaid said the Board could craft a loose recommendation to encourage the Commission to continue to look for opportunities for parking while avoiding greenspace, residential areas, and all the different caveats that have been identified, and send this forward without actually ranking the eight recommendations for additional parking.

[Recording Secretary's Note: Mr. Einheuser departed from the meeting at 6:16 p.m. due to a previous engagement.]

Mr. Pranis said there needs to be revenue to pay for the initial cost of putting in however many more parking spaces are added and to maintain this infrastructure. He does not know how the City Commission or residents feel about parking meters, or a pay-by-application license plate program, but this is 2021, and if more people will be coming to the community, clogging up the Boulevard and creating more traffic, is it the City's responsibility to fund and maintain additional parking? The parking lot at Pier Park is in poor shape, but if the County decided to collect revenue by charging for parking, it could be made into a nice facility. Since the County has not, to date,

decided to charge for parking at Pier Park, the parking lot is a little rough. However, going forward, this is something that needs to be discussed, if more parking spaces are to be put in and maintained.

Mr. Kincaid said pay-for-parking options could be included in the Board's motion to the Commission.

Ms. Longstreet said this Board and the Commission have already discussed and gone through the pay-for-parking issue. It was standing room only at Commission meetings with the majority of residents there against it.

Mr. Pranis said with the technology of today, you can have a phone application that can designate by license plate that you are a resident and therefore you do not have to pay to park.

Mr. Kincaid said he thinks at some point, it is going to be inevitable that people will have to pay to park. In the rest of the world, when you go to the beach or anywhere else, you pay to park. Right now, it is a gift to be able to come to St. Augustine Beach and not have to pay for parking. He is not sure he wants to recommend this be changed tomorrow, but he would recommend that this not be taken off the table and that the Commission continue to look at pay-for-parking options. However, while the Board can certainly consider how additional parking or its maintenance is funded, the Commissioners, as the elected officials, should be deciding this.

Mr. Sarris said he does not think the people who elected the Commissioners are going to be too excited about paying for something that they are not going to benefit from. It needs to be defined as to who will be paying for these improvements, the taxpayers residing within the City of St. Augustine Beach, St. Johns County, or both.

Mr. Kincaid said he thinks how additional parking and its maintenance are funded should be suggested, as there are all types of options, such as available grants, and all kinds of other funding that may be available, but he does not think this is within the Board's purview, as the Board does not even have access to the information that would tell them where all the money for additional parking and its maintenance could come from. For that reason, he does not know that the Board should even try to identify funding for these things.

Mr. King said he would like to see improvements made to parking areas that are not paved but are currently being used for parking, such as the one in front of Jack's Bar-Be-Que at A Street and A1A Beach Boulevard. As for adding new parking, he would like to know who will use it and benefit from it, as personally, he does not think they need to add any more congestion to already congested areas nor do they need to add parking for people who live out of the district. It is not worth the cost and upkeep and would be sort of a waste and a fool's errand, in his opinion.

Mr. Sarris said to try to quantify another 200 or so parking spaces, which are only a drop in the bucket, would be an endless moving target, as the City is never going to meet parking demands or needs, or ever really be able to define them. At the Board's last meeting, there were a lot of people opposed to plans for additional parking. He still questions whether this is something the Board should be spending its time on, because all they are going to do is listen to an endless number of residents saying why this should not be done. This is a slippery slope and he thinks the Board should spend its energy doing things a little more in line with what they need to be doing. Also, adding more parking does not really benefit the residents of St. Augustine Beach.

Mr. Pranis said it does not benefit the businesses of St. Augustine Beach either, as there are no studies saying creating more parking is going to generate more revenue for local businesses.

Ms. Odom said she thinks this was the voice of the residents at the last City Commission meeting, as their main concern was safety. Adding parking in all these different places will result in more visitors overflowing into residential areas where children may no longer be safe crossing the streets, and it may cause other public safety

issues. She thinks what the Board is trying to do right now is give the Commission their personal and professional suggestions, as residents of the City, and she does not think they need to go on and on with this.

Mr. Pranis said their positions as Board members is to protect the integrity of the City.

Mr. Kincaid said this is a planning board, and infrastructure is an important part of planning. The Board can decide to stop all infrastructure and not do any more improvements, because this way, nobody else will come here. However, he does not think they are going to slow down the tide of people coming to the beach, so at some point, there has to be a plan for improvements. He is not comfortable suggesting any one of the proposed parking projects gets done, today, tomorrow, or any time soon, as he does not think the problem has been quantified or enough study into different solutions has been done. However, to not take a position at all shows the Commission the Board is not interested in future planning and infrastructure. He thinks the Board should send a message back to the Commission that they have discussed this, and craft a motion with recommendations.

Mr. Pranis said two meetings ago he said that the City's Vision Plan needs to be updated, as that Vision Plan is going to parley into a topic like this.

Ms. Longstreet said when she was on the City's Beautification Advisory Committee, there were plans drawn up for improvements to the A Street and A1A Beach Boulevard parking lot and plaza in front of Jack's Bar-Be-Que. At that time, funding was not available for the project, so it was tabled, but the City should still have the plans for it.

Ms. Odom said she would like to see further discussion with the County about the proposed parallel parking along Pope Road, and improvements done to the parking lot and plaza in front of Jack's Bar-Be-Que.

Mr. Law said he would definitely recommend the plaza in front of the Best Western on the west side of the Boulevard and 8th Street, which is a gorgeous green space, be stricken from the list of potential parking locations.

Mr. Kincaid suggested taking all of the plazas that have already been improved, along with any other improved areas, off the list of potential locations for additional public parking. There are many plazas that are gravel and on corners of streets that he would not have a problem putting public parking on, but any plazas or areas that have already been improved should be taken off the list, including the plaza in front of the Best Western.

Mr. Taylor asked if the Board wants to include any recommendations to the Commission about pay-for-parking options.

Mr. Kincaid said he does not think the Board should get into how something is funded. Making recommendations to the Commission as to what should be done with space on City-owned plazas and lots relates to infrastructure, but he is uncomfortable when the Board starts telling the Commission how to figure out funding. He also does not want the Board to ever be in a position where the Board makes a recommendation to the Commission, and the Commission sends it back to ask how it is going to be paid for. As a citizen, he would support a pay-for-parking system for non-residents, to increase City revenue, but as a Board, he is not sure it is the Board's place to do so.

Mr. King said he does not think parking is that big of a problem, at least not for residents.

Motion: to recommend the City Commission continue to explore opportunities for increased and improved parking in a way that will not adversely affect, alter, or impact any improved or currently green-scaped plazas or residential areas; encourage the City's continued involvement and efforts with St. Johns County to develop parking opportunities on the north side of Pope Road; and prioritize improved public parking on the City plaza on the

northwest corner of A Street and A1A Beach Boulevard in front of Jack's Bar-Be-Que. **Moved** by Mr. Kincaid, **seconded** by Ms. Odom, **passed 6-0** by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Ms. Odom said at the last City Commission meeting, Public Works Director Bill Tredik did a fabulous job describing the inception and future plans for Ocean Hammock Park. He explained how it started as the Maratea project and evolved from there to what it is today, and what the City has to do to keep the grant it received to help fund future improvements to the park. He gave a lot of good information, so if the Board has a slow agenda in the future, maybe he could give that presentation at a future meeting, if the other Board members would like to see it.

Mr. Law said he could ask Mr. Tredik, and also ask him if he still has the Power-Point presentation on Ocean Hammock Park, which could be emailed to all the Board members at their City email accounts. It was a very thorough presentation, and Mr. Tredik and the people who helped put it together did a great job.

Ms. Odom said also, regarding garbage and trash fees, the City Commission made the decision that the City will take over picking up recycling materials. She asked when this will become effective.

Mr. Taylor said the City is currently under contract with an outside company that picks up recyclable materials. While the City has been told previously that it can probably get out of this contract if it wants to, that discussion has not actually occurred yet, so nobody has the hard-and-fast information as to how quickly the City could get out of its current recycling contract, and what it might cost to do so. The City is very well aware that there have been some recent issues with the current recycling company not picking up recycling on scheduled days.

Mr. Law said the City is exploring its options to break its contract under non-performance of services, or something equivalent to that, as the company the City is currently under contract with to pick up recycling is struggling with staffing issues. The City Commission recently increased garbage fees, which will cover the cost of the City's Public Works Department taking over the recycling program. He advised anyone who has further questions about this to call the City's Finance Director or Public Works Director for further information and updates.

Ms. Odom said the City does an excellent job, as residents get their garbage, recycling, lawn debris, household waste, and large appliances picked up, whereas County residents do not get all that. She thinks the recycling program should go under the City's Public Works Department's umbrella, because it will then be done properly.

IX. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

Kevin Kincaid, Chairperson

Lacey Pierotti, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122.)

COMMISSION REPORT

September 2021

TO: MAYOR/COMMISSIONERS

FROM: DANIEL P. CARSWELL, CHIEF OF POLICE

DEPARTMENT STATISTICS August 25th, 2021 – September 20th, 2021

CALLS FOR SERVICE - 1316

OFFENSE REPORTS - 41

CITATIONS ISSUED - 70

LOCAL ORDINANCE CITATIONS - 32

DUI - 0

TRAFFIC WARNINGS - 173

TRESSPASS WARNINGS - 12

ANIMAL COMPLAINTS - 22

ARRESTS - 5

- **ANIMAL CONTROL:**

- St. Johns County Animal Control handled 22 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES –

September 8th: Lawn Mowing

September 2nd: Blood Drive

September 14th: Blood Drive

MEMORANDUM

Date: October 4, 2021
To: Max Royle, City Manager
From: Bill Tredik, P.E., Public Works Director
Subject: September 2021 - Public Works Monthly Report

Funding Opportunities

Public Works is managing the following active grants:

- **Mizell Pond Weir and Stormwater Pump Station - Construction**
Districtwide Cost Share – St. Johns River Water Management District
Grant amount \$632,070; FEMA HMGP money as match
Status – Construction is underway and will be complete in July 2022.
- **Mizell Pond Weir and Stormwater Pump Station - Construction**
HMGP grant – FEMA/FDEM
Grant amount \$2.58 Million; SJRWMD Districtwide Cost Share as match
Status – Construction is underway and will be complete in July 2022.
- **Ocean Hammock Park Phase 2 - Construction**
Florida Recreation Development Assistance Program
Grant amount - \$106,500; \$35,500 match required
Status – The Grant Agreement has been executed. SJRWMD permit received
Bidding underway.
- **Ocean Hammock Park Phase 3 - Design & Permitting**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$25,000; \$25,000 match required
Status – The Grant Agreement has been executed. Design 60% complete.
- **Ocean Walk Drainage Improvements**
Legislative Appropriation Request
Appropriation Request Amount - \$694,000
Status – Project approved. Grant agreement with FDEP executed.
- **C.R. A1A / Salt Run Storm Surge Design and Permitting**
HMGP grant - FEMA/FDEM
Grant Amount \$52,500; Match Amount \$17,500
Status – Phase 1 Design Approved

Additionally, Public Works has applied for the following grants:

- **Ocean Hammock Park Phase 3 – Construction**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$60,000; \$60,000 match required
Status – Approved by FDEP. Contract execution after completion of design and permitting.
- **City of St. Augustine Beach Adaptation/Resilience Plan**
Resilient Florida Grant Program - FDEP
Grant amount requested \$150,000; no match required
Status – Proposal submitted to FDEP; awaiting FDEP RAI

Maintenance Activities

Rights-of-way and Parkettes – Public Works continues to provide essential maintenance services on rights-of-way and parkettes. Restrooms on 10th St. and A St. are open all day and are regularly cleaned and disinfected.

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.

Lakeside Park – The steel sculpture of a phoenix "sonorous" has been temporarily removed for reconditioning. It will be restored to its place in the park upon completion of reconditioning. Dock will be re-decked in FY22.

Sanitation

Recycling – Letter of commitment has been sent to the truck vendor. City staff is working on an education program to prepare for taking over service by January 1, 2022. Public works is interviewing to fill proposed positions in FY 22 budget. Matrix Message Board is deployed at City Hall to provide information on the recycling suspension. The City is working with the City of St. Augustine to secure a drop off dumpster for recycling during the suspension.

Drainage Improvements

Mizell Pond Outfall Improvements (HMGP Project No. 4283-88-R) [CONSTRUCTION] – The project includes repairing and improving the damaged weir, replacing stormwater pumps and improving the downstream conveyance. FEMA will reimburse of 75% of the total construction cost, with \$632,070 to be paid by the St. Johns River Water Management District (SJRWMD) FY2021 districtwide cost-share program. Items completed in September 2021 include:

- Dewatering and construction of coffer dam for weir replacement
- Excavation and installation of forms for new weir foundation

Construction remains on schedule and is anticipated to be complete in July 2022.

Ocean Walk Drainage Improvements [PRELIMINARY DESIGN] –

Public Works has installed a pump-out structure at Mickler Boulevard as well as a backflow prevention device to prevent water in the Mickler Boulevard drainage system from backing up into the Ocean Walk neighborhood. Preliminary design is underway by Matthews Design Group. Items complete to date include:

- Survey and Data Collection
- Preliminary analysis

Completion of preliminary design is anticipated in October 2021. Staff submitted to FDEP documents for a revenue agreement for the final design and construction of the project. Design and permitting and commencement of construction are anticipated in FY 2022.

Oceanside Circle Drainage [DESIGN/PERMITTING] – A public meeting will be held in November 2021 after which submittal to SJRWMD will be made. Roadway paving and drainage improvements are scheduled to commence construction in the second quarter of FY 2022. Public Works has installed a temporary pump out structure and stands ready to mobilize pumps to provide flood protection until the ultimate drainage design is complete.

11th Street Pipe Repair [DESIGN/PERMITTING] – Design and permitting is underway. A preapplication meeting was held with SJRWMD. Some additional environmental fieldwork is underway to determine options regarding the small dry retention area and the ditch between 10th Street and 11th Street. An update on the design will be provided in November, followed by SJRWMD permit submittal. Construction is anticipated to commence in the 2nd quarter of FY 2022.

Master Drainage Study Update (RFQ) – Public Works is preparing a request for Qualifications for an engineering consultant for the Master Drainage Study Update. The RFQ will be advertised in the beginning of October 2021.

Parks and Recreation Improvements

Ocean Hammock Park Phase 2 [BIDDING] –Public Works has received a SJRWMD permit for Phase 2 improvements to Ocean Hammock Park. The Phase 2 improvements include handicap accessible restrooms (including a sanitary lift station and force main), 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, and a nature trail with interpretative signage. Construction is funded by park impact fees and a \$106,500 grant

from the Florida Recreation Development Assistance Program (FRDAP). Project is in the bidding phase.

Ocean Hammock Park Phase 3 [DESIGN/PERMITTING] – Design is approximately 60% complete. Phase 3 includes 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 an accessible connection to the parking lot and the beach walkway. Design is funded by a park impact fees and a \$25,000 grant from the Coastal Partnership Initiative. Construction of portions of Phase 3 is anticipated in Early FY2022. Items completed to date include:

- Environmental Resource Permit application

Lakeside Park Dock Repair [DESIGN] – Public Works is currently planning to make necessary repairs utilizing City staff in the upcoming winter.

Streets / Rights of Way

2nd Street Improvements and Extension [DESIGN] – Design is underway and a preapplication meeting has been held with SJRWMD. SJRWMD application is pending and a public meeting is planned for October 4, 2021 to present the proposed plans. Advertisement for bids will occur Fall 2021 with construction planned to commence in early 2022.

Street Lighting

FPL is currently designing the Phase 1 LED conversion (arterial and collector roadways). Construction is anticipated to commence in Fall 2021.

PENDING ACTIVITIES AND PROJECTS

Revised September 27, 2021

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 had been elected Sheriff of St. Johns County, the Commission did not do his review as he had left his position as Police Chief. At their December 7, 2020, meeting, the Commission by consensus decided that each Commissioner would meet with the City Manager to discuss his evaluation.
2. **LAND DEVELOPMENT REGULATIONS CHANGES.** The change now being considered is to allow the Planning Board to approve certain conditional use permits. The ordinance was passed on first reading at the Commission's August 11th meeting. The Planning Board reviewed it on August 17th and recommended that it be approved. The ordinance had its first public hearing and second reading at the Commission's September 13th meeting. It is now scheduled for its second public hearing and final reading at the Commission's October 4th 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 topic was on the agenda for the Commission's February 1st meeting, but because of time, the Commission scheduled discussion of it to the continuation meeting on February 8th. At that meeting, the Commission provided some suggestions for changes and Commissioner George will work with the City Manager on changes to the wording for the plan's Vision Statement.

At its April 5th meeting, the Commission reviewed the City administration's recommendation concerning the implementation of the plan's first goal, Transparent Communication with Residents and Property Owners, and discussed how to better communicate with residents and businesses, such as a text message system. One improvement will be having money in the Fiscal Year 2022 budget to purchase an electronic sign to replace the old-fashioned meeting announcement sign that is adjacent to SR-A1A on the west side of city hall. However, because of budget constraints, the electronic sign was deleted from the Fiscal Year 2022 budget.

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. Proposed locations for parking improvements were provided to the Commission at its May 3, 2021, meeting. However, because that meeting ran late, the topic was postponed for discussion

at the Commission's May 24th continuation meeting. As that meeting, the Commission by consensus asked that City staff present a list of parking projects to the Planning Board for it to prioritize. The Board discussed this request at its June 15th meeting and decided that each Board member will provide their list of parking projects. As only the Chairman submitted a list and as there were only four Board members present for the Board's July 20th meeting, the topic of parking improvements was tabled to the Board's August 17th meeting. It recommended the following: a. that the Commission continue to explore opportunities for increased and improve parking; b. that the City not use any currently landscape plazas for parking; c. that the City work with the County to develop a parking area along the north side of Pope Road; and that the City make a priority improving the parkette on the west side of A1A Beach Boulevard between A and 1st Streets. The Commission discussed these recommendations at its September 13th meeting and decided that the parkettes to be improved in Fiscal Year 2022 will be the ones along the west side of A1A Beach Boulevard between A and 1st Streets.

5. JOINT MEETINGS:

- a. With the County Commission. No date has yet been proposed by either Commission for a joint meeting.
- b. With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC). The Commission held the workshop with these two boards on May 18th. Matters discussed included Ordinance 21-04, to change the building setbacks for small-platted lots and to abolish the overlay district; and communications/relations between the Commission and the two boards. Two outcomes of the discussion were the possibility of giving the Planning Board the authority to approve certain conditional use permits, and that SEPAC should submit its proposed Land Development Regulation changes to the Planning Board, which will then decide whether to recommend the changes to the Commission. To date, SEPAC hasn't submitted any proposed changes to the Planning Board.

6. UPDATING PERSONNEL MANUAL. During 2021, the City Commission amended the Manual several times. The Commission adopted the latest changes at its June 7, 2021, meeting: to make minor changes regarding shift work for the Police Department; to make minor modifications to the Standards of Conduct and Discipline; to delete the regulation concerning employees making long-distance telephone calls on a City phone; to delete sick leave incentive pay and add an employee's birthday as a personal holiday; and to change the criteria of employees who can denote their sick leave to another employee and who can be a recipient of the donation.

The entire Manual will be redrafted to correct spelling and remove redundant and/or obsolete provisions.

7. LED STREETLIGHTS. FPL has put eight new lights along State Road A1A. For 10 new lights along A1A Beach Boulevard, an agreement has been signed with FPL. Also, the Public Works Director presented a plan to the City Commission at its May 3rd meeting for FPL to convert to LED streetlights the lights on arterial and collector roads in the City. However, because that meeting ran late, approval of the plan was postponed to the May 24th continuation meeting. Also, at the meeting, the Commission authorized replacing the existing high pressure sodium streetlights along the Boulevard with LED lights but with lower illumination power. The City has signed a contract with FPL. New lights will be installed before the end of the year.

8. GRANTS. The Public Works Director has prepared 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 the contract with the Florida Department of Environmental Protection has been signed. The restrooms have been designed by a local architect and the Public Works Department has done the site design. The St. Johns River Water Management District has approved the permit. The Commission will be asked at its November 1st meeting to award the bid to construct the restrooms.
 - 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, and the grant agreement has been executed. Contract with a parks design firm has been signed. The survey has been completed, plans are 60% complete and the City will submit by the end of September an application for a permit to the St. Johns River Water Management District.
- 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 state has approved the grant. The grant agreement will be executed upon completion of design and permitting.
- c. The City is applying for an adaption/resilience plan grant to further develop projects that were recommended in the vulnerability study done earlier in 2021, such protecting the east end of Pope Road and the pier park from storm surge. Grant may provide \$150,000. It doesn't require a match from the City.
 - 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 was \$600,000. The District appropriated the money in its Fiscal Year 2021 budget and the contract has been executed. The City advertised for bids and the bid was awarded scheduled to Sawcross, Inc., which has started construction. Project is 20% complete.
9. 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.
10. 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. In early December, the charging station was constructed. The company has provided a proposed contract, which the City Attorney has reviewed and approved. The City Manager signed the contract on August 25th and it was sent to the company for signing.

11. 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 16th 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 had the Mickler and 11th Street ditches clear of debris, so as to improve the flow of water, and proposed that the subdivision be surveyed and the City's civil engineering consultant, CMT, review the project. At the Commission's September 14, 2020, 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 5th 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 could 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, 2020. A committee of City employees reviewed the three proposals that were submitted and recommended the City be authorized to negotiate with the Masters Design Group of St. Augustine. The Commission approved the authorization at its January 4, 2021, meeting. At its March 1st meeting, the Commission approved the contract with Matthews. In March, the City was notified that its request to the Florida Legislature to appropriate \$694,000 for Ocean Walk drainage improvements was approved and in late May the City was notified that the appropriation had survived the Governor's veto. The grant agreement has been executed. A contract will be negotiated with Matthews for the design and permitting of the project.
- b. Oceanside Drive. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. A survey has been done to determine the road's right-of-way and the design of a new road is underway by the City's civil engineering consultant. The Commission will review a proposed plan for improvements at its November 1st meeting.
- 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 6th Street east of the Boulevard has complained about flooding on adjacent streets. The Public Works Director is investigating the causes.
- e. A Street east of the Boulevard. Vice Mayor Samora spoke of this ongoing problem at the Commission's February 8th meeting. On February 26, 2021, Commissioner Samora, the Public Works Director, the City Manager, the County's Interim Public Works Director and interested citizens met on A Street at the location of the flooding problem. The Vice Mayor met with County and City staff

members at A Street on July 9, 2021, to review the plan for improvements. An underground drain will be constructed along the north side of A Street along with a sidewalk. The project will be done in the fall, after the summer tourist season.

- f. Pipes under Pope Road and A1A Beach Boulevard. Application for 550,000, 75% of which will come from the Hazard Mitigation Grant Program.

12. **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 5th meeting. The Commission decided not to levy the fee at that time. On June 17, 2021, the Commission had a workshop meeting and reviewed the Public Works Director's list of drainage needs and projects, the proposal to have a stormwater fee that each property owner would pay and the need to hire a consultant with expertise in developing a stormwater fee. The staff will ask the Commission to resume discussion of a proposed fee at its October 4th meeting.
13. **SOLID WASTE COLLECTION AND RECYCLING.** The current contract for a private company to pick up recyclables in the City expires in May 2022. At its May 3, 2021, meeting, the City Commission decided to hold a workshop meeting on Monday, May 24th, to discuss recycling. That outcome of the workshop was direction to the staff for the City to seek Requests for Proposals from solid waste companies and for the City staff to develop a proposal for the City to provide recycling pickup service with its own crews and trucks. Also, on June 17, 2021, the Commission held a workshop meeting to increase the non-ad valorem assessment that residential property owners pay for the solid waste service. The Commission decided to put a fee of \$211 per household in the Fiscal Year 2022 budget, but at its August 13th meeting raised the fee to \$315. The new fee was sent to the Tax Collector. The fee will be each property owner's tax bill. Also, the Commission increased the City's monthly fees to collect solid waste from businesses: \$6.25 for a 64-gallon cart and \$9.30 for a 96-gallon cart.

Concerning recycling: The City will cancel the contract with the private company that has been providing the service and City crews will pick up the recyclables in the future when it has a vehicle and the manpower to do the work. At its October 4th meeting, the Commission made the following decisions: to suspend the recycling program on October 4, 2021; to have Mayor England send a letter to a garage truck supplier, to reserve a truck that the City will purchase and use for recycling pickup. At this time, when recycling will resume hasn't been decided.

14. **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. At the Commission's May 3, 2021, meeting, Commissioner George reported she is having ongoing discussion with the St. Johns County Cultural Council and that she will bring proposals and timelines to the Commission in June.

15. 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.
16. QUARTERLY REPORTS ON PROGRESS OF PROJECTS. At its September 22nd 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 Finance Director prepared a spreadsheet, and the first quarter's report was provided to the Commission in January 2021. The report for the second quarter (January through March) was forwarded to the City Commission in April. The final report will be provided in August.
17. REPAIR OF POPE ROAD. At the City Commission's February 1st meeting, a resident complained about the poor condition of Pope Road. As the street is owned by the County, the City Manager sent a request to the County Administrator, Hunter Conrad, that the road be put on a schedule for repair. In a February 5th email, Mr. Hunter replied that he had forwarded the City's request to the County's Interim Public Works Director, Mr. Greg Caldwell. The City Manager also requested that the County work with the Florida Department of Transportation on improvements to the intersection of State Road A1A and 16th Street, as 16th Street is owned by the County. Mr. Caldwell replied that the repair of Pope Road is on the County's list of projects to do.
18. NEW YEAR'S EVE FIREWORKS SHOW. Because of the pandemic, the show for December 31, 2020, was cancelled. At its February 1st meeting, the Commission discussed whether to have it on December 31, 2021. The consensus was for the City staff to work on plans for a smaller, scaled down event. At its April 5th meeting, the Commission approved the proposal of Ms. Conlon, the Events Coordinator, to have a New Year's Eve event that will benefit local businesses. Ms. Conlon provided an update report to the City Commission at its August 11, 2021, regular meeting. The next update report will be provided at the Commission's November 1st meeting. The contract with the fireworks company will be signed in October, after the start of the next fiscal year.
19. PROPOSAL TO DEED THREE LOTS FOR CONSERVATION. The lots are located along the north side of the unbuilt part of 2nd Street, west of 2nd Avenue. The two owners want to deed the lots for conservation. In February, the Board of Putnam Land Conservancy informed the City Manager that it has agreed to the owners' proposal to establish a conservation easement on the lots. In early August, one of the owners informed the City Manager that a conservation easement agreement with the Trust had been prepared. However, as of the end of August, the Manager hadn't received the agreement. Any final agreement to do so will require review by the City Attorney and approval by the City Commission.
20. INTERGOVERNMENTAL PROJECTS. When the Commission discussed the strategic plan at its February 1st meeting, more involvement with the County and St. Augustine was mentioned as desirable. Below is a summary of the City's current involvement with various area governmental entities.
 - a. Mobility: In March, the Public Works Director contacted St. Augustine for information about its mobility projects. The response was an executive summary of St. Augustine's mobility initiatives. It

was forwarded to our City Commission. Our City's staff met with St. Augustine's to discuss our City supporting the following: St. Augustine's request to use our city hall parking lot as a park-and-ride location for events happening in downtown St. Augustine; and the River-to-Sea Loop bike/pedestrian trail that will go through the State Park and connect both cities. Also, St. Augustine's staff wants to discuss a potential bike-share program and possibly locate a hub in our City. St. Augustine's Public Works Director, Reuben Franklin, presented his city's mobility plan at the SAB City Commission meeting on August 11th.

- b. River-to-Sea Loop: This is a Florida Department of Transportation, St. Johns County, St. Augustine, and St. Augustine Beach project to construct 26 miles of a paved bike/pedestrian trail as part of the 260-mile trail from the St. Johns River in Putnam County to the ocean in St. Johns County. The Loop will then go south through Flagler and Volusia counties to Brevard County. This is a long-term, multi-year project. At this time, the Loop will enter St. Augustine along King Street, go across the Bridge of Lions, south along State Road A1A to the State Park, through the Park and into our City, then along A1A Beach Boulevard to State Road A1A. Though possibly not feasible in all locations, the goal is to have a wide, bike/pedestrian trail separate from the adjacent road.
 - c. Transportation Development Plan: The development of the plan involves several agencies, such as the County, St. Augustine, our City, the North Florida Transportation Organization, and the Sunshine Bus System. On February 25th, the City Manager attended by telephone a stakeholders' meeting for an update on the development of the plan's vision, mission goals and objectives. Most of the presentation was data, such as population density, percentage of residents without vehicles, senior citizens and low income and minority residents in the County and the areas served by the Sunshine Bus. The next stakeholders' meeting has yet to be announced. The agenda will include transit strategies and alternatives and a 10-year implementation plan.
 - d. North Anastasia Island Nature Trail. The City Manager proposes this as an intergovernmental project that would include the County, St. Augustine, and St. Augustine Beach. It would be an off-shoot of the River-to-Sea Loop and could include the State Park, the City's Ocean Hammock and Hammock Dunes parks, St. Augustine's Fish Island Park, and the City's Mizell Road retention pond and the 10-acre conservation area west of the pond that the City owns. Combined with the River-to-Sea Loop, this Nature Trail would make accessible to the public natural areas of Anastasia Island and provide a combined bicycling/walking trail for exercise and recreation.
 - e. Pedestrian Crosswalk Safety Signals. The County's study of the A1A Beach Boulevard crosswalks has been completed. City Commissioner Rumrell and County and City staff met to review it on July 9th. The study shows that over all the current crosswalk system is working well and only needs some minor changes. The consultant will fine tune the report and most likely will have the final draft done by the end of August 2021. It may be presented to the Commission at its November 1st meeting.
21. AMERICAN RESCUE PLAN ACT. This was passed by Congress and approved by President Biden in February and March 2021. It will provide money to states, cities and counties to help them recover from the pandemic's effects. Our City is eligible to receive \$3.5 million. However, the money can be spent only for allowable projects and will be provided to small Florida cities through the state of Florida. On May 10th, the U.S. Treasury Department issued guidelines. Drainage projects appear to be eligible for money from

the Plan. The City staff will prepare a list of projects for the Commission's review. Money from the Act has to be spent or committed to specific projects by December 31, 2024, and spent by December 2026. As of the end of August, the agreement with the State has been signed by the Mayor. The City may receive the first of two payments of ARPA money in September. In the meantime, City staff is checking with a variety of sources as to what are the allowable uses of ARPA funds. That information will be provided to the Commission for its October 4th meeting.

22. UNDERGROUNDING OF UTILITIES. At its May 3, 2021, meeting, Commission George ask for Commission support to have Florida Power and Light come to a meeting to discuss the undergrounding project. The City Manager contacted Florida Power and Light, which owns the electric lines, about meeting to discuss the preparation of a presentation concerning costs and scope of work. City staff met with FPL staff on May 25th to discuss the preliminary steps, one of the first of which will be to provide FPL a list of the areas where the City proposes the lines be put underground. The City staff will prepare the list and the company will then provide a preliminary estimate of the costs to do the project. This information will be presented to the Commission for direction concerning the next step.