



## MINUTES

REGULAR CITY COMMISSION MEETING  
MONDAY, FEBRUARY 7, 2022, AT 6:00 P.M.

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

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I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor Samora asked Chief Carswell to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor Donald Samora, Vice Mayor Dylan Rumrell, Commissioner Margaret England, and Commissioner Undine C. George.

Also, present were City Manager Max Royle, City Attorney Lex Taylor, Police Chief Daniel Carswell, Police Commander T.G. Harrell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Building Official Brian Law, and Public Works Director Bill Tredik.

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON JANUARY 3, 2022

Mayor Samora asked if there was any discussion regarding the minutes. Commissioner George noted one typographical error, the use of "legibility" instead of "eligibility". Mayor Samora asked for a motion.

**Motion:** to approve the minutes of the regular Commission meeting of January 3, 2022, with correction of typographical error. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor Samora moved on to Item V. and asked if there were any additions or deletions to the agenda.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised that there is one addition to the agenda, to add the discussion of the selection of an Interim Commissioner.

Mayor Samora advised to put the Commissioner vacancy discussion under New Business.

Commissioner George recommended to delete Item 5. She advised that she spoke with Ms. Palmquist, who submitted her resignation. She commended Ms. Palmquist for her many years of contributions and service to the City. She said that she was a principal in implementing the Community Garden, the Art Cans project, acquiring the Thomas Glover sculptures, etc.

**Motion:** To add discussion of the Commission vacancy as the first item under New Business and to delete item 5. **Moved by** Mayor Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item VI.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

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

VII. PRESENTATIONS

- A. Interview of Mr. Gary W. Smith for Position of Junior Alternate on the Comprehensive Planning and Zoning Board (Presenter: Max Royle, City Manager)

Mr. Gary W. Smith, 32 Ocean Court, St. Augustine Beach, FL, introduced himself, provided his background information, and discussed the reason he would like to volunteer for the Comprehensive Planning and Zoning Board.

Mayor Samora thanked Mr. Smith for volunteering his time and asked for any Commissioner questions.

Commissioner England noted that she and Mr. Smith had a lot in common and asked if his work on prior boards is what interested him to volunteer.

Mr. Smith said that he wants to make sure that the residents are following the setbacks and rules. He feels like he could do a good job and wants to help preserve the quality of life here.

Commissioner George thanked Mr. Smith for applying and reminded him of the Sunshine Law and to take advantage of the resources available. She encouraged him to reach out to any of the Commissioners, the City Attorney, and the City Manager.

Vice Mayor Rumrell thanked Mr. Smith for applying and for his dedication to make a difference.

**Motion:** To appoint Mr. Gary W. Smith as Junior Alternate on the Comprehensive Planning and Zoning Board. **Moved by** Commissioner George. **Seconded by:** Vice Mayor Rumrell. **Motion passed unanimously.**

Mayor Samora moved on to Item VIII and asked to hold comments on the Commissioner vacancy topic until that discussion.

VIII. PUBLIC COMMENTS

Bob Samuels, 110 Mickler Boulevard, St. Augustine Beach, FL, spoke about glass recycling and provided information to the Commission (Exhibit A). He suggested the City purchase a glass crusher to use the crushed glass in place of gravel throughout the City.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agrees with Mr. Samuels; commended the police, the City Attorney, and City staff in response to the Commissioner's resignation; he kvelled with pride; suggested whistleblower protection for City staff; national park and seashore sustainability and history.

Michel Pawlowski, 109 Kings Quarry Lane, St. Augustine Beach, FL, thanked the Commissioners for their service; said that the Police Department does not get enough recognition and they deserve bonuses and a raise.

Commissioner George advised that glass crushing was brought up by Vice Mayor Rumrell and Public Works Director Tredik. She asked if there would be a progress report at the next meeting.

Public Works Director Tredik advised that there is no update yet. He spoke with Todd Grant, Utilities Department Director for the City of St. Augustine, on possibly partnering on a glass recycling program. He said that there are challenges with a separate pickup of glass by the City, but there may be a drop off alternative.

Commissioner England asked if the Sustainability and Environmental Planning Advisory Committee (SEPAC) would be willing to do the research. She asked City Manager Royle to contact them and ask for a report back in thirty days. She agreed with some of the ideas.

Commissioner George agreed that there was enough interest by the citizens for a drop off location to work.

Commissioner England advised to reach out to other cities and to do networking.

Mayor Samora said it has been the number one comment about recycling.

Vice Mayor Rumrell advised that the City of Flagler Beach has purchased a machine for \$300,000-\$350,000.

Public Works Director Tredik advised that he would reach out to them.

Mayor Samora asked City Manager Royle to follow up with SEPAC and report back.

Mayor Samora moved on to Item IX and asked Vice Mayor Rumrell for his comments.

#### **IX. COMMISSIONER COMMENTS**

Vice Mayor Rumrell advised that he attended the approval of the Black History Month proclamation and that it was a great opportunity for the City, the City of St. Augustine, and St. Johns County to come together.

Commissioner England asked to discuss architectural design and said that she would like to start this year. She asked if the Commission could direct the Building Department to start reviewing. She said that it would not be something restrictive, but to get a good index of the corridor. She said it would give examples of things we do not want, like big boxes.

Building Official Law advised that it would fall under the Planning & Zoning Division, not the Building Department.

It was the consensus of the Commission to have the Planning & Zoning Division start working on it.

Commissioner George said that it has been a very busy month and she welcomed City Clerk Fitzgerald. She thanked Public Works, the Police Department, and City staff for organizing the Ron Parker memorial. She thanked the Police Department for doing the right thing and said that the Commission has their back.

Mayor Samora congratulated City Clerk Fitzgerald and thanked the Police Department. He advised that he attended a Tourist Development Council (TDC) meeting, and they approved several sports tourism grants to attract activity to the County; bed taxes are through the roof, up 90%; discussed the St. Augustine Beach Hotel being added to the National Register of Historic Places and noted that significant grants have been applied for. He asked if there was a workshop planned.

City Manager Royle said that he spoke with Christina Parrish-Stone, Executive Director of the St. Johns Cultural Council, and she suggested Wednesday, March 23, 2022, at 5:00 p.m. for a workshop regarding the historic hotel updates and grants and said that it could be a public event.

It was the consensus of the Commission to have the workshop meeting on Wednesday, March 23, 2022, at 5:00 p.m.

Mayor Samora moved on to Item X and asked Building Official Law for his report.

X. PUBLIC HEARINGS

1. Ordinance 22-01, Public Hearing, Final Public Hearing: to Adopt the School Board's Five-Year District Facilities Plan by Reference (Presenter: Brian Law, Building Official)

Building Official Law introduced Ordinance 22-01, and said it is the final reading with no changes from the recommended approval 5-0.

Mayor Samora asked for any Public Comments.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, there is no environmental component, and it does not address economic disparity; has asked EPA Region 4 to make a referral for civil and criminal investigation for moldy wrestling mats; he has been working with Jean Griffin to try to get the school board to pay attention; asked to pause or reject this item.

Ron Anselmo, 12 Hawaiian Boulevard, St. Augustine, FL, complemented the handling of the situation; wants to know about the procedure for filling the Commission vacancy.

Commissioner George advised that as unfortunate as the school conditions may be that are allegedly being investigated, they do not necessarily relate to this ordinance.

Mayor Samora asked City Attorney Taylor to read the preamble.

City Attorney Taylor read the preamble.

**Motion:** to approve Ordinance 22-01. **Moved by** Commissioner George. **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XI.

XI. CONSENT

2. Code Enforcement Board: Re-Appointment of Regular Member Patrick Wilson to Three-Year Term

**Motion:** To re-appoint regular member Patrick Wilson to another three-year term on the Code Enforcement Board. **Moved by** Commissioner George. **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XII and asked City Attorney Taylor for his report.

XII. OLD BUSINESS

3. Policies to Provide Maternity / Paternity Leave for City Employees: Review of Proposed Resolution (Presenter: Lex Taylor, City Attorney)

City Attorney Taylor advised that he drafted a simple amendment to the Family and Medical Leave Act (FMLA). The resolution would grant six weeks of paid leave, with a back-stop of 640 hours. If an employee has more than 640 hours, they would need to deplete those hours first to get down to 640 hours and then whatever is left of the six weeks would be eligible for paid leave. He said it was easy to draft using the 640 hours to be able to talk about it, but it could be amended to another number. He said that his concern when drafting the amendment is that the FMLA allows for other situations than parental leave, like caretakers. He advised that

some employee situations may use the entire six weeks that are being provided and cause work scheduling problems. He said that he has concerns that some may try to use the six weeks every year and that maternity/paternity are life events that would probably not reoccur year-after-year. He suggested to move it out of the FMLA and to make it a provision for maternity/paternity leave. He said that there are safeguards built into the FMLA, such as doctors' notes, etc.

Mayor Samora asked if that was the main difference between the two resolutions drafted.

City Attorney Taylor advised that he only drafted one resolution and that he could easily make it just for maternity/paternity leave without any legal problems. He said that City staff should review policies again at a later date before any other major changes are made. He suggested to get this passed so that the current pregnant employees know the policy.

Commissioner England thanked City Attorney Taylor for his work. She said that the second resolution is more comprehensive and encompasses the entire leave section. She said that it has a cap on how many hours can be accumulated and paid out. She has concerns about someone being a caretaker and that the City would be able to ask for documentation and guidance.

City Attorney Taylor advised that he has concerns that someone may have a qualifying event for several years, such as an aging parent with Alzheimer's, and they would use the full six weeks every year. He said that six weeks is a guideline used for the birth of a child, but it is different for a possible ongoing event. He advised that FMLA can be spaced out and not used all at once. He said that he wanted to make sure that the Commission understands the choices.

Mayor Samora advised that it was brought to the Commission as a parental concern and then the discussion opened up to have broader paid coverage under FMLA. He asked for Commissioner discussion.

Commissioner England advised that because of the guidance that is available under the FMLA, that she would not want to limit it to parental leave when there are so many other worthy needs for caretaking. She said that she is not as concerned about abuse of the leave. She thanked City Attorney Taylor for bringing it to the Commission's attention.

City Attorney Taylor advised that he does not have any studies showing that this benefit has been a problem and showed a list of Serious Health Conditions (Exhibit B).

Mayor Samora said that the companies that have adopted it, have broken it out as family maternity/paternity leave.

Vice Mayor Rumrell would like to pass something tonight for those who need it. He agrees with putting the discussion of a cap on the hours for another meeting. He said that the FMLA has more "teeth" and guidelines. He has concerns for someone that may take their six weeks and then leave the City.

City attorney Taylor advised that there is a minimum requirement to bank into FMLA, such as being employed for 12 months, etc.

Commissioner England said that if you add a separate section for parental leave, then you have to add all your own restrictions, and that the FMLA could be incorporated by reference.

Commissioner George advised that City Attorney Taylor's additional language of the "minimum number of hours" and the "overage of hours" helps safeguard against abuse. She

agreed with passing something tonight for the immediate need and that she is willing to review a different hourly cap. She said that the clarification between the two drafts is that one has the full section and one is an excerpt.

City Attorney Taylor said that he sent both versions in case there was going to be a discussion of further changes. He said that the second draft is what is already in place and is for reference.

Mayor Samora asked City Attorney Taylor to walk through an example.

Commissioner George asked how many years of service before they would accumulate 640 hours.

City Attorney Taylor advised approximately seven years of employment before they could accumulate 640 hours.

City Attorney Taylor gave an example that if an employee has 680 hours, the City would not pay until they are below 640 hours. For this instance, the City would pay for five weeks, since one week (40 hours) would already be used from sick time, then FMLA allows them to use up to 12 weeks before using normal sick time again.

Commissioner England said that if an employee dips into some of their accumulated sick leave, that it is about how much they can be paid for and does not limit their eligibility and they can take the full 12 weeks. She said that an employee must use any excess sick leave first, then the City would pay up to six weeks.

Commissioner George advised that for this instance it would be five more weeks paid leave.

City Attorney Taylor said yes.

Mayor Samora asked what the cap is for accrued sick leave.

Finance Director Douylliez advised that the cap is 960 hours.

Mayor Samora said that if an employee had accrued 960 hours, then they would receive no benefit from this, and the entire six weeks would be used from their accrued sick time first.

City Attorney Taylor said yes, the way it is written now, but it can easily be changed.

Commissioner England advised that Page 17 shows a percentage on how employees would be paid out for their accumulated leave.

Mayor Samora said that an alternative change could be that the City pay for the first six weeks of the FMLA regardless of what is accrued.

City Attorney Taylor advised that it would be an easy change to make.

Vice Mayor Rumrell asked if it could be changed later after a floor and ceiling cap is decided.

City Attorney Taylor said yes.

Vice Mayor Rumrell said that he would like to pass something tonight and come back to the hours. He said that 640 hours is equal to 16 weeks, or 4 months, which is a long time.

Mayor Samora suggested to not discuss the math during this discussion and that the City's intent was to cover six weeks of leave.

City Attorney Taylor advised that it would be an easy change to make and could be passed tonight.

Commissioner England asked what is wrong if an employee has a lot of accumulated sick leave and needs FMLA, requiring use of excess accumulated sick leave first before the additional six weeks the City would cover. She said that it gets complicated to reduce the amount of paid sick leave by the amount an employee would take from the excess accumulated sick leave. She said that an employee could use all of their accumulated sick leave if they want.

City Attorney Taylor said yes, up to six weeks, and then a supervisor may want to let the employee go.

Commissioner England said that the point of accumulated sick leave is to use it for an emergency. The employee would use any excess over the 640-hour cap first, then use the six weeks that the City is giving under a qualifying FMLA event. She is proposing that employees use any excess accumulated sick leave first, then the City will give six weeks.

Commissioner George said that the whole purpose of this was to ensure those employees that did not have enough time banked could still take enough time to have a healthy pregnancy and other family members' health needs are addressed. She agreed with the 640-hour cap and to use any excess first.

Mayor Samora asked for Department Head comments.

Building Official Law advised that the Building Department is self-funded and reserve money would pay for it. He recommended a one year continued employment after returning to work which is similar to the college tuition reimbursement that is already in place.

City Attorney Taylor advised that it could cause a potential lawsuit if not enforced against everyone equally. He said that he could draft it so that it comes off of their banked hours to prevent paying out in excess.

Commissioner George advised that there is a direct benefit for the employee to come back. If the employee is not going to come back, you could have the employee do the training before they leave. She said that most instances would be for an emergency or medical event and the contingency is nullified. If they or a relative have a medical event, having the employee stay may not be good to the department or the employee.

Public Works Director Tredik said that it is a noble thing to do. He said he has concerns for the impacts on overtime and contracted services. There may be a need to hire temporary workers at a cost, if the budget supports it, for the City to be able to continue to provide the services.

Mayor Samora advised that he read that this could be used a recruiting tool to draw quality employees.

Police Chief Carswell agreed that it would be a good recruitment tool because he has concerns drawing and keeping employees. He said that he had no concerns about the 640-hour cap and that it is a smart idea in the long term.

Finance Director Douylliez advised that she is in favor of the policy, and to use the excess hours first. She advised that there is a large base of employees that are significantly over the 640-hour mark. She said that she personally is thankful that the City is looking at FMLA as a whole because she could have used it five years ago for her husband's cancer treatments and she can see the value for caretakers.

Mayor Samora asked for Public Comments. Being none, Mayor Samora asked for a motion.

**Motion:** To approve Resolution 22-01 as drafted. **Moved by Vice Mayor Rumrell. Seconded by Commissioner George.** Motion passes unanimously.

Mayor Samora moved on to Item XIII and asked City Manager Royle for his report.

**XIII. NEW BUSINESS**

**Discussion of Commission Vacancy**

City Manager Royle advised that he provided by email on February 2, 2022, an outline of what the Commission has done in the past when a vacancy has occurred (Exhibit C). He said that the City advertised for the position and set a deadline for applications, interviewed the candidates, and then by vote narrowed the candidates down to the top 5, 4, 3, etc. He suggests setting February 18, 2022, as the deadline for submissions and then schedule a special meeting. He said that Commissioner George would not be able to attend a special meeting on February 23<sup>rd</sup>, and Mayor Samora has asked for the special meeting to be held on Monday February 28<sup>th</sup>.

Mayor Samora asked if there was a requirement for the amount of time it needed to be advertised.

City Manager Royle said that there are no particular requirements, but there are two basic requirements for who is eligible to apply, and he asked the City Attorney for agreement. He said that one requirement is that you must live in the City, and the other is that you have to have been a resident and a qualified elector, which means that you have to be registered to vote. He said that you have to be a resident for at least one year prior to the date of qualification for the election. He said that since there is no election here, then the date would be one year from February 1<sup>st</sup>.

City Attorney Taylor said that it would one year from the day you have the election.

City Manager Royle said that date would be whatever date the Commission selects for its special meeting. At the special meeting, the Commission would make its selection for the interim Commissioner, the City Attorney would swear them in, they would be given the agenda material for the March 7<sup>th</sup> meeting, and they would be ready to go.

Mayor Samora said that he liked the change since he has gone through the process of having a special meeting one week prior to the regular meeting. He said that it is unnerving to go through the process and then take the seat and jump right in.

City Manager Royle said that some applicants may have already looked online and familiarized themselves with the City's agenda.

Vice Mayor Rumrell said that he liked the change. He said that he was prepared one week prior, but would have liked to have been able to talk to the Police Chief, the City Manager, etc.

Mayor Samora asked if the term would be up at the next election.

City Manager Royle said yes and that the term for that seat is until December 31, 2024. He asked City Attorney Taylor if the interim Commissioner's term would end on the day of the election for that seat.

City Attorney Taylor said yes. He advised that the interim Commissioner is supposed to attend the next meeting after the election is qualified and that he would have to check with the Supervisor of Elections to see when the election would be qualified. He said that they are usually qualified the next day. He advised that the new Commissioner would take the seat at the next meeting.



City Manager Royle advised that in November the Commission Room is full of election equipment and the next Commission meeting might not be until November 14, 2022. He said that if the interim Commissioner decides not to run, then the new elected Commissioner would take the seat at the next Commission meeting.

Mayor Samora asked about the process for applying.

City Manager Royle said that it would be advertised as widely as possible, and that applicants can reply by email to [mroyle@cityofsab.org](mailto:mroyle@cityofsab.org). He advised that the candidates would be interviewed in alphabetical order. He said that the public would be notified about the Commission's special meeting to interview the candidates and make a selection.

Commissioner England asked if there was an application.

City Manager Royle advised that a resume would be submitted with their background and experience.

Commissioner George asked who the press releases would go to, and she suggested that it should go to as many places as possible.

City Manager Royle said that Coordinator Conlon said that it would be on Facebook, the City's website, the Record, the local news stations, etc. He said that it would be distributed to whatever means are available.

It was the consensus of the Commission to set the special meeting date as February 28, 2022, at 6:00 p.m.

Mayor Samora asked for Public Comments.

Ron Anselmo, 12 Hawaiian Boulevard, St. Augustine, FL, said that his comment is more globally based about the procedure for filling the seat; he understands elections are expensive and this seat will be filled by someone that is selected not elected; they will be an unelected bureaucrat; same issue with an appointed official in the City of St. Augustine; it should be changed so that they are able to be elected by their constituents.

Mayor Samora asked if a change like that would mean a change to the Charter.

City Manager Royle said yes.

City Attorney Taylor said that the Charter also requires that there be an election at the next regular election cycle which is about as quick as a special election can happen. He said that the most you could go is two years. He said that there has to be an appointment within 60 days so that the Commission does not go with four Commissioners for long.

City Manager Royle said that if there is no appointment within 60 days, then there has to be a special election.

Commissioner George said that if a special election were to occur it would only carry through until November 2022 and that the people would be able to speak within a short period of time.

Ed Slavin, PO Box 3084, St. Augustine, FL, said that the Commission is doing it better than the Governor and the City of St. Augustine does it; he agreed with Mr. Anselmo about the current Mayor of the City of St. Augustine, and he calls it the triple crown of law breaking; suggested giving more time for applications; suggested written questions other than just resumes; look at conflicts of interest; gather more data on the applicants.

Commissioner George agreed that the application deadline should be extended to possibly February 25<sup>th</sup> or the morning of February 28<sup>th</sup>. She asked how long staff would need to assemble the packets.

City Manager Royle advised that he has concerns with those deadlines and suggested February 23<sup>rd</sup> at 5:00 p.m. as the application deadline.

Commissioner George asked if there was any data regarding the cost of a special election, or interest to explore the option.

City Manager Royle advised that he spoke to the Supervisor of Elections about a postcard election system that would cost around \$4,000. He has concerns about using the postcard election system because you would be flying blind. He said that with the interim Commissioner being selected by the Commission, they would have to come before you, it would be on public record, and it should be accurate and truthful. If it is not, then that is grounds for not selecting them.

Commissioner George asked if they would be sworn in.

City Manager Royle said that they would be sworn in that night.

Commissioner George said that a special election is time consuming given the timeline of the remainder of this year.

City Manager Royle advised that the Charter could be amended in the future to say that if the vacancy would last longer than a year, that a special election would be required. He noted that the Charter is up for review in 2024 and changes could be made then.

It was the consensus of the Commission that the deadline for applications would be Wednesday, February 23, 2022, at 5:00 p.m.

Mayor Samora moved on to Item 4 and asked Planner Thompson for her report.

4. Ordinance 22-02, Second Reading, Related to Mixed Use Districts, Landscaping, Plant Materials, Buffer Requirements, Fences and Retaining Walls (Presenter: Jennifer Thompson, Planner)

Planner Thompson explained that this is the second reading. She said that under Section 3.02.02.01 - Mixed Use Districts, the ordinance is proposing to remove the St. Augustine Beach Beautification Committee from review of landscape plans and to have the Planning and Zoning Division review them. She explained that the current procedure is that the plans would go to SEPAC (formerly the Beautification Advisory Committee) first for recommendations, and then to the Planning and Zoning Division where it is either approved or denied. She said that under Section 6.06.00, it is proposed for the same as the previous Section and have just the Planning and Zoning Division review the plans. She said that these are for commercial landscape plans that are on private property. She advised that under Section B.1.A, it is proposed to remove that section because tree/plant credits are no longer used. Also, under Section 6.06.03, is a proposal to remove City Manager or Designee of the City Horticulturist and replace it with the Planning and Zoning Division for determining plants that can be used. And under Section B, is a proposal to change native Florida plants to designated Florida friendly plant materials. She advised that there are many plants that are not Florida native but are used throughout the City including City properties such as Hibiscus, Azaleas, Asiatic Jasmine, and Fountain Grass. In Section 6.06.04, is a proposal to remove SEPAC and add the Planning and Zoning Division or the Public Works Director because of a variance to the Avenue of Palms. She explained that the Public Works Director or designee would decide if there could

be a variance to the Avenue of Palms for such things as vision triangles, utility lines, drainage easements, etc. And for Section 6.06.04.C, a proposal to change the vegetative buffer from 15 feet to 5 feet between commercial and residential land uses. She advised that the Comprehensive Planning and Zoning Board (CPZB) decided during their review not to approve this portion and that it would be best handled through a variance. She explained that this change was proposed because many of the vacant commercial lots are only 50 X 93, and a 15 foot buffer would be very restrictive. She said that Section 7.01.03.C is a proposed change regarding fences and retaining walls to add that the height shall be measured from the lowest established grade within 5 feet of the exterior side of the fence to try to protect the neighboring homes. She advised that the CPZB reviewed and approved all the proposed changes with the exception of the reduction to the vegetative buffer in Section 6.06.04.C., which would instead be handled by a variance.

Mayor Samora thanked Planner Thompson for her report and asked for any Commissioner questions.

Commissioner George advised that she had a lot of issues with this. She said for the height of the fences, those properties that back up to the ditches could mean only a 1 to 3-foot-high fence. She described many circumstances where this would not work for certain properties and would not even be to Code for a swimming pool. She said that she does not understand the policy purposes behind some of this. She has concerns with the elimination of any requirement for Florida native plants. She said that the Florida Native Plant Society recommends at least 50% or more Florida native plants. She said she agrees with using Florida friendly plants but that there is an ecological benefit to using Florida native to support the birds, insects, and to prevent invasive species. She would like to have some minimum requirement on public and private properties.

Planner Thompson advised that after presenting this to the CPZB, she looked at St. Johns County's LDR 6.06.02 which does require 50% native Florida plants (Exhibit D). She advised that the reason this came up was because of supply shortages and price hikes, it is very limiting to use only native plants.

Commissioner George advised that the removal of SEPAC troubles her because there are a lot of great resources on that Committee. She said that she would prefer modifications to the ordinance that would provide guidance of the standards for approval. She said that she does not want it to be rubber stamped and would like to use the resources the City has. She asked for an explanation of what the reason is for removing it from SEPAC.

Building Official Law advised that it is highly irregular to have a board review private property, especially a board that has no authority to make decisions. He said that the proposed change is not eliminating SEPAC from public property. There is no current member who is an arborist or master gardener. He advised that there is no need for recommendations because it should be based on the Code, not recommendations. He provided the last review and recommendation from SEPAC (Exhibit E). He advised that SEPAC violated several Codes such as asking that any new paving be done with impervious pavers. He said that they had no authority to put that in there. He advised that the City's LDRs state that commercial is allowed 70% period. He said that SEPAC also recommended that existing palms not be removed for additional parking, which would mean that they would not be able to do the building and that the palms are on private property. He advised that it leaves the contractors very confused every time this happens. He advised that SEPAC reviewed the Oceans 13 plans and recommended no plants along the Boulevard on private property and when the landscape inspection happened it was turned down. He said that just because SEPAC approved it does

not mean it can violate City Code. He said that he encourages the use of SEPAC on public property and that the City should allow paid staff to enforce its Codes. He said that if SEPAC has a recommendation for a Code change that they could always make a recommendation to the CPZB. This could cause a lawsuit. He advised that there is the Code, the mechanism, the staffing, and now a webpage with a landscaping link is being created. He said that the Avenue of Palms is done, and he is more concerned with safety because there are palms growing up into the powerlines and some are being cited for vision triangle issues.

Commissioner George advised that she is concerned about the pruning of Avenue of Palms. She said that at some point every palm is going to interfere with the overhead lines and she does not like the idea that in the future someone may have the authority to do away with the palms.

Building Official Law advised that the Avenue of Palms would not be removed. He said that it is more fitting that the Public Works Director be in control. He said that the problem he has been seeing with some lots is the use of retaining walls. The Code allows for them to build an 8-foot fence and now he would have concerns for the neighbors. He advised that if there were a pool involved, then the Florida Building Code would trump anything to do with safety. He advised that he did not think about the properties along the ditches, but that the intent of the Code is for two adjoining lots where there is a height disparity such as in The Ridge and Ocean Drive, etc.

Vice Mayor Rumrell suggested to say "up to 8 feet total" so that a 4-foot retention could only go up another 4 feet.

Building Director Law said that there have been no complaints and there is no Code prohibiting it, and the Commission could decide to leave it out.

Commissioner George said that she is an advocate for more sunshine and less shadows, and also an advocate for privacy.

Public Works Director Tredik said that the example that Building Official Law is talking about ended up being a lower wall. The wall would have been approximately 14 foot and that is the reason for this proposed change.

Commissioner George suggested instead of measuring from lowest grade from 5 foot away from the side of the fence, maybe add certain conditions that would require another layer of review if it will exceed a certain height.

Mayor Samora said that SEPAC reviews the plans and makes recommendations but has no authority, and he asked why remove that second set of eyes.

Building Official Law advised that SEPAC only meets once a month, and it is redundant because the City already has a Code. This is on private property, and this is a non-land use board that does not do financial disclosure. He advised that it interferes with private development, and it slows the permitting process. He said that his department can barely keep up with the volume of permits in a timely manner. He advised that any commercial building over 3,000 square feet is reviewed by the CPZB, then the Commission, and those landscape plans are part of that review process. He said that he has not seen any commercial buildings in the City under 3,000 square feet, and that if there were, they would use the mixed land use district which requires review by the CPZB. This proposed change will increase efficiency.

Commissioner England agreed with eliminating review by SEPAC because of all the reasons that Building Official Law stated. She suggested to maybe add language to designate an individual who has some landscaping background. She asked who was going to do this.

Building Official Law said that it would fall on the Planning and Zoning Division because they do site reviews. He said that there is no rubber-stamping, everything goes by the Code. He advised that in 2018 the City revised Chapter 6 and that there were two scenarios for trees and the Commission elected not to use the tree credit method. He advised that the City Code protects every tree.

Commissioner England asked if this change was only to mixed-use districts.

Building Official Law advised no, that it is for all districts. He said that the mixed-use district is kind of like an overlay district.

Commissioner England said that the proposed change for Section 2 specifies amending mixed-use districts. She questioned the 15-foot barrier that CPZB did not like.

Building Official Law advised that he supports the CPZB's recommendation to allow it as a variance, but that 15-feet limits the size of buildings.

Commissioner England questioned the terms "uses" vs "zoning". She gave an example of a property on A1A Beach Boulevard with commercial zoning and a conditional use permit for residential, and then requiring a 15-foot buffer.

Building Official Law advised that in 2018 there were several conditional use permits that were not afforded that protection. They elected to build a single-family residence in the commercial sector.

Commissioner England advised that she is confused with the term "between uses". She does not think it is fair that if a conditional use for residential comes to commercial zoning, that the commercial use would be forced to put in a 15-foot buffer.

Building Official Law advised that he has never made that happen in the four years he has been with the City. He said that you cannot go back after the fact and require the 15-foot buffer for the commercial building without being sued.

City Attorney Taylor advised that he believed that the City has been using that language in the conditional use permits.

Building Official Law advised that it is discussed during the conditional use permit but is not on the conditional use permit that the Mayor signs. He gave an example of the area north of the Marriott Hotel which is not afforded that protection because it is commercial. He advised that if it is being used as transient rental it is not a concern. He advised that the City does not go retroactive on existing businesses.

Commissioner England asked for an example of where the 15-foot buffer would be required.

Building Official Law said that an example would be the Corral Dental building which had a buffer built to the back by Lockhart Lane. He said that as the City starts moving the buildings to the Boulevard and the Vision Plan, that the buffer could go backwards. There is also a requirement for a structural barrier which is normally a stockade fence. He suggested changing "uses" to "zoning" or whatever the Commission prefers.

Vice Mayor Rumrell advised that all his questions have been answered.

Commissioner George asked about the review of delegation of authority for the boards.

Building Official Law advised that several months ago the conditional use permit section was modified and some things the Commission retained, other minor things are now handled by the CPZB.

Mayor Samora asked for Public Comments.

C. Michel Cloward, 112 2<sup>nd</sup> Street, St. Augustine Beach, FL, Vice Chair of SEPAC, stated that since she has been a member of the Committee it has met every month and that she did not appreciate the insinuation that it did not. She said that all the members take it seriously and show up for meetings. She said that the last review that SEPAC did, was the only review in about a year. She said that SEPAC made recommendations from a sustainability aspect that no one else from the City would do. SEPAC wants to make sure that the City still exists and that we can focus on Florida friendly plants or make little strides that make a difference.

Mayor Samora thanked Ms. Cloward for her service on SEPAC.

Sandra Krempasky, 7 C Street, St. Augustine Beach, FL, member of SEPAC, asked some members of the Florida Native Plant Society to attend. She said that SEPAC cannot speak to the review of landscaping plans and the timing of the development process, but a review from a group of people devoting time trying to protect the environment and promote sustainability in the City is a good thing; sustainability is what the use of native plants is about; they require less water, insecticides, fertilizers, and provide habitat for birds and other wildlife; encouraged the use of Florida native plants at 70 or 75%.

Building Official Law advised that he has no objection to a 75% native plant requirement.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agrees with Commissioner George, Ms. Cloward, and Ms. Krempasky; St. Johns County is being destroyed by greedy developers; that Mr. Law has a minority view representing special interests and should be rejected; Hillsborough County has an Environmental Regulatory Commission and he discussed with St. Johns County Commission Chair Henry Dean that there needs to be one in St. Johns County and the City for the next Charter; that the SEPAC members would probably be willing to do financial disclosures and that he is interested in their review; suggested coaching and counseling for Building Official Law; the code must be treated as a working instrument of government and not a collection of meaningless words.

Mayor Samora recapped by saying that there seems to be some concerns and that the Commission needs to have further review, especially on the fence height; that there is some consensus that the Florida native plants be a 50% or more requirement; that the vegetative buffer could be changed from "uses" to "zoning"; a consensus to keep the 15-foot buffer instead of a 5-foot buffer; and more discussion regarding the review of landscape plans by SEPAC.

Commissioner George advised that she wants to be supportive of the City Boards and she values their opinions.

Building Official Law said that he would like to know if the Commission wants to see this come back.

Mayor Samora advised that there are some worthy changes to be made and that he would like to see it come back to the Commission.

Building Official Law recapped the changes to be made and brought back to the Commission as: Page 3, leave for further discussion and to change to 75% Florida native; Page 4, Avenue of Palms to leave to be discussed further.

Commissioner England said that if an application comes in early enough, then it would go to CPZB and if it is received late, it would be on the Commission's agenda. There is an expectation that within a reasonable amount of time, something will be reviewed. She asked if there was a specified time frame for SEPAC's review.

Building Official Law advised no because they are not an approval agency. He said that he just thought of something that may help by having the plans sent to SEPAC at the same time as the digital copies go to CPZB and then SEPAC could include their memo to the CPZB.

Commissioner England suggested rather than eliminate SEPAC, put some structure into their review and they should write a memo to include with the CPZB review.

Building Official Law said that it would give SEPAC one month and they would have to decide who writes the memo that will be submitted to either Ms. Miller or Ms. Thompson to be included with the CPZB review along with the Public Works Director and the Building Official's review memos.

Vice Mayor Rumrell asked if it would be similar to a Friday review that St. Johns County does before the Planning and Zoning review.

Building Official Law said he did the DRC (Development Review Committee) meetings, and some are required and that he and Public Works Director Tredik would be working on something more formalized. He encourages applicants to meet but he cannot make the fire department show up. He agreed to make this change for the next reading. He said that he would change "between uses" to "between zoning". He would be removing the fences section completely. He said that there is no way to write a code that is going to make everyone happy and that he is just trying to protect the existing homes against neighboring subdivisions.

Mayor Samora asked about the vegetative buffer.

Building Official Law said that he has no objection to the CPZB recommendation to let the variance process run its course.

City Attorney Taylor advised the Commission to have a vote to approve with revisions for it to come back next month.

Mayor Samora asked the City Attorney to read the preamble.

City Attorney Taylor read the preamble.

**Motion:** To approve Ordinance 22-02 with changes as articulated on the record. **Moved by** Commissioner George. **Seconded by** Vice Chair Rumrell. Motion passed unanimously.

Mayor Samora advised that Item 5 was removed, and he moved on to Item 6.

5. Sustainability and Environmental Planning Advisory Committee (SEPAC): Request by the Committee That the Commission Approve Removal of Member Because of Absenteeism (Presenter: Ms. Lana Bandy, SEPAC Chairperson)

**This Item was deleted from the agenda.**

6. Approval of St. Johns County's Proclamation to Designate to Proclaim February 2022 as Black History Month (Presenter: Max Royle, City Manager)

City Manager Royle advised that the item is self-explanatory and that next year it will be on the January agenda.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, applauded Vice Chair Rumrell, County Commissioner Henry Dean, and the City of St. Augustine for doing this for the first time in the County; Florida has a Governor that is hostile to teaching black history and is going to amend the laws which will hopefully be found unconstitutional; St. Augustine has a rich black history; suggested a museum by the pier or a video showing what happened here; Civil Rights tourism is a huge thing and the City of St. Augustine has had an exhibit.

Mayor Samora asked for a motion.

**Motion:** To approve the proclamation. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Commissioner George commented that there was a St. Augustine Film Festival this year and a phenomenal documentary called "Freedom on Our Mind" with excellent footage of the wade-ins. She said it is local and she encouraged everyone to find it. She said that the workshop in March on the historic hotel and the wade-ins are a component of that.

Mayor Samora moved on to Item XIV.

#### XIV. STAFF COMMENTS

Commissioner England said that Director Tredik has a list of his projects and their status (Exhibit F), and she would like to see underground utilities on future progress reports. She asked about the 2<sup>nd</sup> Street project.

Public Works Director Tredik advised that he met with FPL (Florida Power and Light) on the underground utilities for 2<sup>nd</sup> Street and they have started the engineering design. It is out to bid right now and includes a conduit for underground utilities. He said he is facilitating getting the easements from the people, getting them notarized, and then recorded at the County. That would be the last obstacle to prevent us from going underground with utilities.

Commissioner England asked if there was an opportunity for underground utilities on other projects that involve digging, like the repairs on 11<sup>th</sup> Street stormwater pipe. She asked for his future reports to include which projects have the possibility of underground utilities.

Public Works Director Tredik advised that he would include that information. He said that 11<sup>th</sup> Street does not lend itself to underground utilities. He advised that letters have been sent to the residents to see if they would be willing to grant easements and explore the possibility of underground utilities at Oceanside Circle.

Commissioner England advised that the Commission has been very clear to underground the utilities when possible.

Director Tredik advise that he would add a line regarding the underground utilities in reports.

Commissioner George asked about the possibility of undergrounding just the north to south crossover wires instead of the full street.

Public Works Director Tredik advised that he would investigate it to see what the options are.

Mayor Samora said that Public Works Director Tredik's grant activity is noteworthy.

Police Chief Carswell thanked Commander Harrell and City Attorney Taylor for their hard work regarding the maternity leave policy and to the Commission for getting it passed.

Finance Director Douylliez advised that she put a summary in her monthly report of the suggestions for American Rescue Plan Act (ARPA) spending. She said that since the City did not



have any lost revenue that the biggest opportunity is going to be a placeholder of \$10 million, which is substantially higher than what the City's share of the funds would be, and it should allow for the City to spend it more readily. She asked the Commission to offer suggestions for projects and what category they could fit under.

Mayor Samora asked when the Commission would need to decide the direction of the funds more formally.

Finance Director Douylliez advised that it would be more of a question for Public Works Director Tredik because the City is looking to use the money for the projects from the Master Drainage Plan. Half of the funds are here now, and the City should receive the other half by July. Contractors are in limited availability due to the influx of these projects, and we must be aware of that so that the City does not lose the opportunity to spend the money. The biggest issue is that the City has to encumber the funds by December 31, 2024, and be finished by December 31, 2026. We need to get the projects in queue to avoid delays. The City is waiting on information from Crawford, Murphy & Tilly (CMT) on the Stormwater Master Drainage Plan.

Public Works Director Tredik advised that he expects to bring that information to the next meeting. He said that he shares the Finance Director's concerns about things running behind from both the consultant industry and contracting industry. The City needs to get things done that it can, factor in any delays, and determine what the money can be spent on.

Finance Director Douylliez advised that she is going through the FY21 audit and in the discussions with the auditing team they suggested utilizing some of the funding for our first responders and Public Works payroll salary costs, or anyone that would fall into that category for the ARPA funding. She said that it would then be taken out of that current year's budget and then reporting that the City used those funds to cover the salaries in those areas. At the end of the year when that money shakes out, the City would take that money off the budget for those two particular departments, then typically those extra funds would go into the unassigned reserves. She said that she could then assign those funds to a category which essentially moves them out of ARPA funds, and the funds could then be used to target infrastructure projects for future use. It would protect that money so that the City is not in jeopardy of ever giving that money back. She advised that she is working with James of the City's auditing firm on shoring it up and better communicating it to the Commission. She said that she has an annual reporting requirement for the ARPA funds.

Mayor Samora said that it sounded like the City was getting good advice. He asked for the Commissioners to get their ideas for uses for the ARPA funds to Finance Director Douylliez. He suggested to possibly put something on the April agenda to discuss the ARPA funds again.

City Clerk Fitzgerald advised that she was promoted to City Clerk this month. She said that she has been the Deputy City Clerk since 2016 and has been undergoing training through the Florida Association of City Clerks and the International Institute of Municipal Clerks, as well as learning under Beverly Raddatz. She said that as she transitions from learning to doing, that she hopes to continue to make the Commission proud and that her work is something that they expect from a City Clerk.

Mayor Samora congratulated City Clerk Fitzgerald and said that he looks forward to having her in this role. He reminded the Commission of the upcoming meetings/holidays; the CPZB meets on February 15<sup>th</sup>, the Presidents' Day holiday office closure is on February 21<sup>st</sup>, the Commission special meeting is on February 28<sup>th</sup> followed by the regular Commission meeting on March 7<sup>th</sup>.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor asked for a motion to adjourn.

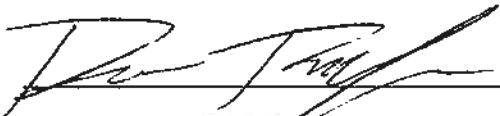
**Motion:** to adjourn. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora adjourned the meeting at 8:28 p.m.



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk

## St Augustine Beach is Not recycling Glass

### Why should we care and what can we do about it?

Ten million metric tons of glass is disposed of every year in the US – only about 1/3 of it is recycled. The rest ends up in landfills where it will stay for more than 4,000 years. Glass is among the most recyclable materials on the planet, and it has an unlimited recycling life (it can be recycled over and over again). 80% of all recovered glass bottles are made into new glass bottles. Whereas mining and transporting raw materials for new glass produces about 385 pounds of waste for every ton of glass that is made.

So, what is an alternative, if St Augustine Beach isn't supporting glass recycling?

At a minimum we want to keep glass out of the landfills! For every 3000 glass bottles that don't get thrown in the garbage that is 2,200 pounds of material that doesn't end up in landfills.

So, if we don't have glass recycling what can we do?

Common glass is made from three materials: soda ash, sand and limestone. Crushed glass is called cullet.

Proposal:

What we are proposing is that we get a glass crusher(s) that could be placed in a location in town (possibly at the public works). Residents could bring their empty, clean glass bottles to the center (or maybe they could be collected as part of volunteer or community service projects). The crushed glass (cullet) could then be used by the public works department on projects where gravel is normally used. This would save money for the City and keep the glass out of landfills. (If we find a vendor to buy crushed glass - even better!)

There are many examples around the country of where groups or small business are using these glass crushers to turn bottles, that were not being recycled, into something that could be reused and not end up in a landfill.

Examples:

Lake Chelan in Manson, Washington State - service project by 2 high school students

<https://www.youtube.com/watch?v=861k1IHqQG8>

44 bottles = 50 lbs of sand - small machine used is \$6,000

Nebraska - Palmyra - Glacial Tillis Vinery & Winery - <https://www.youtube.com/watch?v=Cbe-RbFH26g> The winery uses the Expleco GL Sand 2.0 glass crusher. Expleco sells their glass crushers in 80 countries. <https://www.expleco.com/>

Tulane University research -

[https://www.youtube.com/watch?v=qgFD\\_ZKw9z8](https://www.youtube.com/watch?v=qgFD_ZKw9z8)

Exhibit A  
Date 2-7-2022

# When Can I Use FMLA Leave?

If you work for an employer that is covered by the FMLA, and you are an eligible employee, you can take up to 12 weeks of FMLA leave in any 12-month period for a variety of reasons, including:

## **Serious Health Condition**

You may take FMLA leave to care for your spouse, child or parent who has a serious health condition, or when you are unable to work because of your own serious health condition.

The most common serious health conditions that qualify for FMLA leave are:

- 1) conditions requiring an overnight stay in a hospital or other medical care facility;
- 2) conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- 3) chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- 4) pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

## **Military Family Leave**

The FMLA also provides certain military family leave entitlements. You may take FMLA leave for specified reasons related to certain military deployments. Additionally, you may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.

## Max Royle

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**From:** Max Royle  
**Sent:** Wednesday, February 2, 2022 4:30 PM  
**To:** Comm Samora; Comm Rumrell; Comm George; Comm England  
**Cc:** Lex Taylor; Dariana Fitzgerald  
**Subject:** Selection of Interim Commissioners

For possible guidelines for you to use to select an Interim Commissioner, I reviewed the minutes of two fairly recent meetings when the Commission had to select an Interim Commissioner. The dates were December 4, 2017, and April 1, 2019. At the December 4th meeting, there were five Commissioners present; at the April 1st meeting, there were four. Here's what I found.

- a. The Commission interviewed 14 applicants at the December 4, 2017, regular meeting, and 13 at the April 1, 2019, regular meeting.
- b. At the conclusion of all the interviews, members of the public were each allowed three minutes to comment.
- c. At the conclusion of public comments at the December 4th meeting, the City Attorney asked the Commission to list their top five candidates and passed out a tally sheet to each Commissioner for them to write their vote. Each Commissioner had to sign their tally sheet for the public record. The results of the first round of voting was three candidates each had 3 votes, three had 2 votes. The City Attorney asked that the Commission select their top three candidates from these six. Tally sheets were passed out again. The result was two candidates each had 3 votes, and two had 2 votes. The remaining candidate received no votes. The Commission decided to interview the two candidates who had received 3 votes. After the interviews, the City Attorney passed out a tally sheet to each Commissioner for a vote on the two candidates. One of the two (Don Samora) received the most votes and became the Interim Commissioner.
- d. For the April 1, 2019, meeting, after the interviews and public comments, the Commission decided to select the top five candidates by the tally sheet method. The result was that there were two candidates with 4 votes each and two with 3 votes each. The Commission then decided to select the top two candidates. The results were one candidate received 4 votes and the others didn't get more than 2 votes. The candidate (Dylan Rumrell) with the 4 votes became the Interim Commissioner.

For the current selection process, I suggest the following:

- Noon, Friday, Feb, 18<sup>th</sup>, deadline for submission of resumes.
- Resumes then copied and provided to you before the weekend.
- At your February 7<sup>th</sup> regular meeting, you schedule a special meeting at 5 p.m. on either Wednesday, February 23<sup>rd</sup> or Thursday, February 24<sup>th</sup>, to interview the candidates and select the Interim Commissioner, and for that person to be sworn into office at the special meeting.
- Person selected will then have time to review the information provided by City staff on February 28<sup>th</sup> for your March 7<sup>th</sup> regular meeting.

Max

## PART 6.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS

### Sec. 6.06.01 Applicability and Exemptions

- A. In St. Johns County, with the following exceptions, it shall be unlawful for any Person, firm, or corporation either individually or through Agents, employees or independent contractors, to construct any Building or off-street Parking Area on land within the unincorporated areas of St. Johns County without first having obtained a Development Permit from St. Johns County. The terms and provisions of this Part shall apply to all Development within the unincorporated areas of St. Johns County except for the following exceptions:
1. Land which is used for and has the corresponding property assessment as Bona Fide agricultural operations.
  2. Land within the boundaries of an airport, heliport, helistop or ultralight flight park, determined by the Federal Aviation Administration or the Florida Department of Transportation to be required for the ground or aerial maneuvering of aircraft.
  3. Construction of an addition to an existing Building or Construction of a minor or ancillary Building or off-street Vehicular Use Area with less than five (5) Parking Spaces.

### Sec. 6.06.02 General Standards and Guidelines

A. Plant Species

1. These standards and guidelines shall be in accordance with Section 4.01.05 Trees and Other Vegetation. Section 4.01.05 contains regulations on the minimum number of Trees, Tree Inches, Historic and Specimen Trees, exemptions, Protected Trees, Land Clearing, Tree replacement requirements, Tree Permits, Permit application procedures, along with other regulations about Trees and vegetation in unincorporated St. Johns County. Plant species shall be appropriate for their designated use and environment.
2. The use of Xeriscape or Florida Friendly landscaping techniques and the use of native plants as part of the overall landscaping plan shall be required, as specified in these regulations.
3. A minimum of fifty (50) percent of the required plant materials shall be native species, or hybrids or cultivars of native species. Species listed by the Florida Exotic Pest Plant Council or on the Exempt Tree list (except slash or longleaf pines) shall not be used to meet this standard. The fifty (50) percent requirement for plant materials shall be met individually for trees and shrubs.
4. Vegetation that exceeds twenty-five (25) feet in height at maturity should not be planted closer than fifteen (15) feet of the vertical plane of an existing power line, excluding service wires.
5. Non-living ground cover, such as rocks, gravel, and mulch, may be used in combination with living plant material. The use of artificial plants shall not be permitted to meet any of the landscaping requirements.
6. All plantings shall be selected based on the principles of Florida Friendly

Exhibit D

Date 2-7-2022

## MEMORANDUM

**TO:** All Concerned  
**FROM:** Dariana Fitzgerald, Secretary for the Sustainability and Environmental Planning Advisory Committee  
**DATE:** October 14, 2021  
**SUBJECT:** Landscape Review of ~~XXXXXXXXXXXX~~

The Sustainability and Environmental Planning Advisory Committee (SEPAC) reviewed the provided landscape plan for ~~XXXXXXXXXXXX~~ at their October 13, 2021, meeting and had the following recommendation and requests:

1. That the planner revisits the plant choices to verify they are Florida native plants. The Committee suggests using the attached list as a guideline.
2. That the existing palms are not removed for additional parking.
3. That any new paving be done with pervious pavers.
4. To have the Building Department confirm that the Avenue of Palms requirement is complied with.
5. To have the Building Department confirm that the 70% impervious surface coverage ratio is complied with.

In addition, the Committee requests the opportunity to see any plan revisions and to see any tree surveys done for this property.

Exhibit E  
Date 2-7-2022

## 25 Plants for St. Augustine Beach

Dune sunflower

Gaillardia pulchella

Seaside goldenrod

Monarda (Bee balm)

Opuntia

Climbing aster

Passionflower

Coral honeysuckle

Salvia coccinea

Coreopsis leavenworthii

Fakahatchee grass

Muhly grass

Spartina bakerii

Bushy bluestem

Sea Oats

Groundsel

Wax myrtle

Florida privet

Walter's viburnum

Palmetto (Serenoa repens)

Coontie

Ilex vomitoria

Beautyberry

Sabal palm

Oaks

Hollies

Magnolia

Red cedar

Ground Covers:

- Frog fruit (phyla nodiflora)
- Sunshine mimosa (Mimosa strigillosa)
- Native petunia (Ruella carolinana)—shade



UPDATE

Time for a progress report so that you can see the projects/purchases done by your fair City in 2021 and those that are being done in 2022.

1. COMPLETED: Computer network server for various City departments.
2. COMPLETED: Computer network server for Police Department.
3. COMPLETED. Lease of three vehicles for Police Department.
4. COMPLETED. Twenty mobile data terminals for police vehicle.
5. COMPLETED. For the Public Works Department, purchase of pickup truck and lawn mower to replace worn out equipment, and purchase of a sanitation truck for recycling pickup.
6. COMPLETED. Vulnerability assessment and resiliency study. \$55,000 cost funded by a grant.
7. COMPLETED. Purchase of additional pump for \$18,000 for stormwater management.
8. COMPLETED: Resurfacing of Tides End Drive and Mickler Boulevard between Pope Road and 16<sup>th</sup> Street and between 11<sup>th</sup> and A Streets.
9. UNDERWAY, paving projects: The section of Mickler Boulevard between 16<sup>th</sup> and 11<sup>th</sup> Streets and repaving of other streets: 7<sup>th</sup> Lane, 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> Streets, and Atlantic Alley.
10. UNDERWAY, improvements to Ocean Hammock Park between the Bermuda Run and Sea Colony subdivisions: Design and permitting done for phase one (restrooms), with construction to start in the spring of 2022. For phase two (shower, drinking fountain, two picnic areas, handicapped parking space, nature trail, information kiosk), construction to begin in the spring 2022. For phase three (trails, observation desk, picnic pavilion etc.), construction will start in late spring 2022.
11. UNDERWAY, Mizell Pond weir/storm water pump station: This major improvement to the City's stormwater management system will cost \$2,892,500. Construction was started in 2021 and will be completed in the summer of 2022. Funding is from the Federal Emergency Management Agency (FEMA), St. Johns River Water Management District and the City.
12. UNDERWAY, Ocean Walk subdivision drainage improvements: Design/permitting work to be done in 2022. Construction scheduled for 2023. This project will be funded by a State appropriation of \$694,000.
13. UNDERWAY, updating City's master stormwater plan: At its March 7<sup>th</sup> meeting, the City Commission approved the scope of work from a civil engineering consultant. The update is to be completed by the fall of 2022.
14. UNDERWAY, repair of 11<sup>th</sup> Street stormwater pipe: \$90,000 was appropriated. Project is in design/permitting stage. Bids will be requested in the spring of 2022.
15. UNDERWAY, storm protection for north end of A1A Beach Boulevard: This project XXXXXXXXX
16. UNDERWAY, improvements to dirt parking areas on the west side of A1A Beach Boulevard between A and 1<sup>st</sup> Streets: \$45,000 has been appropriated for the design phase, which should be completed in 2022. Money will be requested in the 2023 budget to construct the improvements.
17. TO BE DONE, Lakeside Park wooden fishing dock repairs: The City advertised for bids in 2021 to replace rotted sections. As none were received, City Public Works staff will do the repairs in the spring of 2022. The estimated cost is \$30,000.