



AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, MARCH 7, 2022, 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 REGULAR COMMISSION MEETING ON FEBRUARY 7, 2022
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
Proclamation to Declare the Week of March 7, 2022, as Flood Awareness Week in the City
(Presenter: Brian Law, Building Official)
- VIII. PUBLIC COMMENTS
- IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Driveway for Alvin's Island from Versaggi Drive: Public Hearing to Discuss Court Decision and Future Actions by City (Presenter: Lex Taylor, City Attorney)
2. Request for Conditional Use Permit to Construct a Single-Family Residence on a Split Commercial/Residential Lot at 12 2nd Street (Lot 11, Block 9, Chautauqua Beach Subdivision) (Presenter: Jennifer Thompson, Planner)
3. Request to Vacate Alley Between 2nd and 3rd Streets West of 2nd Avenue in the Chautauqua Beach Subdivision (Presenter: Jennifer Thompson, Planner)
4. Ordinance 22-02, Final Reading, to Amend the Land Development Regulations Relating to Mixed Use Districts, landscaping, Plant Material, Buffer Requirements, Fences, and Retaining Walls (Presenter: Jennifer Thompson, Planner)

XI. CONSENT

XII. OLD BUSINESS

5. City's New Year's Eve Event: Review of 2021 Event and Discussion of 2022 Event (Presenter: Melinda Conlon, Communication and Events Coordinator)
6. 2nd Street West of 2nd Avenue: Award of Bid for Construction to DB Civil Construction, Inc. of Ormond Beach, Florida for \$579,850 (Presenter: Bill Tredik, Public Works Director)
7. Mizell Pond Stormwater Pumping Station: Approval of Easement for Florida Power and Light (Presenter: Bill Tredik, Public Works Director)
8. Ocean Hammock Park Phase 2 Improvements: Request to Award Bid to Lowest Qualified Bidder (Presenter: Bill Tredik, Public Works Director)
9. Master Drainage Plan: Approval of Contract with Civil Engineering Consultant, Crawford, Murphy & Tilly, Inc., to do Update (Presenter: Bill Tredik, Public Works Director)

XIII. NEW BUSINESS

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE (SEPAC).** The Committee will hold its monthly meeting on Thursday, March 3, 2022, at 6:00 p.m. in the Commission meeting room at City Hall.
2. **COMPREHENSIVE PLANNING AND ZONING BOARD.** The Board will hold its monthly meeting on Tuesday, March 15, 2022, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include: a) conditional use permits for outdoor seating and for drive-thru window at Cone Heads Ice Cream, 570 A1A Beach Boulevard; b) concept review for proposed replat of eight residential lots to four lots at 220 Madrid Street; c) request to build a residence in a commercial land use district at 16 5th Street; and d) discussion of revisions to City's flood regulations.
3. **CITY COMMISSION.** The Commission will hold a workshop meeting to discuss the former city hall on Wednesday, March 23, 2022, at 5:00 p.m. in the Commission meeting room. Ms. Christine Parrish Stone, Executive Director of the St. Johns Cultural Council, will present information about

the historic designation for the building and possible grants for its renovation. The public is invited to provide the Commission and Ms. Parrish Stone with their suggestions for possible uses of the building.

NOTE:

The agenda material containing background information for this meeting is available on the City's website in pdf format or on a CD, for a \$5 fee, upon request at the City Manager's office.

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

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

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 23rd, and Mayor Samora has asked for the special meeting to be held on Monday February 28th.

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 1st.

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 7th 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. 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 25th or the morning of February 28th. 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 23rd 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 2nd 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 2nd Street project.

Public Works Director Tredik advised that he met with FPL (Florida Power and Light) on the underground utilities for 2nd 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 11th 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 11th 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 15th, the Presidents' Day holiday office closure is on February 21st, the Commission special meeting is on February 28th followed by the regular Commission meeting on March 7th.

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

Proclamation

WHEREAS, The City of St. Augustine Beach has experienced severe weather in the past in the form of extreme rainfall or tropical system events resulting in flooding in both coastal and riverine areas, and this flooding has caused damage and flood losses to homes and buildings in all areas whether they are high-risk special flood hazard areas or low to moderate risk flood zones; and

WHEREAS, The City of St. Augustine Beach is a voluntary participant in the National Flood Insurance Program that provides residents with the opportunity to protect themselves against flood loss through the purchase of flood insurance at reduced insurance premium rates as well as setting higher regulatory standards to reduce the flood risk and potential flood damage to their property; and

WHEREAS, the reduction of loss of life and property damage can be achieved when appropriate flood preparedness, control, and mitigation measures are taken before a flood; and

WHEREAS, public education and awareness of potential weather hazards and methods of protection are critical to the health, safety and welfare of residents, the Florida Floodplain Managers Association (FFMA), have declared the week of March 7th, 2022, as Flood Awareness Week to promote awareness and increase knowledge of flood risk, the availability of flood insurance, flood protection methods, and how to prepare for emergencies.

NOW, THEREFORE, WE THE CITY OF ST. AUGUSTINE BEACH, do hereby proclaim the week of March 7th, 2022, as **FLOOD AWARENESS WEEK IN THE CITY OF ST. AUGUSTINE BEACH** and further encourage the citizens of the City of St. Augustine Beach to increase their knowledge of how to protect themselves and their property from flooding.

PRESENTED this 7th day of March 2022.

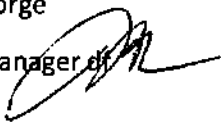
Mayor Donald Samora

ATTEST:

City Manager Max Royle

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner England
Commissioner George

FROM: Max Royle, City Manager 

DATE: February 25, 2022

SUBJECT: Driveway for Alvin's Island from Versaggi Drive: Public Hearing to Discuss Court Decision and Future Actions by the City

Mr. Lex Taylor, the City Attorney, has provided the attached information for your discussion:

- a. Pages 1-2, in which he provides the background for the lawsuit concerning the driveway and what the Court is requiring the City to do.
- b. Pages 3-23, the Amended Petition filed by Ms. Margaret O'Connell, the plaintiff in the lawsuit.
- c. Pages 24-47, the City's Response to Ms. O'Connell's Amended petition.
- d. Pages 48-67, the Order Granting the Amended Petition.
- e. Pages 68-69, the Order on Motion for Injunctive Relief, which requires the City Commission to hold a new quasi-judicial hearing on the driveway issue. The hearing is to be held no later than the Commission's March regular meeting.

Mr. Taylor will discuss this information in more detail with you and will provide guidance as to the action or actions the Commission needs to take.

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Memo on O'Connell appeal of City's Decision to allow a Curb Cut at Alvin's Island

Dated: February 25, 2022

From: Douglas Law Firm

To: Max Royle, City Manager for City of Saint Augustine Beach

We are here today to have a new hearing on Alvin's Islands request for a curb cut and ingress and egress to their business from Versaggi Avenue.

Alvin's Island (3900 A1A South, Saint Augustine Beach, Florida) is a commercial retail store located at A1A and Versaggi Drive. Alvin's Island requested additional ingresses and egresses from their commercial property in 2015.

On March 2, 2015, the City Commission voted to deny driveway connections from Alvin's Island to Versaggi Drive. The owners of Alvin's Island appealed the decision, and the court remanded the issue back to the City Commission. On March 1, 2016, the City Commission denied the request on remand.

The owners of Alvin's Island filed a lawsuit against the City, *Edmonds Family Partnership, LLLP v. City of Saint Augustine Beach, Florida*, Case#3:16CV-385-J-34PDB. In February 2017 the City and Alvin's Island came to a mediated settlement agreement and the City unanimously approved that agreement on April 3, 2017. Relevant to today's rehearing was the following provision, Section 3(b) of the Settlement Agreement.

Two and one-half years after the Effective Date, but not sooner, Plaintiffs may submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"), which shall be considered on its own merit.

A little after the two and one-half years, Alvin's Island did apply for the curb cut. The City reviewed the original application and recommended that the curb cut be both ingress and egress. On December 7, 2020, the City held a public hearing on Alvin's Island's request for a curb cut and driveway from their commercial property onto Versaggi Drive. The City approved that ingress and egress onto Versaggi Drive.

Margaret A. O'Connell has a homeowner who owns property that uses Versaggi Drive as their only access to A1A filed an appeal of this decision by the City. While there were significant delays in providing notice to the City, the Court has determined that their appeal was timely. See attached Amended Petition for Writ of Certiorari. Because of the delay in notice to the City, the permit was issued for the Construction of the curb cut for Alvin's Island's ingress and egress. The City filed its response. See attached Response to Amended Petition. The Court came out with an initial order on August 26, 2021. See Order Granting Amended Petition. The Court then clarified its order on January 11, 2022. See Order on Injunctive Relief.

We are required by the Order on Injunctive Relief to provide a rehearing on the application with these three instructions.

1. "It be clear that the City Commission is not bound by the settlement agreement in Edmonds Family Partnership, LLLP v. City of Saint Augustine Beach, Florida, Case: #3:16-CV-385-J-034PDB."
2. "The hearing may take place no later than the March regular meeting of the City of Saint Augustine Beach, Florida.
3. "The Court is not mandating the facts or law that the City is to consider in its review of the application, only that the City comply with its own rules and applicable Code, as well as other legal requirements pertaining to and governing its review and consideration of the application."

We have scheduled this rehearing for your March meeting. We will run it like a normal quasi-judicial hearing. Alvin's will be a party. We will treat Ms. O'Connell as a party as well.

Yours truly,

/s/ Lex Morton Taylor III

Lex M. Taylor, III

Florida Bar Number: 0123365

LMT

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN
AND FOR ST. JOHNS COUNTY,
FLORIDA

CASE NO.: CA21-0152
DIVISION: 55

MARGARET A. O'CONNELL,

Petitioner,

v.

CITY OF ST. AUGUSTINE BEACH,
FLORIDA, a Florida municipal
corporation,

Respondent.

_____ /

**AMENDED PETITION FOR WRIT OF CERTIORARI
PURSUANT TO R. 9.100, FLA.R.APP.P.**

Petitioner, MARGARET A. O'CONNELL, files this Amended Petition for
Writ of Certiorari, and in support thereof states:

Jurisdiction

On January 6, 2020, Petitioner filed its initial Petition for Writ of Certiorari
Pursuant to R. 9.100, Fla.R.App.P. As noted in that original Petition, the Petitioner
needed time to compile the record relevant to the decision that served as the basis of
the Petition. The record is now transcribed and included in the Appendix filed

contemporaneously with this Amended Petition. This is a petition for writ of common law certiorari pursuant to Rule 9.100(g)(3), Fla.R.App.P., seeking review and to quash a decision to approve a driveway connection by the City of St. Augustine Beach, Florida (“Respondent” or “City”) rendered on December 7, 2020. (A.2, pp. 62-63)¹. As stated herein, the City’s decision was not supported by competent substantial evidence and violated due process because (i) the City Commission was operating under the mistaken belief that they were precluded from denying the request by a prior Settlement Agreement (A.3); and (ii) the application was modified and expanded by the City Commission, without notice, to include egress in contradiction to the application filed and in contradiction to the Settlement Agreement (A.3).

This Court has jurisdiction over this petition pursuant to Rules 9.030(c)(3) (“Circuit Courts may issue writs of... common law certiorari”) and Rule 9.100, Fla.R.App.P., as well as Rule 1.630, Fla.R.Civ.P.

Petitioner has retained undersigned counsel to represent its interests in this matter and is obligated to pay a reasonable fee for undersigned counsel’s services in representing Petitioner in this matter.

¹ A , followed by a number, denotes the Appendix, followed by the Exhibit Number in the Appendix, which is being filed contemporaneously with this Amended Petition.

Standing

Petitioner is the record title owner of, and has established her residence at, 10 Versaggi Dive, St. Augustine, Florida (Parcel ID Number 174515-0040). Versaggi Drive is a residential street and serves as Petitioner's only means of ingress and egress from her residence onto A-1-A. Petitioner utilizes Versaggi Drive for purposes of walking, biking, driving and all manner of use/travel/recreation permitted and allowed on such residential street fronting her residence. Petitioner stands to suffer material injury by the City Commission's approval of this application request for a curb cut and driveway due to the increased traffic, confusing and convoluted traffic patterns, and other direct and consequential impacts that will result from ingress-egress from another commercial property onto Versaggi Drive.

Petitioner is directly impacted by the vote of the City Commission to approve a request by applicant, Edmonds Family Partnership, LLP ("Applicant"), the owner of 3848 A1A South, St. Augustine, Florida 32080 ("Subject Property") for a curb cut for ingress on to Versaggi Drive, which was modified at the Public Hearing held on December 7, 2020 by the Public Works Director to include egress (the "Application"). (A.2, pp. 62-63).

Nature of Relief Sought

Petitioner seeks the issuance of a Writ of Certiorari declaring the perfunctory approval of the Application invalid and remanding to the City for further consideration. Petitioner respectfully requests the entry of an Order of remand that requires the City Commission to review traffic/pedestrian studies, engineering, engage in its formal application process and conduct a thorough and proper review, so that the request of the Applicant is considered on its own merit, supported by competent substantial evidence and with due consideration for the safety of the public. Petitioner further requests an award of attorney's fees and costs pursuant to Rule 9.400, Fla.R.App.P., and that the Court retain jurisdiction to enter such other orders as are necessary to enforce the findings and ruling of this Court.

Procedural Posture

On December 7, 2020, a public hearing on the Applicant's request for a curb cut and driveway from the Subject Property on to Versaggi Drive was convened (the "Public Hearing"). (A.2). Upon recommendation of the City's Public Works Director, Bill Treddik, the request was amended and expanded by the City to allow not only for ingress from Versaggi into the commercial parking lot, but egress on to

Versaggi Drive. (A.2, pp. 62-63). The City Commission approved the application, as amended, in a 4-1 vote. This action/appeal was timely filed.

Statement of Facts

Applicant's Parcels

For Petitioner and her neighbors, Versaggi Drive serves as their only means of ingress and egress to A-1-A and out of the Linda Mar Subdivision. Versaggi Drive is a residential street. Versaggi Drive runs east-west and commences at its western end with the intersection of A-1-A and for ends on its eastern end at the public beach. The Linda Mar Subdivision is not a gated community, and there is no traffic light at the intersection of Versaggi Drive and A-1-A.

The Applicant owns the properties on either side (north and south) of the west end of Versaggi Drive, where Versaggi Drive intersects with A-1-A. On Applicant's property to the north of Versaggi Drive (bearing address 3848 A1A South) is a business known as "Alvin's Island" (the "Subject Property"). Alvin's Island is a commercial retail store which predominantly caters to tourists with the sale of towels, bathing suits, beach toys/games, and other assorted items. Alvin's Island currently has a curb cut and driveway for ingress and egress that is directly on A-1-A, and a second curb cut and driveway that empties out of the commercial parking

lot to provide egress onto A-1-A Beach Blvd². On Applicant's commercial property to the south of Versaggi Drive (bearing address 3900 A1A South)("Applicant's Southern Property") is a Verizon store, a strip mall, and other new commercial buildings/businesses that are currently under construction. There is currently a curb cut and driveway on Versaggi Drive that is restricted into Applicant's Southern Property for ingress-only, however, the public has utilized that ingress-only driveway as a means of egress as well, and the signage erected has not discouraged this unauthorized use. (A.2, pp. 20, 22; A.4).

Relevant History and the Settlement Agreement

On March 2, 2015, the City Commission voted to deny driveway connections from Versaggi Drive to the Subject Property and for a curb cut on to Applicant's Southern Property. (A.1). The Applicant appealed the decision to this Court, and this Court remanded the issue back to the City Commission. (A.1). On March 1, 2016, the City Commission denied the request on remand. (A.1).

The Applicant filed suit against the City in the Middle District of Florida, *Edmonds Family Partnership, LLLP v. City of St. Augustine Beach, Florida*, Case # 3:16-cv-385-J-34PDB (the "Federal Litigation"). (A.1). In February 2017 a mediated settlement agreement was reached between the parties, and that agreement was unanimously approved by the City Commission on April 3, 2017 (the

² This curb cut is intended to be egress-only, however, some patrons of Alvin's Island use it as ingress as well.

“Settlement Agreement”). (A.1; A.3). Petitioner was not a party to the Settlement Agreement, and integral members of the City staff were similarly not privy to the mediation or resulting Settlement Agreement. (A.2, p.4, l.13-16; p.15, l.9-25, l.1-9; p. 33, l.15-24). The Settlement Agreement permitted Applicant to construct an ingress-only curb-cut/driveway from Versaggi Drive into the Applicant’s Southern Property (the Verizon and neighboring businesses), but as for the request for a curb cut from Versaggi Drive into the Subject Property, it was expressly stated in Section 3(b) of that Settlement Agreement:

*Two and one-half years after the Effective Date, but not sooner, Plaintiffs **may submit an application** for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the “North Side Curb Cut”), **which shall be considered on its own merit.***

(emphasis supplied)(A.3). The Settlement Agreement goes on to specify what should be contained in Applicant’s future *request* for a curb cut, including that such curb cut must be designed for ingress-only. (A.3).

At the Public Hearing, however, the City Commission was instructed that they had no discretion to deny the Application and that the Settlement Agreement “entitled” Applicant to a curb cut from Versaggi Drive into the Subject Property if it conformed to relevant Code³. (A.1; A.2, p. 26, l.9-11; p. 31, l.7-8; pp.33-38). Both

³ Even the relevant Code was called into question at the Public Hearing, as City staff stated they were not aware of what the Code provided back when the Subject Property was developed for commercial purposes (A.2, p.32, l.3-20);

the Director of Public Works (Bill Treddik) for the City, and City Attorney (Bill Taylor, Esq.) errantly instructed the City Commission on the import of the Settlement Agreement:

MR. TREDDICK: So the bottom line, the summary is that with the terms of the settlement agreement they [the Applicant] absolutely have the right to have an ingress.

(A.2, p.12, l. 7-9).

MR. TREDDICK: The ingress, and I can defer to the attorney, my legal understanding is that they [the Applicant] are allowed to have it because that was the settlement agreement.

(A.2, p.26, l. 9-11).

MR. TREDDICK: But again, my legal understanding is they have a right for the ingress.

(A.2, p.31, l. 7-8).

MR. TAYLOR: Yes, Bill and I talked about it at length. Neither of us were a party to the actual settlement. I will definitely stipulate that that is not the best well-written settlement statement I've ever seen, I wouldn't have written that, there's conflicting language in it. Some of the language says that the City has the right to review it, but you wouldn't even talk about it at all but for the fact that some portion of it is guaranteed, and so at the very least, you'd be looking at a very high-level of scrutiny if this were to be re-litigated.

(A.2, pp. 33-34).

MR. TAYLOR: So if it's – if it complies with our code, I read that to say that we are supposed to grant it to them [the Applicant].

and as noted in this Amended Petition, some of the Commissioners were similarly confused and mis-stated material provisions of recent Code.

(A.2, p.36, l.17-19). This interpretation of the Settlement Agreement was adopted by the City Commission, and caused the Commission to not review the request on its own merit. The City Attorney noted that the Settlement Agreement was not well-written, contained conflicting language, yet still instructed the City Commission they were bound by the Settlement Agreement and could not deny the Application.

The Commission's Failure to Consider the Applicable Code

At the Public Hearing, not only was the City Commission instructed that the Settlement Agreement curtailed their review of the Application, but they were similarly misguided by the lack of a clear position on the applicable Code. When asked about applicable Code, the City Building Official quoted the current Code to state that the Applicant was not “entitled” to two points of access but rather *may* have them. As stated by the City Building Official (Brian Law) at the Public Hearing:

MR. LAW: I would – yes, ma'am, I would say that the current code, Chapter 6, allows for it. It says – the key word though if you read the code language is may. If you like, I can reread that if it would help, but it says —

Section 6.02.06, access. All proposed developments shall meet the following standards for vehicular access and circulation: Alpha. Number of access points, all projects shall have access to a public right-of-way.

Alpha 2. Notwithstanding the provisions of paragraph one above, a nonresidential development, or a multifamily residential development on a corner lot may be allowed two points of access; however, no more than one access shall be onto an arterial. But there's also a section,

alternative designs, where it talks about the City using its best judgment when impracticality occurs.

(A.2, p.46, l.17-21; p. 47, l.15-25, p. 48, l. 1-2). As stated in these provisions of the Code, not only are two points of access not mandated as a matter of right, but the City Building Official made it a point to direct the Commission's attention to the fact that in the case of "impracticality" the City is to use its "best judgment."

Despite Mr. Law's recitation of the new Code, which he noted was applicable to "new construction", at least one Commissioner incorrectly recounted Mr. Law's testimony:

COMMISSIONER GEORGE: You know, we've had expert testimony – you know, our experts telling us here that there's an entitlement to the two points of entry,...

(A.2, p. 56, l. 23-25). This statement by Commissioner George evidences the fact that the City Commission was not clear on the import of the Code to this Application. Furthermore, when asked if this Code provision applied only to "new construction" and whether the old Code that was in place at the time the Subject Property was developed should apply, the City staff offered a cryptic response:

VICE MAYOR KOSTKA: And, Mr. Law do you know what the code was when the original construction was because – in follow-up question to that would be, does the new code apply if the old code was different?

MR. LAW: I don't have the code. I believe Alvin's Island in its creation was in the late '90s, early 2000s?

VICE MAYOR KOSTKA: Yes.

MR. LAW: If it was late '90s, I was still in the military somewhere. In early 2000s, I wasn't back in government at the time. The ordinance – or the code doesn't – it only references when we did the sweeping change in 2018, so I couldn't begin to tell you what the code was at that time.

VICE MAYOR KOSTKA: So the code that you just read to us is for new construction?

MR. LAW: Yes, ma'am, it's all for proposed development.

(A.2, p32, l.3-21). This exchange was thereafter followed-up by the City Attorney's altered-position that the Code was, in fact, not determinative and that the Settlement Agreement was:

VICE MAYOR KOSTKA: Right. So I definitely understand that, but I don't think that we should succumb ourselves to the threat of a lawsuit when we don't even know what the code was. Now, the code that Mr. Law just read applies to new construction, so I think it would be helpful to know what the code was when that building was constructed to see where we stand; does that make sense? I mean –

MR. TAYLOR: I don't believe that's going to be – the issue is not going to be on what the current code is or what the code was then, the issue is what was agreed upon two and a half years ago.

(A.2, p. 37, l.3-16). This represents a departure from the previous opinion of the City Attorney where he instructed the City Commission that they were confined to determine whether the Application met the Code and if it did, to grant the Application. (A.2, p.36, l.17-19). At this point we see the City Attorney instead stating that the Code is not determinative and is frankly, irrelevant. Nonetheless, and without clear direction, the City Commission proceeded to vote without

knowing what the applicable Code was, acting on the premise that the Settlement Agreement precluded the City from exercising its discretion.

In this case, the only “expert testimony” provided to the Commission was that of the Building Official, the Public Works Director, and the City Attorney. As previously stated, it was this testimony alone that led and restricted the Commissioner’s decision. Some of the Commissioner’s expressed concerns over traffic, public safety, and the lack of following application protocols, but all such concerns were brushed aside based upon the errant belief that the Commission had no discretion. One Commissioner inquired:

VICE MAYOR KOSTKA: Do you know if there’s been any traffic studies or a collection of reports of the accidents that have occurred at that intersection?

MR. TREDDICK: I do not have that information.

(A.2, p. 33, 1.6-9). Another Commissioner observed:

COMMISSIONER SAMORA: The settlement agreement says there will be an application for it, and here we are, there’s an application, I’m just wondering if the application has gone through the proper process. Does it still need to go through planning and zoning? Maybe we’re kind of cutting ahead and trying to shorten the process by getting it to us first, but I just found it unusual that we’re addressing it before planning and zoning.

(A.2, p. 50, 1.20-25, 1-2). And yet another Commissioner, the only dissenting vote, rightly observed that the Settlement Agreement did not mandate an approval of the Application:

VICE MAYOR KOSTKA: Sure, it says that they may request, it doesn't say we have to grant it.

(A.2, p. 37, 1.17-18). Petitioner would suggest that Vice Mayor Kostka's interpretation was absolutely correct, and Commissioner Samora was similarly correct to question the process, however, four of the Commissioners were ultimately persuaded by the "expert testimony" of their staff that they had no choice but to approve the Application (A.2, p. 59, 1.19).

The City Commission excused the fact that there were no traffic or pedestrian studies, that there was no data on accidents at the intersection, and completely disregarded all opposition and evidence offered from the 54+ residents of the Linda Mar subdivision. (A.2, p.33, 1.6-9; A.4). Instead, the Commission voted on a motion that they were instructed they could not oppose and rendered a 4-1 approval of the Application at the December 7, 2020 Public Meeting. (A.2; A.4).

The Motion itself represented a violation of due process as it did not conform to the Applicant's request and was modified by City staff to include egress onto Versaggi which was expressly prohibited in the Settlement Agreement.

Standard of Review

"First tier" certiorari review of a quasi-judicial decision requires the Circuit Court to determine:

(1) Whether procedural due process is afforded, (2) whether the essential requirements of law were observed, and (3) whether the administrative findings and judgment are supported by competent substantial evidence.

City of Deerfield Beach v. Vaillant, 419 So.2d 624, 626 (Fla. 1982). The Court shall quash a quasi-judicial decision that fails to meet this standard. *Tamiami Trail Tours v. Railroad Commission*, 174 So.2d 451, 454 (Fla. 1937).

Certiorari is appropriate where the local agency held a quasi-judicial hearing on the application. See, e.g., R. Lincoln and S. Ansbacher, *What's a Local Government Got to do to Get Reviewed Around Here?*, FLA.B.J. 50 (May 2003), and various decisions cited therein. In this case, the Public Hearing was a quasi-judicial hearing in which procedural due process was not observed and a decision rendered without competent substantial evidence.

Argument

The intersection of Versaggi Drive and A-1-A is currently a traffic and safety concern, both for vehicular traffic and pedestrian/bicycle traffic. (A.1; A.2, p.5, l.4-9; 6, l.3-9; p.11, l.18-22). This fact and these concerns were corroborated by Respondent and its staff on numerous occasions throughout the Public Hearing. (*see generally*, A.2) With new construction and the subsequent addition of more businesses onto Applicant's Southern Property the traffic, confusion, and resulting danger will only continue to escalate. To grant Applicant's request for an additional

curb cut and driveway to and from the Subject Property, directly opposite of the driveway to Applicant's Southern Property, will exacerbate an already dangerous intersection for both vehicular and pedestrian traffic. Based upon the request that was granted, a 5 or 6-way traffic flow pattern at the west end of Versaggi Drive will be allowed to exist, without so much as the benefit of a vehicular or pedestrian traffic study. (A.1; A.2). But as stated at the Public Hearing, the Commissioners did not feel that legally, they had a choice. (A.2, p.57, l.15-16).

At the Public Hearing on December 7, 2020, there was a public outcry voicing various concerns over the Application including, but not limited to: (1) accidents that have occurred at the intersection of Versaggi Drive (A.2, p. 13, l.19-25); (2) that Versaggi is a residential street that the Applicant is trying to use for commercial purposes (A.2, p.14, l.15-23); (3) that no traffic study was obtained or accident data supplied (A.2, p. 19, l.13-20; p. 33, l.6-9); (4) that the turn-in to Versaggi Drive off of A-1-A currently causes a backup of traffic on A-1-A (A.2, p.23, l.1-5); (5) that there are many new young families on Versaggi Drive with increases in children and pedestrians (A.2, p.23, l.20-25); and (6) that the Versaggi neighbors recollection of the Settlement Agreement was that it only allowed Applicant to *ask* for another driveway onto the Subject Property, it didn't guarantee any such right. (A.2, p.15, l.9-25). The Petitioner presented a petition signed by 54 of the neighbors, which was included in the record of the Public Hearing. (A.4). To grant Applicant's

request without so much as reviewing a traffic study or consideration of the public's concerns constitutes a violation of due process, as the Petitioner (and her neighbors as well as the public at large) are entitled to demand that a decision of the City be based on a correct application of the law and competent substantial evidence. To render a decision without competent substantial evidence under these circumstances constitutes a violation of the fundamental public purpose of preserving the health, safety, and welfare of the public.

The Applicant bears the initial burden of presenting competent substantial evidence to support its application, and in this case the Applicant failed to present such evidence. *Irvine v. Duval County Planning Commission*, 495 So.2d 167, 167 (Fla. 1986). Rather than basing their decision on competent evidence, the City Commission instead relied on: (1) City staff interpretation of the Settlement Agreement, (2) the fear/threat of future litigation, and (3) statements and recommendations of Public Works Director given without support (e.g. accident data or traffic studies).

A plain review of the Settlement Agreement reveals that it does not *entitle* the Applicant to a curb cut but allows for a request "which shall be considered on its own merit." (A.3). In this case, the City did not consider the Applicant's request on its own merit, but rather with the assumption that they had no choice but to approve it. (A.1; A.2). The request should have been considered on its own merit, and the

City was obligated to evaluate it based upon City Code in addition to competent substantial evidence. If properly considered under applicable City Code and Land Development Regulations, Applicant's curb cut request should have been denied on its own merit.

While A-1-A South would be considered an "Arterial Road" and the Applicant's Properties on either side of Versaggi Drive are zoned commercial, Versaggi Drive must be considered a "Residential Street" under applicable Land Development Regulation § 6.02.02(B). (A.5) According to its classification as a Residential Street, Versaggi Drive should be "primarily suited to provide direct access to residential development (Linda Mar subdivision), but may give access to limited nonresidential uses, provided average daily traffic (ADT) volume generated by the nonresidential use does not exceed applicable standards for the affected streets." §6.02.02(B). In this case, the introduction of commercial curb cuts and driveways necessarily invite additional commercial traffic. But this is mere conjecture, as the City refused to obtain any traffic studies or otherwise scrutinize the impact of Applicant's request on Versaggi drive. By failing to at least determine/evaluate how the proposed curb cut would impact daily traffic on the residential street that is Versaggi Drive, the City failed to evaluate the request for its conformance to applicable Code.

Additional relevant City Code sections provide, in pertinent part, that:

Access to nonresidential uses shall not be through an area designated, approved, or developed for residential use.

Sec. 6.02.06(D)(1). (A.6). The Applicant has previously relied on this Code section in support of its requests for a curb cut on to Versaggi Drive, presumably under the assumption that because Applicant's properties bisected by Versaggi Drive were zoned commercial, that section of Versaggi Drive should not be considered "residential." To the contrary, in review of § 6.02.06(D)(1) with §6.02.02(B), the entire length of Versaggi Drive should be classified as residential and limited/designed to carry no more traffic than is generated by the street itself. §6.02.02(B). The fact that the top (or west end) of Versaggi Drive is flanked on both sides by nonresidential properties should not change the character or classification of Versaggi Drive as a "Residential Street." Section 6.02.02(B) further provides "[e]ach residential street shall be classified and designed for its entire length to meet the minimum standards... a residential street is a frontage street which provides direct access to abutting properties and is designed to carry no more traffic than is generated by the street itself." Based upon applicable Code, if the Application had been reviewed on its own merit and by application of pertinent Code and Land Development Regulations, there is merit to the argument that the request should have been denied.

At the public hearing on December 7, 2020, the City Commission was warned that they did not want to lose further litigation and were cautioned that if the

application was not approved and litigation initiated by the Applicant, they would lose. (A.2, p.34, 1.21-24;). While the Applicant did not threaten the City Commission, it is clear that this fear of further litigation led the City Commission to dispense with further review or insistence on proper traffic studies or other competent substantial evidence. (A.2). Again, this fear was clearly predicated on the City's errant belief that the Settlement Agreement precluded appropriate review and necessitated "rubber stamp" approval. (A.2).

The Public Works Director of the City, Mr. Tredik, gave the staff report to the Commission in which he recommended approval of the request, with certain modifications that he had "sketched up" that day. (A.2, p.29, 1.9-10; pp.29-30). The modifications actually expanded the rights requested by the Applicant, modifying the request to give the Applicant both *and egress*. (A.2). In Mr. Tredik's opinion, despite the fact that the Settlement Agreement did not "entitle" the Applicant to egress in addition to ingress, the City Public Works Director believed this modification was "much safer." (A.2, p.39, 1-13). On information and belief, while Mr. Tredik is a Florida licensed Professional Engineer, his opinion was proffered without the benefit of competent substantial evidence such as a traffic study or any data on the potential impact of the requested curb cut and driveway on Versaggi Drive (A.2, p. 33, 1.6-9). Moreover, his modifications to the request exceeded that which was dictated and agreed upon in the Settlement Agreement. (A.3, Sect. 3(b)).

This modification on the day of the Public Hearing constitutes a departure from due process, as at no time before the Hearing was there a request or consideration that the Alvin's Island curb cut would serve as both a means of ingress *and* egress.

The actions of the City, their violations of due process and the lack of competent substantial evidence to support their decision, require that approval of the application be voided and remanded to the City with instruction to conduct proper studies and gather competent substantial evidence. Moreover, after the gathering and consideration of such evidence, the application must be reviewed on its own merit, must conform to applicable Code, and the City must render its decision using its best judgment with due consideration of public health and safety.

Prayer for Relief

Wherefore, Petitioner requests this Court (i) quash the City Commission's approval; (ii) remand for further proceedings supported by competent substantial evidence; (iii) award Petitioner reasonable attorney's fees and costs incurred in this proceeding pursuant to Rule 9.400, Fla.R.App.P.; and such other relief as this Court deems just and proper.

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Certificate of Compliance with Font Requirements

I certify that the font used in this petition is Times New Roman 14-point font, in compliance with Rule 9.210, Florida Rules of Appellate Procedure.

/s/ Seth D. Corneal
Attorney

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN
AND FOR ST. JOHNS COUNTY,
FLORIDA

CASE NO.: CA21-0152
DIVISION: 55

MARGARET A. O'CONNELL,

Petitioner,

v.

CITY OF ST. AUGUSTINE BEACH,

FLORIDA, a Florida municipal
corporation,

Respondent.

**RESPONSE TO PLAINTIFF'S AMENDED PETITION FOR
WRIT OF CERTIORARI**

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Tiedeman v. Miami, 529 So. 2d 1266 (Fla. App. 1988)

Respondent, CITY OF ST. AUGUSTINE BEACH, FLORIDA, files this Response to Plaintiff's Amended Petition for Writ of Certiorari, and in support thereof states:

Jurisdiction

Respondents contend that review by this Court is inappropriate as the City's decision is not a quasi-judicial action but rather a settlement contract amendment, precluding jurisdiction. Quasi-judicial has been broadly defined as follows:

A term applied to the action, discretion, etc., of public administrative officers, who are required to investigate facts, or ascertain the existence of facts, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. Black's Law Dictionary (Fourth Edition, p. 1411).

The action taken by the City Commission was a contract revision under the basic principles of contract law. The Settlement Agreement entered between the parties was a contract, and the City decided to revise that settlement contract after advisement from the City's Public Works department provided a safer alternative to that outlined in the Settlement Agreement. It was not quasi-judicial in nature. Although the decision was made by a quasi-judicial body, not every decision made by the City is a quasi-judicial action subject to judicial appeal.

If the Court believes this to be a quasi-judicial action, we respond to the Petition pursuant to Rules 9.030(c)(3) and Rule 9.100, Fla.R.App.P., as well as

Rule 1.630, Fla.R.Civ.P. Nevertheless, as more fully discussed *infra*, Petitioners have failed to establish a basis upon which a writ of certiorari would be appropriate.

Respondent has retained the undersigned counsel to represent its interests in this matter and is obligated to pay a reasonable fee for undersigned counsel's services in representing the Respondent in this matter.

Standing

Petitioner lacks standing because she must show special damages peculiar to herself and differing in kind from damages suffered by the community as a whole. *City of Fort Meyers v. Splitt*, 988 So. 2d (Fla. 2d DCA 2008); *Battaglia Fruit Co. v. City of Maitland*, 530 So. 2d 940 (Fla. 5th DCA 1988). Petitioner has not established a special interest beyond that of any other neighbor on Versaggi Drive and the surrounding area. *Splitt* at 32. When determining standing, courts "should not only consider the proximity of the property, but the scale of the challenged project in relation to Petitioner's property." *Rinker Materials Corp. v. Metropolitan Dade County*, 528 So. 2d 904, 906-907 (Fla. 3d DCA, 1987.) This project is merely a driveway in and out of a parking lot, not even on the same street as the Petitioner. It is not of such a scale that gives Petitioner a special interest. She will

continue to have full use and enjoyment of her property. There is nothing in the record to show special damages by the Petitioner.

Further, even if this is a quasi-judicial proceeding, the Petitioner is a participant and not a party; therefore, Petitioner does not have the same rights as a party. *Carillon Community Res. v. Seminole County*, 45 So. 3d 7, 10 (Fla. 5th DCA). Petitioner is only afforded the requisite due process of a participant and does not have a direct interest that will be affected by the City Commission's official action; Therefore, Petitioner is only entitled to notice and an opportunity to be heard, both of which she received. *Carillon*, 45 So. 3d at 11.

Petitioner is not a party to an action by the City in this case. The City was not obligated to specifically notice Petitioner, nor was Petitioner a party to the Settlement Agreement which this matter resolves around. As such Petitioner's petition for Writ of Certiorari should be denied.

Procedural History of the Case

According to the record, on March 1, 2016, the City Commission voted to deny driveway connections from Versaggi Drive to 3848 A1A South, or Alvin's Island. (App. A1, p. 1) On March 31, 2016, the owner of the properties both north and south of Versaggi, the Edmonds Family Partnership ("Owners"), appealed that decision to the Circuit Court in *Edmonds Family Partnership, LLLP v. City of St.*

Augustine Beach, Florida, Case # 3:16-cv-385-J-34PDB. (App. A1, p. 1) In February of 2017, mediation between the City and Owners, resulted in a Settlement Agreement. (App. A1, p. 1) The Settlement Agreement was approved unanimously by the City Commission on April 3, 2017. The Settlement Agreement allowed the Owners the right to build a driveway on the south side of their property, Alvin's Island, after two and a half years. (App. A3, p. 2)

After the expiration of the two and a half years, Owners filed an application for a permit to build the southern ingress driveway in January 2020. The City's Public Works staff reviewed the application and forwarded a series of safety concerns to the Owner's engineer and in June of 2020 a revised plan was submitted to the City. The City's Public Works Director requested additional changes to improve pedestrian safety and a third version of the plan was submitted to the City in September of 2020.

On November 5, 2020, the City Commission presented the application for a driveway connection at a public meeting at the City Building. The City mailed notice letters to all property owners that would normally use Versaggi Drive for ingress and egress; the City received two emails on the subject and only three residents attended the neighborhood meeting (App. A2, p. 10). The City at its regular meeting, authorized the Alvin's Island driveway connection on December 7, 2020. (A.2, p. 62-63).

This untimely filed action arises out of that permit approval. To be a timely filed appeal, the appeal must be filed within thirty (30) days of the decision, with a complete record and all filing fees. *Roadrunner Construction, Inc. v. Department of Financial Services Division of Workers Comp*, 33 So. 3d 78 (2010).

From the record, it is apparent that, while Petitioners did file something within thirty (30) days; they did not file a complete petition. The entire appeal was due on January 6, 2021. Petitioner filed an updated record on February 9, 2021, and fees were not paid until February 4, 2021.

Further, service was not timely. Without explanation, the City was not served notice until February 11, 2021. A courtesy copy was sent to the City Attorney via email on February 11, 2021, but this is the first and only documents thus far sent to the City Attorney. For the foregoing reasons, the Petition should be denied for failure to comply with procedure as required by Rule 9.100, Fla.R.App.P.

Facts Upon Which Respondents Rely

According to a Settlement Agreement entered between the Edmonds Family Partnership (“Owners”) and the City Commission, the Owners were permitted, after two and one-half years after the Settlement Agreement, to submit to build a driveway on the north side of Versaggi Drive (“North Side Curb Cut”). (App. A2, p.4) While the Settlement Agreement states that the application will be reviewed on its own

merit, it goes on to say that the North Side Curb Cut “*shall* be constructed in accordance with Plaintiffs’ most recent application...” (App. A3, p. 2) It further states that the Commission is not required to grant the North Side Curb Cut request only *if* it does not comply with conditions stated in the Settlement Agreement. (App. A3, p. 2)

In January 2020, the Owner’s engineers submitted a plan for the ingress in compliance with the Settlement Agreement. (App. A2, p. 4). The City went through its normal review process to the Owner’s application. The City’s Public Works Director is an engineer and the Owner’s engineers went through at least two revisions. For safety reasons, the site plan was revised from a swooping ingress to a traditional 90-degree driveway as both an ingress and egress driveway. (A2, p. 6). This plan reduced driver confusion and eliminates a disregard for traffic patterns. (A2, p. 6) According to the City’s Public Works Director, this is a much safer design because it requires “vehicles to slow down to make that turn...It’s also further from A1A, so it gives a little more time to decelerate as you’re coming off A1A to make that turn. The sidewalk was shifted also closer to Versaggi so there’s better visibility of pedestrians.” (A2, p. 7) Without this driveway, those leaving Alvin’s Island must cross two lanes to get to the left turn lane if they are attempting to make a U-turn to head South. (A2, p. 9) So, while it slightly increases traffic going west on Versaggi,

it drastically improves the safety of those leaving Alvin's Island to get on A1A. (A2, p. 9)

After revising the cite plan, the City scheduled a neighborhood meeting. It sent out letters to every household that lives in the area. (A2, p. 10) Three property owners attended the meeting. (Id.) After this meeting, the City began getting signatures of people who were opposed to the new ingress and egress. (A2, p. 11)

Standard of Review

The standard of review in a quasi-judicial case looks at three essential issues: 1) whether procedural due process was afforded; 2) whether the decision departs from the essential requirements of the law; and 3) whether the decision is supported by competent, substantial evidence. *Miami Dade County v. Reyes*.

Due Process

In examining procedural due process in quasi-judicial actions, it is less strict than in a traditional judicial context. Members of the public, or "participants" are afforded less due process in quasi-judicial actions. Thus, "[a] participant in a quasi-judicial proceeding is clearly entitled to some measure of due process. The issue of what process is due depends on the function of the proceeding as well as the nature of the interests affected." *Water Servs. Corp. v. Robinson*, 856 So.2d 1035, 1039

(Fla. 5th DCA 2003). Thus, all that is required is fair notice and a meaningful opportunity to be heard. *Miami Dade Count v. Reyes*.

Essential Requirements of the Law

In acting in its quasi-judicial capacity, a local government must follow the essential requirements of the law. To allege that the City departed from the essential requirements of the law must involve more than error or simply disagreeing with its decision. *Combs v. State*, 436 So. 2d 93 (Fla. 1983); *Ivey v. Allstate Insurance Co.*, 774 So. 2d 679 (Fla. 2000)

A departure from the essential requirements of the law must include “an inherent illegality or irregularity, an abuse of judicial power, or an act of judicial tyranny.” *Haines City Community Dev. V. Heggs*, 658 So. 2d 523 (1995) It is not a departure if the correct law was applied incorrectly. *Stilson v. Allstate Ins. Co.*, 692 So. 2d 979 (Fla. Dist. Ct. App. 1997). Petitioner has not plead this type of abuse. Thus, petitioners have failed to show that the City committed serious and egregious errors. A court will need more than simple mistake or misinterpretation to remand a quasi-judicial decision.

Competent Substantial Evidence

Competent substantial evidence is that evidence that has a substantial basis in fact from which the fact at issue can be reasonably inferred. *School Board of Hillsborough County v. Tampa School Development Corp.*, 113 So. 3d 919 (Fla.

Dist. Ct. App. 2013). The reviewing circuit court is to determine if there is evidence in the record that supports the City's decision. The circuit court, sitting in its appellate capacity, cannot reweigh the evidence, draw different inferences, or substitute its judgment. *Dept. of Highway Safety v. Trimble*, 821 So. 2d 1084 (Fla. Dist. Ct. App. 2002) Citizen testimony that amounts to nothing more than speculation, fears, or desires to simply maintain the status quo does not rise to the level of competent substantial evidence. *City of Apopka v. Orange Count*, 299 So. 2d 657 (Fla. Dist. Ct. App. 1974).

Sanctions under 57.105

Florida Statute § 57.105 (1) provides: "Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial: (a) Was not supported by the material facts necessary to establish the claim or defense; or (b) Would not be supported by the application of then-existing law to those material facts." A City may be awarded attorney's fees because of the frivolous nature of the Petitioner's suit. *Tiedeman v. Miami*, 529 So. 2d 1266 (Fla. App. 3723)

Argument

Petitioner failed to fully file their Petition for Writ of Certiorari in the required time frame

Procedurally, this appeal was not timely filed in full. The Petitioners filed only an incomplete petition within the required thirty (30) days. The entire appeal was due on January 6, 2021. The record was not complete until February 9, 2021, and fees were not paid until February 4, 2021. The lack of notice allowed for the City to believe the appeal period to have lapsed and permits issued to the Owners.

Further, service was not timely. Without explanation, the City was not served notice until February 11, 2021.

Article V, § 2(a), Fla. Const., provides that the Florida Supreme Court shall have exclusive authority to set the time limits for invoking appellate jurisdiction. Section 59.081, Fla. Stat. (2009), implements this authority. By the terms of the statute, failure to initiate an appellate proceeding within the time set by the Florida Supreme Court divests the appellate court of jurisdiction. These principles of law require the Florida appellate courts to dismiss an appeal for lack of jurisdiction if it was not initiated within the applicable time limit. The Florida Supreme Court established the jurisdictional time limit for initiating an appeal from a final administrative order by adopting Fla. R. App. P. 9.110(c). This rule states that the appellant shall file the original notice with the clerk of the lower administrative tribunal within 30 days of rendition of the order to be reviewed, and file a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the court. *Roadrunner Constr., Inc. v. Dep't of Fin. Servs.*, 33 So. 3d 78, 79, 2010 Fla. App. LEXIS 3849, *1, 35 Fla. L. Weekly D 685

Timelines are set by the Florida Constitution and the Florida Supreme Court and this Court does not have the discretion to accept an appeal submitted after the applicable time limit. For the foregoing reasons, the Petition should be denied for failure to comply with procedure as required by Rule 9.100, Fla.R.App.P.

Petitioner fails to point out any requirement of law violated by the City

The request for the City to “review traffic/pedestrian studies, engineering, engage in its formal application process and conduct a thorough and proper review, so that the request of the Applicant is considered on its own merit, supported by competent substantial evidence and with due consideration for the safety of the public,” is on its face not supported by the material facts necessary to establish the claim or defense and is not supported by the application of the then-existing law to those material facts. The facts are undisputed that the City did go through its normal review process. The Owners filed its first application in January of 2020. The City’s Public Works department has an engineer in its employ that reviewed the project. From January to June of 2020, the City’s engineer worked with the Owner’s engineer and a revised plan was submitted in June of 2020. After that revised plan, the City’s engineer required additional modifications from the

Owner's engineer to further improve pedestrian safety. After eleven months of City review and oversight the plan was presented on November 5, 2020 in a neighborhood meeting. At that meeting the City noticed all homeowners that use Versaggi Drive for access to AIA. This resulted in the adoption of three additional modifications to the plan. Finally, this item was placed on the agenda before the City Commission to modify what was the previous settlement agreement with the Owners.

At no point, has Petitioner pointed to any law that requires more than the City has done in this matter. Instead, the Petitioner points to Building Code where the testimony from the Building Official accurately provided to the Commission the information that the nonresidential development "may" request additional access. "May" is permissive and certainly not a portion of the Building Code violated by the City by allowance of the request permit. The application by the Owners was explicitly allowed by the plain meaning of the Building Code. Petitioner points out that the City should use its "best judgment," but then is upset when the City does precisely that. What is required of the Petitioner is to point to Building Code or other federal, state or local statute that suggest that the City could not allow this access; Petitioner has failed in this burden.

The Petitioner erroneously states in their petition a requirement for "traffic/pedestrian" studies, but provide not citation of federal, state, or municipal

law that requires such. In fact, the City has experts which it has hired in its building department to review these types of applications routinely. The City routinely relies upon the evidence of its own building department and an applicant's engineers in approval of this type of development. As such the Petitioner has not pointed to what procedurally was done by the City in error.

Petitioner fails to state any expert evidence in the record which contradicts the decision by the City

The Petitioner has not submitted any expert evidence that would contradict any of the evidence submitted by the Owner's engineer and the City's own building department. Residents were afforded opportunities to enter evidence into the record at the Neighborhood meeting in November 2020 and the regular City meeting in December 2020. No such expert evidence was submitted at either meeting by Petitioner or any other party. As such, the only competent substantial evidence provided by experts was from the Owners and the City and no expert rebuttal evidence was placed in the record by Petitioner or any other party.

It is also disingenuous to argue that the advice of the City Attorney was that the City Commission was precluded from denying the application. The advice on aggregate was that should the City deny the application, then the City would open

itself up to lawsuit from the Owners to enforce the existing settlement agreement. Since this precise issue was previously litigated in 2016, the advice of potential future litigation from Alvin's seemed appropriate. The City was clearly presented with choices. No advice precluded the Commission from going back to the original settlement agreement and allow ingress only. No advice precluded the Commission directed this back to staff for further evaluation. Truthfully, no advice is presented by the Petitioner from the City Attorney that stated the Commission could not deny the application by Owners. Nothing argued by Petitioner is a clear showing that staff was limiting the decision-making power of the City Commission.

The Petitioner cites only small portions of the Settlement Agreement, in what is truthfully a very large paragraph of that agreement. When read in its entirety the paragraph of the Settlement Agreement has a very different meaning.

b) Two and one-half years after the Effective Date, but not sooner, Plaintiffs may submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"), which shall be considered on its own merit. The North Side Curb Cut shall be constructed in accordance with Plaintiff's most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive. The City retains the right to review Plaintiffs' North Side Curb Cut application to ensure it complies with the City's then existing code requirements, and the Plaintiffs reserve the right to modify the most recent application to the extent appropriate to respond to amendments or deletions to the City's

applicable standards between the Effective Date of this Agreement and the date of application for the North Side Curb Cut. Regardless of code or other modifications to applicable standards, Plaintiffs shall not be entitled to a curb cut that would allow entry from or exit to the east. Additionally, Plaintiffs shall erect and maintain signage indicating that no exit is permitted out of the North Side Curb Cut. The Parties agree that this provision shall not be construed so as to require any future Commissions to grant a curb cut request on the north side of Versaggi, to the extent the application does not comply with the conditions set forth herein. (App. A3, p. 2)

The paragraph, when taken as a whole, can truly be read to limit the City's ability to deny a permissible North Side Curb Cut only under specific limitations.

Petitioner would have this Court read only the portion of the paragraph that the North Side Curb Cut be "considered on its own merits," but clearly a great deal of additional specificity was placed in this paragraph. It is entirely reasonable to read the whole paragraph was created to limit the City's denial of a permit to only truly administrative denial, and at the very least would open the City up to potential litigation to interpret this paragraph.

Request Attorney's Fees under §57.105

The Petitioner has failed to place into the record any expert evidence to refute the engineers from the Owners and the Public Works Department and the City's own engineer. As this is now an appellate action, the Court may only look at the evidence already in the record. Additionally, the Petitioner cites no federal, state or local requirement specifically that the City has not followed in reviewing

this application. As such, the City should be entitled to be refunded its costs of defending this action under Florida Statute §57.105.

Conclusion

Procedurally, this matter is the amendment of a settlement agreement. As such this matter was contractual and not a quasi-judicial item before the City Commission. If this Court finds that the subject matter of this item was not quasi-judicial, then it would be inappropriate for this Court to grant a Writ of Certiorari. Procedurally, Petitioners filed only an incomplete petition within the required thirty (30) days. The entire appeal was due on January 6, 2021.

The substantive portion of the Petitioner's argument is an after the fact appeal of the City's decision when it is performing its normal functions and a citizen is unhappy with the result; these types of appeals are regularly denied. The City had an existing Settlement Agreement. The City did apply its normal review to the Owner's application for the ingress; that process took over eleven months. Several rounds of review were made with the City's public works department and the Owner's engineer to review the application for safety. The end result of the review process was a recommendation that a traditional ingress/egress was much safer than an ingress only access. The City held two public meetings on the

matter. The City implemented three suggestions from that public Neighborhood meeting into the proposed amended Settlement Agreement. The City Commission finally reviewed the amendment to the Settlement Agreement and authorization for the Owner to begin construction of the ingress/egress in a noticed public forum at which due process was provided for the public to voice their reservations. It was correct and proper for the City to accept the review of the public works department and evidence provided by the City's Public Works Director who is the City's own engineer who reviewed the project as evidence; no expert evidence is in the record to the contrary.

Petitioner's arguments bear down to the two theories. That City's public works department eleven-month review of the ingress/egress was somehow legally insufficient, and that the City is required to do costly traffic studies before the City can make this decision. The City has not adopted a traffic study requirement to driveway applications and the Petitioner points to no law or code showing this as a requirement for the City to make this kind of decision.

Petitioner's second argument essentially states that the City Attorney cannot provide legal advice. The City Attorney cautioned the City Commission that the Owner might reopen the previously settled lawsuit in this matter. The provision in the Settlement Agreement allowance for the Owner to make an application for ingress off of Versaggi would have to be read to mean something. The City

Attorney's advising the Commission of the cost and potential outcome of relitigating the previously settled ingress was reasonable legal advice. The City Attorney never stated the Commission was unable to decide the issue.

Ultimately the Writ of Certiorari should be denied for multiple reasons. The Petitioner does not have standing. The Petitioner did not file a complete petition by the filing deadline. The Petitioner has not identified a failure of due processes. This petition should never have been filed. The City has had to pay extra money and invest time in the answering of this petition for which the petitioner's counsel should know well that they have not articulated a legal argument that would have any reasonable chance of prevailing.

Prayer for Relief

WHEREFORE, Respondent requests this Court deny Petitioner's petition for Writ of Certiorari, award Respondent reasonable attorney's fees and costs incurred in this proceeding pursuant to Rule 9.400, Fla.R.App.P.; and such other relief as this Court deems just and proper.

THE DOUGLAS LAW FIRM

/s/ Lex Morton Taylor, III

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Certificate of Compliance with Font Requirements

I certify that the font used in this petition is Times New Roman 14-point font, in compliance with Rule 9.210, Florida Rules of Appellate Procedure.

/s/ Lex Morton Taylor, III
Attorney

CERTIFICATE OF SERVICE

I certify that on 15th day of March 2021, a copy of this document was filed with the Court using the Florida Courts E-Filing Portal which will send a notice of electronic filing to: Seth D. Corneal at seth@corneallaw.com and Alex C. Jajarian at alex@corneallaw.com.

/s/ Lex Morton Taylor, III
Attorney

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CA21-152
DIVISION: 59

MARGARET A. O'CONNELL,
Petitioner,

v.

CITY OF ST. AUGUSTINE BEACH, FLORIDA
a Florida municipal corporation,
Respondent,

ORDER GRANTING AMENDED PETITION FOR WRIT OF CERTIORARI

THIS CAUSE came before the Court pursuant to Margaret A. O'Connell's Amended Petition for Writ of Certiorari. [DIN 7]. The Court having reviewed and considered the Petition, the Response to the Petition [DIN 15], Petitioner's Response to the Commission [DIN 17], and being otherwise fully advised in its premises finds as follows:

Petitioner seeks review of the City of St. Augustine Beach City Commission's ("Commission") approval of a request by applicant, Edmonds Family Partnership, LLP ("Applicant") for a curb cut for ingress on Versaggi Drive, which was modified at the public hearing held on 7 December 2020 to include egress. The Court has jurisdiction to hear this Petition pursuant to Fla. R. App. Pro 9.030(c)(3) and 9.100.

Standard

In reviewing an administrative agency decision, the Court must consider: 1. whether procedural due process was afforded to the parties; 2. whether the essential requirements of law were observed; and 3. whether the administrative findings and judgment are supported by competent substantial evidence. *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla.

1995).¹ The Court is not entitled to reweigh the evidence or substitute its judgment for that of the agency. *See Dep't. of Highway Safety and Motor Vehicles v. Trimble*, 821 So. 2d 1084, 1085 (Fla. 1st DCA 2002). The Court is restricted solely to the record of the proceeding below and can only consider facts presented at that proceeding. *Battaglia Fruit Co. v. City of Maitland*, 530 So. 2d 940, 943 (Fla. 5th DCA 1988) *cause dismissed sub nom. Cooper v. Battaglia Fruit Co.*, 537 So. 2d 568 (Fla. 1988) and *cause dismissed*, 537 So. 2d 568 (Fla. 1988). The Court's certiorari review power does not allow the Court to direct the lower tribunal to take any action but is limited to the Court quashing the order being reviewed, if appropriate. *See City of Kissimmee v. Grice*, 669 So. 2d 307, 309 (Fla. 5th DCA 1996).²

Procedural History

The Applicant owns two commercial parcels on Highway A-1-A that are divided by Versaggi Drive. Versaggi Drive begins at the western end at A-1-A, proceeds east past the two Edmonds parcels and into the Linda Mar residential subdivision. The Applicant previously requested Development Plan Review from the City seeking two full access driveway cuts on Versaggi Drive. On December 16, 2014, the request went before the City's Planning and Zoning Board ("PZB"). PZB unanimously recommended approval to the Commission. On 5 January 2015, Applicant presented its proposal to the Commission through Bill Schilling, engineer and Vice-President of Kimley-Horn and Associates. After listening to testimony from residents of the neighborhood surrounding Applicant's commercial parcels, the Commission directed the Applicant to host a community meeting to meet with the residents and reschedule the proposal before the Commission for final consideration. Although Applicant originally requested full access cuts, after discussion with the Commission, the Applicant changed his request to one-way

¹ *Citing City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982).

² *citing ABG Real Estate Dev. Co. of Florida, Inc. v. St. Johns County*, 608 So. 2d 59 (Fla. 5th DCA 1992)

cuts. Applicant subsequently held a meeting with the residents and appeared again before the Commission on March 2, 2015. The second hearing concerned Applicant's request for one-way (ingress) curb cuts that turned left only into the northern parcel, and right only into the southern parcel. After listening to testimony from the residents, the Commission denied the Applicant's request. The Applicant appealed the decision to this Court, and this Court remanded the issue back to the Commission.³ On 1 March 2016, the Commission denied the request on remand. The Applicant filed suit against the City of St. Augustine Beach in the Middle District of Florida. In February 2017, a mediated settlement agreement ("Settlement") was reached between the parties, and that agreement was unanimously approved by the Commission on 3 April 2017. The Settlement permitted Applicant to construct an ingress-only curb cut/driveway from Versaggi Drive into Applicant's Southern Property (the Verizon store and neighboring business). Regarding the Northern Property (Alvin's Island) at issue here, the Settlement provided as follows:

Two and one-half years after the Effective Date, but not sooner, Plaintiffs may submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"), which shall be considered on its own merit. The North Side Curb Cut shall be construed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive. The City retains the right to review Plaintiffs' North Side Curb Cut application to ensure it complies with the City's then existing code requirements, and the Plaintiffs reserve the right to modify the most recent application to the extent appropriate to respond to amendments or deletions to the City's applicable standards between the Effective Date of this Agreement and the date of application for the North Side Curb Cut. Regardless of code or other modifications to applicable standards, Plaintiffs shall not be entitled to a curb cut that would allow entry from or exit to the east. Additionally, Plaintiffs shall erect and maintain signage indicating that no exit is permitted out of the North Side Curb Cut. The Parties agree that this provision shall not be construed so as to require

³ The Court's decision in St. Johns County case number CA15-366 was based upon the fact that the Commission denied the application due to the general opposition of residents without considering whether the Code permitted the Applicant's request, as well as the fact that the Commission failed to comply with section 166.033, Fla. Stat. when denying the request. The Court did not address whether the Applicant's request complied with the Code and should ultimately succeed.

any future Commission to grant a curb cut request on the north side of Versaggi, to the extent the application does not comply with the condition set forth herein.

After the end of the two- and one-half-year time period, Applicant submitted an application for curb cuts on the Northern Property. According to the record, the Public Works Director deemed the application to be contentious, thus triggering a code provision that permits review by the Commission. (P. Appx. A.2 at 52-53). At the 7 December 2020 public meeting, the Commission rendered a 4-1 approval of the application. The instant Petition for Writ of Certiorari followed.

Jurisdiction

Respondent argues that the decision to grant the curb cut and driveway was not a quasi-judicial action, but rather a “contract revision” under basic contract law. Petitioner disagrees, and argues that the public hearing clearly met the textbook definition of quasi-judicial review. It is the character of the hearing that determines whether a board action is quasi-judicial. *Bd. of County Com'rs of Brevard County v. Snyder*, 627 So. 2d 469, 474 (Fla. 1993). Florida Courts have identified four characteristics of a quasi-judicial decision: (1) quasi-judicial action results in the application of a general rule of policy; (2) a quasi-judicial decision has an impact on a limited number of persons or property owners and on identifiable parties and interests; (3) a quasi-judicial decision is contingent on facts arrived at from distinct alternatives presented at a hearing; and (4) a “quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions.” *D.R. Horton, Inc.--Jacksonville v. Peyton*, 959 So. 2d 390, 398--99 (Fla. 1st DCA 2007).⁴

The Court finds that the 7 December 2020 proceeding was quasi-judicial in nature. Upon review of the meeting transcript, it is clear that the Commissioners did not vote to revise the

⁴ Citing *Snyder* at 474, *supra*.

Settlement Agreement, but rather, after inviting citizen testimony, voted to approve the application with modifications:

Mayor England: Well, safety first, right, and then we take a look at the settlement agreement and our current code. So with that being said and we've discussed, anyone would - - would anyone like to make a motion on what we should do on the applicant's request and - - on this?

Commissioner George: I can - - I guess this does require a motion because the staff is asking us for a motion. Okay. I will make a motion that we approve the design as recommended by our public works director which provides for a 90-degree ingress north from Versaggi, and a 90-degree egress onto the - - heading west on Versaggi.

(P. Appx. A.2 at 62-63).

Although the Commission approved the application with modifications suggested by Mr. Tredik, the public works director, nowhere in the transcript of the public meeting was there mention of the proceeding being a "contract review" or an "amendment to a settlement agreement." To the contrary, the meeting was included in the regular meeting agenda, there was public comment, and the Commission took a vote. Further, the record reflects that the judgment of the Commission was contingent on the showing made at the hearing. *See e.g., De Groot v. Sheffield*, 95 So. 2d 912, 915 (Fla. 1957). The Court finds that the proceeding was quasi-judicial in nature and accordingly rejects Respondent's argument that this Court lacks certiorari jurisdiction. Additionally, the Court finds that the Petition was timely filed.

Standing

In its Response, Respondent argues that Petitioner lacks standing because she failed to show special damages peculiar to herself and differing in kind from damages suffered by the community as a whole. Respondent also claims that the driveway at issue is "not even on the same street as Petitioner." However, the record reflects that Petitioner's address is 10 Versaggi Dr., which is the same street that provides access to the driveway at issue.⁵ In determining whether

standing exists, the court may consider the proximity of the property to the area, the character of the neighborhood, and the type of change proposed. *Rinker Materials Corp. v. Metro. Dade County*, 528 So. 2d 904, 906 (Fla. 3^d DCA 1987). Petitioner presented the following argument at the meeting:

Meg O'Connell: Hi, I'm Meg O'Connell, 10 Versaggi Drive. You guys all received my letter and signatures from the neighbors, so I won't go into detail because I know you guys have seen it, but I just want to reiterate our two concerns, of course, are safety. While Mr. Treddik brings up a good point, and in theory it seems like a good idea, what is happening in practice at the top of Versaggi is not working for anybody. The photos I sent were just photos that I've captured on my phone, so it's only a fraction of what I've seen when I've been able to get my phone out quick enough to take photos of what's happening at the top of the street and the congestion and the illegally parked cars, it's a daily occurrence. The second issue is Mr. Edmonds is clearly not a good neighbor. You say the pictures of the signs on the egress and the driveways that are falling apart, clearly, those signs have been neglected and not maintained for multiple years, I would argue a dozen or more, so clearly he is not concerned about the safety of the patrons going into his properties or the neighbors around them. He only does just enough to get whatever passed for his means to his end, and so I would ask that this commission consider what is actually happening at the top of Versaggi versus what the theoretical idea of what should happen at Versaggi. Thank you.

Mayor England: Actually, I'm not sure we received the pictures. Did ya'll receive -- okay. All right.

Meg O'Connell: I can show you if you'd like, I have them. Here's a picture of a FedEx truck parked outside of Verizon. Here's a picture of a car pulling out of Verizon. Another car pulling out of Verizon. Another car pulling out of Verizon. (the signage prohibits egress from the Verizon parking lot onto Versaggi Drive). And I would argue that this is probably one of the most important photos because it shows congestion at the top of the street. Right here is where they're proposing the new driveway be, so if there's any congestion whatsoever, we have a complete block at the top of Versaggi. If someone is pulling in at a high rate of speed, there's congestion, and there will be a block and backup on A1A. It's just not safe. I can leave these with you if you would like.

Mayor England: Yes, I think, Beverly, you do -- you've already got them? Okay. All right.⁶

⁵ P. Appx. A.2 at 21.

⁶ P. Appx. A.2 at 21-23.

Additional residents testified to the problems with the Verizon store's driveway.⁷ The testimony indicated that vehicles do not follow the signs and go "whichever way they want."⁸ Testimony indicated there are many children and pedestrians on Versaggi drive. Following the citizen testimony, the public works director appeared to acknowledge that the application would result in a configuration that was "not a safe solution," but reiterated that the applicant was entitled to the ingress due to the settlement agreement.⁹

Petitioner has established a residency on Versaggi Drive and presented testimony that she would be adversely affected by the addition of the curb cut on the residential street. The change allowed would allow additional non-residential activity on to Versaggi Drive, causing potential harm to the residents' only point of access to A1A. Petitioner supplied evidence (illegal parking and other road violations, petition signed by neighbors) at the public meeting regarding injuries she, as well as other residence, suffer that will be exacerbated by Applicant's request. The Court finds Petitioner has met the threshold for standing.

Procedural Due Process

First, Petitioner asserts the Commission's determination violated her due process rights because the City unilaterally modified the Application to include egress onto Versaggi, which was expressly prohibited by the Settlement. Additionally, Petitioner argues that approving the application without reviewing a traffic study or considering the public's concerns violated her due process rights.

Both the United States and Florida Constitutions protect individuals from arbitrary and unreasonable governmental interference with their right to life, liberty, and property. *State v. Robinson*, 873 So. 2d 1205, 1212 (Fla. 2004). Procedural due process affords notice of a possible

⁷ P. Appx. A.2 at 13-26.

⁸ P. Appx. A.2 at 23.

⁹ P. Appx. A.2 at 26.

government deprivation and a meaningful opportunity to contest it, usually before it is imposed. *Id.* The extent of procedural due process afforded to a party in a quasi-judicial hearing is not as great as that afforded to a party in a full judicial hearing. *Carillon Cmty. Residential v. Seminole County*, 45 So 3d 7, 10 (Fla. 5th DCA 2010). Additionally, in the context of quasi-judicial proceedings, courts distinguish between parties and participants. *Id.* Although a participant in a quasi-judicial proceeding is clearly entitled to some measure of due process, the issue of what process is due depends on the function of the proceeding as well as the nature of the interest affected. *Florida Water Services Corp. v. Robinson*, 856 So. 2d 1035, 1039 (Fla. 5th DCA 2003).

The Second District Court of Appeal characterized procedural due process as follows:

“Procedural due process requires both fair notice and a real opportunity to be heard ... ‘at a meaningful time and in a meaningful manner. (Internal citation omitted). In other words, “[t]o qualify under due process standards, the opportunity to be heard must be meaningful, full and fair, and not merely colorable or illusive.” (Internal citation omitted). The determination of whether the procedures employed during a particular hearing provide a real opportunity to be heard in a meaningful manner depends on the nature of the private interest at stake and the nature of the government function involved. (Internal citation omitted). Accordingly, the amount of process due varies based on the particular factual context surrounding an administrative proceeding.

Dep’t of Highway Safety & Motor Vehicles v. Hofer, 5 So. 3d 766, 771 (Fla. 2d DCA 2009).

Petitioner appeared in person at the 7 December 2020 City Commission meeting. The transcript from the meeting reflects the Commission provided Petitioner with an opportunity to relay her concerns surrounding the application. Petitioner’s Appendix did not contain a copy of the agenda for the 7 December 2020 Commission Meeting; accordingly, the Court is unable to determine whether notice was given that the meeting concerned the decision to allow for ingress and egress. However, according to the Memorandum drafted by the public works director, letters were mailed to all property owners that use Versaggi Drive for ingress and egress, which included property owners on Versaggi Drive itself, notifying the property owners of a neighborhood

meeting to discuss the pros and cons of the driveway options.¹⁰ According to the public works director, the meeting was held on November 5, 2020, at which the pros and cons of an ingress only versus an ingress/egress driveway were discussed.¹¹ *Id.* However, as will be discussed *infra*, a portion of the Commission believed they lacked discretion to deny Applicant's request. Accordingly, Petitioner's testimony, as well as that of the other residents, was received by the Commission with the formed belief that it lacked discretion to deny the request even if citizens presented competent, substantial evidence supporting denial. One could argue that participants were not afforded a real opportunity to be heard in a meaningful manner. The Court need not consider this however as the most appropriate basis upon which to grant Petitioner's request for certiorari relief is the Commission's departure from essential requirements of law as discussed below. Regarding Petitioner's argument that the City approved a modification prohibited under the Settlement, Petitioner was neither a party to nor an intended third-party beneficiary of the Settlement; thus, has no rights under the agreement to enforce. *See e.g., Green Emerald Homes, LLC v. 21st Mortgage Corp.*, 300 So. 3d 698, 706 (Fla. 2d DCA 2019).

Essential Requirement of Law

Petitioner argues that the Commission departed from the essential requirements of law by failing to base its decision on its own code criteria. Petitioner asserts the Commission relied upon an erroneous interpretation of the Settlement from its staff, based its decision on the fear of future litigation should it deny the request, and relied upon the factually unsupported statements and recommendations of the public works director. Petitioner argues that a plain reading of the Settlement reveals that it does not entitle Applicant to automatic approval, but instead requires that the application "be considered on its own merit." Petitioner alleges the Commission did not

¹⁰ P. Appx. A.1 at 5.

¹¹ *Id.*

consider Applicant's request on its own merit, and instead operated under the mistaken belief that it was required to approve the application. Petitioner asserts this was erroneous, as the Commission was obligated to evaluate the application based upon the City Code and evaluate whether competent substantial evidence existed to grant the application. Petitioner concludes that if the application had been properly considered under the applicable City Code and Land Development Regulations, Applicant's curb cut request should have been denied on its own merit.

More particularly, Petitioner argues that Versaggi Drive constitutes a residential street under applicable Land Development Regulation 6.02.02(B). Consequently, Petitioner asserts that 6.02.02(B) specifies that Versaggi Drive should be "primarily suited to provide direct access to residential development, but may give access to limited nonresidential uses, provided average daily traffic (ADT) volume generated by the nonresidential use does not exceed applicable standards for the affected streets." Petitioner asserts that the City failed to obtain any traffic studies or otherwise scrutinize the impact of Applicant's request as required by 6.02.02(B).

Failure to observe the essential requirements of law means failure to afford due process of law within the contemplation of the Constitution, or the commission of an error so fundamental in character as to fatally infect the judgment and render it void. *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523 (Fla. 1995)¹² A ruling constitutes a departure from the essential requirements of law when it amounts to a violation of a clearly established principle of law resulting in a miscarriage of justice. *Clay County v. Kendale Land Development, Inc.*, 969 So. 2d 1177 (Fla. 1st DCA 2007)¹³ In *Heggs*, the Florida Supreme Court concluded that "applied the correct law" is synonymous with "observing the essential requirements of law." *Heggs* at 530. Municipal zoning

¹² Citing *State v. Smith*, 118 So. 2d 792 (Fla. 1st DCA 1960).

¹³ Citing *Combs v. State*, 436 So.2d 93, 96 (Fla.1983).

ordinances are subject to the same rules of construction as are state statutes. *Shamrock-Shamrock, Inc. v. City of Daytona Beach*, 169 So. 3d 1253, 1256 (Fla. 5th DCA 2015).

Further, a lower court's interpretation of a contract is subject to de novo review, and settlement agreements are interpreted in the same manner as contracts. *See Whitley v. Royal Trails Prop. Owners' Ass'n, Inc.*, 910 So. 2d 381, 383 (Fla. 5th DCA 2005) (Citation omitted).¹⁴ Interpretation of a contract is a question of law, and an appellate court may reach a construction contrary to that of the trial court. *Id.* (Citation omitted). When the terms of a contract are unambiguous, the parties' intent must be determined from within the four corners of the document. *Gold Crown Resort Mktg. Inc. v. Phillpotts*, 272 So. 3d 789, 792 (Fla. 5th DCA 2019) (Citation omitted). In the absence of ambiguity, the language of the contract itself is the best evidence of the parties' intent and its plain meaning controls. *Id.* (Citation omitted). Finally, when interpreting contractual provisions, courts should not interpret a contract in such a way as to render provisions meaningless when there is a reasonable interpretation that does not do so. (Citation omitted). *Bethany Trace Owners' Ass'n, Inc. v. Whispering Lakes I, LLC*, 155 So. 3d 1188, 1191 (Fla. 2^d DCA 2014).

Regarding the Northern Property, the Settlement Agreement provides as follows:

Two and one-half years after the Effective Date, but not sooner, Plaintiffs may submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"), which shall be considered on its own merit. The North Side Curb Cut shall be construed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive. The City retains the right to review Plaintiffs' North Side Curb Cut application to ensure it complies with the City's then existing code requirements, and the Plaintiffs reserve the right to modify the most recent application to the extent appropriate to respond to amendments or deletions to the City's applicable standards between the Effective Date of this Agreement and the

¹⁴ *see also Martin Yacht Mfg., Inc. v. Nichols*, 254 So. 3d 1022, 1024 (Fla. 4th DCA 2018) ("settlement agreements are interpreted like a contract and reviewed de novo.")

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

The Court finds that nothing in the above paragraph nor in the entire settlement gives the Applicant automatic entitlement to curb cuts on its Northern Property. The Court finds that such an interpretation would render the requirement that the application be “considered on its own merit” meaningless. Respondent argues that the above paragraph limits the City’s authority to deny Applicant’s curb cut request, opining that although the paragraph provides that the application shall be “considered on its own merits,” the language that follows limits the City’s authority to deny the request. This Court finds that such an interpretation would render meaningless the provision requiring the application be considered on its own merit. Contracts should not be interpreted in such a way as to render provisions meaningless when there is a reasonable interpretation that does not do so. *Id.* The Court finds that there is a reasonable interpretation that would give effect to all provisions: The Settlement limited the time-period in which Applicant could submit an application for a curb cut request for its Northern Property, and provided that once the time period expired, Applicant could submit an application that would be “considered on its own merit.” The Settlement proceeds to delineate the limitation upon the North Side curb cut applications, as well as Applicant’s obligations in the event that the curb cut was approved, after being considered on its own merit. The Court finds that at a minimum, the Settlement requires that Applicant’s request for curb cuts on its Northern Property must be considered on its own merit, and the Commission retained discretion to grant or deny the request.

At the 7 December 2020 Public Meeting, the Commission rendered a 4-1 approval of the Application as amended. The Court finds that the following excerpts are illustrative:

Mr. Tredik: So the bottom line, the summary is that with the terms of the settlement agreement they absolutely have the right to have an ingress.

(P. Appx. A.2 at 12).

...

Mr. Tredik: The ingress, and I can defer to the attorney, my legal understanding is that they are allowed to have it because that was the settlement agreement, and if we do not permit that ingress, we're right back to the City getting litigated against, and probably losing again because the land development code allows two points of access. Right now they do have two driveways, but one of them is a right-out only onto A1A Beach Boulevard, so they really have one ingress point. So my -- and again, that would be an interpretation of the law, but from my understanding they are allowed a second access point, which is probably why they were successful the first time around, I wasn't here, I don't know all the details of that discussion.

(P. Appx. A.2 at 26).

Mr. Tredik: ...my legal understanding is they have a right for the ingress.

Commissioner George: And what is the section of the code that you referenced earlier, that the code provides two points of ingress as a requirement.

Mr. Tredik: I'll have to refer to my code guru back there.

Mr. Law: Section 6.02.06 access. Keep in mind, this is designed for new development. All proposed development shall meet the following standards for vehicular access and circulation: Number of access points. All projects shall have access to a public right of way. Subsection 2, notwithstanding the provisions in paragraph 1 which was read above, a nonresidential development or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one access shall be onto an arterial.

(P. Appx. A.2 at 31-32).

Vice Mayor Kostka: So the code that you just read to us is for new construction?

Mr. Law: Yes, ma'am, it's all for proposed development. Basically, it just says if you're cornered on two streets, you should be able to have access into -- and keep in mind, at that point to the north side is an egress only as it sweeps, and we've all seen it as we make the merge where A1A split apart.

Vice Mayor Kostka: ...Mr. Taylor, and I'm a little disappointed that we don't have the settlement agreement for us to be able to refer to so that we can read it for ourselves, but I'm sure that you have a solid understanding of what exactly was agreed to. And so I'm sure you talked to Mr. Tredik, is that a consensus of what occurred?

Mr. Taylor: Yes, Bill and I talked about it at length. Neither of us were a party to the actual settlement. I will definitely stipulate that that is not the best well-written settlement statement I've ever seen, I wouldn't have written that, there's conflicting language in it. Some of the language says that the City has the right to review it, but you wouldn't even talk about it at all but for the fact that some portion of it is guaranteed, and so at the very least, you'd be looking at a very high-level of scrutiny if this were to be re-litigated. They would want to say, well why did we even talk about this, why is this even part of the settlement agreement. There is some language, and I think that that language is if something had drastically changed, if there had been some drastic change to the code that had a real reason for it to be there. It basically suggests that they should be given that - - that - - the ingress, but not the egress on that side. The - - there's nothing legally - - a problem at all with us doing an ingress and egress as we're granting what was in the settlement by doing that, but as far as the language, it's conflicted, but you don't want a lawsuit on it. And my legal opinion is you would lose the lawsuit because by putting that in there, they meant to say something. And they have some conflicting language that gives a little bit of wiggle room because it does say - - I pulled it up again to look at it.

(P. Appx. A.2 at 33).

...

Mr. Taylor: (reads entire Settlement Agreement provision concerning to Northern Property) So if it's - - if it complies with our code, I read that to say that we are supposed to grant it to them. There's a lot of concessions in there, a lot of specifics about which directions can and cannot have access, that sounds to me to be fairly settled. Now there's some language in there that puts flexibility in it and is not what you would normally want in a settlement because it's very hard for parties that weren't there to say, what did you mean by that then.

Vice Mayor Kostka: Right. So I definitely understand that, **but I don't think that we should succumb ourselves to the threat of a lawsuit when we don't even know what the code was.** Now, the code that Mr. Law just read applies to new construction, so I think it would be helpful to know what the code was when that building was constructed to see where we stand; does that make sense? I mean - -

Mr. Taylor: I don't believe that's going to be - - **the issue is not going to be on what the current code is or what the code was then, the issue is what was agreed upon two and a half years ago.**

Vice Mayor Kostka: Sure, it says that they may request, it doesn't say we have to grant it.

Mr. Taylor: When they make the curb request, then they have to comply with what the code is now, so that's why we're doing it, but they had some level of negotiation. They put this clause in here to mean something.

Vice Mayor Kostka: It's a mess.

Mr. Taylor: - - if they didn't put the clause in there at all, if what they intended was for us to look at the application, but the City has to look at every application that comes in anyway, so they put some constraints on the way we have to look at the application, and that's what we're having to do now is apply our code. And if we don't have a valid reason to deny it under the code, then we have to approve that application as long as it complies with what's in there or we open ourselves up to a lawsuit, and who knows, maybe we'd win it this time, but I - - that wouldn't be what I would give you as a good guess of what will happen if we go before a judge?

Vice Mayor Kostka: That wouldn't be your advice?

Mr. Taylor: No, no, it would not.

(P. Appx. A.2 at 35-38).

Mayor England: Mr. Treddik, the settlement agreement- - and this may be for Mr. Taylor,- - the settlement agreement, although does not guarantee, there's a strong argument that the ingress would be allowed, but not the egress...And then the current code, Mr. Law, you would say under the current code that ingress would be allowed off the side street; is that something that was shored up recently?

Mr. Law: I would - - yes, ma'am, I would say that the current code, Chapter 6, allows for it. It says - - **the key word though if you read code language is may.**

(P. Appx. A.2 at 46).

...

Mr. Law: Section 6.02.06, access. All proposed developments shall meet the following standards for vehicular access and circulation: Alpha. Number of access points, all projects shall have access to a public right of way. Alpha 2. Notwithstanding the provision of paragraph one above, a nonresidential development, or a multifamily residential development on a corner lot may be allowed two points of access; however, no more than one access shall be onto an arterial. But there's also a section, alternative designs, where it talks about the City using its best judgment when impracticality occurs.

(P. Appx. A.2 at 47-48).

...

Mr. Treddik: Well, in a normal case, I would probably approve a driveway connection if it met the code. A normal site plan probably wouldn't even have to go to planning and zoning. If they're coming in for a driveway, we do a driveway

connection permit, it meets the code, I'd issue a permit, but because of the history on that, that's not where we are today.

Commissioner Samora: With the application that's in front of us, you feel it meets the code, and your recommendation is what at this point?

Mr. Tredik: My recommendation is a left-in and a right-out.

Commissioner George: ...You know, we've had expert testimony - - you know, our experts telling us here that there's an entitlement to the two points of entry, and that the safest design all around is the 90-degree turn, that is a big, you know, consideration for me...I'm having a hard time- - I don't see any basis, legally for deviating from that recommendation...You know I'm not suggesting that we experiment with something new **because I really feel, legally, we don't have a choice.**

(P. Appx. A.2 at 57).

...

Commissioner Rumwell: No, I think to reiterate what Commissioner George said is that I'm leaning on the experts...And I think the other thing is for the property of the owner of the commercial property, **he's entitled**, I mean, that happened before I was on the board, and before Mr. Tredik, and I think Mr. Samora and probably Commissioner Kostka. I don't - - I don't think that he would sue, but I don't want to take that risk.

(P. Appx. A.2 at 60).

During the public comment portion of the meeting, James Collic, Petitioner's husband, relayed that his understanding of the settlement agreement was that it gave the applicant the right to ask for the driveway, but did not give the applicant the right to the driveway automatically. (P. Appx. A.2 at 15).

Mr. Collie: ...our understanding when this happened was we would take a look at what's going on with the Verizon driveway, observe, you know, how that's handled, and when [the applicant] comes back in two and a half years to ask for the right for the driveway, we would take that experience into account in determining whether or not he would, in fact, be given the driveway. That was the way - - we were all here for this, some of you were, I think you were here, Commissioner, and that was our understanding of how this was going to happen. **What we've heard recently is that it's guaranteed that he gets a driveway, and the question is how do we do it;** that was never our understanding.

Amanda Rodriguez: Amanda Rodriguez, 32 Versaggi Drive, I am the neighbor right next to that business. So I was here in the last meeting, Mr. Tredik affirmed that I agreed to it, actually, **I was told that I had no choice, and therefore the**

agreement was of how do we do it, not if we do it. Now, my understanding after talking to other neighbors, that's not really where we are, so that's the point.

Although the public works director opined that the request was "allowed" under the Code, the Commission made no clear finding on this issue. The discussion regarding whether the application complied with the Code was as follows:

Commissioner George: And what is the section of the code that you referenced earlier, that the code provides two points of ingress as a requirement?

...

Mr. Law: Section 6.02.06, access. Keep in mind, this is designed for new development. All proposed development shall meet the following standards for vehicular access and circulation: Number of access points. All projects shall have access to a public right-of-way. Subsection 2, notwithstanding the provisions in paragraph 1 which was read above, a nonresidential development or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one access shall be onto an arterial.

Vice Mayor Kostka: And, Mr. Law, do you know what the code was when the original construction was because - - and a follow-up question to that would be, does the new code apply if the old code was different?

Mr. Law: I don't have the code. I believe Alvin's Island in its creation was in the late '90s, early 2000s?

Vice Mayor Kostka: Yes.

Mr. Law: If it was the late '90s, I was still in the military somewhere. In early 2000s, I wasn't back in government at the time. The ordinance- - or the code doesn't - - it only references when we did the sweeping change in 2018, so I couldn't begin to tell you what the code was at that time.

Vice Mayor Kostka: So the code that you just read to us is for new construction?

Mr. Law: Yes, ma'am, it's all for proposed development. Basically, it just says if you're cornered on two streets, you should be able to have access into - - and keep in mind, at that point to the north side is an egress only as it sweeps, and we've all seen it was we make the merge where AIA split apart.

Mr. Taylor: ...So if it's - - if it complies with our code, I read that to say that we are supposed to grant it to them.

...

Vice Mayor Kostka: Right. So I definitely understand that, **but I don't think that we should succumb ourselves to the threat of a lawsuit when we don't even know what the code was.** Now, the code that Mr. Law just read applies to new construction, so I think it would be helpful to know what the code was when

that building was constructed to see where we stand; does that make sense? I mean-

-

Mr. Taylor: I don't believe that's going to be - - **the issue is not going to be on what the current code is or what the code was then, the issue is what was agreed upon two and a half years ago.**

(P. Appx. A.2 at 37).

The public works director then opined that if the Commission did not permit the ingress, “we’re right back to the City getting litigated against, and probably losing again because the land development code allows two points of access.”¹⁵ It is apparent from the record that the public works director was attempting to create a plan that would make the driveway configuration as safe as possible based upon his understanding that the Applicant was entitled to at least an ingress on Versaggi Drive. The public works director opined that it was “a tricky situation” from a safety standpoint, but indicated his hands were tied because his understanding was that the Applicant had a right to the ingress.¹⁶

Sec. 6.02.06 of the Land Development Regulations provides as follows:

1. All projects shall have access to a public right-of-way.
2. Notwithstanding the provisions in paragraph 1. Above:
 - a. A nonresidential development, or a multifamily residential development, on a corner lot *may be allowed two (2) points of access.* However, no more than one (1) access shall be onto an arterial.

(emphasis added)

The record reflects that Alvin’s Island (the Northern Property) is located on a corner lot. Accordingly, it is guaranteed access to a public right of way, which it already has,¹⁷ but may also be allowed an additional point of access. Upon review of the proceedings, it is clear that the

¹⁵ Although the public works director opined that the Applicant’s previous success in obtaining a Writ of Certiorari from the circuit court was due to the fact that the Applicant was allowed a second access point. However, this Court would take judicial notice of St. Johns County case number CA15-366, which demonstrates Certiorari was granted due to the Commission’s denial of the application based upon the general opposition of the residents without even considering whether the Code permitted the request coupled with the Commission’s failure to comply with section 166.033, Fla. Stat. The Court did not address whether the Applicant’s request complied with the Code.

¹⁶ P. Appx. A.2 at 31.

¹⁷ (P. Appx. A.2 at 8).

Commission received conflicting advice regarding whether it had discretion to deny the Application, and at least one member of the Commission believed that approval was mandatory. The record reflects that the Commission did not have the opportunity to review the Settlement Agreement prior to the meeting and was not provided with a copy to review during the meeting. Additionally, the transcript of the proceedings demonstrates that the Commission was unclear which code provision applied to the applicant's request. Further, the transcript suggests that the public works director, whose opinion was heavily relied upon by the Commission, was concerned about the safety of approving the Applicant's request, but felt constrained by his belief that the Settlement Agreement mandated approval. The Court observes that misapplication of the correct law does not necessarily constitute departure from the essential requirements of law. However, in this instance, a portion of the Commission appears to have been under the impression that they were required to approve the application, and thus failed to conduct a meaningful review of the Application on its merits.

The Court finds that the Commission's mistaken belief that it lacked discretion coupled with its failure to evaluate the application on its merits constitutes a departure from the essential requirements of law. Because the Court finds that the Commission failed to adhere to the essential requirements of law, this Court need not reach the issue of competent, substantial evidence.

Finally, both parties requested attorney's fees pursuant to Fla. Stat. § 57.105 in their respective filings. The Court finds that neither party has presented evidence to substantiate an award of attorney's fees under § 57.105.

Accordingly, it is:


ORDERED AND ADJUDGED that:

1. The Amended Petition for Writ of Certiorari is hereby GRANTED.

2. The Commissions' 7 December 2020 approval of Applicant's application is hereby QUASHED and this cause remanded to the Commission for its determination consistent with the provisions of this Order.

3. The Court reserves jurisdiction to enter such Orders as are necessary to carry out the provisions thereof.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 24 day of August, 2021.

 8/24/2021 4:29 PM CA21-0152

e-Signed 8/24/2021 4:29 PM CA21-0152

KENNETH J. JANESK, II, CIRCUIT JUDGE

Copies furnished to:

Seth D. Corneal, Esq.

Lex Morton Taylor, III, Esq.

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN
AND FOR ST. JOHNS COUNTY,
FLORIDA

MARGARET A. O'CONNELL,
Petitioner,
v.

CASE NO.: CA21-0152
DIVISION: 59

CITY OF ST. AUGUSTINE BEACH,
FLORIDA, a Florida municipal
corporation,
Respondent.

**ORDER ON MOTION FOR INJUNCTIVE RELIEF AND/OR TO
ENFORCE COURT ORDER BY CONTEMPT AND SANCTIONS**

THIS CAUSE came before the Court on the *Petitioner's Verified Motion for Injunctive Relief and/or to enforce Court Order by Contempt and Sanctions (DK#24)* filed by Petitioner, Margaret A. O'Connell. The Court held a hearing on January 10, 2022, and reviewed and considered the motion, and being otherwise fully advised in the matter it is:

ORDERED AND ADJUDGED that:

- I. The Motion for Injunctive Relief and/or to Enforce Court Order by Contempt and Sanctions is:
 - a. Denied as to the Request for Injunctive Relief.
 - b. Tabled as to Contempt and Sanctions.
2. The Court further provides clarification on its Order Granting Amended Petition for Writ of Certiorari (DK#18), as follows:

- a. The Order quashed the approval of Applicant, Edmonds Family Partnership, LLLP, application for a driveway/curb cut on to Versaggi Drive from 3848 A1A South, Saint Augustine, Florida 32080, and remanded the issue for the City Commission to conduct a new quasi-judicial hearing on the application with the instruction that it shall be clear that the City Commission is not bound by the settlement agreement in Edmonds Family Partnership, LLLP v. City of Saint Augustine Beach, Florida, Case #3:16-cv-385-J-34PDB.
- b. That hearing is to occur no later than the March meeting of the City of Saint Augustine, Beach, Florida.
- c. The Court does not mandate the facts or law that the City is to consider in its review of the application, only that the City comply with its own rules and applicable Code, as well as all other legal requirements pertaining to and governing its review and consideration of the application.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 11 day of January, 2022.



e-Signed 1/11/2022 1:47 PM CA21-0152

KENNETH J. JANESK, II, CIRCUIT JUDGE


Copies to:

Lex Taylor, III
Attorney for City of St. Augustine
Beach
1 News Place, Suite E
Saint Augustine, FL 32086
lex@dhclawyers.com

Seth D. Corneal
Attorney for Petitioner
509 Anastasia Blvd
Saint Augustine, FL 32080
seth@corneallaw.com
alex@corneallaw.com

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner England
Commissioner George

FROM: Max Royle, City Manager 

DATE: February 16, 2022

SUBJECT: Request for Conditional Use Permit to Construct a Single-Family Residence on a Split Commercial/Residential Lot at 12 2nd Street (Lot 11, Block 9, Chautauqua Beach Subdivision)

INTRODUCTION

The lot for which the conditional use permit is requested is on the north side of 2nd Street, east of A1A Beach Boulevard. The land use for the west half of Lot 11 is commercial, because that part of the lot is within 150 feet of the Boulevard's center line, while the east half is in the medium density residential land use district. The owner of Lot 11 wants to build a house on it. City regulations require that for a house to be built in a commercial land use district, the owner must first obtain a conditional use permit from the City.

Accordingly, the owner submitted an application to the Comprehensive Planning and Zoning Board for a recommendation to you to approve the conditional use permit.

At its February 15, 2022, meeting, the Planning Board reviewed the application and by unanimous voice vote recommended that the conditional use permit be approved.

ATTACHMENTS

Attached for your review is the following:

- a. Pages 1-49, the application that the Planning Board reviewed.
- b. Page 50, a memo from Ms. Jennifer Thompson, Planner, in which she states the Board's recommendation to you that the conditional use permit be approved.

ACTION REQUESTED

It is that you hold the public hearing and decide whether to approve the conditional use permit to allow the construction of a residence at 12 2nd Street.



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning & Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: January 31, 2022
Re: Conditional Use File No. CU 2022-01, 12 2nd St

Conditional Use File No. 2022-01 is an application for proposed new construction of a single-family residence on a vacant lot, Lot 11, and the south half of well lot lying west block 9 and part of the vacated alley lying north, Chautauqua Beach subdivision, parcel number: 1688300110, also known as 12 2nd St. The western portion of this parcel is zoned commercial, while the eastern portion is zoned medium density residential.

Per sections 3.02.02 and 10.03.00-10.03.03 of the City of St. Augustine Beach Land Development Regulations, a conditional use permit is required to construct a single-family residence in a commercially zoned district.

Currently the property at 12 2nd St is surrounded by residential properties with 14 2nd St to the west and 10 2nd St to the east.

Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

TO: Planning & Zoning Division
FROM: Brian Law
SUBJECT: 12 2nd street conditional use
DATE: 2-7-2022

The Building Division has no objection to the conditional use application to build a single family residence at 12 2nd street.

Brian Law
Building Official

**City of St. Augustine Beach Building and Zoning Department
Conditional Use Permit Application**

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the conditional use permit is being sought:

Lot(s) _____ Block(s) _____ Subdivision CHAUTAUGUA BEACH
Street Address 12 2ND STREET

2. Location (N, S, W, E): N Side of (Street Name): 2ND STREET

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☐ No ☒ (Circle one)

4. Real estate parcel identification number: 168830-0110

5. Name and address of owner(s) as shown in St. Johns County Public Records: _____

CHARLES & RHONDA ADAMS

6304 N. QUEENSWAY DR., TEMPLE TERRACE, FL 33617

6. Current land use classification: COMMERCIAL + MEDIUM DENSITY RESIDENTIAL

7. Section of land use code from which the conditional use permit is being sought: 3.02

8. Description of conditional use permit being sought: _____

To build residential on a split commercial/medium density residential parcel.

9. Supporting data which should be considered by the Board: - See attached -

LAND USE MAP & AERIALS showing development patterns.

10. Has an application for a conditional use permit been submitted in the past year? Yes ☐ No ☒ (Circle one)

If yes, what was the final result? _____

11. Please check if the following information required for submittal of the application has been included:

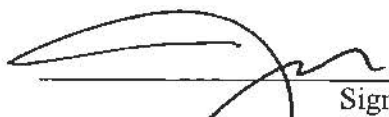
- ☒ Legal description of property
- ☒ Copy of warranty deed
- ☒ Owner Permission Form (if applicable)
- ☒ List of names and addresses of all property owners within 300-foot radius
- ☒ First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius
- ☒ Survey to include all existing structures and fences
- ☒ Elevations and overall site plan of proposed structure if conditional use is requested for construction of a residential structure in a commercial land use district
- ☒ Other documents or relevant information to be considered
- ☒ Fourteen (14) copies of the completed application including supplemental documentation and/or relevant information

In filing this application for a conditional use permit, the undersigned acknowledges it becomes part of the official record of the City Commission and Comprehensive Planning and Zoning Board and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

JAMES G. WHITEHOUSE, ESQ.

Print name (owner or his/ her agent)

Print name (applicant or his/her agent)



Signature/date

1/13/22

Signature/date

104 Sea Grove Manor St.

Owner/agent address

Applicant/agent address

904 495 0400

Phone number

Phone number

JAMES WHITEHOUSE@SJLAWGROUP.COM

Email address

Email address

****All agents must have notarized written authorization from the property owner(s)****
****Conditional use permits shall be recorded prior to issuance of the building/development permit****
**** Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the City Commission or Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.****

Date: 1-18-2022

Conditional Use File #: CU 2022-01

Applicant's name: Charles & Rhonda Adams

Applicant's address: 6304 N. Queensway Dr., Temple Terrace,
Fl. 33617-0000

For conditional use permit at: 12 2nd Street, St Augustine Beach,
Fl. 32080

Charges

\$410.00

Application Fee: \$400.00

Date Paid: 1-18-2022

Legal Notice Sign: \$10.00

Date Paid: 1-18-2022

Received by

Bonnie Miller

Date

1-18-2022

Invoice #

I2200558 / App. # 4896

Check # or type of credit or debit card

14836



City of St. Augustine Beach
2200 A1A SOUTH
ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM

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

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

OWNER'S AUTHORIZATION

Eli and Leigh Gratz / James G. Whitehouse, Esq. / St. Johns Law Group are hereby authorized TO ACT ON BEHALF OF Charles and Rhonda Adams, the owners of those lands described below or as described in other such proof of ownership as may be required, in appearing before and/or applying to the City of St. Augustine Beach, related to land use issues, and any other matter related to their property located at 12 ^{2nd Street} ~~East Street~~, St. Augustine Beach, FL, and including the following parcel at Property Appraiser ID: 168830 0110. ca
RA

Date: 01/11/2022 4:26 PM EST 01/11/2022 4:49 PM EST

BY: Charles Adams
Signature of Owner
Charles Adams
Print Name of Owner
Cell 479-957-1575
Telephone Number

BY: Rhonda Adams
Signature of Owner
Rhonda Adams
Print Name of Owner
Cell 479-957-1575
Telephone Number



St. Johns County, FL

Apply for Exemptions

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

2021 TRIM Notice

Summary

[Clicking Image Opens Cyclomedia Viewer In a New Tab](#)



Parcel ID	1688300110
Location Address	2ND ST Saint Augustine 32080-0000
Neighborhood	Chautauqua Beach (E of A1A) (675.05)
Tax Description*	2-5 CHATAUQUA BEACH W20FT OF LOT 11 & S1/2 OF WELL LOT LYING W BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943) OR3529/1191 <small>*The Description above is not to be used on legal documents.</small>
Property Use Code	Vacant Residential (0000)
Subdivision	Chautauqua Beach Subdivision of the Anas
Sec/Twp/Rng	34-7-30
District	City of St Augustine Beach (District 551)
Millage Rate	16.1681
Acreage	0.100
Homestead	N

Owner Information

Owner Name	Adams Rhonda, Charles 100%
	Adams Charles 100%
Mailing Address	6304 N QUEENSWAY DR TEMPLE TERRACE, FL 33617-0000

Map



Valuation Information

	2022
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$184,750
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$184,750
Total Deferred	\$0
Assessed Value	\$184,750
Total Exemptions	\$0
Taxable Value	\$184,750

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	\$0	\$0	\$184,750	\$0	\$0	\$184,750	\$168,101	\$16,649	\$168,101
2020	\$0	\$0	\$184,750	\$0	\$0	\$184,750	\$152,819	\$31,931	\$152,819
2019	\$0	\$0	\$180,250	\$0	\$0	\$180,250	\$138,926	\$41,324	\$138,926
2018	\$0	\$0	\$162,225	\$0	\$0	\$162,225	\$126,296	\$35,929	\$126,296
2017	\$0	\$0	\$162,225	\$0	\$0	\$162,225	\$114,815	\$47,410	\$114,815
2016	\$0	\$0	\$135,188	\$0	\$0	\$135,188	\$104,377	\$30,811	\$104,377
2015	\$0	\$0	\$103,000	\$0	\$0	\$103,000	\$94,888	\$8,112	\$94,888
2014	\$0	\$0	\$86,262	\$0	\$0	\$86,262	\$86,262	\$0	\$86,262
2013	\$0	\$0	\$78,538	\$0	\$0	\$78,538	\$78,538	\$0	\$78,538
2012	\$0	\$0	\$63,731	\$0	\$0	\$63,731	\$63,731	\$0	\$63,731
2011	\$0	\$0	\$63,731	\$0	\$0	\$63,731	\$63,731	\$0	\$63,731

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	20	100.5	20	EF	\$140,000
Vacant Residential	25	100	25	EF	\$40,250
Vacant Residential	0	0	1	UT	\$4,500

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
8/20/2019	8/5/2019	\$0.00	VACATION OF R/W	4781	943	U	I	CITY OF ST AUGUSTINE BEACH	ADAMS RHONDA,CHARLES
2/27/2012	2/17/2012	\$100.00	CORRECTIVE DEED	3529	1189	U	V	FOTIANOS THEO	SHARKEY CATHERINE ETAL
2/27/2012	2/16/2012	\$92,000.00	WARRANTY DEED	3529	1191	Q	V	SHARKEY CATHERINE ETAL	ADAMS RHONDA,CHARLES
1/31/2011	1/31/2011	\$100.00	WARRANTY DEED	3403	952	U	V	FOTIANOS ROSALIE & FOTIANOS THEO	SHARKEY CATHERINE & MC ABEE MARY LOU & MENEXIS TER
12/23/2010	11/22/2010	\$0.00	CORRECTIVE DEED	3390	840	U	V	FOTIANOS ROSALIE & FOTIANOS THEO	FOTIANOS ROSALIE ETAL
11/22/2010	11/22/2010	\$100.00	WARRANTY DEED	3378	1210	U	V	FOTIANOS ROSALIE & FOTIANOS THEO	FOTIANOS ROSALIE ETAL

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

User Privacy Policy
GDPR Privacy Notice



Last Data Upload: 1/11/2022, 11:58:04 PM

EXHIBIT "A"

LEGAL DESCRIPTION

The Southerly 1/2 of the following described land:

Tract known as "WELL LOT" described as follows:

Tract 25 feet East and West by 201 feet North and South between Second and Third Streets, bounded on the East by Lots 11 and 12, on the West by Lots 15 and 16 in Block 9, CHATAUQUA BEACH SUBDIVISION, as per map filed in Map Book 2, Pages 5, of the Public Record of Saint Johns County, Florida.

AND

The West 20.00 feet of Lot 11, Block 9, CHATAUQUA BEACH SUBDIVISION, as recorded in Map Book 2, Page 5 of the public records of Saint Johns County, Florida.

Subject to a 10 foot wide utility easement over, under and across the East 10 feet of the West 20.00 feet of Lot 11, Block 9, together with a 10 foot wide utility easement lying over, under and across the North 10 feet of the West 20 feet of Lot 11, Block 9, being projected though the Southerly 1/2 of the Well Lot, to the east line of Lot 15, Block 9, CHATAUQUA BEACH SUBDIVISION, as recorded in Map Book 2, Page 5, of the public records of Saint Johns County, Florida.



Prepared by:
Antoinette Bonafede
Land Title of America, Inc.
2495 U.S. Highway 1 South
Saint Augustine, Florida 32086-6077
L38004
Parcel Account Number: 168830-0110

(Space above for recording information)

Warranty Deed

This Indenture made this ^{16th}~~17th~~ day of February, 2012 BETWEEN MARY LOU MCABEE and TERESA MENEXIS and CATHERINE SHARKEY, each conveying their non-homestead property, GRANTOR*, whose post office address is 18780 127th Drive North, Jupiter, FL 33478, and RHONDA ADAMS and CHARLES ADAMS, husband and wife, GRANTEE*, whose post office address is 1725 West Halsell Road, Fayetteville, AR 72701.

Witnesseth, that said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of Saint Johns, State of Florida, to-wit:

The Southerly 1/2 of the following described land:

Tract known as "WELL LOT" described as follows:

Tract 25 feet East and West by 201 feet North and South between Second and Third Streets, bounded on the East by Lots 11 and 12, on the West by Lots 15 and 16 in Block 9, CHATAUQUA BEACH SUBDIVISION, as per map filed in Map Book 2, Pages 5, of the Public Record of Saint Johns County, Florida.

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SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same; SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2012 and Subsequent Years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

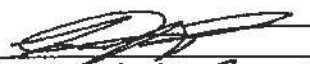
*Singular and plural are interchangeable, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

WITNESSES

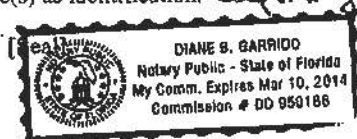

Witness: Melissa Martz

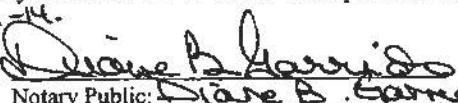

MARY LOU MCABEE


Witness: Luis Ferrer

County of ~~Saint Johns~~ Martin
State of Florida

THE FOREGOING INSTRUMENT was acknowledged before me on February ~~17th~~ ^{16th}, 2012 by MARY LOU MCABEE who is or are personally known to me or has or have produced Driver's License(s) as identification. expiring 09-14.




Notary Public: Diane S. Garrido
My commission expires: _____

ADDITIONAL ACKNOWLEDGEMENT

WITNESSES

Gynthia Destefano
Witness: Gynthia Destefano

Teresa Menexis
TERESA MENEXIS

Barry Sudler
Witness: Barry Sudler

County of Palm Beach
State of Florida

THE FOREGOING INSTRUMENT was acknowledged before me on February 17th, 2012 by TERESA MENEXIS who is or are personally known to me or has or have produced Driver's License(s) as identification.

[Seal]



PAMELA J. HAYNES
MY COMMISSION # DD 072767
EXPIRES: April 9, 2013
Bonded thru Budget Notary Services

Pamela J. Haynes
Notary Public: Pamela J. Haynes
My commission expires: 4/9/2013

ADDITIONAL ACKNOWLEDGEMENT

WITNESSES

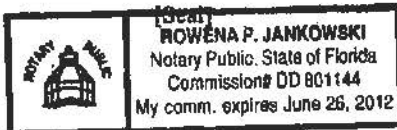
Ellen Bango
Witness: Ellen Bango

Catherine Sharkey
CATHERINE SHARKEY

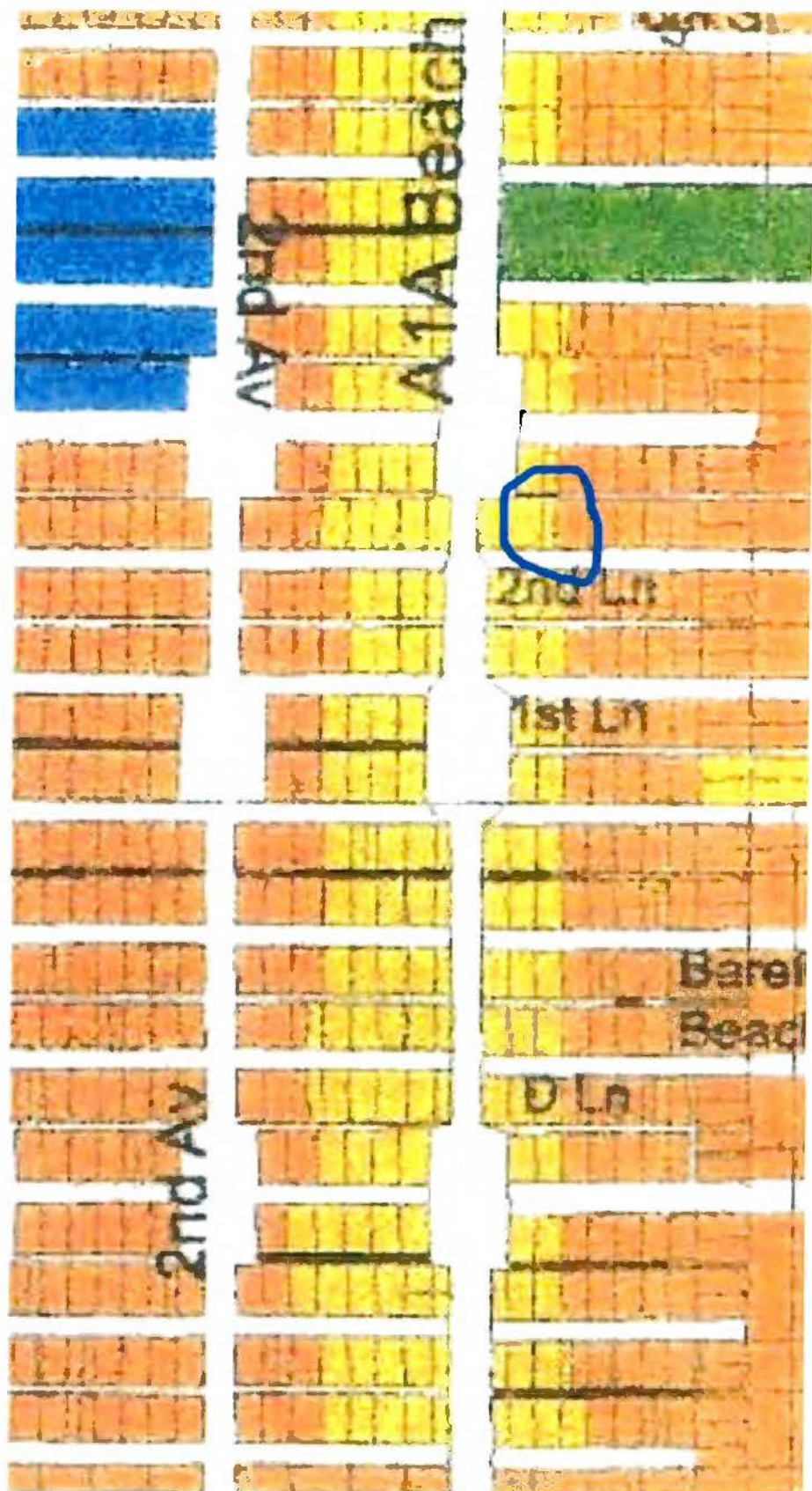
Felicia Moore
Witness: Felicia Moore

County of Saint Johns
State of Florida

THE FOREGOING INSTRUMENT was acknowledged before me on February 17th, 2012 by
CATHERINE SHARKEY who is or are personally known to me or has or have produced Driver's
License(s) as identification.



Rowena P. Jankowski
Notary Public: Rowena P. Jankowski
My commission expires: 6-26-12



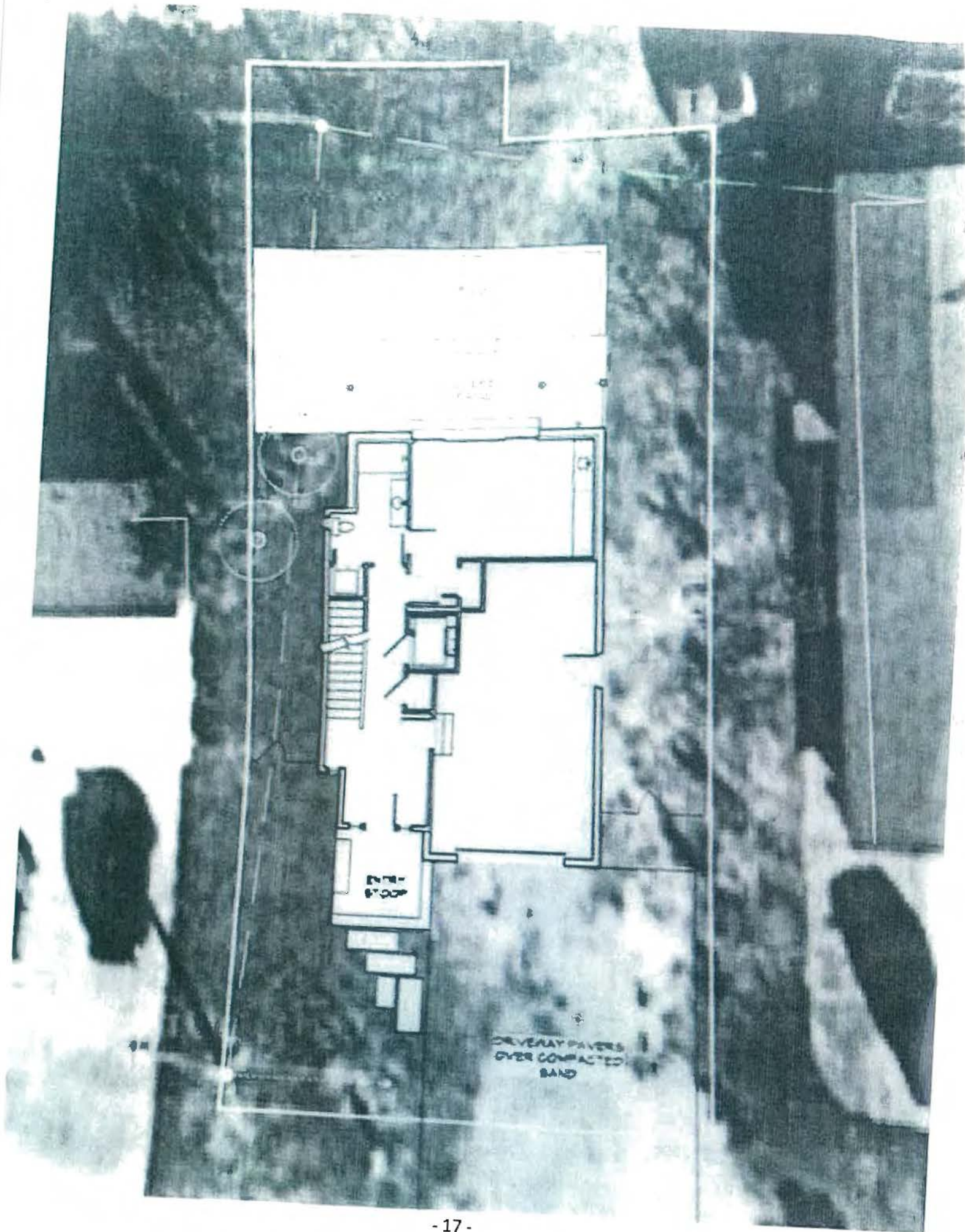
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 EACH SUBDIVISION, as per map
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 ida.

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recorded in Map Book 2, Page 5
Saint Johns County, Florida.

utility easement over, under and across the West 20.00 feet of lot 11 and a 10 foot wide utility easement under and across the North 10 feet of Lot 11, Block 9, being the southerly 1/2 of the Well Lot, to Block 9, CHATAUQUA BEACH as shown in Map Book 2, Page 5, of the Public Lands of Alameda County, Florida.

NOTE: ALLEY
VACATED 2019

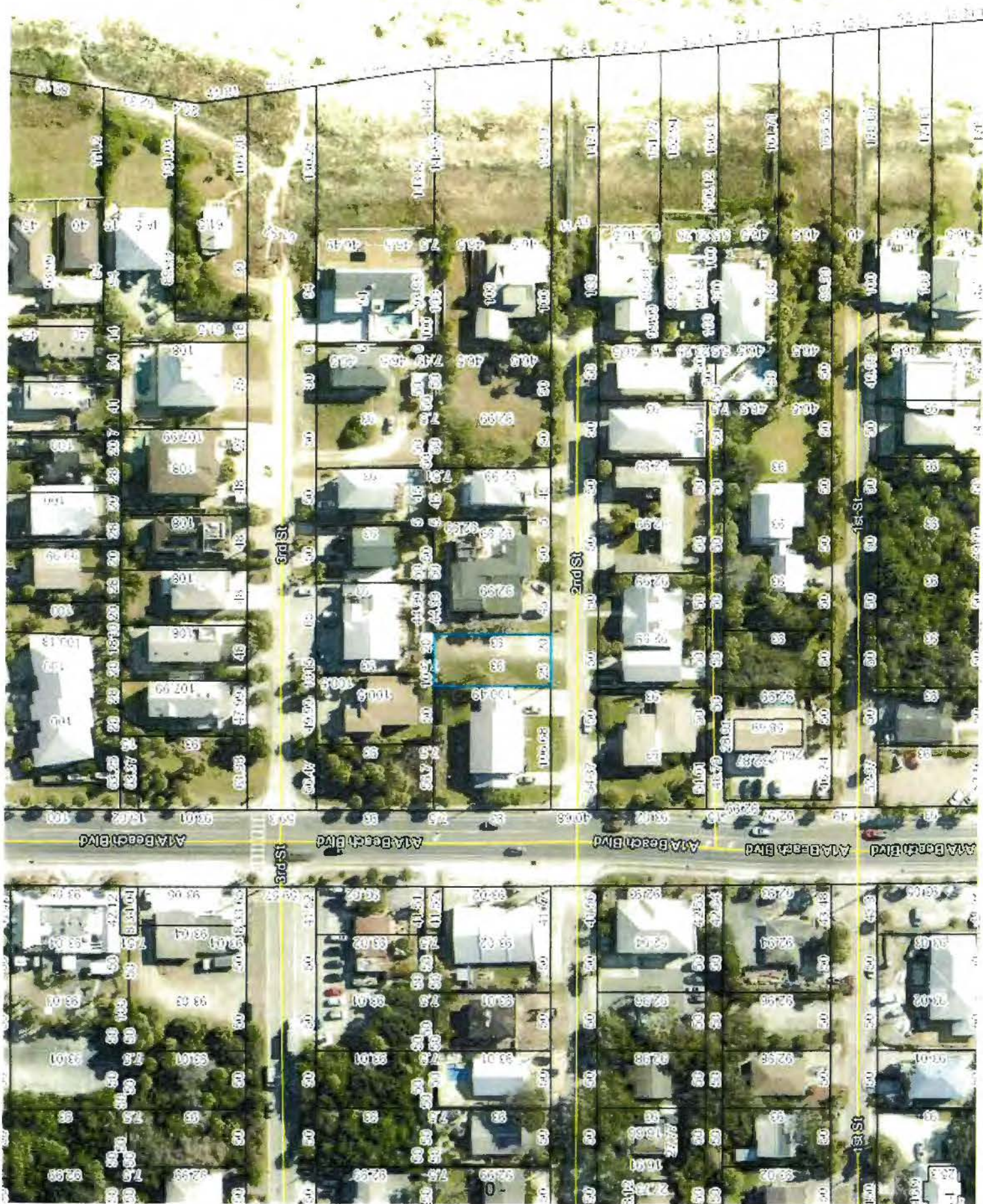








1608300110
ADAMS THOMAS L
2214 S 10TH ST
OKLAHOMA CITY, OK 73106
1608300110
ADAMS THOMAS L
2214 S 10TH ST
OKLAHOMA CITY, OK 73106









ADJACENT PROPERTY OWNERS LIST REQUEST FORM

(Complete this form and return it to the technician handling your
application or email it directly to the attention of the GIS Division at gisaddress@sjcf.us)

Date Requested 1/12/2022 Date Needed By (3 day minimum) 1/17/22

Project Name GRATZ FAMILY RESIDENCE

Applicant Name JAMES G. WHITEHOUSE, ESQ / ST JOHNS LAW GROUP

(address that "Adjacent Property Owners List" will be mailed to)
Address 104 Sea Grove Main St. Phone Number 904 495 0400

City ST AUGUSTINE BEACH State FL Zip Code 32080

Application Type COSAB - CUP Hearing Date FEB 15
If applicable

Application Number (if available)
(Example: PUD2004000012; REZ2004000035, MINMOD2004000026)

Parcel Number(s) 168830-0110

Legal Description (may be an attachment) 12 2ND STREET, ST AUGUSTINE BEACH

Format (please check one)
☒ Digital Format email JAMESWHITEHOUSE@STLAWGROUP.COM
(email address required for digital format delivery)
☐ Hard Copy printout ready for copying onto standard mailing labels

For the purpose of notice requirements to adjoining Owners within three hundred (300) feet, the names and addresses may be provided by the St. Johns County Administrator to the Applicant, which list shall include said information obtained from the St. Johns County Property Appraiser records within ninety (90) days prior to the last date that such ten (10) day notice must be mailed.

NOTE: This information is provided to you by the St. Johns County Geographic Information Systems Division. This list complies with the St. Johns County Land Development Code Section 9.06.04 Notice of Hearings which sets forth adjoining owners within 300 feet of subject property be notified. If you have any questions, including the status of your request, please contact GIS Addressing by email at gisaddress@sjcf.us.

For County Departmental Use Only:

Date File Name

Comments

Revised October 29, 2019



2ND STREET LLC
125 13TH ST
SAINT AUGUSTINE FL 320800000

DIRECT HOME BUYER 1 INC
1093 A1A BEACH BLVD #544
SAINT AUGUSTINE FL 320800000

MC GRATH THOMAS JAMES JR
9 4TH ST
SAINT AUGUSTINE FL 320803827

7 3RD STREET BEACH HOUSE LLC
4381 N CAMINO FERREO
TUCSON AZ 857500000

DNL REVOCABLE LIVING TRUST U/A/
1 10TH ST
UNIT 303
SAINT AUGUSTINE FL 32080-0000

MJU INVESTMENTS LLC
15 2ND ST UNIT A-B
SAINT AUGUSTINE FL 320803823

A1A CF LLC
1200 PLANTATION ISLAND DR S STE 210
SAINT AUGUSTINE FL 320803115

FENNING SCOTT M,SHARON WALKER
12 3RD ST
SAINT AUGUSTINE FL 320800000

MULLINS GROUP LLC
605 STAFFORD LN
SAINT AUGUSTINE FL 320860000

ADAMS RHONDA,CHARLES
6304 N QUEENSWAY DR
TEMPLE TERRACE FL 336170000

FOTIANOS THEO
THE WINNER 8 9TH ST
UNIT 4
SAINT AUGUSTINE FL 320803897

NASSER MYRIAM JACQUELINE ET AL
11120 NW 47TH LN
DORAL FL 331780000

ANACHORESIS LLC
504 MONTIANO CIR
SAINT AUGUSTINE FL 32084-0000

FOWLER ROBIN
9 3RD ST
SAINT AUGUSTINE FL 320800000

NICHOLS SALLY E
115 15TH ST
SAINT AUGUSTINE FL 320800000

BAEHR MAURICE W JR ET AL
1 3RD ST
SAINT AUGUSTINE FL 320800000

GRODE JOHN O,LINDA B
PO BOX 547
TREGO MT 599340547

O'BRIEN JOHN N,PATRICIA K
11 2ND ST
SAINT AUGUSTINE FL 320803823

BERSOS ENTERPRISES LLC
176 INLET DR
SAINT AUGUSTINE FL 320800000

HAGERTY CATHERINE S
5805 A1A S
SAINT AUGUSTINE FL 320800000

O'HARA THOMAS J,JOANNE
211 SEQUAMS LANE CTR
WEST ISLIP NY 117950000

BLACK JAMES WILLIAM LIVING TRU
104 SANTA MARIA PL
SANTA CRUZ CA 950620000

JTW PROPERTIES LLC
414 SW 131ST ST
NEWBERRY FL 326690000

SAGE LAURIE H
10 2ND ST
APT A
SAINT AUGUSTINE FL 320800000

BORIS MARK G AND CYNTHIA A 201
5 2ND ST
SAINT AUGUSTINE FL 320800000

KEADY MITCHELL J
155 ISTORIA DR
SAINT AUGUSTINE FL 320958017

SPENGLER SYLVIA J ETAL
PO BOX 605
SAINT AUGUSTINE FL 320850605

CMBV LLC
117 CORONADO ST
SAINT AUGUSTINE FL 320800000

KELBER COLEN E
3 3RD ST
SAINT AUGUSTINE FL 320803825

SPERLANES JANICE M REV TRUST
74 S CRISP MORNING CIR
SPRING TX 773825787

STONAKER ROLAND H III
117 SPARTINA AVE
SAINT AUGUSTINE FL 320805388

STRANGE TORY V B
6 3RD ST
SAINT AUGUSTINE FL 320803826

TAVARY BERT A FAMILY TRUST D:0
11 4TH ST
SAINT AUGUSTINE FL 320800000

TITTLE OTTO,ADRIENNE L
1714 DEVONSHIRE LN
SARASOTA FL 342360000

WAYTE PETER,CAROL LEE
8 3RD ST
SAINT AUGUSTINE FL 320802806

WESTERVELT JAMES J,SUE J
2 2ND LN
SAINT AUGUSTINE FL 320800000

WHITE DAVID
2 2ND ST
SAINT AUGUSTINE FL 320800000

WIEBER KENNETH M
143 ONEIDA ST
SAINT AUGUSTINE FL 320840000

WILSON FRANK S,DONNA M
16 SOUTHGATE RD
SETAUKET NY 117330000

WOOD ARTHUR M,KAREN
580 MOUNTAINBROOKE CIR
MOUNTAIN GA 30087-0000

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1689200000	2ND STREET LLC	125 13TH ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOTS 8 & 10 BLK 10 OR2433/647 8 APTS OR4992/1135
1688400000	7 3RD STREET BEACH HOUSE LLC	4381 N CAMINO FERREO		TUCSON AZ 857500000	2-5 CHAUTAUQUA BCH LOT 8 BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943) OR4118/1889
1694200000	A1A CF LLC	1200 PLANTATION ISLAND DR S STE 210		SAINT AUGUSTINE FL 320803115	2-5 CHAUTAUQUA BEACH LOT 2 (EX R/W OF RD A1A) & ALL LOT 4 BLK 21 OR4034/214
1694300000	A1A CF LLC	1200 PLANTATION ISLAND DR S STE 210		SAINT AUGUSTINE FL 320803115	2-5 CHAUTAUQUA BEACH LOT 6 BLK 21 OR4034/214
1688300110	ADAMS RHONDA,CHARLES	6304 N QUEENSWAY DR		TEMPLE TERRACE FL 336170000	2-5 CHATAUQUA BEACH W20FT OF LOT 11 & S1/2 OF WELL LOT LYING W BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943)
1688100000	BAEHR MAURICE W JR ET AL	1 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOTS A & 2 (EX W6FT) BLK 9 & LANDS LYING E TO ATLANTIC OCEAN PER
1694100000	BERSOS ENTERPRISES LLC	176 INLET DR		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOT 1 (EX R/W OF A1A) & ALL LOT 3 BLK 21 OR3093/1130
1688800000	BLACK JAMES WILLIAM LIVING TRU	104 SANTA MARIA PL		SANTA CRUZ CA 950620000	2-5 CHAUTAUQUA BCH N6FT OF LOT A & ALL LOT 2 BLK 10 & LANDS LYING E TO ATLANTIC OCEAN PER FINAL
1689100000	BORIS MARK G AND CYNTHIA A 20	5 2ND ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOT 6 BLK 10 OR4445/1250 & 4613/1382
1689510000	CASA DE LAS SIRENAS CONDO				(OR1908/951) CASA DE LAS SIRENAS CONDO COMMON ELEMENTS ARE COMMON TO ALL AND ARE ASSESSED TO ALL
1683200002	CHAUTAUQUA BEACH SUBDIVISION				2/5 CHAUTAUQUA BEACH SUBDIVISION ALL UN-NAMED PLAZAS ARE COMMON ELEMENTS
1683200003	CHAUTAUQUA BEACH SUBDIVISION				2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS
1693400000	CMBV LLC	117 CORONADO ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOTS 4 & 6 BLK 20 & N1/2 OF VACATED ALLEY LYING S OR1699/198 & ORD#07-07 IN
1693500000	DIRECT HOME BUYER 1 INC	1093 A1A BEACH BLVD #544		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOT 5 BLK 20 & S1/2 VACATED ALLEY LYING N OR5105/681

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1699700000	FENNING SCOTT M,SHARON WALKER	12 3RD ST		SAINT AUGUSTINE FL 320800000	3-140 ST AUG BCH LOT 35 OR5163/320
1688600000	FOTIANOS THEO	THE WINNER 8 9TH ST	UNIT 4	SAINT AUGUSTINE FL 320803897	2-5 CHAUTAUQUA BCH LOTS 15 & LOT 17 (EX R/W OF RD A1A) BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943)
1688300000	FOWLER ROBIN	9 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOT 10 BLK 9 & PT VAC ALLEY (ORD19-12 IN OR4781/943) OR5394/914
1688600160	GRODE JOHN O,LINDA B	PO BOX 547		TREGO MT 599340547	2-5 CHAUTAUQUA BCH LOT 16 BLK 9 & W10FT OF N1/2 OF WELL LOT LYING E OF LOTS 15 & 16 BLK 9 (EX RAW OF A1A)
1693300000	HAGERTY CATHERINE S	5805 A1A S		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOT 1 (EX R/W OF RD A1A) & ALL LOT 3 BLK 20 & S1/2 OF VAC ALLEY LYING N
1700100000	JTW PROPERTIES LLC	414 SW 131ST ST		NEWBERRY FL 326690000	3-140 ST AUG BCH BATH HOUSE & CASINO LOT (2) W 75FT OF E 183FT OR4855/1703
1699100270	KEADY MITCHELL J	155 ISTORIA DR		SAINT AUGUSTINE FL 320958017	3-140 ST AUG BCH LOT 27 OR3873/1842
1688100010	KELBER COLEN E	3 3RD ST		SAINT AUGUSTINE FL 320803825	2-5 CHAUTAUQUA BEACH W6FT LOTS A & 2 & ALL LOTS 4 & 6 BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943)
1699100000	MC GRATH THOMAS JAMES JR	9 4TH ST		SAINT AUGUSTINE FL 320803827	3-140 ST AUGUSTINE BEACH LOT 25 OR1052/572
1689600000	MJU INVESTMENTS LLC	15 2ND ST UNIT A-B		SAINT AUGUSTINE FL 320803823	2-5 CHAUTAUQUA BCH LOTS 16 & 18 (EX R/W OF RD A1A) BLK 10 OR4202/212
1692800000	MULLINS GROUP LLC	605 STAFFORD LN		SAINT AUGUSTINE FL 320860000	2-5 CHAUTAUQUA BEACH LOTS 3 & 5 & VACA ALLEY TO THE NORTH BLK 19 & 8FT LYING E TO RD
1688900040	NASSER MYRIAM JACQUELINE ET AL	11120 NW 47TH LN		DORAL FL 331780000	2-5 CHAUTAUQUA BCH LOT 4 BLK 10 & N1/2 OF VACATED ALLEY LYING S OR3851/1189
1688250070	NICHOLS SALLY E	115 15TH ST		SAINT AUGUSTINE FL 320800000	2-5 CHATAUQUA BEACH E45FT OF LOT 7 BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943)
1689400000	O'BRIEN JOHN N,PATRICIA K	11 2ND ST		SAINT AUGUSTINE FL 320803823	2-5 CHAUTAUQUA BEACH LOTS 12 & 14 BLK 10 OR3693/1958

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1688900000	O'HARA THOMAS J,JOANNE	211 SEQUAMS LANE CTR		WEST ISLIP NY 117950000	2-5 CHAUTAUQUA BEACH LOT B & N1/2 OF LOT 3 BLK 10 & S5.5FT OF VAC ALLEY LYING N OF LOT B &
1688250000	SAGE LAURIE H	10 2ND ST	APT A	SAINT AUGUSTINE FL 320800000	2-5 CHATAUQUA BEACH W5FT OF LOT 7 & ALL OF LOTS 9 & 11 (EX W20FT OF LOT 11 & EX S1/2 OF WELL LOT LYING E
1689300000	SPENGLER SYLVIA J ETAL	PO BOX 605		SAINT AUGUSTINE FL 320850605	2-5 CHAUTAUQUA BCH LOT 1 S1/2 OF LOT 3 & ALL LOTS 9 7 9 & 11 BLK 10 & LANDS LYING EAST TO
1689500000	SPENGLER SYLVIA J ETAL	PO BOX 605		SAINT AUGUSTINE FL 320850605	2-5 CHAUTAUQUA BEACH LOT 13 BLK 10 OR503/547 &2646/1316 (H/R) &3845/166
1690400000	SPENGLER SYLVIA J ETAL	PO BOX 605		SAINT AUGUSTINE FL 320850605	2-5 CHAUTAUQUA BEACH LOTS 8 10 12 & 14 BLK 11 OR320/109 & 1288/476(WL) & 1288/488(L/A)
1690700000	SPERLANES JANICE M REV TRUST	74 S CRISP MORNING CIR		SPRING TX 773825787	2-5 CHAUTAUQUA BCH LOT 16 BLK 11 DB225/498 & OR2757/562
1699200000	STONAKER ROLAND H III	117 SPARTINA AVE		SAINT AUGUSTINE FL 320805388	3-140 ST AUG BCH E PT OF LOT 28 25 X 100 X 30FT OR3606/1172
1699400000	STONAKER ROLAND H III	117 SPARTINA AVE		SAINT AUGUSTINE FL 320805388	3-140 ST AUG BCH LOT 28 (EX E PT IN DB20 2/330) & ALL LOTS 29 & 30 OR3403/1600
1699400310	STRANGE TORY V B	6 3RD ST		SAINT AUGUSTINE FL 320803826	3-140 ST AUG BEACH LOT 31 & W 27FT OF BATH HOUSE & CASINO LOT OR1418/59 & 3267/822 823(F/J)
1699100260	TAVARY BERT A FAMILY TRUST D:	11 4TH ST		SAINT AUGUSTINE FL 320800000	3-140 ST AUG BEACH LOT 26 OR4526/1551
1688500000	TITTLE OTTO,ADRIENNE L	1714 DEVONSHIRE LN		SARASOTA FL 342360000	2-5 CHAUTAUQUA BEACH LOT 12 BLK 9 & PT OF VAC ALLEY (ORD19-12 OR4781/943) &
1699600320	WAYTE PETER,CAROL LEE	8 3RD ST		SAINT AUGUSTINE FL 320802806	3-140 ST AUG BCH LOT 32 OR4147/1830
1688800010	WESTERVELT JAMES J,SUE J	2 2ND LN		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH S40.5FT OF LOT A & N9.5FT ALLEY LYING S OF & ADJ TO LOT A VACATED IN DB181/125
1688200000	WHITE DAVID	2 2ND ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BEACH LOTS B 1 3 & 5 BLK 9 & LANDS LYING E TO ATLANTIC OCEAN PER FINAL JDGMT

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1699600340	WIEBER KENNETH M	143 ONEIDA ST		SAINT AUGUSTINE FL 320840000	3-140 ST AUG BCH LOT 34 OR4436/540
1699600330	WILSON FRANK S,DONNA M	16 SOUTHGATE RD		SETAUKET NY 117330000	3-140 ST AUG BCH LOT 33 OR4357/924

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1689510010	ANACHORESIS LLC	504 MONTIANO CIR		SAINT AUGUSTINE FL 32084-0000	(OR1908/954) CASA DE LAS SIRENAS CONDO
1689510020	ANACHORESIS LLC	504 MONTIANO CIR		SAINT AUGUSTINE FL 32084-0000	(OR1908/954) CASA DE LAS SIRENAS CONDO
1689510040	DNL REVOCABLE LIVING TRUST U/A	1 10TH ST	UNIT 303	SAINT AUGUSTINE FL 32080-0000	(OR1908/954) CASA DE LAS SIRENAS CONDO
1689510030	WOOD ARTHUR M,KAREN	580 MOUNTAINBROOKE CIR		MOUNTAIN GA 30087-0000	(OR1908/954) CASA DE LAS SIRENAS CONDO

Application For Designating 12 2nd St as a Commercial/Medium Density Parcel

I live at 11 2nd St, SAB. A conditional use application has been filed on behalf of the current owners of the above cited property directly across the street from my home in order to sell their property to an unknown buyer. I believe the sale may be contingent upon the approval of the conditional use application that was filed by the St. Johns Law Group. The lot is currently **partly zoned** as commercial property (as an incidental result of it being nearby Beach Boulevard) and also **mainly zoned as a medium density residential property making it "Mixed Zoning" or "Mixed Use"**. The issue is that the application seeks to maintain the land use as **commercial/medium density residential parcel**. This application must be amended or denied for the reasons set forth below. Specific acceptable amended language in the application in section 8 that will remedy this objection is provided below.

The upshot of the application is that the ***property at 12 2nd St, if the application is approved as written, will be now and forever zoned for use as a commercial property for all practical purposes.*** This zoning (or "use") will result in the new owner and future owners of the property, in perpetuity, to establish a business catering to the public in our neighborhood in compliance with the City of St Augustine Beach Ordinances. We, as neighbors, will have little influence about what goes on that property. Such a designation may also negatively affect the property values in the neighborhood. I imagine opening my front door and seeing some unwelcome business enterprise across the street. ***The fact is: used as a commercial property (i.e., designated as a "Mixed Use District") the owner will be able to build and open whatever business they chose in the same building within a very wide scope of commercial uses allowed by the City Code – as documented below by the City Code.***

First of all, the **St. Augustine Beach City Code** clearly states, and I quote, ***the conditional use should only be approved if it "promote[s] the public health, safety, welfare, order, comfort, convenience, appearance or prosperity" of the neighborhood.***

This application promotes none of this.

The application states that the purpose is just to build a single-family house. ***If the use is designated, as the application requests, as a "split commercial/medium density residential parcel" under the City Code, i.e., as a "Mixed Use District", as literally documented in the City Code, the owners will be able to operate a wide range of businesses out of the building as shown below:*** (all emphasis added)

"St Augustine Beach City Code

Sec. 3.02.00. - Uses allowed in land use districts.

Sec. 3.02.01. - General.

This **section 3.02.00** ***defines and describes the specific uses allowed within each land use district*** described in the comprehensive plan and this Code.

(Ord. No. **18-07**, § 1(Exh. 1), 5-7-18)

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. (Con't.)

Sec. 3.02.02.01. - Mixed use districts.

A. Purpose. The purpose of a mixed use district is:

- 1. To accommodate a mixture of retail, service, residential, and other uses.**
- 2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and**
- 3. Promote the health and well being of residents by encouraging physical activity, alternative transportation and greater social interaction.**

[4-6 omitted]

3.02.02.01 B. Definitions

Mixed use building: ***A structure containing a mix of commercial and residential uses, one (1) floor devoted for commercial use, the other floor devoted to residential use.***

3.02.02.01 C. Table of Allowed Uses

<i>Business live/work above the ground floor</i>
<i>Business live/work on ground floor</i>
<i>Dwellings above ground floor</i>
<i>Detached house</i>
<i>Group home</i>
<i>Day care</i>
<i>Retail/office</i>
<i>Restaurant—Sit down/take-out</i>
<i>Hotel/motel</i>
<i>Parking for commercial uses</i>

This use table should be refined to reflect local characteristics and planning objectives. **The range of uses should be as broad as possible** fitting the character of the city ***and the locations.***"

It must be recognized that the application sets no prohibition on new owners or future owners deciding to move forward with commercial activity. As will be explained below, a single family house can be used to house a business in a Mixed Use District under the City Code. Since the code instructs that the interpretation of the range of uses should be ***"as broad as possible"***, this set of conditions will clearly allow for a business on the ground floor and dwellings on the floors above if the property use is allowed as requested in the application. This will represent a substantial change in the character of the neighborhood it will not be at all compatible with the existing uses ubiquitously present in the neighborhood now. The uses allowed should be strictly limited to the definition of ***residential use*** for the use classification of the parcel, not opening the property to be a Mixed Use District without specific, very well-articulated definitions of how it will be allowed to be used. No such limitations are present in the application.

To: The City of St. Augustine Beach Building & Zoning Board February 14, 2022
Memorandum of Dr. John N. O'Brien in Opposition to the Application by Charles and Rhonda Adams

If the ***Residential Character*** of the use is strictly classified as only Residential use ***as defined in the code:***

The only use that is permitted if classified as residential (i.e., not a Mixed Use District) is exclusively single family as defined

"St Augustine Beach City Code

Single-family

Sec. 15-17. - Definitions.

Unless context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Single-family property means and includes all single-family detached residential dwelling structures."

The City Code Prohibits Approval of this Application as Written

Given the above changes that the designation of the property at 12 2nd St would allow a business to begin operation there (read: promote), the City Code does not allow the approval of this application as requested:

"St Augustine Beach City Code

Sec. 10.03.01. - Procedures.

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."

Please see attached arial photograph of our neighborhood. Every structure is a house without any uses except uses that are completely compatible with the table of uses for a residential property under Sec 3.02.02 of the St Augustine Beach City Code and the Code generally. ***A Mixed Use District designation for this parcel will be incompatible with the other uses existing in the neighborhood and will conflict with the public interest. Per se.***

The bottom line to all of this is that the application raises grave concerns for all of the neighbors who will be affected by having the highly realistic potential for ***commercial enterprise now and in the future in the middle of our residential neighborhood***. This could happen on ***DAY ONE*** if the use is designated as mixed use (i.e., commercial/medium density residential). A retail business can be located on the ground floor and dwellings on the second floor as stated ***on day one***.

However, assuming the applicant does actually want to build a single family home for residential only uses as defined in the city code, the application can be simply amended to include precisely the following language as provided by counsel:

To: The City of St. Augustine Beach Building & Zoning Board February 14, 2022
Memorandum of Dr. John N. O'Brien in Opposition to the Application by Charles and Rhonda Adams

"This Conditional Use Permit shall be subject to the following condition: The property located at 12 2nd Street, St. Augustine Beach, parcel number 168830-0110, shall remain in residential use in perpetuity and shall be limited to a single family dwelling unit subject to all current code, zoning and comprehensive plan requirements."

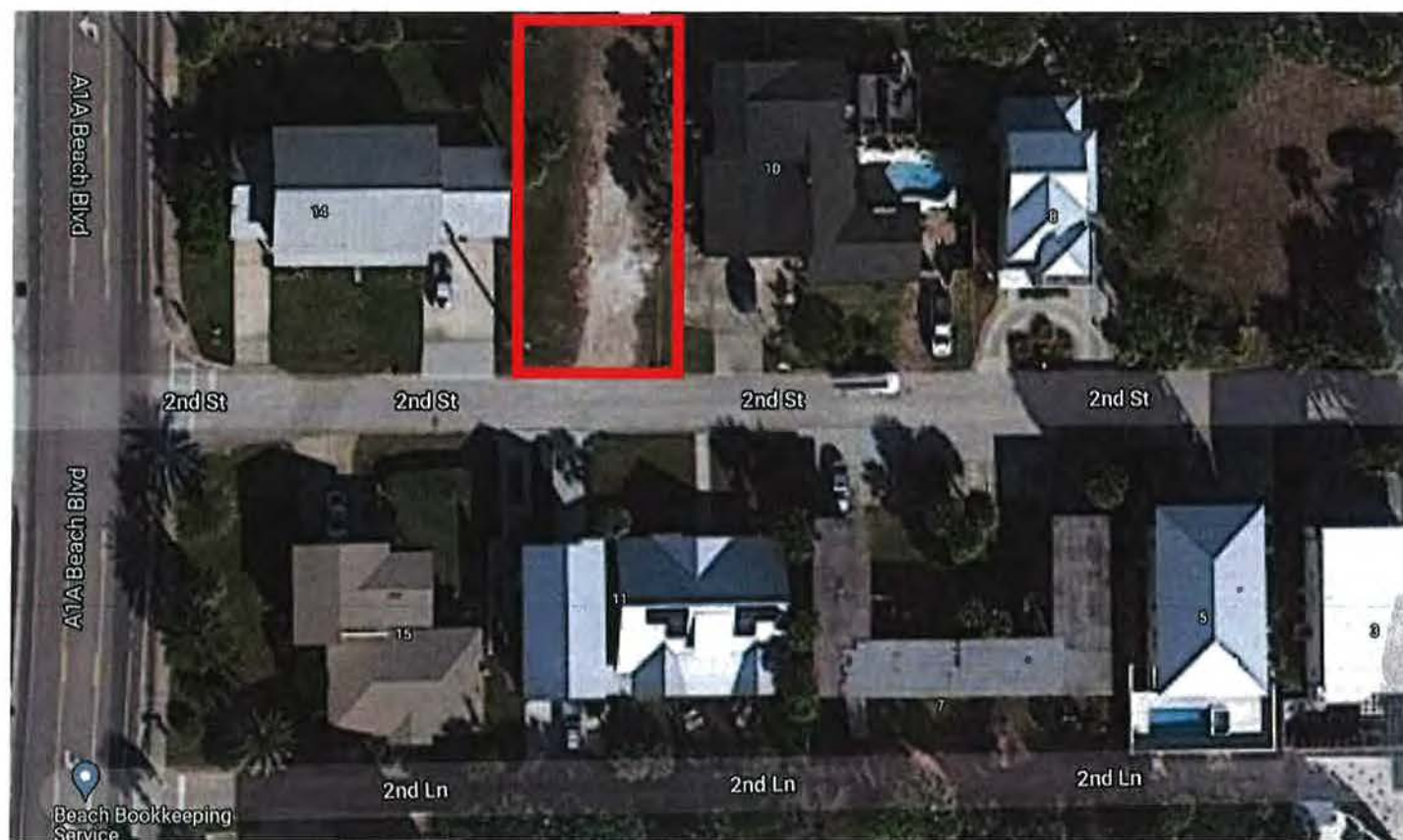
This change, if made, and the application amended to contain precisely this language, this amendment addresses the concerns described above and a single-family residential house can be built and residentially occupied. If this condition is not added to the application as a condition, then the applicant sellers and/or unknown buyers are clearly considering a commercial use for the property.

For all of the reasons set forth here, the unamended application for a land use designation as "split commercial/medium density residential" resulting in classification as a ***Mixed Use District*** as submitted must be denied by the Board. We in the neighborhood strongly wish to retain the character of our neighborhood.

To: The City of St. Augustine Beach Building & Zoning Board

February 14, 2022

Memorandum of Dr. John N. O'Brien in Opposition to the Application by Charles and Rhonda Adams



Our Neighborhood

Jennifer Thompson

From: Bill Black <bill@imagineeringonline.com>
Sent: Monday, February 14, 2022 1:47 PM
To: Jennifer Thompson
Subject: 12 2nd St.

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Dear Jennifer,

This is James[Bill] Black. I own a house at 1 2nd St. in St. Augustine Beach, FL and I just purchased 6 2nd St. lot from David White. I hope to be building a house there shortly.

I wanted to let you know that I do not want the lot at 12 2nd St. to be rezoned as commercial property. I feel it will diminish the value of all houses in the area and open up this area to widespread challenges in the future. I have enjoyed being a property owner here for almost 5 years and I appreciate that the city works hard to keep the area quiet and a great neighborhood for all homeowners to enjoy.

Please feel free to call me at any time to discuss.

Sincerely,

Bill Black

Bill Black
bill@imagineeringonline.com
408-761-1969
www.imagineeringonline.com

Jennifer Thompson

From: James Westervelt <james.westervelt@gmail.com>
Sent: Sunday, February 13, 2022 3:52 PM
To: Jennifer Thompson; jnob1@comcast.net; THOMAS OHara
Subject: rezoning of 12 2nd street as a commercial property

Follow Up Flag: Follow up
Flag Status: Flagged

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I am writing to express my objection to the subject property being rezoned as commercial. I know of no good public reason why it should be rezoned.

Jim Westervelt

2 2nd Lane.

Jennifer Thompson

From: THOMAS OHara <to10069@yahoo.com>
Sent: Sunday, February 13, 2022 5:55 PM
To: Jennifer Thompson
Cc: James Westervelt; jnob1@comcast.net
Subject: Fwd: rezoning of 12 2nd street as a commercial property

Follow Up Flag: Follow up
Flag Status: Flagged

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I ALSO SUPPORT MY NEIGHBORS VIEWS REGARDING THE REZONING THE SUBJECT PROPERTY GIVEN IT IS SITUATED ON A RESIDENTIAL STREET AND SEE NO GOOD PUBLIC REASON TO REZONE AT THIS SITE

THANK YOU

THOMAS O'HARA

1 2nd lane.

On Feb 13, 2022, at 3:52 PM, James Westervelt <james.westervelt@gmail.com> wrote:

I am writing to express my objection to the subject property being rezoned as commercial. I know of no good public reason why it should be rezoned.

Jim Westervelt

Jennifer Thompson

From: microcb@aol.com
Sent: Monday, February 14, 2022 4:53 PM
To: Jennifer Thompson
Cc: jnob1@comcast.net
Subject: 12 2nd street

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Hello:

This is Mark and Cindy Boris. We own the home at 5 2nd Street. Our section of street, on the oceanside of A1A Beach, consists of only 10 residences. Currently 6 of the 10 residences are rental properties, already causing some commotion at times (depending on the renters).

The St. Augustine code, as we believe, states that the property at 12 2nd St. should only be approved for commercial use if it promotes HEALTH, SAFETY, ORDER, COMFORT, PROSPERITY....for the neighborhood. We do not agree that the use of this land as a commercial property (allowing a storefront/restaurant) would promote any of this. It could result in an ongoing commotion on the street, especially if alcohol was sold. An increase in traffic and transients could cause the street to become more dangerous for people walking to the boardwalk or children riding their bikes. All of this would decrease our property values.

It is difficult now for Amazon, FedEx and UPS to deliver our packages on our dead-end street.

Please REJECT the application for the good of all who live on 2nd Street.

Thank you,

Mark & Cindy Boris
814-449-5454

Jennifer Thompson

From: jackie@mcneel.com
Sent: Monday, February 14, 2022 11:09 AM
To: Jennifer Thompson
Cc: Andres Gonzalez; James Westervelt
Subject: Rezoning of 12 2nd st.

Follow Up Flag: Follow up
Flag Status: Flagged

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I am writing to express my objection to the rezoning of 12 2nd street as a commercial property, and I know no good public reason why it should be rezoned.

Sincerely,

Myriam Jacqueline Nasser
M (786) 299 2755

3 2nd St.

Jennifer Thompson

From: nicole@pfilters.com
Sent: Tuesday, February 15, 2022 10:31 AM
To: Jennifer Thompson
Cc: Bonnie Miller
Subject: Re: 12 2nd Street Zoning Urgent!

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We are ok if they want to build a single family home and not a commercial property.
Thank you for your help!

Kind Regards,

Nicole Wilson
President
Pure Filter Solutions

404.245.5727 Phone
678.324.0733 Fax

nicole@pfilters.com
www.pfilters.com

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From: Jennifer Thompson <jthompson@cityofsab.org>
Date: Tuesday, February 15, 2022 at 8:56 AM
To: Nicole Wilson <nicole@pfilters.com>
Cc: Bonnie Miller <bmiller@cityofsab.org>
Subject: RE: 12 2nd Street Zoning Urgent!

The applicant is only asking for a single family residence to be built.

They have **not** applied for a rezoning or a conditional use permit for any other purpose.

If the Commission approves the Conditional Use Permit for a single family residence, since part of the property falls in the commercial zone, they would be allowed to rent as a transient rental as long as they apply for a business tax receipt, pass their inspection and obtain the proper paperwork through the state and county.

If the owners decided to sell the home to another individual, and that individual wanted to turn the building into a commercial business, they would be required to apply for a new Conditional Use Permit to do so. This would go back to the Planning and Zoning Board for review and the Commission for a final decision. Additionally, commercial businesses have parking requirements, accessibility requirements, as well as requirements to buffer between uses. This would prove to be difficult on a lot the size of 12 2nd St.

Best Regards,

Jennifer Thompson
Planner
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080
904-471-8758

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

From: nicole@pfilters.com <nicole@pfilters.com>
Sent: Tuesday, February 15, 2022 8:31 AM
To: Jennifer Thompson <jthompson@cityofsab.org>
Cc: Bonnie Miller <bmillier@cityofsab.org>
Subject: Re: 12 2nd Street Zoning Urgent!

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Would they be allowed to change their minds and resell to someone who turns it into an ice cream shop?

Kind regards,

Nicole Nichols Wilson
President

Pure Filter Solutions
[404.245.5727](tel:404.245.5727) Phone
[678.324.0733](tel:678.324.0733) fax

Nicole@pfilters.com
www.pfilters.com

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On Feb 15, 2022, at 8:18 AM, Jennifer Thompson <jthompson@cityofsab.org> wrote:

The applicant is only asking for a single family residence to be built.
They have not applied for a rezoning or a conditional use permit for any other purpose.

If the Planning and Zoning Board approves the Conditional Use Permit for a single family residence, since part of the property falls in the commercial zone, they would be allowed to rent as a transient rental as long as they apply for a business tax receipt, pass their inspection and obtain the proper paperwork through the state and county.

Best Regards,

Jennifer Thompson
Planner
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080
904-471-8758

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From: nicole@pfilters.com <nicole@pfilters.com>
Sent: Tuesday, February 15, 2022 8:07 AM
To: Jennifer Thompson <jthompson@cityofsab.org>
Cc: Bonnie Miller <bmiller@cityofsab.org>
Subject: Re: 12 2nd Street Zoning Urgent!

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Thank you for the email. So they are not asking for the entire lot to be commercial? That is what most of the neighbors think they are asking for, so they can build a single family home but also do short term rentals while they are away.

Kind regards,

Nicole Nichols Wilson
President

Pure Filter Solutions
404.245.5727 Phone
678.324.0733 fax

Nicole@pfilters.com
www.pfilters.com

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On Feb 15, 2022, at 8:04 AM, Jennifer Thompson <jthompson@cityofsab.org> wrote:

Hello Nicole,

The lot is currently zoned half commercial and half medium density residential. The request from the applicant is a Conditional Use Permit to build a single family residence on the property.

Because this lot is split when it comes to zoning, no matter what the owners wanted to build on the lot, they would need permission to build.

This application is not a request to rezone, just a request to build a single family residence on a lot that is partially commercial.

If you need any further clarification, you may give me a call, or reply via email.

Best regards,

Jennifer Thompson
Planner
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080
904-471-8758

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From: nicole@pfilters.com <nicole@pfilters.com>
Sent: Tuesday, February 15, 2022 5:47 AM
To: Jennifer Thompson <jthompson@cityofsab.org>
Subject: Re: 12 2nd Street Zoning Urgent!

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Hi Jennifer,
Someone told me that by opposing the variance we are allowing them to go commercial. We are asking that they not be commercial.

Can you please explain the situation to me? Do we have the wrong information?

Thank you!

Kind regards,

Nicole Nichols Wilson
President

Pure Filter Solutions
[404.245.5727](tel:404.245.5727) Phone
[678.324.0733](tel:678.324.0733) fax

Nicole@pfilters.com
www.pfilters.com

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On Feb 14, 2022, at 8:19 AM, Jennifer Thompson
<jthompson@cityofsab.org> wrote:

Thank you.

This will be included in the information given to the Planning and Zoning Board prior to their meeting on 2/15/2022.

Best Regards,

Jennifer Thompson
Planner
City of St. Augustine Beach
2200 A1A S
St. Augustine Beach, FL 32080
904-471-8758

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From: nicole@pfilters.com <nicole@pfilters.com>
Sent: Sunday, February 13, 2022 10:29 AM
To: Jennifer Thompson <jthompson@cityofsab.org>
Subject: 12 2nd Street Zoning Urgent!

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Hello,
Attached is a letter of our opinion for the zoning.

We greatly appreciate you taking the time to read it.

Kind Regards,

Nicole Wilson

President
Pure Filter Solutions

404.245.5727 Phone
678.324.0733 Fax

nicole@pfilters.com
www.pfilters.com

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Subject: Conditional Use application at 12 2nd St

We understand the Building and Zoning Board is considering an application for a conditional use permit for 12 2nd St which is 2 doors from our house. We also understand that the application seeks to have the property at that address available to build a single-family house. However, it also seeks to have the property remain for use as a commercial property permanently. Recent information provided to me makes it clear that the single-family house can be built on that property, but that property can and should remain only for residential use. We welcome a new resident in our neighborhood, but the mere possibility the property could be used for any commercial use, even in the future years from now, is strongly opposed by me and my family. We will welcome a new neighbor and a new house, but that property should forever remain for residential use only. If the applicant remains determined to have the property designated for commercial use, in spite of their ability to have it remain for residential use, the Board must deny the application. They can resubmit and designate the property as for residential use and go ahead and build their house.

Our neighborhood and the residents here treasure our short street which dead ends at our beach. Our families get along and we are cooperative in many ways. There is simply no reason why a single-family house should be built on a permanent commercial use property on our street.

We understand they are probably looking for commercial to do short term rentals, maybe the city should investigate different commercial designations, so a short term rental could never be turned into a business location. We do not mind short term rentals, although we would prefer more full time people on the street.

Thank you for considering our comments,

Nicole and Patrick Wilson

8 2nd St



City of St. Augustine Beach Building and Zoning Department

To: Max Royle, City Manager
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: February 16, 2022
Re: Conditional Use File No. CU 2022-01

At the Comprehensive Planning and Zoning Board Meeting held on Tuesday 2/15/2022, conditional use file no. CU 2022-01 was reviewed, for construction of a new single-family residence on the west 20 feet of Lot 11 and the south one-half of well lot lying west, Block 9, Chautauqua Beach Subdivision, partially in a commercial land use district and partially in a medium density residential land use district at 12 2nd St.

Chairperson Kevin Kincaid made a motion to recommend approval of CU 2022-01 to the Commission and requested that the single-family residence meet all medium density residential requirements. Vice Chair Pranis seconded the motion which passed by a unanimous voice vote.

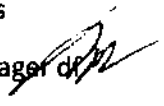
Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: February 16, 2022

SUBJECT: Request to Vacate Alley between 2nd and 3rd Streets West of 2nd Avenue in the Chautauqua Beach Subdivision

BACKGROUND

Section 18-50 through 18-56 of the general City Code has the regulations for the vacation of City alleys, streets, and easements. In summary, the regulations state:

- a. If 70% of more of the owners of the lots adjacent to an alley support it being vacated, then the resident or residents seeking the vacation submit an application to the Comprehensive Planning and Zoning Board for review.
- b. City staff, FPL, and others also review the request to see if they have any need for the alley.
- c. The Planning Board then holds a hearing for public comment and to provide a recommendation to the City Commission as to whether the vacation should be approved.
- d. The Commission then holds a public hearing, reviews the application and the Planning Board's recommendation, and decides whether the vacation should be approved.
- e. If the decision is to approve the vacation, the City Attorney then prepares an ordinance, which is scheduled for first reading at the Commission's next regular meeting
- f. If the ordinance is approved on first reading, the Commission then holds a public hearing and decides whether to approve the ordinance on final reading.

In January 2022, Mr. Josh Patterson, 203 3rd Street, the owner of a lot adjacent to the alley between 2nd and 3rd Streets, west of 2nd Avenue, submitted an application to the Planning Board for the alley to be vacated. The Board reviewed the application at its February 15, 2022, meeting and by a 5-2 vote recommended to the Commission:

That the alley be vacated upon completion of a drainage project to be done by the City's Public Works Department. (The drainage project will be putting an underground pipe in the alley between 2nd Avenue and the Sea Oaks subdivision at the alley's west end.)

ATTACHMENTS

Attached for your review is the following:

- a. Pages 1-29, the application that the Planning Board reviewed at its February 15th meeting.
- b. Page 30, a memo from Ms. Jennifer Thompson, Planner, in which she states the motion and vote approved by the Planning Board at its February 15th meeting.

ACTION REQUESTED

It is that you hold the public hearing and decide whether to approve the vacation of the alley as recommended by the Planning Board.

If your vote is to approve, then the City Attorney can prepare an ordinance for first reading at your April 4th meeting. We suggest that the ordinance have two provisions:

1. That the vacation goes into effect after the Public Works Department puts a drainage pipe in the alley.
2. That the City retains an easement the length of the alley in the event the alley is needed for some public purpose, such as drainage or utility lines.



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning & Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: January 27, 2022
Re: Vacating Alley File V 2022-01

Vacating alley file V 2022-01 is an application requesting the vacation of the 15-foot-wide alley lying between 2nd Street and 3rd Street, lying adjacent to and west of the right-of-way of 2nd Avenue and abutting lots 1, 3-16, and the City of St. Augustine Beach Plaza on the northwest corner of 3rd Street and 2nd Avenue, Block 31, Chautauqua Beach Subdivision.

Per City of St. Augustine Beach Ordinance 15-05, applicants are required to submit the written consent of a minimum of 70% of adjacent property owners who support the vacation of the alley. The applicants Joshua and Tiffany Patterson, 203 3rd Street, St. Augustine Beach, Florida, 32080 have submitted the written consent of 11 out of 15 property owners, which constitutes over 73% of the adjacent property owners. Jacob Dascomb, owner of 211 3rd St, St. Augustine Beach, FL, 32080 has written an email expressing his opposition to the vacation of the alley.

Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

TO: Planning & Zoning Division

FROM: Brian Law

SUBJECT: Vacation of alley between 2nd and 3rd street

DATE: 2-7-2022

The Building Division has no objection to the vacation of the alley between 2nd and 3rd street as it is not a Building Code issue.

Brian Law
Building Official

MEMORANDUM

Date: February 4, 2022
To: Bonnie Miller, Senior Planner
From: Bill Tredik, P.E., Public Works Director
Subject: 3rd Lane Vacation west of 2nd Avenue

Public Works has no objections to the vacation of the subject alley, subject to the following conditions:

- A permanent drainage and utility easement will be dedicated to the City of St. Augustine Beach across the full width and length of the vacated alleyway. All future work within this easement must be approved by the City Public Works Department. Fences placed within this easement are subject to removal for construction and/or maintenance purposes. Replacement of removed fences shall be the owner's responsibility.
- The City reserves the right to any remove items within the permanent easement which impact the land's use for utilities or drainage or are deemed by the City Engineer to cause a drainage problem.
- Vacation of the eastern 50' (immediately west of 2nd Avenue) is unnecessary. This 50' strip abuts a City owned plaza to the north and Lot 1, Block 31 Chautauqua Beach Subdivision to the south. The owner of Lot 1 Block 31 intends to place the lot under conservation easement and dedicate it to the City.
- In addition to Lot 1, Lots 3 and 5 of Block 31 Chautauqua Beach Subdivision are also planned for placement under conservation easement and dedication to the City. No portion of the vacated alley shall be allowed to be placed under conservation easement.
- 3rd Lane has an existing drainage ditch which is partially piped. The City may, at a future date, elect to pipe the remainder of the ditch. There is, however, no established date for such work, nor is the City obligated to install said pipe.
- If the owners desire to modify the grades within the vacated alley, no adverse drainage impacts to adjacent or upstream properties can result. Any grading modifications within the easement are subject to the review and approval by the Public Works Department.
- Planting of any large shrubs or trees within the easement must be approved by the Public Works Department. No vegetation shall be allowed within the easement that could pose a risk of root intrusion into the existing or future pipe system. All vegetation placed within the easement is subject to removal for construction or maintenance purposes. Replacement of removed vegetation shall be the owner's responsibility.

From: [Melissa Caraway](#)
To: [Bonnie Miller](#)
Subject: RE: Vacating Alley App. between 2nd and 3rd Street
Date: Friday, January 21, 2022 9:25:03 AM

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No objections from us.

Melissa Caraway, M.P.A

Utility Review Coordinator
St. Johns County Utility Department
St. Johns County Board of County Commissioners
1205 State Road 16, St. Augustine, FL 32084
(904) 209-2606 (904) 209-2607Fax
mcaraway@sjcfl.us email www.sjcfl.us website

From: Bonnie Miller <bmiller@cityofsab.org>
Sent: Friday, January 21, 2022 9:06 AM
To: Melissa Caraway <mcaraway@sjcfl.us>; Phillip Gaskins <pgaskins@sjcfl.us>; Larry Miller <lmiller@sjcfl.us>
Cc: Jennifer Thompson <jthompson@cityofsab.org>
Subject: Vacating Alley App. between 2nd and 3rd Street

Good Morning St. Johns County Utility Department,

Please see the attached vacating alley application to vacate the alley in Block 31, Chautauqua Beach Subdivision, between 2nd and 3rd Street, St. Augustine Beach, Florida, adjacent to Lots 1, 3-16, and the City plaza on the northwest corner of 3rd Street and 2nd Avenue.

This application will go before the City of St. Augustine Beach Planning and Zoning Board at its next regular meeting on February 15, 2022, so please forward any comments or issues you may have regarding the vacation of this alley to Planner Jennifer Thompson and myself by February 1, 2022.

Give me a call or email if you have questions or need more information.

Thanks,

*Bonnie Miller, Senior Planner
City of St. Augustine Beach
Building & Zoning Department*

2200 State Road A1A South
St. Augustine Beach, Florida 32080
Telephone Number : 904-471-8758 Extension 204
Fax Number: 904-471-4470
Email Address: bmiller@cityofsab.org

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From: [PJ Webb](#)
To: [Bonnie Miller](#)
Cc: [Jennifer Thompson](#)
Subject: RE: Vacating Alley App. between 2nd and 3rd Street
Date: Tuesday, January 25, 2022 9:27:10 AM

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Hey Bonnie,

I apologize for the delay, this slipped past me in my inbox. Fire Rescue does not have any issues with the proposed vacation. Thank you for reaching out to us, have a good afternoon!

PJ Webb

St. Johns County Fire Rescue
Plans Examiner
Office: 904-209-1744
4040 Lewis Speedway
St. Augustine, FL 32084
Hours:
Monday-Thursday 7am-430pm

Fire Rescue Headquarters
3657 Gaines Road
St. Augustine, FL 32084



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OIIIIIIIO

From: [Spruiell, Michael](#)
To: [Bonnie Miller](#)
Subject: RE: Vacating Alley App. between 2nd and 3rd Street
Date: Thursday, February 3, 2022 1:44:16 PM

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Good Afternoon Bonnie,

Sorry for the late response.

After looking at this alley, there are no overhead lines located within the plat. There are no issues that we have with the vacation of the alley plat.

If there is anything else that you need from me, feel free to reach out.

Michael Spruiell

Contractor for Florida Power & Light
Office: 904-824-7658 | Cell: 904-885-8425
Michael.Spruiell@fpl.com
303 Hastings Rd - Mailstop NFA/SA1, St Augustine, FL 32084

From: Bonnie Miller <bmiller@cityofsab.org>
Sent: Friday, January 28, 2022 9:54 AM
To: Spruiell, Michael <Michael.Spruiell@fpl.com>
Cc: Jennifer Thompson <jthompson@cityofsab.org>
Subject: RE: Vacating Alley App. between 2nd and 3rd Street

Thanks Alyssa. Mr. Spruiell, please review the attached vacating alley application for the alley in Block 31, adjacent to Lots 1, 3-16, and the City plaza on the northwest corner of 3rd Street and 2nd Avenue, between 2nd and 3rd Street, St. Augustine Beach, Florida, 32080.

This application will go before the City of St. Augustine Beach Planning and Zoning Board at its next regular meeting on February 15, 2022, so please forward any comments or issues FPL may have regarding the vacation of this alley to Planner Jennifer Thompson and myself by February 1, 2022. If you want to meet City staff for a site visit of this alley, we can meet you there any time next week.

Give me a call or email if you have questions or need more information.

Thanks,

Bonnie Miller, Senior Planner
City of St. Augustine Beach
Building & Zoning Department
2200 State Road A1A South
St. Augustine Beach, Florida 32080
Telephone Number : 904-471-8758 Extension 204
Fax Number: 904-471-4470
Email Address: bmiller@cityofsab.org

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From: Fink, Alyssa <Alyssa.Fink@fpl.com>
Sent: Friday, January 28, 2022 9:03 AM
To: Bonnie Miller <bmiller@cityofsab.org>
Cc: Jennifer Thompson <jthompson@cityofsab.org>; Spruiell, Michael <Michael.Spruiell@fpl.com>
Subject: RE: Vacating Alley App. between 2nd and 3rd Street

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Good morning Bonnie,

Michael Spruiell is your point of contact going forward. I have copied him here.

Thanks,

Alyssa Fink

North Florida Delivery Assurance Lead
Engineer I
Florida Power & Light
St. Augustine Service Center
303 Hastings Rd
St. Augustine, FL 32084
Office: 904-824-7689 Cell: 904-295-5665
Email: Alyssa.Fink@FPL.com



Visit the new [FPL Project Portal](https://www.fpl.com/construction) at [FPL.com/construction](https://www.fpl.com/construction) to manage your FPL Residential and Commercial construction projects. Get information on construction services and project types, apply for your construction project, track project milestones, manage your project team and more.
Visit [ESS](#) for FPL's Electric Service Standards.

From: Bonnie Miller <bmiller@cityofsab.org>
Sent: Friday, January 28, 2022 8:57 AM
To: Fink, Alyssa <Alyssa.Fink@fpl.com>

**City of St. Augustine Beach Building and Zoning Department
Vacating Alley/Easement/Street Application**

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

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

1. Legal description of the alley/easement/street for which the vacation is being sought:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415)

2. Location (N, S, W, E): W Side of 2nd Ave Between 2nd and 3rd Street (Alley PIN168320 0003)

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☐ No ☒ (Circle one)

4. Name and address of applicant(s): Tiffany and Josh Patterson, 203 3rd Street, Saint Augustine, FL 32080-0000

5. Recorded in Map Book see legal Page(s) see legal of the Public Records of St. Johns County, Florida

6. Reason(s) for vacation or abandonment of alley/easement/street: For privacy buffer to provide more room in back yard to extend fence vertically and horizontally as allowable by Code since the Commission approved extension of 1st Street to the west and will be clearing land behind the 3rd Street lots in the future.

7. Please check if the following information required for submittal of this application has been included:

(X) Plat, map, or site location drawing of alley/easement/street to be vacated

(X) List of names and addresses of owners of real property abutting and/or adjoining the alley/easement/street for which the vacation is requested (to be acquired from St. Johns County Real Estate/Survey Department, telephone number 904-209-0804)



(N/A) Owner Permission Form (if applicable)

(X) First-class postage stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of owners of real property abutting and/or adjoining the alley/easement/street to be vacated

(X) Other documents or relevant information to be considered (Written consent of at least 70% of abutted owners)

(X) Fourteen (14) copies of the completed application including supplemental documentation and relevant information

Per Ordinance No. 15-05, Section 18-51-e of the St. Augustine Beach Code, the names and addresses of the owners of the real property bounding and abutting the property for which the vacation is requested shall be obtained from the current tax assessment roll. The written consent of each owner shall be obtained by the applicant and filed upon submittal of the application to vacate, but if 100% of the real property owners do not submit their written consent, **then a minimum of 70% of the real property owners must sign a written consent and the applicant must demonstrate that the vacation will not adversely affect nor negatively impact those property owners who have not signed a written consent, which demonstration may necessitate the applicant obtaining the opinion of a traffic engineer, surveyor, or other professional.** Nothing about this subsection changes the way in which vacated alleys, easements, or streets vest property rights.

Josh Patterson	Tiffany Patterson
Print name (owner or his/ her agent)	Print name (applicant or his/her agent)
 12.20.2021	 12/28/21
Signature /date	Signature /date
203 3rd Street, Saint Augustine, FL 32080-0000	
Owner/agent address	Applicant/agent address
904.557.5252	904.377.4864
Phone number	Phone number

Charges

Application Fee: \$300.00 Date Paid: 12/28/2021

Legal Notice Sign: \$10.00 Date Paid: 12/28/2021

Received by JENNIFER

Date 12.28.21.

Invoice # 12200458.

Check # 104 or type of credit or debit card

Jennifer Thompson

From: Bonnie Miller
Sent: Monday, February 07, 2022 9:55 AM
To: Jennifer Thompson
Subject: FW: Application for Vacating Alley File No. V 2022-01

From: Dariana Fitzgerald <dfitzgerald@cityofsab.org>
Sent: Monday, February 7, 2022 9:53 AM
To: Lacey Pierotti <lpierotti@cityofsab.org>; Bonnie Miller <bmiller@cityofsab.org>
Subject: FW: Application for Vacating Alley File No. V 2022-01

If you have any additional questions, feel free to contact me.

Dariana A. Fitzgerald
City Clerk
City of St. Augustine Beach
2200 A1A South, St. Augustine Beach, FL 32080
(904) 471-2122; FAX (904) 471-4108
www.staugbch.com

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From: Joshua T. Patterson <jtp@g-etg.com>
Sent: Monday, February 7, 2022 9:15 AM
To: Kevin Kincaid <pzkkincaid@cityofsab.org>; Larry Einheuser <pzleinheuser@cityofsab.org>; Chris Pranis <pzcpranis@cityofsab.org>; Hester Longstreet <pzhlongstreet@cityofsab.org>; Victor Sarris <pzvsarris@cityofsab.org>; Scott Babbitt <pzsbabbitt@cityofsab.org>; pczdowling@cityofsab.org; Hulsey Bray <pzhbray@cityofsab.org>; Dariana Fitzgerald <dfitzgerald@cityofsab.org>
Subject: Application for Vacating Alley File No. V 2022-01

CAUTION: This message originated from outside of your organization. Clicking on any link or opening any attachment may be harmful to your computer or the City. If you do not recognize the sender or expect the email, please verify the email address and any attachments before opening. If you have any questions or concerns about the content, please contact IT staff at IT@cityofsab.org.

Dear Mr. Kincaid and fellow Planning and Zoning Board Members:

I am providing the following additional information related to the application for vacating the alley between 2nd and 3rd Streets, west of 2nd Avenue. In order to address concerns of those real property landowners (<30%) who did not provide written consent to vacating the alley, I have contacted members of the St. Augustine Beach Public Works Department, the City Manager's office, and Anastasia Beach Mosquito Control District to demonstrate that the vacating of the alley will not adversely affect nor negatively impact abutting landowners.

1. One (1) neighboring landowner who did not provide written consent, voiced concern that there is a vestigial, semi-perennial ditch in portions of the alleyway that is usually dry, but that which sometimes transfers surface water and which has exhibited bank erosion and that, in his opinion, should be properly filled or maintained by the City of St. Augustine Beach so as not to cause further erosion in the direction of his property. On December 27th, 2021, in order to address the landowner's concern, I met with Public Works Director Bill Tredik, City Manager Max Royle, and another abutting landowner, Marc Craddock. Mr. Royle's follow-up email from that meeting, dated December 27, 2021, is provided below and indicates that the City of St. Augustine Beach intends to complete the infilling of the semi-perennial ditch, which was initiated in 2020 ,but which was not completed at that time due to complications associated with the onset of the Covid-19 pandemic. Whereas the City will maintain utility easement and access to the alley and ditch area in perpetuity, and whereas the City Manager and Public Works Director have agreed to infill the ditch and agree that vacating the alley will not cause adverse impact or negatively impact abutting landowners, the requirements of Ordinance No. 15-05, Section 18-51-e, of the St. Augustine Beach Code have been met.
2. Neighboring landowners have, in the past, voiced concerns that the aforementioned, vestigial ditch located in portions of the alley may have been used in the past as a "mosquito control ditch" into which pesticides may have been applied as part of government-mandated and authorized mosquito population control. In an email dated January 4, 2022 (provided below), Kay Gaines, Operations Manager of the Anastasia Mosquito Control District (AMCD), confirmed that, after consulting with AMCD staff and historical maps, the vestigial ditch in the alleyway was not ever used as a mosquito control ditch. Accordingly, no adverse impacts exist from potential contamination related to historical use of the ditch as a mosquito control ditch.

I'll do my best to be present at the February 15, 2022 Comprehensive Planning and Zoning Board meeting and/or the March 7, 2022 City Commission meeting, but, due to a heavy work schedule and associated travel this time of year, I wanted to provide this communication in the event I am not able to attend.

Please don't hesitate to contact me if you have any questions or require additional information.

Best-

Josh Patterson, Resident, 203 3rd Street, St. Augustine Beach, FL

Josh T. Patterson, P.G., CHMM
Program Director
Greenfield Environmental Multistate Trust LLC,
Trustee of the Multistate Environmental Response Trust
Greenfield Environmental Trust Group, Inc., Member
Cell: (904) 557-5252
Email: jtp@g-etg.com
Website: www.greenfieldenvironmental.com



From: Max Royle <mroyle@cityofsab.org>
Date: Monday, December 27, 2021 at 9:47 AM
To: Joshua T. Patterson <jtp@g-etg.com>
Cc: Bill Tredik <btredik@cityofsab.org>
Subject: Alley between 2nd and 3rd Streets

Josh,

This morning, you and Marc Craddock met with the Public Works Director, Bill Tredik, and me concerning the vacation of the alley that's west of 2nd Avenue between 2nd and 3rd Streets. You spoke of concerns by some adjacent property owners as to whether the City intended to pipe the remainder of the drainage ditch that is in the alley. The City Commission had appropriated money in the Fiscal Year 20 budget for this project, but because of the pandemic and the uncertainty as to whether the City would have sufficient revenue for its needs, the project wasn't done.

When you apply to the City Commission to have the alley vacated, Bill and I will ask the Commission to commit to completing the piping of the ditch by either appropriating money in the Fiscal Year 2023 budget or using money this year from the American Rescue Plan Act, if the federal government approves the use of ARPA money for the project.

Max

From: Kay Gaines <kgaines@amcdfi.org>
Sent: Tuesday, January 4, 2022 12:05:24 PM
To: Joshua T. Patterson <jtp@g-etg.com>
Cc: rxue@amcdfi.org <rxue@amcdfi.org>
Subject: RE: Ditch Project from the 1950 & 1960

Good Afternoon Mr. Patterson,

Sorry it took me a while to get back to you. I have spoken to one of the employees that use to maintain the ditches a long with our records which I sent you a copy of, that ditch is not a mosquito control ditch.

Marcia Kay Gaines
Operations Manager, AMCD
120 EOC Dr.
St. Augustine FL, 32092
Office Direct Line 904-484-7331
904-471-3107 Ext. 331
Fax 904-471-3189
www.amcdsjc.org

Survey link
<https://www.surveymonkey.com/r/6G76JFZ>
All government correspondence is subject to the public records law.

From: Joshua T. Patterson <jtp@g-etg.com>
Sent: Friday, December 17, 2021 1:21 PM
To: Kay Gaines <kgaines@amcdfi.org>
Subject: Re: Ditch Project from the 1950 & 1960

Hi Kay – any luck identifying whether or not the ditch at 3rd Street is one of those on the list? Some of the names seem familiar for the island, but I can't figure out which one would have been ours.

I appreciate your help.

Best-

Josh T. Patterson, P.G., CHMM
Program Director
Greenfield Environmental Multistate Trust LLC,
Trustee of the Multistate Environmental Response Trust
Greenfield Environmental Trust Group, Inc., Member
Cell: (904) 557-5252
Email: jtp@g-etg.com
Website: www.greenfielddenvironmental.com



From: Joshua T. Patterson <jtp@g-etg.com>
Date: Thursday, December 9, 2021 at 8:18 AM
To: Kay Gaines <kgaines@amcdfi.org>
Subject: Re: Ditch Project from the 1950 & 1960

Thanks, Kay! None of the descriptions seem like the one that is immediately south of our house on 3rd Street, west of SW 2nd Ave (the ditch that connects to the east under the bike path).

Here is an image:



Do you know which ditch this one might be? Or is there a mapping resource I can check?

Thanks so much for the assist!

Josh

Josh T. Patterson, P.G., CHMM
Program Director
Greenfield Environmental Multistate Trust LLC,
Trustee of the Multistate Environmental Response Trust
Greenfield Environmental Trust Group, Inc., Member
Cell: (904) 557-5252
Email: jtp@g-etg.com
Website: www.greenfieldenvironmental.com



From: Kay Gaines <kgaines@amcdfi.org>
Date: Wednesday, December 8, 2021 at 9:32 AM
To: Joshua T. Patterson <jtp@g-etg.com>
Cc: rxue@amcdfi.org <rxue@amcdfi.org>, 'Richard Weaver' <rweaver@amcdfi.org>
Subject: Ditch Project from the 1950 & 1960

Good morning Mr. Patterson

I have attached a copy of the mosquito control ditch projects from the 60's & 70's as you requested. Please let me know if there is anything else you need.

Marcia Kay Gaines
Operations Manager, AMCD
120 EOC Dr.
St. Augustine Fl, 32092
Office Direct Line 904-484-7331
904-471-3107 Ext. 331
Fax 904-471-3189
www.amcdsjc.org

Survey link

<https://www.surveymonkey.com/r/6G76JFZ>

All government correspondence is subject to the public records law.

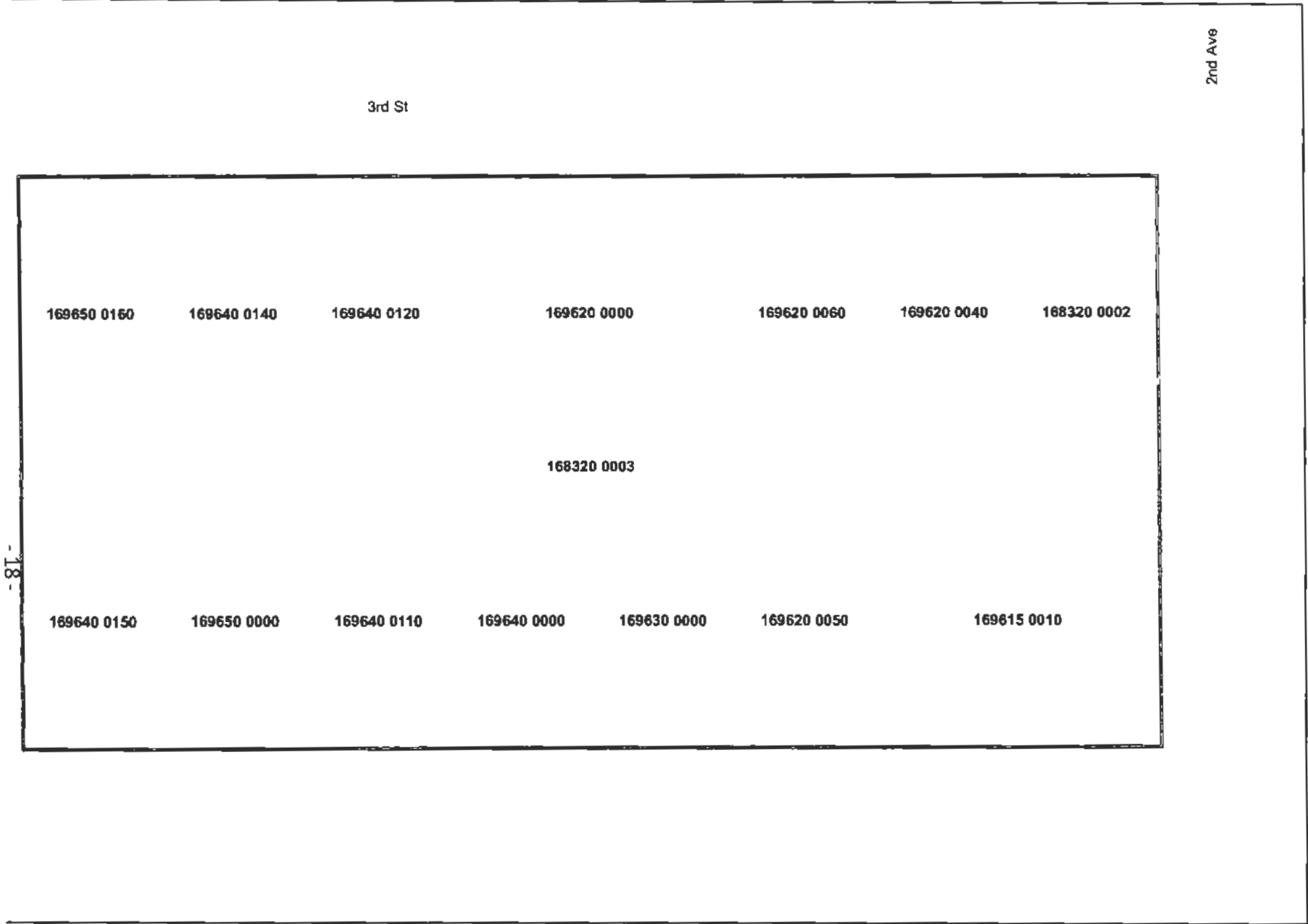
This email has been checked for viruses by AVG antivirus software.
www.avg.com

All government correspondence is subject to the public records law.

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1696400110	AAG AUGUSTINE INVESTMENTS LLC	7223 AYRSHIRE LN		BOCA RATON FL 334960000	2-5 CHAUTAUQUA BCH LOT 11 BLK 31 OR4408/966
1696400150	AAG AUGUSTINE INVESTMENTS LLC	7223 AYRSHIRE LN		BOCA RATON FL 334960000	2-5 CHAUTAUQUA BCH LOT 15 BLK 31 OR4408/966
1696500000	AAG AUGUSTINE INVESTMENTS LLC	7223 AYRSHIRE LN		BOCA RATON FL 334960000	2-5 CHAUTAUQUA BEACH LOT 13 BLK 31 OR4408/966
1696200000	ANTHONY ALAN	205 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOTS 8 & 10 BLK 31 OR350/41 & 1726/444
1696500160	CARMICHAEL PAUL T JR, SHERRY A	6551 COVEFIELD CT		MASON OH 450400000	2-5 CHAUTAUQUA BEACH LOT 16 BLK 31 OR4563/1418
1683200002	CHAUTAUQUA BEACH SUBDIVISION				2/5 CHAUTAUQUA BEACH SUBDIVISION ALL UN-NAMED PLAZAS ARE COMMON ELEMENTS
1683200003	CHAUTAUQUA BEACH SUBDIVISION				2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS
1696400140	DASCOMB JACOB D ET AL	211 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOT 14 BLK 31 OR4768/1348
1696300000	DE TOLEDO REGINE B ETAL	309 ST GEORGE ST		SAINT AUGUSTINE FL 320840000	2-5 CHAUTAUQUA BCH LOT 7 BLK 31 OR1004/2006 & 2359/401
1696200050	DE TOLEDO REGINE B REVOCABLE T	309 ST GEORGE ST		SAINT AUGUSTINE FL 320840000	2-5 CHAUTAUQUA BCH LOT 5 BLK 31 OR1004/2007 & 2328/1019 & 4603/1964
1696150010	CRADDOCK JILL, MARC	116 2ND ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOTS 1 & 3 BLK 31 OR1398/800-801
1696400120	DHEMECOURT PIERRE, NANCY	1039 WALNUT ST		NEWTON HIGHLANDS MA 024610000	2-5 CHAUTAUQUA BCH LOT 12 BLK 31 OR4726/883
1696400000	HITCH ARTHUR III	208 E PLUME ST # 240		NORFOLK VA 235101757	2-5 CHAUTAUQUA BCH LOT 9 BLK 31 OR499/686
1696200040	KUC, MICHAEL	201 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOT 4 BLK 31 OR4248/1427

175, K P.

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1696200060	PATTERSON JOSHUA T, TIFFANY P	203 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOT 6 BLK 31 OR4256/1545



**Parcels Within the Boundary of
3rd and 2nd Street Alley Block 31**

11/15

2

2

1

3

Yes.
Yes.

Yes.
Yes.

Yes.

Yes.
Yes.

Yes.



Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

Dear P&Z Board members:

We, Jill and Marc Craddock, the owners of SJPCA Parcel ID Number (PIN) 1696150010, with our physical address being 116 2nd Street, Saint Augustine, FL 32080-0000, consent to vacating the alley abutting our aforementioned property.

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415).

We understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. We also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Printed Name: MARC CRADDOCK
PIN 1696150010
Signature of Consent [Signature]
Date: 11/29/21

Attached:
Parcel Diagram
List of Affected Lot Owners

Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

Dear P&Z Board members:

I, Regine De Toledo, the owner of SJPCA Parcel ID Number (PIN) 1696300000, with my physical address being 309 Saint George Street, Saint Augustine, FL 32084-0000, consent to vacating the alley abutting my aforementioned property.

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415).

I understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. I also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Printed Name: _____

REGINE DE TOLEDO

PIN 1696300000

Signature of Consent _____

Regine De Toledo

Date: _____

11/29/21

Attached:

Parcel Diagram

List of Affected Lot Owners

Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

Dear P&Z Board members:

I, Regine De Toledo, the owner of SJPCA Parcel ID Number (PIN) 1696200050, with my physical address being 309 Saint George Street, Saint Augustine, FL 32084-0000, consent to vacating the alley abutting my aforementioned property.

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415).

I understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. I also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Printed Name: REGINE DE TOLEDO
PIN 1696200050
Signature of Consent: [Signature]
Date: 11/29/21

Attached:
Parcel Diagram
List of Affected Lot Owners

Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

Dear P&Z Board members:

I, Arthur Hitch II, the owner of SJPCA Parcel ID Number (PIN) 1696400000, with my physical address being 208 Plume St. #240, Norfolk, VA 23510, consent to vacating the alley abutting my aforementioned property.

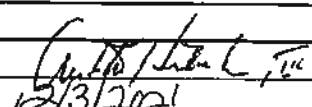
LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

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I understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. I also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Printed Name: Arthur Hitch III

PIN 1696400000

Signature of Consent 

Date: 12/3/2021

Attached:

Parcel Diagram

List of Affected Lot Owners

Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

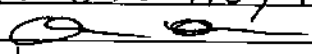
Dear P&Z Board members:

I/We, AAG Augustine Investments LLC, the owner(s) of SJPCA Parcel ID Number (PIN) 1696400150, with my/our physical address being 7223 Ayrshire Ln., Boca Raton, FL 33496-0000, consent to vacating the alley abutting my/our aforementioned property.

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415).

I/We understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. I/We also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Printed Name: AAG Augustine Investments LLC (ANDREW GHAHRAMANI)
PIN 1696400150, 1696400110, 1696500000
Signature of Consent: 
Date: 12/11/2021

Attached:
Parcel Diagram
List of Affected Lot Owners

Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

Dear P&Z Board members:

I, Michael Kuc, the owner of SJPCA Parcel ID Number (PIN) 1696200040, with my physical address being 201 3rd Street, Saint Augustine, FL 32080-0000 consent to vacating the alley abutting my aforementioned property.

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415).

I understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. I also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Printed Name: Michael Kuc
PIN 1696200040
Signature of Consent [Signature]
Date: 11/23/21

Attached:
Parcel Diagram
List of Affected Lot Owners

Comprehensive Planning & Zoning Board
2200 A1A South
St. Augustine Beach, FL 32080

Re: Vacating of Alley Request

Dear P&Z Board members:

We, Pierre and Nancy Dehmecourt, the owners of SJPCA Parcel ID Number (PIN) 1696400120, with our physical address being 1039 Walnut Street, Newton Highlands, MA 02461-0000 consent to vacating the alley abutting our aforementioned property.

LEGAL DESCRIPTION OF ALLEY/STREET TO BE VACATED:

2/5 CHAUTAUQUA BEACH SUBDIVISION ROWS & ALLEYWAYS ARE COMMON ELEMENTS DEDICATED FOR PUBLIC USE PER F.S 177.081(3) (EX ALLEY IN BLK 13 VACATED BY COSAB ORD 13-04 IN OR3736/531) (EX PT OF 6TH ST BTWN BLKS 16 & 17 & EX 15FT ALLEYS LYING WITHIN BLKS 16 & 17 VACATED BY COSAB ORD 07-16 IN OR3859/739) (EX ALLEY IN BLK 24 VACATED BY COSAB ORD 16-09 IN OR4308/415).

We understand that this request is being initiated by a private citizen, Josh Patterson, of 203 3rd Street, St. Augustine FL (PIN 1696200060) and that 70% of abutting landowners to the alley way (PIN 1683200003) must consent to the alley being vacated. We also understand that the City has approved the vacation of alleys in other locations where they serve no access purpose as is reasonable and customary, and that it is likely the City of St. Augustine Beach will maintain some sort of access easement in case there is ever need to perform critical infrastructure/drainage improvements within/beneath the said alleyway. The primary reason for the request to vacate this alley is so that affected landowners along 3rd Street (and the future extended 2nd Street lot owners) can extend their property by 7.5' as a form of privacy buffer to the inevitable land clearing that will be taking place along most of the extended 2nd Street ROW approved by the City Commission.

Pierre d'Hemecourt _____

Printed Name: Nancy d'Hemecourt

PIN 1696400120

Signature of Consent Pierre d'Hemecourt Nancy d'Hemecourt

Date: 12/4/2021

Attached:
Parcel Diagram
List of Affected Lot Owners

Jennifer Thompson

From: Jacob Dascomb <jacob.dascomb@gmail.com>
Sent: Tuesday, December 21, 2021 10:32 AM
To: Jennifer Thompson
Subject: application to vacate alleyway between 2nd and 3rd street

Follow Up Flag: Follow up
Flag Status: Flagged

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Good morning,

I'm Jacob Dascomb, owner of 211 3rd Street, and I am opposed to vacating the alleyway between 2nd and 3rd Street. I previously signed a form consenting to vacating the alleyway; however, I am currently opposed to it.

It would be great if you could notify me at this email if an application to vacate the alleyway is received, so I can ensure the D'Hemecourts at 209 3rd Street have an opportunity to withdraw or confirm their consent.

Thank you and Merry Christmas,
Jacob Dascomb
727-239-6569

Jennifer Thompson

From: Jacob Dascomb <jacob.dascomb@gmail.com>
Sent: Thursday, December 30, 2021 10:51 AM
To: Jennifer Thompson
Subject: Re: application to vacate alleyway between 2nd and 3rd street

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Hey Jen,

I heard from the D'Hemecourts they probably do consent to vacating.

Thanks for keeping me updated with the application.

Best,

On Wed, Dec 29, 2021 at 11:23 AM Jennifer Thompson <jthompson@cityofsab.org> wrote:

If they want to rescind their consent, they need to let me know as soon as possible. I have their letter of consent with the packet that Mr. Patterson dropped off yesterday.

Best Regards,

Jennifer Thompson

Planner

City of St. Augustine Beach

2200 A1A S

St. Augustine Beach, FL 32080

904-471-8758

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

From: Jacob Dascomb <jacob.dascomb@gmail.com>
Sent: Wednesday, December 29, 2021 10:02 AM
To: Jennifer Thompson <jthompson@cityofsab.org>
Subject: Re: application to vacate alleyway between 2nd and 3rd street

CAUTION: This message originated from outside of your organization. Clicking on any link or opening any attachment may be harmful to your computer or the City. If you do not recognize the sender or expect the email, please verify the email address and any attachments before opening. If you have any questions or concerns about the content, please contact IT staff at IT@cityofsab.org.

Hey Jennifer,

Thanks for letting me know. Do we still have an opportunity for the D'Hemecourts to notify you whether they still consent? Thank you,

On Tue, Dec 28, 2021 at 4:45 PM Jennifer Thompson <jthompson@cityofsab.org> wrote:

Hello,

The application to vacate the alley has been submitted. You and all properties adjacent to the alley will receive notification through mail regarding the meeting which will take place on February 15th.

Best Regards,

Jennifer Thompson

Planner

City of St. Augustine Beach

2200 A1A S

St. Augustine Beach, FL 32080

904-471-8758



City of St. Augustine Beach Building and Zoning Department

To: Max Royle, City Manager
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: February 16, 2022
Re: Vacating Alley File No. V 2022-01

At the Comprehensive Planning and Zoning Board Meeting held on Tuesday 02/15/2022, vacating alley file no. V 2022-01 was reviewed, to vacate the 15-foot-wide alley lying between 2nd Street and 3rd Street, lying adjacent to and west of the right of way of 2nd Avenue and abutting Lots 1 and 3-16, and the City Plaza on the northwest corner of 3rd Street and 2nd Avenue, Block 31, Chautauqua Beach Subdivision.

Board Member Hester Longstreet made a motion to recommend vacation of the alley to the Commission upon completion of the drainage project to be performed by the Public Works Department. This motion was seconded by Chairperson Kevin Kincaid. The motion passed 5 to 2, with Vice Chair Pranis and Board Member Sarris dissenting.

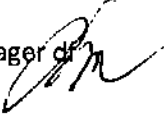
Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: February 11, 2022

SUBJECT: Ordinance 22-02, Final Reading, to Amend the Land Development Code Relating to Mixed Use Districts, Landscaping, Plant Materials, Buffer Requirements, Fences, and Retaining Walls

BACKGROUND

At its January 18, 2022, meeting, the Comprehensive Planning and Zoning Board held a public hearing on Ordinance 22-02 and recommended to you that it be approved with one change: that the vegetative and structural buffer between non-compatible uses remain at 15 feet and not be changed to five feet.

You reviewed Ordinance 22-02 at your February 7, 2022, meeting and approved it on second reading with certain changes.

The Ordinance is now scheduled for your public hearing and a third reading at your March 7th meeting.

ATTACHMENTS

Attached for your review is the following:

- a. Page 1, a memo from the planner, Ms. Jennifer Thompson, to the Planning Board, in which she describes the changes proposed in Ordinance 22-02.
- b. Page 2, a memo from Ms. Thompson to the City Manager, in which she states the motion and vote concerning Ordinance 22-02 that the Planning Board approved at its January 18th meeting.
- c. Pages 3-8, the minutes of that part of your February 7th meeting when you discussed the Ordinance and made changes to it.
- d. Pages 9-13, Ordinance 22-02 with the changes approved by you highlighted in red.
- e. Pages 14-18, Ordinance 22-02 without the changes highlighted in red.

ACTION REQUESTED

It is that you hold the public hearing and then decide whether to approve Ordinance 22-02 on its third and final reading.



City of St. Augustine Beach Building and Zoning Department

To: Comprehensive Planning & Zoning Board
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: 1-5-2022
Re: Suggested Code Changes

Please see attached suggested Land Development Regulation Code changes.

In the Land Development Regulations, Section 3.02.01, regarding landscape plan approval, there has been a revision stating that the St. Augustine Beach Planning and Zoning Division will review the plans rather than the St. Augustine Beach Beautification Committee.

Similarly, in Section 6.06.00 regarding the approval of landscape plans, there has been a revision stating that the St. Augustine Beach Planning and Zoning Division will review the plans rather than the St. Augustine Beach Beautification Committee. Additionally in this section, item "a." is being omitted as the City does not currently utilize a tree credit format.

Section 6.06.03 A. omits the City Manager or designee of the city horticulturist as determining plant materials. Section 6.06.03 B. changes plant material from being required to be Florida native to being designated Florida friendly plant material.

Section 6.06.04 A (2) allows for the St. Augustine Beach Planning and Zoning Division or the Public Works Director or designee to authorize a variance from the "Avenue of Palms" concept plans and requirements in instances where the placement of the palms will interfere with highway safety or utility lines.

Section 6.06.04 C alters the vegetative and structural buffer requirements between non-compatible uses from 15 feet to 5 feet.

Section 7.01.03 C specifies that fence height shall be measured from the lowest established grade within 5 feet of the exterior side of the fence.

Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

To: Max Royle, City Manager
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: 01/19/2022
Re: Suggested Code Changes, Planning and Zoning Board Meeting 1/18/2022

At the Comprehensive Planning and Zoning Board Meeting held on Tuesday 1/18/2022, Vice Chair Chris Pranis made a motion, seconded by Chairperson Kevin Kincaid to approve the suggested code changes as proposed, except for the proposed change to section 6.06.04 C. The motion passed 6-1 by voice vote with board member Hester Longstreet dissenting.

The board requested that section 6.06.04 C. remain unchanged and that the vegetative and structural buffer between non-compatible uses remains at 15 feet and is not changed to 5 feet.

Sincerely,

Jennifer Thompson

Planner

Planning and Zoning Division

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 Thomson 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 for 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.

Excerpt from the draft minutes of the February 7, 2022, City Commission regular meeting.

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 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-foot.

Excerpt from the draft minutes of the February 7, 2022, City Commission regular meeting.

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 who 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 agrees 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.

Excerpt from the draft minutes of the February 7, 2022, City Commission regular meeting.

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 2nd 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

Excerpt from the draft minutes of the February 7, 2022, City Commission regular meeting.

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 interest 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 Commissions agenda. There is an expectation that within a reasonable amount of time, that 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.

Excerpt from the draft minutes of the February 7, 2022, City Commission regular meeting.

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 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.

ORDINANCE NO: 22- 02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO MIXED USE DISTRICTS, LANDSCAPING, PLANT MATERIALS, BUFFER REQUIREMENTS, FENCES AND RETAINING WALLS; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH, SECTION 3, MIXED USE DISTRICTS, SECTION 6, LANDSCAPING, PLANT MATERIALS, BUFFER REQUIREMENTS BETWEEN USES, SECTION 7 FENCES AND RETAINING WALLS; 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 Section 3.02.01 Mixed Use Districts as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Sec. 3.02.02.01. Mixed use districts.

- J. *Parking requirements.* All parking for retail, business, restaurant uses and garage openings for residential use shall be placed in the rear or at the side. Parking located at the side of a structure shall be required to have landscape buffers, five (5) feet in width between the edge of the parking area and the right-of-way of the adjacent street. All plant materials used shall be three-gallon minimum container size. The Sustainability & Environmental Planning Advisory Committee (SEPAC) shall submit a memo to the Planning and Zoning Division the Friday after their monthly

meeting regarding their recommendations for landscape plans based upon findings of facts and code references as applicable. Landscape plans shall also be subject to approval by the St. Augustine Beach Beautification Committee Planning and Zoning Division. Access to the parking shall be from the numbered or lettered streets perpendicular to A1A Beach Boulevard. Hotel/motel parking can be placed in the front of the structure.

Curb cuts from A1A Beach Boulevard shall be allowed where a platted alleyway whether the alleyway is open or not opened.

Shared parking and shared access to parking is encouraged.

(Ord. No. 22-___, § 1)

SECTION 3. Amend Section 6 as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Sec. 6.06.00. Landscaping.

- A. *Landscaping Plans.* All paved ground surface areas that require landscaping shall meet or exceed the requirements of this Code.
- B. *Approval.* ~~A~~For all commercial landscape plans on A1A Beach Boulevard the Sustainability & Environmental Planning Advisory Committee (SEPAC) shall submit a memo to the Planning and Zoning Division the Friday after their monthly meeting regarding their recommendations for landscape plans based upon findings of facts and code references as applicable. (as per resolution 97-4) shall include recommendations from the Beautification Advisory Committee (as applicable). The Committee shall be required to recommend any and all applications that clearly meet the requirements set forth in this section.
1. Upon review by the ~~beautification advisory committee~~ Planning and Zoning Division of a commercial landscape plan, if the application does not meet the requirements of this section, the ~~committee~~ Planning and Zoning Division shall advise the applicant which items are found to be non-conforming and the applicant shall be provided the opportunity to correct the non-conformities prior to final developmental review.
- ~~a. Incentive. The applicant may receive an additional 0.5 credits per tree for accepting any Protected Tree species recommended by the Committee to satisfy mitigation required by Section 5.01.03.~~

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18; Ord. No. 22-___, § 3)

Sec. 6.06.03. Plant materials.

- A. *Quality.* Plant materials used in conformance with the provisions of this Code, shall conform to the Standard for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee most recent edition. Plant

materials contained within the Category 1 classification of the Florida Exotic Pest Plant Council Listing, most current edition, or plants which are not adaptable to the area, as determined by the ~~City Manager or designee of the city horticulturist~~ Planning and Zoning Division, shall not be used.

- B. The use of ~~native~~ 75% Florida native plant material is required and the remaining 25% shall be designated Florida friendly plant material is required. Non-~~designated Florida native and Florida friendly native~~ vegetation is prohibited as a plant material.

Sec. 6.06.04. Buffer requirements between uses.

The total of screening landscape plus internal landscaping shall not be less than ten (10) percent of the total developed area.

A. *Adjacent to public rights-of-way.*

1. Adjacent to public rights-of-way where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area. The landscaping shall include a landscaped area at least five (5) feet in depth and at least three (3) feet in height. The screen may be composed of a berm at least two (2) feet in height, or a screen of landscaping at least two and one-half (2½) feet in height at time of planting. If a berm is utilized, additional landscaping at least one (1) foot in height shall be planted. If a screen of living land seeping material is utilized, it shall attain opacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions. One (1) tree shall be planted for each fifty (50) linear feet or a fraction thereof, of frontage on a public right-of-way.
2. As a credit against other requirements of these Land Development Regulations, developments or development activities fronting on County Road A1A shall include as a part of required landscaping the placement of one (1) Sabal Palmetto Palm of a minimum trunk height of twelve (12) feet and a maximum trunk height of fifteen (15) feet from the ground, with the trunk cleanly cut to a height of ten (10) feet, be regenerated crown trimmed, evenly spaced, so as to provide four (4) palms in each one-half (½) block along the frontage on County Road A1A and shall be placed in conformity with the city's "Avenue of Palms" concept plans for the beautification of said County Road A1A. In areas without blocks, the palm trees shall be planted twenty-three (23) feet apart on center. Developments and development activities that were in compliance with the provisions of this section as originally adopted by Ordinance No. 98-8, as of May 1, 2000, shall not be required to relocate or provide additional palm trees; anything in the St. Augustine Beach Code to the contrary notwithstanding. ~~After review and recommendation by the beautification advisory committee, the city manager or designee~~ The Planning and Zoning Division or the Public Works Director or designee is authorized to permit a variance from the "Avenue of Palms" concept plans and the requirements of this section, in those instances where the placement of the palms will interfere with highway safety or will interfere with overhead utility lines.

B. *Between properties.*

1. Where paved ground surface areas are adjacent to surrounding properties, landscaping shall be installed to screen paved ground surface areas from adjacent properties as provided below. Screening is not required if the paved ground surface area is completely

screened from surrounding properties by intervening buildings or structures or existing landscaping.

2. Where paved ground surface areas are adjacent to properties whose land use is residential, all land between the paved ground surface area and the property line shall be landscaped. Said landscaping shall include: a buffer yard at least five (5) feet in width, containing either a berm at least two (2) feet in height, or a hedge or other durable screen of landscaping at least six (6) feet in height. If a berm is utilized, additional landscaping at least one (1) foot in height at time of planting shall be installed. Where the screen of landscaping is composed of living plant material, it shall be thirty (30) inches in height at time of planting and shall attain opacity within twelve (12) months under normal growing conditions. A minimum of one (1) tree shall be planted for each fifty (50) linear feet of common lot line or fraction thereof.
3. Where the adjacent property is zoned for nonresidential land use or where the adjacent property contains a conforming hedge, wall, or other durable landscape feature, the provisions of paragraph B.1. shall not apply to the rear or side lot lines, except that the tree planting provisions shall still apply. The trees shall be installed in the buffer areas adjacent to each of the adjoining properties at a minimum of fifteen (15) feet.

- C. *Between zoning uses.* A ~~fifteen (15)~~ five (5) foot wide vegetative and structural barrier between noncompatible uses, such as between commercial and residential land uses. The barrier shall screen noise and glare and visually screen adjacent non-compatible land uses, while maintaining the aesthetic purposes of the buffer zone. Existing natural vegetation within such zones shall be preserved to the maximum extent possible. No inconsistent use of the buffer zone, such as parking or use as retention or detention ponds, shall be permitted. Screening under this section shall include a continuous evergreen hedge with a height of thirty-six (36) inches at time of planting and evergreen trees planted no more than thirty (30) feet apart.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18) (Ord. No. 22-____, § 3)

SECTION 4. Amend Section 7 as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

(Ord. No. 22-____, § 4)

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. 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 7. This Ordinance shall take effect thirty (30) 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 _____ 2022.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2022.

MAYOR

Published in the _____ on the ____ day of _____, 2022. Posted on www.staugbch.com on the ____ day of _____, 2022.

ORDINANCE NO: 22-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO MIXED USE DISTRICTS, LANDSCAPING, PLANT MATERIALS, BUFFER REQUIREMENTS, FENCES AND RETAINING WALLS; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH, SECTION 3, MIXED USE DISTRICTS, SECTION 6, LANDSCAPING, PLANT MATERIALS, BUFFER REQUIREMENTS BETWEEN USES, SECTION 7 FENCES AND RETAINING WALLS; 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 Section 3.02.01 Mixed Use Districts as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Sec. 3.02.02.01. Mixed use districts.

- J. *Parking requirements.* All parking for retail, business, restaurant uses and garage openings for residential use shall be placed in the rear or at the side. Parking located at the side of a structure shall be required to have landscape buffers, five (5) feet in width between the edge of the parking area and the right-of-way of the adjacent street. All plant materials used shall be three-gallon minimum container size. The Sustainability & Environmental Planning Advisory Committee (SEPAC) shall submit a memo to the Planning and Zoning Division the Friday after their monthly

meeting regarding their recommendations for landscape plans based upon findings of facts and code references as applicable. Access to the parking shall be from the numbered or lettered streets perpendicular to A1A Beach Boulevard. Hotel/motel parking can be placed in the front of the structure.

Curb cuts from A1A Beach Boulevard shall be allowed where a platted alleyway whether the alleyway is open or not opened.

Shared parking and shared access to parking is encouraged.

(Ord. No. 22-__, § 1)

SECTION 3. Amend Section 6 as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach, and the same is, hereby amended, revised and restated to read:

Sec. 6.06.00. Landscaping.

- A. *Landscaping Plans.* All paved ground surface areas that require landscaping shall meet or exceed the requirements of this Code.
- B. *Approval.* For all commercial landscape plans on A1A Beach Boulevard the Sustainability & Environmental Planning Advisory Committee (SEPAC) shall submit a memo to the Planning and Zoning Division the Friday after their monthly meeting regarding their recommendations for landscape plans based upon findings of facts and code references as applicable. The Committee shall be required to recommend any and all applications that clearly meet the requirements set forth in this section.
 - 1. Upon review by the Planning and Zoning Division of a commercial landscape plan, if the application does not meet the requirements of this section, the Planning and Zoning Division shall advise the applicant which items are found to be non-conforming and the applicant shall be provided the opportunity to correct the non-conformities prior to final developmental review.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18; Ord. No. 22-__, § 3)

Sec. 6.06.03. Plant materials.

- A. *Quality.* Plant materials used in conformance with the provisions of this Code, shall conform to the Standard for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee most recent edition. Plant materials contained within the Category 1 classification of the Florida Exotic Pest Plant Council Listing, most current edition, or plants which are not adaptable to the area, as determined by the Planning and Zoning Division, shall not be used.

- B. The use of 75% Florida native plant material is required and the remaining 25% shall be designated Florida friendly plant material is required. Non-designated Florida native and Florida friendly vegetation is prohibited as a plant material.

Sec. 6.06.04. Buffer requirements between uses.

The total of screening landscape plus internal landscaping shall not be less than ten (10) percent of the total developed area.

A. *Adjacent to public rights-of-way.*

1. Adjacent to public rights-of-way where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area. The landscaping shall include a landscaped area at least five (5) feet in depth and at least three (3) feet in height. The screen may be composed of a berm at least two (2) feet in height, or a screen of landscaping at least two and one-half (2½) feet in height at time of planting. If a berm is utilized, additional landscaping at least one (1) foot in height shall be planted. If a screen of living land seeping material is utilized, it shall attain opacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions. One (1) tree shall be planted for each fifty (50) linear feet or a fraction thereof, of frontage on a public right-of-way.
2. As a credit against other requirements of these Land Development Regulations, developments or development activities fronting on County Road A1A shall include as a part of required landscaping the placement of one (1) Sabal Palmetto Palm of a minimum trunk height of twelve (12) feet and a maximum trunk height of fifteen (15) feet from the ground, with the trunk cleanly cut to a height of ten (10) feet, be regenerated crown trimmed, evenly spaced, so as to provide four (4) palms in each one-half (½) block along the frontage on County Road A1A and shall be placed in conformity with the city's "Avenue of Palms" concept plans for the beautification of said County Road A1A. In areas without blocks, the palm trees shall be planted twenty-three (23) feet apart on center. Developments and development activities that were in compliance with the provisions of this section as originally adopted by Ordinance No. 98-8, as of May 1, 2000, shall not be required to relocate or provide additional palm trees; anything in the St. Augustine Beach Code to the contrary notwithstanding. The Planning and Zoning Division or the Public Works Director or designee is authorized to permit a variance from the "Avenue of Palms" concept plans and the requirements of this section, in those instances where the placement of the palms will interfere with highway safety or will interfere with overhead utility lines.

B. *Between properties.*

1. Where paved ground surface areas are adjacent to surrounding properties, landscaping shall be installed to screen paved ground surface areas from adjacent properties as provided below. Screening is not required if the paved ground surface area is completely screened from surrounding properties by intervening buildings or structures or existing landscaping.
2. Where paved ground surface areas are adjacent to properties whose land use is residential, all land between the paved ground surface area and the property line shall be

landscaped. Said landscaping shall include: a buffer yard at least five (5) feet in width, containing either a berm at least two (2) feet in height, or a hedge or other durable screen of landscaping at least six (6) feet in height. If a berm is utilized, additional landscaping at least one (1) foot in height at time of planting shall be installed. Where the screen of landscaping is composed of living plant material, it shall be thirty (30) inches in height at time of planting and shall attain opacity within twelve (12) months under normal growing conditions. A minimum of one (1) tree shall be planted for each fifty (50) linear feet of common lot line or fraction thereof.

3. Where the adjacent property is zoned for nonresidential land use or where the adjacent property contains a conforming hedge, wall, or other durable landscape feature, the provisions of paragraph B.1. shall not apply to the rear or side lot lines, except that the tree planting provisions shall still apply. The trees shall be installed in the buffer areas adjacent to each of the adjoining properties at a minimum of fifteen (15) feet.

- C. *Between zoning.* A fifteen (15) foot wide vegetative and structural barrier between noncompatible uses, such as between commercial and residential land uses. The barrier shall screen noise and glare and visually screen adjacent non-compatible land uses, while maintaining the aesthetic purposes of the buffer zone. Existing natural vegetation within such zones shall be preserved to the maximum extent possible. No inconsistent use of the buffer zone, such as parking or use as retention or detention ponds, shall be permitted. Screening under this section shall include a continuous evergreen hedge with a height of thirty-six (36) inches at time of planting and evergreen trees planted no more than thirty (30) feet apart.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18) (Ord. No. 22-__ , § 3)

SECTION 4. Amend Section 7 as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach, and the same is, hereby amended, revised and restated to read:

(Ord. No. 22-__ , § 4)

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. 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 7. This Ordinance shall take effect thirty (30) 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 _____ 2022.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2022.

MAYOR

Published in the _____ on the ____ day of _____, 2022. Posted on www.staugbch.com on the ____ day of _____, 2022.

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner England
Commissioner George

FROM: Max Royle, City Manager 

DATE: February 22, 2022

SUBJECT: City's New Year's Eve Event: Review of 2021 Event and Discussion of 2022 Event

Attached is a brief memo and related information from the City's Communication and Events Coordinator, Ms. Melinda Conlon. She will be at your March 7th meeting to explain the 2021 event in more detail and to answer your questions. Chief Carswell can answer any questions you have concerning his attached report, and Mr. Tredik can provide more details about the attached report from Mr. Ken Gatchell, Assistant Public Works Director.

As you can see from Ms. Conlon's and the other reports, the City's downscaled event for 2021 was much more manageable than past New Year's Eve fireworks shows have been.

At this time, the City staff is planning a similar event for December 31, 2022, with the changes Ms. Conlon has noted in her memo, such as more signage and light towers. We suggest that the event's 2022 focus be what it was in 2021, the fireworks show for the enjoyment of area residents and visitors, and its purpose continue to be to attract residents and visitors to patronize local businesses on New Year's Eve.



February 22, 2022

Max,

At the Commission meeting on March 7, 2022, I will be giving a brief presentation on the NYE Light up the NIGHT! Fireworks show that was held on December 31, 2021.

I've included the spreadsheet with the breakdown of revenue and expenses. I want to thank our amazing sponsors and supporters, who contributed to make our Holiday events so successful. A very special thank you to Old Town Trolley who provided us with shuttle services that we otherwise could not have provided for our New Year's Eve event.

Also included is feedback from the Chief Carswell of the SABPD and Ken Gatchell from our Public Works Department.

I will discuss areas where we can make positive changes for this year such as adding more light towers down by A Street and adding more signage to indicate seating areas by the Volleyball courts at the Pier. We can also discuss the overall vision for this coming year's event.

Best,

Melinda

[Melinda B. Conlon](#)

Communications & Events Coordinator



St. Augustine Beach Police Department

Daniel Carswell, Chief of Police



Memorandum

TO: Melinda Conlon, Events Coordinator
FROM: Daniel Carswell, Chief of Police
REF: Light up the Night 2021 Event Review
DATE: February 17th, 2022

Melinda-

In January of 2022, a multi-agency review was conducted by law enforcement and fire rescue personnel that were heavily involved in the planning and operations of this year's event. A detailed After-Action Report was completed and submitted to the commission and city staff. Some major points of review are listed below.

- The crowd was manageable in size and able to roam freely about the event area with little safety concerns. Previous years had several areas blocked off to pedestrians that caused congestion and required additional staffing.
- The roadways were able to stay open all night. There was a constant traffic flow for citizens and emergency vehicles for the duration of the event. There was some congestion at the event conclusion, but this can be minimized for future years.
- Shutting down the roadways was not needed. Doing so would cause major roadway congestion and require a significant increase in personnel numbers.
- Total staff personnel (law enforcement and fire rescue) was less than 50. Previous years required between 75-100 depending on the event and traffic plan.
- There were no major issues with illegal parking.
- Fire rescue and law enforcement experienced a small number of calls for service that were related to the event.
- Some minor safety concerns for future years were identified to be corrected for future events.

Overall, it was the opinion of our staff that the new event format was a success. With the safety of the attendees our primary concern, this format is a safer option and far more manageable for first responders.

A handwritten signature in blue ink that reads "Daniel Carswell".

Daniel Carswell, Chief of Police

Subject: Fireworks NYE 2021 Feedback for Commission

Melinda

As one that has work all of the BBO events, this last one was by far the best one, as for the PWD we had minimal setup and tear down time. As for transportation there was no big problems, the crowd was all gone within an hour after the fire works finished. The cleanup the next day went fast.

The PWD had a post event meeting and all agree that this event was good and we need to keep doing it this way.

Ken Gatchell
City of St. Augustine Beach
Public Works Department
2200 S.R. A1A so.
St. Augustine Beach Fl. 32080
Office (904) 471-1119
Fax (904) 471-4191
Cell (904) 669-4347
Email kgatchell@cityofsab.org

PLEASE NOTE: Under Florida law, most communications to and from the City are public records. Your e-mails, including your e-mail address maybe subject to public disclosure

	A	B	C
1	Revenue - NYE Light Up the Night		
2			
3	<u>Name</u>		
4	Cash Sponsorships	\$8,000.00	
5	In-kind sponsorships	\$8,250.00	Old Town Trolley
6	Fireworks Grant	\$25,000.00	
7	City Budget	\$1,500.00	
8	In-kind sponsorships	\$500.00	Art Studio
9	In-kind sponsorships	\$250.00	WSOS
10	Total	\$43,500.00	

	A	B	C	D
1	Expenses - NYE Light Up the Night!			
2				
3	Name	Items	Cost	
4	United Site Services	Portable Toilets	\$1,091.00	
5	Signs Now	Signs	\$260.00	
6	Sunbelt Light Towers	Light Towers	\$1,979.15	
7	Taylor Rental	GA Buggies	\$397.74	
8	Old Town Trolley	Trolleys	\$8,250.00	In-kind sponsorship
9	Fireworks	Fireworks	\$25,000.00	Grant
10	Maintenance for Pier - sand/repairs etc.	Supplies to protect pier	\$221.76	
11	City Employees	Labor	\$7,081.92	
12	ASCAP	Music License	\$370.17	
13	BMI	BBO Broadcast License	\$368.00	
14	Scoo-B-Q Catering	Catering	\$350.00	
15	SESAC	Music License	\$513.00	
16	Total		\$45,882.74	
17				
18				

MEMORANDUM

TO: Max Royle, City Manger
FROM: William Tredik, P.E. Public Works Director
DATE: February 24, 2022
SUBJECT: Bid No. 22-02: 2nd Street Extension and Widening Improvements
Tabulation of Bids and Recommendation of Award

BACKGROUND

On September 14, 2020, the City Commission directed staff to take the necessary steps to establish a non-ad valorem assessment to fund the extension of 2nd Street westward of 2nd Avenue. Resolution 20-21 was passed on December 7, 2020, indicating the Commission's intent to move forward with the non-ad valorem assessment. On May 3, 2021 the Commission established following terms for the assessment:

- Range of costs per originally platted lot \$15,000 to \$25,000
- Maximum total revenue anticipated from assessment \$400,000
- First year assessment \$3,940 per originally platted lot

A public hearing was held on June 7, 2021 and the Commission adopted the non-ad valorem assessment. On July 6, 2021 Resolution 21-23 was passed approving an agreement with the Tax Collector to collect the assessment.

Design of improvements was completed in January 2022, and an Invitation to Bid (Bid No. 22-02) for construction was advertised on February 2, 2022. To segregate project components subject to the non-ad valorem assessment from those associated with the widening of the existing 100 block of 2nd Street, the bid was broken into the following two (2) Work Elements:

- **Base Bid Work Element A Extension** - This work element would be partially funded by revenue collected through the non-ad valorem assessment and included 490 LF of new roadway with curb and gutter in the unimproved 200 block of 2nd Street, stormwater improvements, sanitary sewer extensions and potable water main extension.
- **Base Bid Work Element B Widening** – This work element would be funded with City impact fees and includes widening of approximately 345 LF of 2nd Street between A1A Beach Boulevard and 2nd Avenue, including the addition of curb and gutter.

The City Commission also directed staff to pursue undergrounding of power lines along 2nd Street, therefore Bid 22-02 included two additive alternates, including:

- **Additive Alternate to Work Element A** – Installation of FPL underground electric conduit and associated requirements west of 2nd Avenue.
- **Additive Alternate to Work Element B** – Installation of FPL underground electric conduit and associated requirements east of 2nd Avenue.

Unfortunately, FPL has not yet completed the underground electric design. The additive alternates were, therefore, generally described in the bid based upon anticipated quantities. A schedule of values built into the bid to allow refinement of additive alternate costs upon completion of the electrical design by FPL.

BIDS

Bids for construction of the 2nd Street Project were opened on February 13, 2022. The City received the following four bids for the project:

Work Bid	Besch and Smith	G&H Underground	DB Civil Construction	R.B. Baker Construction
Element A (extension)	\$457,894.91	\$545,461.59	\$415,850.00	\$445,278.40
Element B (widening)	\$255,219.03	\$140,444.00	\$164,000.00	\$222,573.20
Total Bid (Elements A & B)	\$713,113.94	\$685,905.59	\$579,850.00	\$667,851.60
Alt A (FPL undgrnd. west)	\$103,000.00	No bid	No bid	No bid
Alt B (FPL undgrnd. east)	\$145,000.00	No bid	No bid	No bid

Due to uncertainties of the ongoing FPL design, three of the four bid submittals did not include a bid on the FPL underground conduit and associated work.

DISCUSSION

All bidders acknowledged receipt of Addendum No. 1 and provided a bid bond and attachments as required by the bid documents. The apparent low bidder for the base bid (elements A and B) was **DB Civil Construction, LLC for a total bid price of \$579,850**. Note that the apparent low bid exceeds the October 4, 2021 construction cost estimate of \$490,000. This increase, unfortunately, is consistent with current inflationary trends in the construction market. Despite the increase in cost from the initial estimates, the City has sufficient impact fee funding to move forward with the project.

In previous Commission discussions it was determined, for the unopened block of 2nd Street, that the city would fund 1/3 of the cost of the roadway improvements and property owners would fund 2/3 of the cost. Utility (water and sewer) improvements would be fully funded by the property owners. Based upon costs identified in the apparent low bidder's Schedule of Values, the work breakdown for Element A is approximately \$134,000 for utilities and \$281,850 for the roadway extension. The projected breakdown of city versus property owner costs for Work Element A is thus:

Work	Total Cost	Projected Total City Cost	Projected Total Property Owners' Cost
Element A – Roadway improvements	\$281,850	\$93,950	\$187,900
Element A – Utility improvements	\$134,000	\$0	\$134,000
TOTALS	\$415,850	\$93,950	\$321,900

Currently it is anticipated that 13 of the originally platted lots will be subject to the non-ad valorem assessment once the dedication to the City of the three (3) northeastern conservation easement lots is complete. The non-ad valorem assessment for each of the 13 lots would thus be \$24,761.54 for each originally platted lot; within the range approved by the city commission on May 3, 2021.

Note that the above prices do not include the cost for installing the infrastructure associated with undergrounding of power lines. Three of the four bidding contractors (including the apparent low bidder) did not bid on these alternates due to the incomplete status of the FPL design. Though one contractor did bid on the alternates, their cost for the alternates was quite high, and their base bid was the highest of the four bids. Staff, therefore, recommends the city enter into a contract with the apparent low bidder for the extension and widening of 2nd Street only. Upon completion of the FPL design, staff will attempt to negotiate a fee with the selected contractor (subject to procurement policy and applicable law) for the installation of required FPL conduit and associated work. Should staff not be able to successfully negotiate a change order within the terms of procurement policy and applicable law, the installation of the FPL undergrounding work will be bid separately.

It is anticipated that the project will be complete by the end of the current fiscal year.

STAFF RECOMMENDATION

Award the contract for Bid No. 22-02, 2nd Street Extension and Widening Improvements to DB Civil Construction, Inc. for the amount of \$579,850.

MEMORANDUM

TO: Max Royle, City Manger
FROM: William Tredik, P.E. Public Works Director
DATE: February 25, 2022
SUBJECT: St. Augustine Beach Outfall Improvements (Mizell Weir)
FPL Easement for Electrical Service for Stormwater Pump Station

DISCUSSION

The City is currently rebuilding the damaged weir and stormwater pump station on Mizell Road with financial assistance from the FEMA and the St. Johns River Water Management District. Construction is proceeding on schedule and involves the following major work components:

- Replacement of the damaged weir with a cast in place concrete weir
- Installation of new slide gates for gravity pond level control
- Physical upgrades to the existing pump station structure
- Replacement of the two (2) existing pumps with three (3) new higher capacity pumps
- Construction of bulkhead to stabilize the canal back west of Fiddlers Pint Drive
- Raising of the western pond bank to provide increased flood protection
- Installation of an emergency generator for backup power supply

Associated with the higher capacity pumps is the need for a new power line from Mizell Road. Design constraints require that a new transformer for the pumps be located further west inside the City property, and in closer proximity to the Pump Station. In order to meet this constraint, Florida Power and Light (FPL) must run a new power main to the location of the transformer and requires a 10' wide easement approximately 575 feet into the pond Parcel (see Exhibit A).

REQUESTED ACTION

Approve an easement to FPL to provide a new electrical main and transformer to serve the St. Augustine Beach Outfall Improvements Project Pump Station.

Work Request No. 10970135

Sec. 30, Twp 07 S, Rge 30 E

Parcel I.D. 1629300000
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (BUSINESS)

This Instrument Prepared By

Name: REBECCA ENRIGHT
Co. Name: FLORIDA POWER & LIGHT
Address: 303 HASTINGS RD
SAINT AUGUSTINE, FL 32084

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above-ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20____.

Signed, sealed and delivered in the presence of:

(Witness' Signature)
Print Name: _____

(Witness)

(Witness' Signature)
Print Name: _____

(Witness)

Entity Name
By: _____
Print Name: _____
Print Address: _____

STATE OF _____ AND COUNTY OF _____

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization,

this _____ day of _____, 20____, by _____

and _____ who is (are) personally known to me or has (have)

produced _____ as identification.

[Notary Seal]

Notary Public, Signature

Print Name: _____

Title or Rank

Serial Number, if any

MAP OF:

10 FOOT F.P.L. EASEMENT

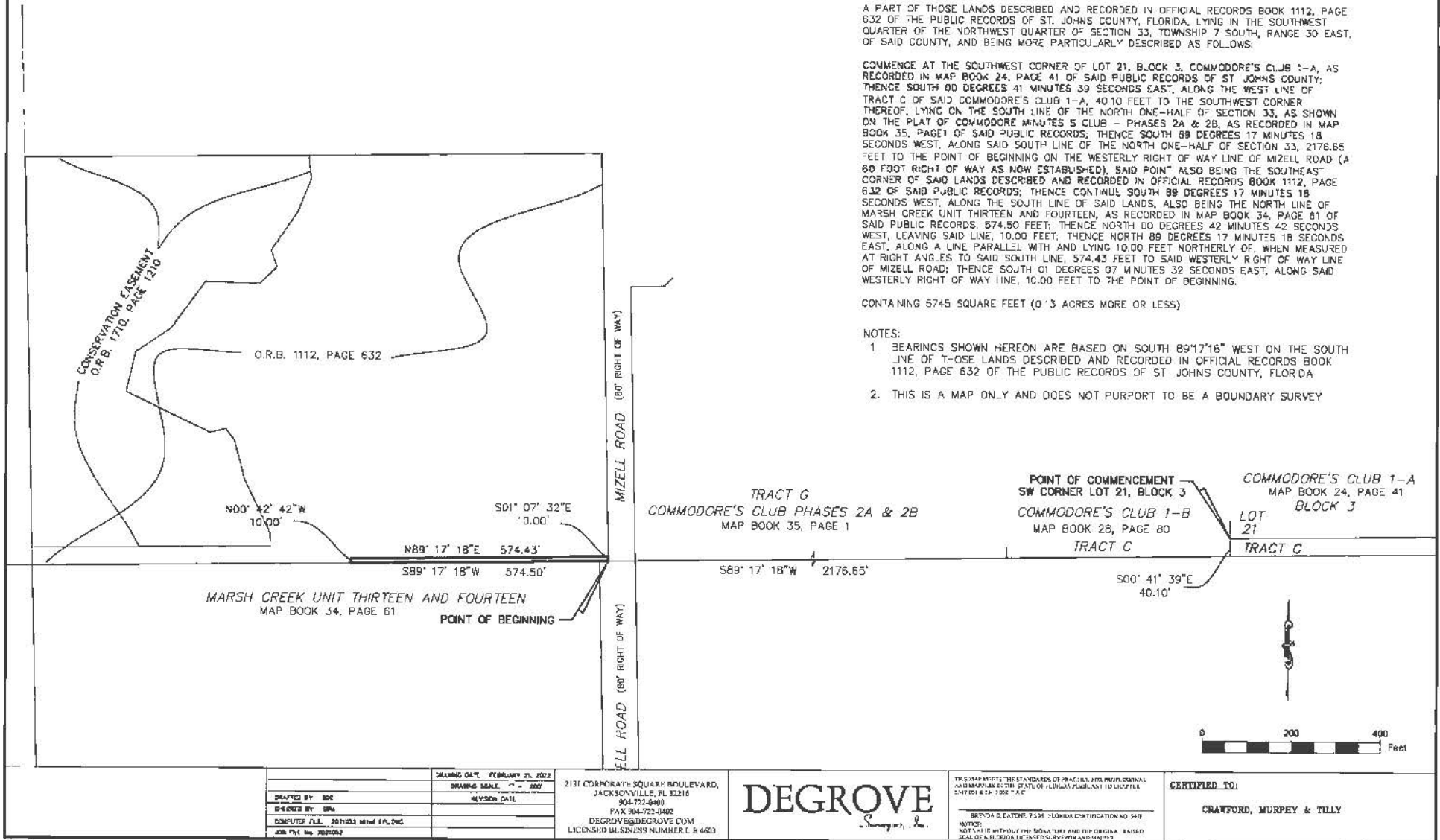
A PART OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1112, PAGE 632 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 30 EAST, OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 21, BLOCK 3, COMMODORE'S CLUB 1-A, AS RECORDED IN MAP BOOK 24, PAGE 41 OF SAID PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE SOUTH 00 DEGREES 41 MINUTES 39 SECONDS EAST, ALONG THE WEST LINE OF TRACT C OF SAID COMMODORE'S CLUB 1-A, 40.10 FEET TO THE SOUTHWEST CORNER THEREOF, LYING ON THE SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 33, AS SHOWN ON THE PLAT OF COMMODORE MINUTES 5 CLUB - PHASES 2A & 2B, AS RECORDED IN MAP BOOK 35, PAGE 1 OF SAID PUBLIC RECORDS; THENCE SOUTH 89 DEGREES 17 MINUTES 18 SECONDS WEST, ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF SECTION 33, 2176.65 FEET TO THE POINT OF BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF MIZELL ROAD (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED), SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1112, PAGE 632 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 89 DEGREES 17 MINUTES 18 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LANDS, ALSO BEING THE NORTH LINE OF MARSH CREEK UNIT THIRTEEN AND FOURTEEN, AS RECORDED IN MAP BOOK 34, PAGE 61 OF SAID PUBLIC RECORDS, 574.50 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 42 SECONDS WEST, LEAVING SAID LINE, 10.00 FEET; THENCE NORTH 89 DEGREES 17 MINUTES 18 SECONDS EAST, ALONG A LINE PARALLEL WITH AND LYING 10.00 FEET NORTHERLY OF, WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTH LINE, 574.43 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF MIZELL ROAD; THENCE SOUTH 01 DEGREES 07 MINUTES 32 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5745 SQUARE FEET (0.13 ACRES MORE OR LESS)

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON SOUTH 89°17'16" WEST ON THE SOUTH LINE OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1112, PAGE 632 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA
2. THIS IS A MAP ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY





Florida Power & Light Company

April 30, 2021

RE:

Dear: To whom it may concern

Enclosed is the easement form required by FPL to provide electric service to the above referenced facility. Please complete the instrument according to the following instructions. DESCRIBE, EXECUTE and RECORD the easement and return the recorded original to me. This easement needs to be returned to FPL prior to energizing your proposed facility. Failure to do so could delay the timely installation of your electric facilities.

Parcel I. D. #: Enter Parcel I. D. # in the upper left portion of the easement form

Describe Easement:

Use the blank area in the middle of the form to describe the easement. If additional space is required, an Exhibit "A" attached as a 2nd sheet to the instrument may be used. Metes & bounds may be used but a center line description is most common. A pictorial view of the easement may also be attached as an Exhibit "A". If Exhibit "A" type description is used, the middle of the form needs to show "See Exhibit "A" ("Easement Area)". Easements are usually 10' in width for underground and 20' in width for overhead with the FPL facilities installed along the centerline of the easement. **FPL recommends that the easement be described by a surveyor to ensure the description is accurate and correctly describes the easement area.**

Signing and Witnessing:

- A. **For Individuals:** All persons shown on the deed must sign the easement. Enter date in space provided. Sign on the indicated lines on the right side in the presence of two (2) separate witnesses, who sign on the lines to the left, and a notary public who completes the acknowledgement forms as described below. The notary public may be one of the witnesses and if so must sign at the left in the space provided.
- B. **For Businesses:** Enter date in space provided. The President, or Vice-President sign on lines indicated on the right, filling in their title below, in the presence of two (2) separate witnesses, who sign on the lines to the left, and a notary public who completes the acknowledgement forms as described below. The corporate seal must be affixed adjacent to the officer's signatures.

Acknowledgements:

The notary public should legibly fill in all blanks, including state and county of execution, names of individuals or officers signing and their titles, state or county where empowered to act, expiration date of commission, fill in the date, sign on line provided, and affix seal adjacent to the signature of the notary public.

Record the Easement:

If there are any questions with regards to the easement, please call me prior to recording the easement. Have the easement Recorded at the St Johns County Clerk of Courts Office, only the original unaltered FPL standard easement form (form 3722) will be accepted by FPL.

If you have any questions, please call me at 9048247622.

Sincerely,

Rebecca Enright
Construction Services

MEMORANDUM

TO: Max Royle, City Manger

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

DATE: February 25, 2022

SUBJECT: Bid No. 22-01: Ocean Hammock Park Phase 2 Improvements
Tabulation of Bids and Recommendation of Award

BACKGROUND

Ocean Hammock Park is an 18.2 acre park located between A1A Beach Boulevard and the Atlantic Ocean. In 2006, the park site was permitted for development as Maratea, a 72 unit condominium complex with a clubhouse, pool, detached garages and parking lots. The proposed development would have developed all of the upland portions of the property permittable for development. As part of this 2006 development plan the property owners dedicated 2.2 acres along the front and southern boundary for conservation and the construction of a public beach access. The portion along the southern property boundary is the location of the current beach boardwalk.

By 2008 work on Maratea had not commenced and the City expressed interest in purchasing additional property for development of a City park. In 2008 a City referendum was approved levying up to ½ mil for the purchase of the park property, and the City commenced negotiations with the landowner. In 2009, the city purchased 11.5 acres of the property for \$5.25 million, \$4.5 million of which came from the Florida Communities Trust (FCT). As a requirement of the \$4.5 million FCT contribution, the City developed a Park Management Plan for the property designating how the park would be developed. The Management Plan included special management conditions with which the City must comply, including:

- Land use and zoning to recreation
- Permanent FCT recognition sign
- At least four (4) recreation facilities
- Pervious parking where feasible
- Sidewalk connection
- Bike racks
- Beach access / dune walkover
- Interpretative signs or kiosks
- Regularly scheduled educational classes
- Staffed nature center/museum
- Preservation of natural communities
- Protect and enhance wildlife
- Planting of wetland areas
- Invasive vegetation management
- Feral animal management
- Stormwater system to recreation open space or habitat
- Stormwater facilities coordinated with SJRWMD
- Archaeological survey
- Coordinate management with existing park
- ¼ mile minimum nature trail
- Enhance the designated Florida Circumnavigational

In addition to the special management conditions, the Management Plan identified the following proposed physical improvements to the park property:

Recreational Facilities

- Children's playground
- Horseshoe courts
- Bike Racks and canoe/kayak storage
- Picnic pavilion and grills
- Nature trail (¼ to ½ mile)

Amenities

- Restrooms
- Parking area
- Education center
- Wildlife observation deck

Construction on the beach boardwalk was completed in 2009 with assistance of the Florida Recreation Development Assistance Program (FRDAP). In 2012 the City constructed the current shell parking lot. Completed improvements to the park include:

- Parking lot
- Sidewalk Connections
- Beach Access (Connection to Beach Boardwalk)
- Permanent FCT recognition sign
- Construction of stormwater treatment system

In 2016, the City acquired the final 4.5 acres of the park property for a cost of \$4.5 million; \$1.5 million of which came from a second FCT grant. As with the prior purchase, FCT required a Park Management Plan which included the following special management conditions:

- Permanent FCT recognition sign
- At least four (4) recreation facilities
- ½ mile minimum trail
- Interpretative kiosks
- Regularly scheduled educational classes
- Listed species habitat protection
- Locally significant and strategic habitat conservation
- Vegetative enhancement – planting of 300 feet of disturbed shoreline
- Water Quality Facility – improve the quality of surface waters
- Coordinate management with existing beach boardwalk
- Conditions are in addition to the requirements of FCT# 08-018-FF8

Due to the scope of the improvements and funding availability, it was necessary to break up the initially planned Phase 2 into two phases; Phase 2 and Phase 3. Phase 2 includes work in the vicinity of the parking lot and includes:

- Restrooms
- ¼ mile nature trail
- Two (2) picnic areas
- Handicap Parking Space
- Information kiosk
- Accessible connection to beach boardwalk

Phase 2 construction will be partially funded through a FRDAP grant of \$106,500. Phase 3 has just completed design and permitting. Due to funding limitations it may be necessary to divide Phase 3 into multiple construction phases.

PHASE 2 BIDS

Bids for construction of the Ocean Hammock Park Phase 2 Improvements were advertised on February 14, 2022 and opened on March 3, 2022. As the bid opening date was four days prior to the March 7, 2022 City Commission Regular Meeting, the tabulation of bids was not available for inclusion in the Commission Meeting Agenda Book.


The bid tabulation, apparent low bidder and staff recommendations will be presented at the March 7, 2022 City Commission Regular Meeting.

STAFF RECOMMENDATION

Award the contract for Bid No. 22-01, Ocean Hammock Park Phase 2 Improvements to the lowest qualified bidder as presented to the City Commission at their March 7, 2022 Regular Meeting.

MEMORANDUM

TO: Mayor Samora
Vice Mayor Rumrell
Commissioner England
Commissioner George

FROM: Max Royle, City Manager 

DATE: February 25, 2022

SUBJECT: Master Drainage Plan: Approval of Contract with Civil Engineering Consultant, Crawford, Murphy and Tilly, Inc., to do Update

As CMT hasn't yet provided a contract, there is nothing attached for you to review. We have put this topic on the agenda in anticipation that the contract will be sent before your March 7th meeting. If this happens, then you can possibly approve it and the start of the update by CMT won't have to be delayed for another month.

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
MARCH 7, 2022**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-18.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's January 18, 2022, meeting are attached as pages 19-28.

SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE

The minutes of the Committee's February 3, 2022, meeting are attached as pages 29-42.

POLICE DEPARTMENT

Please see page 43.

FINANCE DEPARTMENT

Please see pages 44.

PUBLIC WORKS DEPARTMENT

Please see pages 45-48.

CITY MANAGER

1. Complaints

A. Horse Excrement on Beach

A resident complained that persons riding horses on the beach were not removing the excrement. As by interlocal agreement the County provides clean up services to the beach that's in the City's limits, the complaint was forwarded to County Beach Services. Also, because the City prohibits the riding of horses on the beach within its limits, the resident was asked to contact the City's Police Department the next time he saw horses being ridden on the beach. A copy of his complaint was forwarded to the Police Chief.

B. Potholes

Commissioner George brought to the City Manager's attention that there were potholes on the City-owned plaza in front of Café 11. The Public Works Department filled the potholes.

C. Overnight Parking

A resident reported that persons were parking overnight on the right-of-way of 16th Street. The complaint was forwarded to the Police and Public Works departments.

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 prepared plans for the project. The City Commission reviewed the plans at its October 4, 2021, meeting and discussed in particular the underground of utilities and having a sidewalk along the section of 2nd Street east of 2nd Avenue. On October 14th, City staff met with representatives of Florida Power and Light to discuss the company's requirements for the underground of utilities. The first requirement was that the City obtain an easement from each property owner for the placement of FP&L's underground line and above ground transformers. Letters sent to each owner of lots in the 100 and 200 block of 2nd Street and most agreed to provide the easement. The Commission discussed the owners' responses at its December 6th meeting and approved the Public Works Director advertising for bids, which were opened on February 23, 2022. The Commission will be asked to approve the bid at its March 7th meeting.

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. As a result of the meeting, the County investigated the dimensions of the sidewalk to diminish the sidewalk's impact to the properties on the north side and proposed four options. However, upon review, Vice Mayor Samora and City staff have proposed an option. The City Commission discussed the County's proposed plan at its November 1st meeting. Though easements for undergrounding utilities and the width of the sidewalk and the gutter were discussed, no direction was provided as to the project's next steps. However, at the Commission's December 6th meeting, the Public Works Director reported that the County had agreed to a five-foot wide sidewalk and a two-foot wide gutter. The Commission approved the project as proposed by the County. The County hasn't informed the City when the project will be started.

3) A1A Beach Boulevard Crosswalk Improvements

As of the end of February 2022, the County had been put up flashing signals for the crosswalks on A1A Beach Boulevard between Sea Colony and the shopping center, and between the beach walkway at Ocean Hammock Park and the Whispering Oaks subdivision. The next crosswalk scheduled for a signal will be in the vicinity of pier park.

B. Beach Matters

1) Off-Beach Parking

At this time, the only parking project is improvements to the two parkettes on the west side of A1A Beach Boulevard between A and 1st Streets. The Commission appropriated \$45,000 in the Fiscal Year 2022 budget for this project. The next step is to select a consultant to do the design. The Public Works Director will check the County's list of civil engineering consultants.

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.

There is no discussion at this time concerning paid parking.

C. Parks

1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and for where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000 and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in private ownership. In 2015, The Trust for Public Land purchased the 4.5 acres for the appraised value of \$4.5 million. The City gave the Trust a down payment of \$1,000,000. Thanks to a grant application prepared by the City's Chief Financial Officer, Ms. Melissa Burns, and to the presentation by then-Mayor Rich O'Brien at a Florida Communities Trust board meeting in February 2017, the City was awarded \$1.5 million from the state to help it pay for the remaining debt to The Trust for Public Land. The City received the check for \$1.5 million in October 2018. For the remaining amount owed to The Trust for Public Land, the Commission at public hearings in September 2018 raised the voter-approved property tax debt millage to half a mill. 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 March 7, 2022, 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 were 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. A park plan will need to be developed with the help of residents and money to make the Park accessible to the public may come from the American Rescue Plan Act.

D. Changes to Land Development Regulations

At the Commission's March 7, 2022, meeting, the Commission will hold a public hearing and final reading for an ordinance that changes the regulations concerning mixed use districts, landscaping, plant materials, buffer requirements, fences and retaining walls.

3. Finance and Budget

A. Fiscal Year 2021 Budget

FY 2021 ended on September 30, 2021. The next matter concerning the budget for that fiscal year is the auditor's review of the revenues the City received during the year and the purposes for which the money was spent. That review has been started and the report will be submitted to the Commission in the spring of 2022.

B. Fiscal Year 2022 Budget

January 31, 2022, marked the end of the first third of Fiscal Year 2022, which began on October 1, 2021, and will end on September 30, 2022. As of January 31st, the City for its General Fund had received \$4,910,328 and spent \$2,799,676. The surplus of revenues over expenditures at the end of the first quarter was \$2,110,652. Also, as of the end of January, the City had received \$3,151,466 from its major revenue source, property taxes. A year ago, January 2021, the City had received \$2,812,308, or \$339,158 less. In terms of percentages, the City by the end of January had received 51.4% of the revenue projected to be received for the entire fiscal year, and had spent 29.3% of the projected expenditures.

C. Alternative Revenue Sources

The City Commission has asked the administration to suggest potential sources of money. The Public Works Director proposed a stormwater utility fee. The Commission discussed this proposal at two meetings in 2021 decided not the authorize the staff to proceed to the next step in the process to adopt the fee in the future. This topic will be brought back to the Commission for another review in 2022.

4. Miscellaneous

A. Permits for Upcoming Events

In February, no applications for permits were submitted to the City.

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 has prepared wording, which will be reviewed by the City Commission at a future meeting.

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

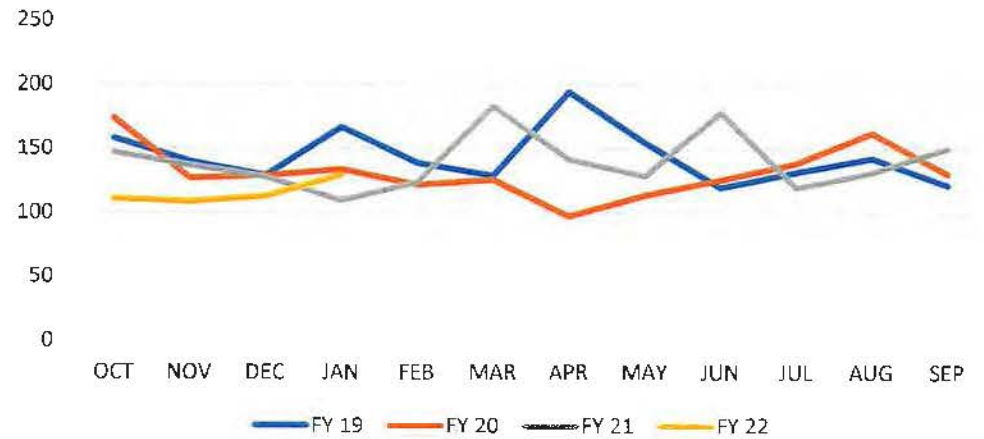
The workshop that the Commission scheduled on February 9, 2022, to discuss a possible public art project at the former city hall and the future of the building has been postponed. At its February 7th meeting, the Commission scheduled the workshop on Wednesday, March 23rd, 5 p.m.

CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PERMITS ISSUED

	FY 19	FY 20	FY 21	FY 22
OCT	158	174	147	111
NOV	140	127	137	109
DEC	129	129	128	113
JAN	167	134	110	130
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	151	
TOTAL	1729	1583	1683	463

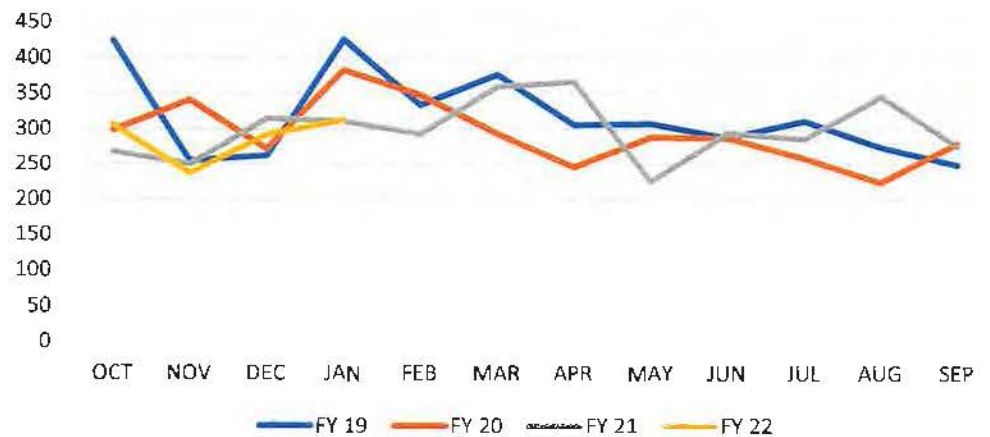
OF PERMITS ISSUED



OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21	FY 22
OCT	424	298	268	306
NOV	255	341	250	237
DEC	262	272	315	292
JAN	426	383	311	313
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	277	
TOTAL	3817	3524	3596	1148

OF INSPECTIONS PERFORMED

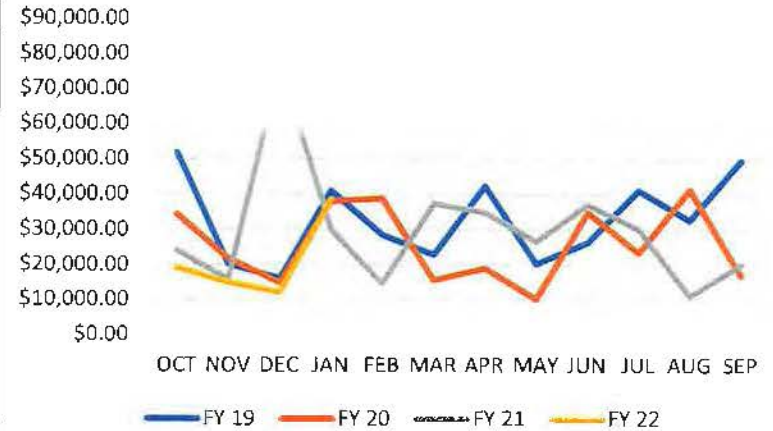


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$51,655.01	\$34,277.62	\$24,139.90	\$19,160.96
NOV	\$20,192.42	\$21,844.58	\$15,910.52	\$14,923.51
DEC	\$16,104.22	\$14,818.54	\$76,639.68	\$12,110.85
JAN	\$40,915.31	\$37,993.58	\$30,011.51	\$38,549.15
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	\$20,329.54	
TOTAL	\$392,880.82	\$309,768.58	\$359,577.12	\$84,744.47

BUILDING PERMIT FEE GRAPH

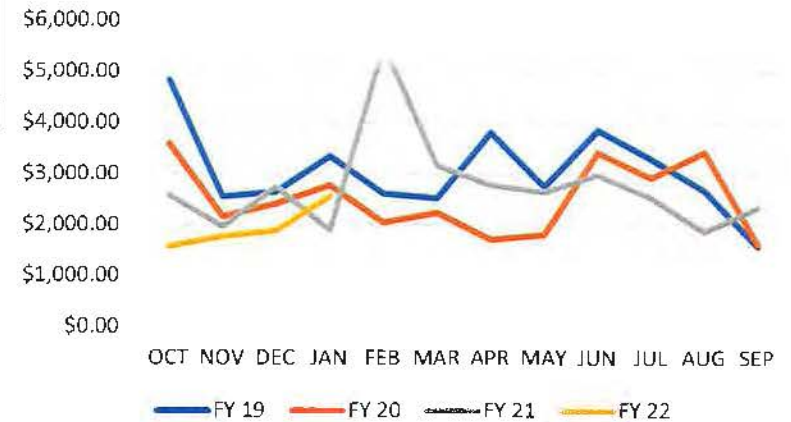


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MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$4,819.09	\$3,593.67	\$2,574.62	\$1,575.00
NOV	\$2,541.44	\$2,160.00	\$1,963.00	\$1,771.00
DEC	\$2,633.64	\$2,409.62	\$2,738.04	\$1,880.00
JAN	\$3,338.69	\$2,768.47	\$1,891.99	\$2,563.12
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	\$2,352.24	
TOTAL	\$36,360.23	\$30,124.61	\$32,994.08	\$7,789.12

MECHANICAL PERMIT FEE REPORT

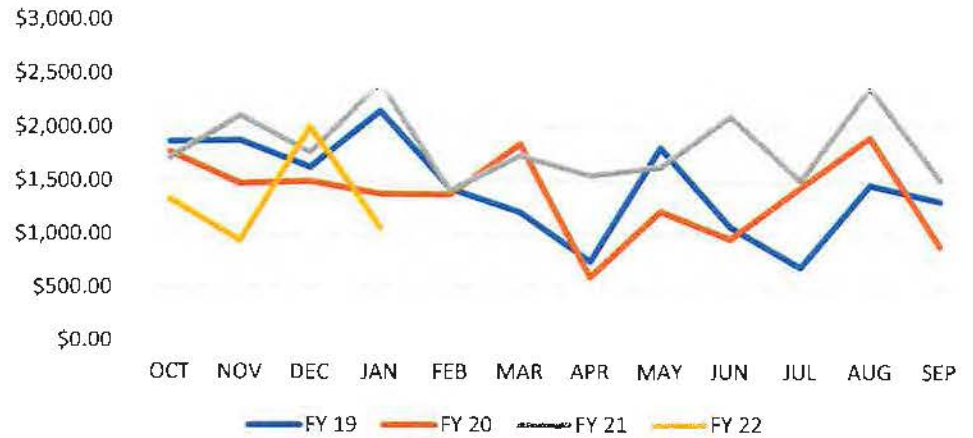


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ELECTRICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$1,860.32	\$1,765.00	\$1,718.00	\$1,330.00
NOV	\$1,872.66	\$1,475.00	\$2,115.00	\$940.00
DEC	\$1,622.32	\$1,495.00	\$1,770.00	\$2,005.00
JAN	\$2,151.66	\$1,380.00	\$2,418.00	\$1,065.00
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	\$1,520.00	
TOTAL	\$17,208.61	\$16,351.00	\$21,863.00	\$5,340.00

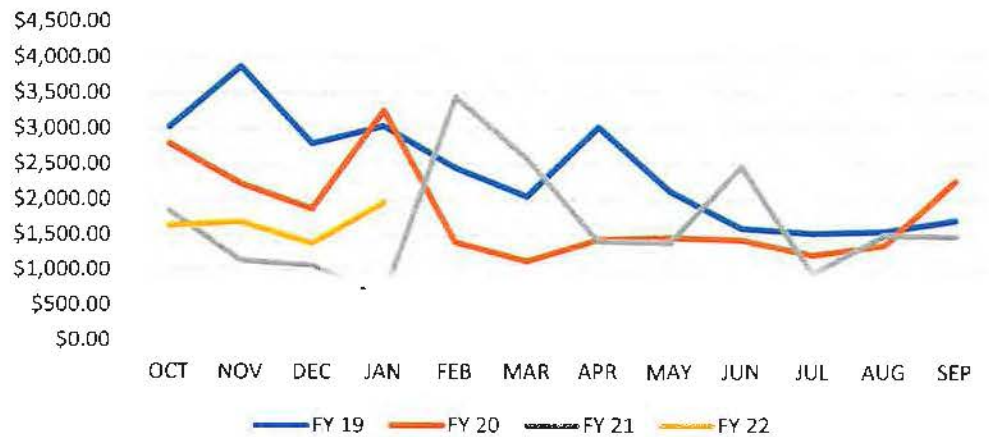
ELECTRICAL PERMIT FEE REPORT



PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$3,016.37	\$2,786.00	\$1,844.00	\$1,632.00
NOV	\$3,867.41	\$2,221.00	\$1,133.00	\$1,686.00
DEC	\$2,783.10	\$1,869.00	\$1,062.00	\$1,379.00
JAN	\$3,031.40	\$3,256.00	\$628.00	\$1,957.00
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	\$1,490.00	
TOTAL	\$28,671.96	\$21,817.00	\$19,912.00	\$6,654.00

PLUMBING PERMIT FEE REPORT

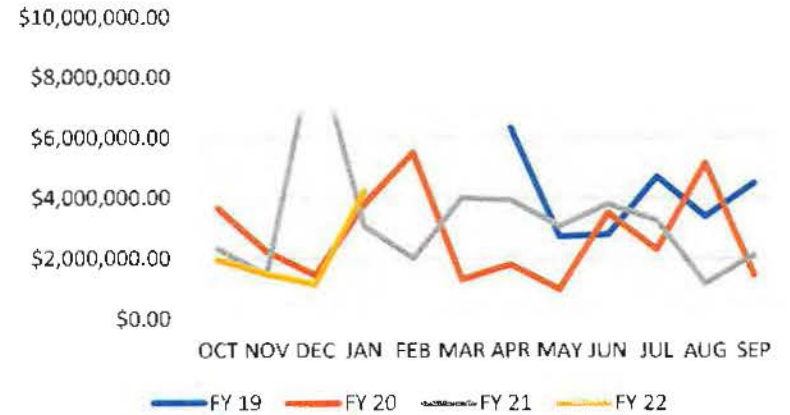


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ALTERATION COST

	FY 19	FY 20	FY 21	FY 22
OCT		\$3,657,414.56	\$2,313,298.53	\$1,961,462.00
NOV		\$2,242,421.52	\$1,440,841.88	\$1,490,891.09
DEC		\$1,449,915.40	\$9,160,479.89	\$1,165,362.58
JAN		\$3,789,363.81	\$3,088,758.57	\$4,239,155.17
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	\$2,123,077.05	
TOTAL	\$24,475,751.90	\$33,259,014.00	\$39,436,637.57	\$8,856,870.84

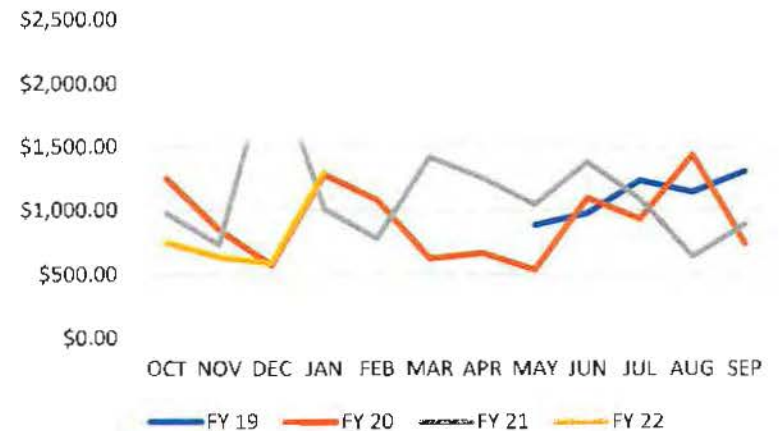
ALTERATION COST



STATE SURCHARGE PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT		\$1,247.45	\$973.01	\$747.36
NOV		\$845.65	\$729.40	\$635.64
DEC		\$569.37	\$2,225.95	\$589.14
JAN		\$1,277.63	\$1,006.45	\$1,293.24
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	\$887.71	
TOTAL	\$5,529.34	\$11,046.74	\$13,417.08	\$3,265.38

STATE SURCHARGE PERMIT FEE REPORT

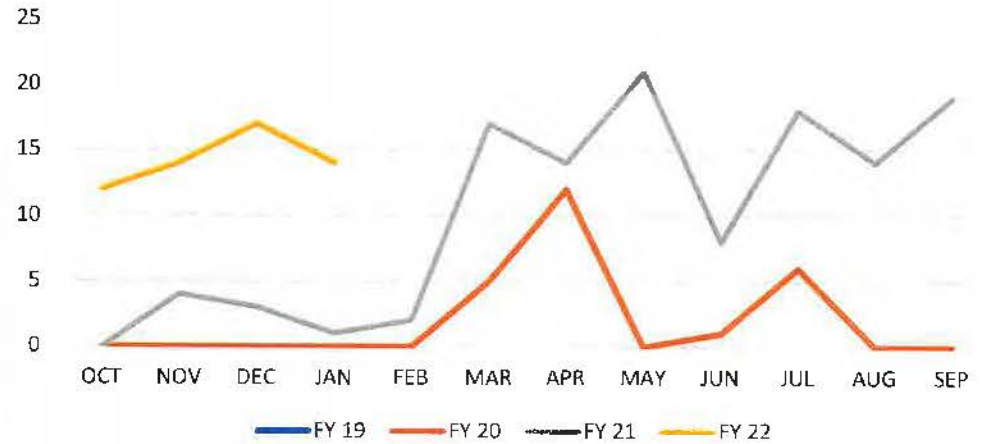


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT		0	0	12
NOV		0	4	14
DEC		0	3	17
JAN		0	1	14
FEB		0	2	
MAR		5	17	
APR		12	14	
MAY		0	21	
JUN		1	8	
JUL		6	18	
AUG		0	14	
SEP		0	19	
TOTAL	0	24	121	57

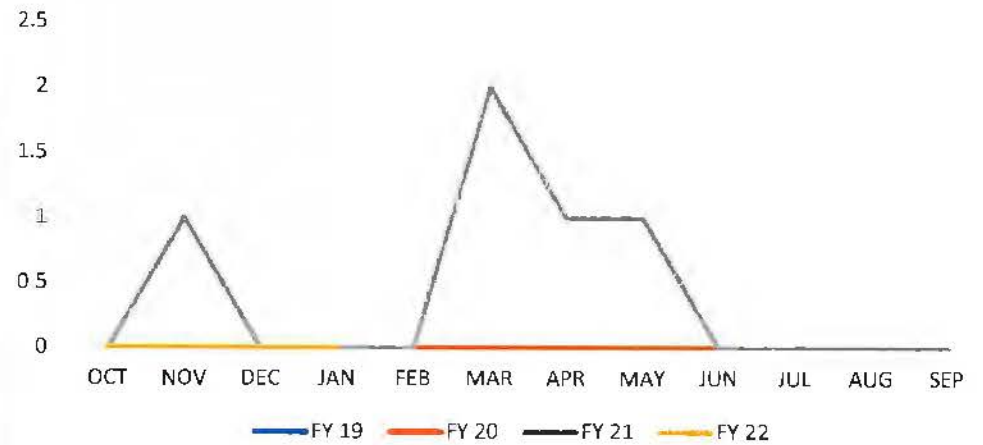
OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER



OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT	0	0	0	0
NOV	0	0	1	0
DEC	0	0	0	0
JAN	0	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	0	
TOTAL	0	0	5	0

OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER



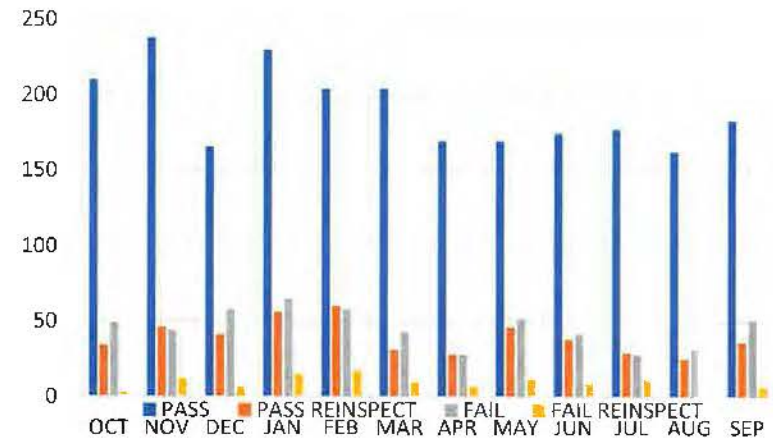
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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

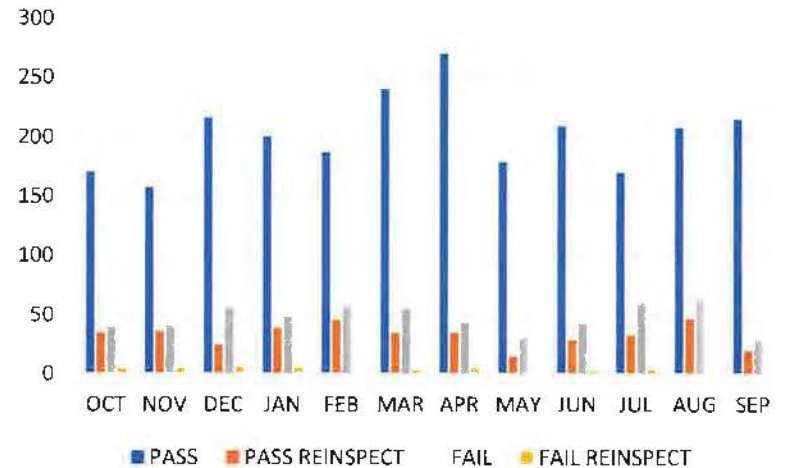


FY 21 INSPECTION RESULTS

	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	215	20	30	2
TOTAL	2421	395	571	44

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 21 INSPECTION RESULTS



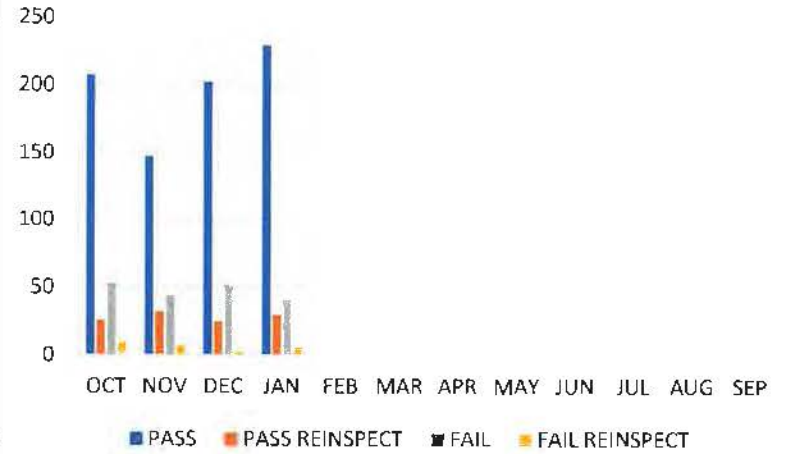
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

FY 22 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	207	26	53	10
NOV	147	32	44	7
DEC	202	25	52	2
JAN	229	30	41	6
FEB				
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
TOTAL	785	113	190	25

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 22 INSPECTION RESULTS

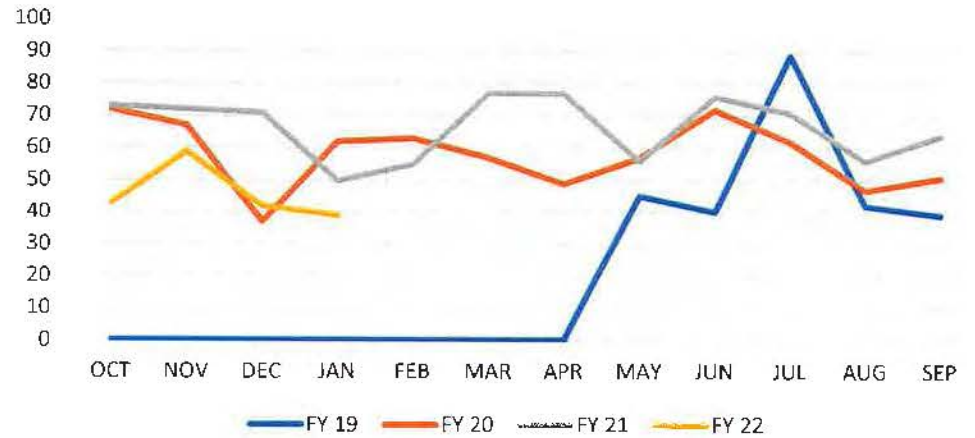


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PLAN REVIEW ACTIVITIES PERFORMED BY BLDG. DEPT.

	FY 19	FY 20	FY 21	FY 22
OCT	0	72	73	43
NOV	0	67	72	59
DEC	0	37	71	42
JAN	0	62	50	39
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	64	
TOTAL	255	696	798	183

OF PLAN REVIEW ACTIVITIES



COSAB NEW CONSTRUCTION SFR LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description	User Code 1
2095	138 WHISPERING OAKS CIR	P2001973	SFR-D	12/18/2020		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2956	31 VERSAGGI DR	P2002022	SFR-D	1/26/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2598	7 6TH ST	P2100089	SFR-D	1/28/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3070	115 D ST	P2100133	SFR-D	2/4/2021		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
3693	370 OCEAN FOREST DR	P2100618	SFR-D	5/18/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3719	1311 SMILING 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
3101	121 5TH STREET	P2100710	SFR-D	6/3/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3103	129 5TH STREET	P2100711	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
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
3690	98 RIDGEWAY RD	P2100908	SFR-D	7/8/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3747	529 RIDGEWAY RD	P2100925	SFR-D	7/15/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3704	695 POPE RD	P2100960	SFR-D	7/21/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4104	2580 A1A S	P2101186	SFR-D	9/10/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3176	129 14TH ST	P2101217	SFR-D	9/24/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4376	118 B ST	P2200045	SFR-D	10/12/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4411	110 RIDGEWAY RD	P2200064	SFR-D	10/18/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4723	282 RIDGEWAY RD	P2200346	SFR-D	1/3/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4852	800 TIDES END DR	P2200394	SFR-D	1/11/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4657	135 13TH ST	P2200427	SFR-D	1/20/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4186	13 13TH LN	P2200376	SFR-D	1/24/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4734	23 OCEAN PINES DR	P2200462	SFR-D	1/28/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4332	2472 A1A S	P2200573	SFR-D	2/22/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Certificate Date 1	Certificate Type 2	Certificate Date 2	Description	Use Code 1
594	12 13TH STREET	P1815242	COMMERCIAL NEW	9/9/2019	TCO			7/18/2022	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	6/8/2020					COMMERCIAL INTERIOR BUILD-OUT FOR OFFICE SPACE/FUTURE TENANT SPACE	COM
1827	681 A1A BEACH BLVD	P2003843	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	TCO			2/11/2022	LATERAL ADDITION FOR 42 ROOMS TO AN EXISTING 175 UNIT OCEAN FRONT HOTEL	COM
2141	3930 A1A SOUTH	P2001253	COM ADDITION	8/7/2022					BUILDING ADDITION - SHELL CONSTRUCTION4987 SQUARE FEET 6 UNITS	COM
4891	3930 A1A SOUTH	P2200457	COM BUILD OUT	1/27/2023					COMMERCIAL BUILDING ALT.-- BUILD OUT UNIT 4	COM

Application Id Range: First to Last

Issue Date Range: First to 02/24/22

Expiration Date Range: First to 09/25/24

Applied For Y Open Y

Application Date Range: First to 02/24/22

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 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 FY'22 TREE REMOVALS

Application Id	Property Location	Building Code 1	Description of Work 1	Work Type	Issue Date
4490	109 B ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	10/11/2021
4501	24 DEANNA DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	10/13/2021
4558	126 MICKLER BLVD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	10/27/2021
4577	0 SEA COLONY PARKWAY	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	11/2/2021
4663	129 14TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	11/23/2021
4693	129 14TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	11/30/2021
4741	28 LEE DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	12/8/2021
4937	28 MAGNOLIA DUNES CIR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	2/4/2022
4943	208 4TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	1/28/2022
5078	201 7TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	TREE REMOVAL	2/23/2022
Totals					

Application Id Range: First to Last

Issue Date Range: 10/01/21 to 02/24/22

Expiration Date Range: First to 09/20/24

Applied For: Y Open: Y

Application Date Range: First to 02/24/22

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

COSAB FY'22 ZONING REPORT

Application Id	Parcel Id	Property Location	Building Code	Activity Type	Inspector	Date	Status
4509	1724911210	1101 LAUGHING GULL LN	ZONING	Z-TREE REMOVAL	BONNIE M	11/16/2021	APPROVED
4629	1629610970	467 HIGH TIDE DR	ZONING	Z-VARIANCE	JENNIFER	12/21/2021	APPROVED
4632	1642400640	8 BEACH ST	ZONING	Z-VARIANCE	JENNIFER	12/21/2021	DENIED
4638	1642350170	412 OCEAN DR	ZONING	Z-VARIANCE	JENNIFER	12/21/2021	DENIED
4785	1678700120	135 13TH ST	ZONING	Z-VARIANCE	BONNIE M	1/18/2022	APPROVED
4810	1696200060	203 3RD ST	ZONING	Z-VACATE ALLEY	BONNIE M	2/15/2022	APPROVED
4810	1696200060	203 3RD ST	ZONING	Z-VACATE ALLEY		3/7/2022	OPEN
4854	1726800000	225 MADRID ST	ZONING	Z-CONCEPT REV		3/15/2022	OPEN
4896	1688300110	12 2ND ST	ZONING	Z-COND USE	BONNIE M	2/15/2022	APPROVED
4896	1688300110	12 2ND ST	ZONING	Z-COND USE		3/7/2022	OPEN
4993	1698900180	16 5TH ST	ZONING	Z-COND USE		3/15/2022	OPEN
4997	1686400000	570 A1A BEACH BLVD	ZONING	Z-COND USE		3/15/2022	OPEN
4998	1686400000	570 A1A BEACH BLVD	ZONING	Z-COND USE		3/15/2022	OPEN

Application Id Range: First to Last Range of Building Codes: ZONING to ZONING
 Activity Date Range: 10/01/21 to 03/29/22 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	Use Type Range: First to Last	Open: Y
Violation Date Range: 10/01/21 to 02/24/22	User Code Range: First to Last	Completed: Y
Ordinance Id Range: First to Last		Void: Y
		Pending: Y
Customer Range: First to Last	Inc Violations With Waived Fines: Yes	

Violation Id: V2200001	Prop Loc: 214 7TH ST
Viol Date: 10/05/21	Status: Completed
Comp Name: DeBlasio, Patrick	Status Date: 11/03/21
Comp Email: pdeblasio@littler.com	Comp Phone: (305)469-9134

Ordinance Id	Description
CC 6.02.03	Sec. 6.02.03. - Rights-of-way.

Description: Recieved E-mail from a Patrick DeBlasio stating that his neighboring house (214 7th St.) has been installing an excessive amount of pavers, as well as up to 6 trucks worth of fill. See Attachments for E-mail.

Created	Modified	Note
11/03/21	11/03/21	Upon completion of paving, the contractor "Deepwater Woodworking" has brought the driveway into compliance.
10/08/21	10/08/21	Arrived at 214 7th st. Issued a Notice of violation regarding driveway ordinance (Sec. 6.02.03) Spoke with the owner of the residence Logan, Pamela as well as the contractor leading the project: Bray, Hulsey with "Deepwater Woodworking LLC". E-mailed Mr. Bray the ordinances that pertain with the current situation. Pictures and e-mail are attached.
10/05/21	10/05/21	Recieved E-mail from Mr. DeBlasio with pictures from his property of the work being done on 214 7th St. (see attached)
10/05/21	10/05/21	1102 E-mailed Mr. Tredick. see attached.
10/05/21	10/05/21	0900 Gil spoke with Mr. DeBlasio about his neighbors installation of pavers and fill. Mr. DeBlasio was informed that due to the nature of the work on 214 7th St. an inspection of the situation must come from a qualified engineer given the main issue being a drainage one. Mr. Tredick has been forwarded the e-mail and updated on the current complaint. (Attached are photos of 214 7th St. from 2018 for reference)

Violation Id: V2200002	Prop Loc: 1 E ST
Viol Date: 10/05/21	Status: Completed
Comp Phone:	Status Date: 10/05/21
Comp Email:	Comp Name:

Ordinance Id	Description
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Description: Recieved complaint about illigal parking under a no parking sign and noise issues after hours

Created	Modified	Note
10/05/21	10/05/21	E-mailed stated that the complaints issued were to be addressed with the SABPD. See attachments.

Violation Id: V2200003	Prop Loc: 135 13TH ST
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Viol Date: 10/06/21 Status: Completed Status Date: 11/02/21
Comp Name: Tim & Sally Shirley Comp Phone:
Comp Email: timothyshirley2619@comcast.net

Ordinance Id Description

Description: Recieved a complaint from a Tim and Sally Shirley about an unpermitted shed that resulted in a fire at the residence of 135 13th St.

Created	Modified	Note
11/02/21	11/02/21	Permit for demolition of shed and house has been paid for and issued 10/26/2021 (P2200095)
10/07/21	10/07/21	Received e-mail from Mr. Law stating his intentions to demolish his existing residence including the shed in subject. (see attached)
10/06/21	10/06/21	Mr. Law responded by contacting Mr. Timmons by work cell phone. Mr. Law stated that he is planning on demolishing all existing structures due to extensive fire damage, including the shed in question.
10/06/21	10/06/21	Mr. Timmons sent an e-mail requesting to open a dialog about the unpermitted shed and the actions that must take place for the removal of said shed. (see attached)

Violation Id: V2200004 Prop Loc: 510 A ST
Viol Date: 10/18/21 Status: Completed Status Date: 11/12/21
Comp Name: IRA, BILLIE JEANETTE MEDLEY Comp Phone: (904)599-1429 Comp Email:

Ordinance Id Description
CC 7.01.01 Sec. 7.01.01. - Accessory Sturctures General standards and requirements.

Description: Shed in front setback.

Created	Modified	Note
11/12/21	11/12/21	Shed has been removed. Closing case
10/19/21	10/19/21	Spoke with owner of 510 A st. the shed company has authorized a full refund as long as the shed is returned within a certain time. Mrs. Clermont will let me know then the deadline for the refund is and what steps they intend to take afterwards.
10/18/21	10/18/21	Received complaint from Ira, Billie Jeanette Medley residing at 512 A st. about a shed located in the front setback of address 510 A st. Spoke with homeowner, Carol Anne Clermont of 510 A st. informed Mrs. Clermont of the violation. Mrs. Clermont was told by shed installers that everything was code, and is researching her right to apply for a variance.

Violation Id: V2200005 Prop Loc: 12 WILLOW DR
Viol Date: 10/19/21 Status: Completed Status Date: 11/15/21
Comp Name: ISOBEL FERNANDEZ Comp Phone: (720)341-5725 Comp Email:

Ordinance Id Description
6.07.06 Sec. 6.07.06. - Care of premises.

Description: Received written complaint from Isobel Fernandez at 5 Willow Dr. about the care of premises at 12 willow Dr.

Created	Modified	Note
11/15/21	11/15/21	Spoke with owner (Zara Younossi). Plans to remodel after purchase of the house has slowed due to health concerns. property has been mowed and cleaned up. Mrs. Younossi contact information: 1(415) 583-4265
10/19/21	11/03/21	Complaint was received on 10/14/2021 Building Inspector investigated a claim that the pool had open access and the safety of the public required immediate attention. Inspector found the pool was secured by a screen porch. Inspector Brown left his business card. Mr. Timmons investigated the property on 10/19/2021 and left a notice on the door to contact code enforcement.

Violation Id: v2200006 Prop Loc: 8 BEACH ST
Viol Date: 11/09/21 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.
6.01.03	Building Setback Requirements

Description: Construction without a permit.
Section 105 - Permits
[A] 105.1 Required

Created	Modified	Note
02/23/22	02/24/22	Code Enforcement Board Meeting held 2-23-2022. The Code Board made a motion to fine the owner \$310 for the cost incurred by the city to convene the board, including the staff time. An invoice was sent to Donah Parent via email, and certified mail on 2/24/2022. APPid: #5085 See attachments.
02/14/22	02/14/22	Notice to appear has been sent through certified letter, e-mail, and hand delivered 2/8/2022
01/06/22	01/06/22	Sent certified letter. (see attachments)
11/12/21	11/12/21	Owner is in communication with Zoning for filing a variance
11/09/21	02/24/22	From the street Mr. Timmons witnessed construction at 8 Beach St. (see attachments) No one was home so a Notice was left on the front door.

Violation Id: v2200007 Prop Loc: 2580 A1A S
Viol Date: 11/12/21 Status: Completed Status Date: 12/08/21 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Construction of retaining wall without a permit. Issued STOP WORK order 11/12/2021

Created	Modified	Note
12/08/21	12/08/21	Permit has been issued and picked up.

11/12/21 11/12/21 Stop work order has been posted on site due to the construction of a retaining wall without a permit. (see attached)

Violation Id: V2200008 Prop Loc: 5 COQUINA BLVD
Viol Date: 11/19/21 Status: Completed Status Date: 11/19/21 Comp Name: GINO MARIUTTO
Comp Phone: (305)951-0194 Comp Email: GINOMARIUTTO@GMAIL.COM

Ordinance Id	Description
6.03.09	Parking of commercial vehicles, trailers, and heavy vehicles.

Description: Case #: 49
Complaint of commercial vehicles parked outside singlefamily residence

Created	Modified	Note
11/19/21	11/19/21	Code Officer Timmons inspected the residence at 5 Coquina and found the vehicles appeared to be Class 1 vehicles, 6,000lbs or less.

Violation Id: V2200009 Prop Loc: 890 A1A BEACH BLVD UNIT 49
Viol Date: 12/01/21 Status: Completed Status Date: 12/10/21 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Work without permits. Stop Work Order posted.

Created	Modified	Note
12/10/21	12/10/21	Permit has been issued and fees have been paid. closing out case.
12/01/21	12/01/21	Building Official Brian Law and Code Enforcement Officer Gil Timmons conducted a mechanical inspection at 890 A1A Beach Blvd Unit 49. Upon inspection it was apparent work was being done. A trailer was parked in the driveway containing toilets, vanity, drywall, and cabinetry. when entering the unit work was actively being done on the first floor bathroom. Upon returning to the Building Department, Mr. Law spoke with the owner of the Condo and informed her of the steps needed to remove the stop work order and correct the violation.

Violation Id: V2200010 Prop Loc: 414 D ST
Viol Date: 12/08/21 Status: Open Comp Name: Brian Law Comp Phone:
Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Work done without permits

Created	Modified	Note
12/08/21	12/08/21	During an AC change out inspection (P2200244) Building Official Law, noticed completed work without having applied for any permits. Mr. Law's notes: "Minimum clearance not met, no permits for renovation. building, electric and mechanical required, no Sheetrock on renovated ac

closet, no pan under ac unit, Stop work order issued". Contractor has been contacted and will be pulling permits.

Violation Id: V2200011 Prop Loc: 3848 A1A S
Viol Date: 12/14/21 Status: Completed Status Date: 02/08/22 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
10-3 PLACEMENT	GARBAGE & TRASH-PLACEMENT

Description: Failure to construct a fencing around the two dumpsters located on the property. As required in Sec. 10-3(b)

Created	Modified	Note
02/08/22	02/08/22	Dumpster enclosure has been constructed. (closed)
01/06/22	01/06/22	Sent certified letter (see attachment)
01/05/22	01/05/22	Mr. Edmonds has stated that a contract with Matanzas Fence Company has been made to start construction of the dumpster enclosure on 1/10/2022.
12/14/21	12/14/21	J.D. Hinson obtained a permit (P2100132) for the driveway and fence placement for the dumpsters on 02/10/2021. As of 12/14/2021 no construction has taken place to contain the dumpsters. J.D. Hinson has been contacted but claims that the fencing in question was not a part of his contract with the owner (Mr. Edmonds).

Violation Id: V2200012 Prop Loc: 8 OAK RD
Viol Date: 12/29/21 Status: Completed Status Date: 01/24/22 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: work without permits
Permits required:
-Plumbing
-Window/Door
-Possible Interior Remodel

Created	Modified	Note
12/29/21	01/24/22	A dumpster was reported at 8 Oak Rd. without permits attached to the property. Code Enforcement (Mr. Timmons) arrived to 8 Oak Rd. 2:00p.m. 12/29/2021. Mr. Timmons spoke with the two construction personnel doing work at the residence. They stated that the work being done included; replacing windows, plumbing work in the bathroom, and like for like vanity replacement. The crew works for Blackstar Group LLC. Mr. Dickens (owner of Blackstar Group) has been contacted and informed that a Stop Work order has been placed until permits have been pulled. --Permit was issued 1-12-2022

Violation Id: V2200013 Prop Loc: 421 NIGHT HAWK LN
Viol Date: 12/30/21 Status: Completed Status Date: 12/30/21
Comp Name: Margaret England Comp Phone: (904)461-3454

Comp Email: commengland@cityofsab.org

Ordinance Id Description

Description: Request to investigate a large mound of dirt at 421 Night Hawk Ln.

Created	Modified	Note
12/30/21	12/30/21	Referencing the topographical map of the property (421 Night Hawk Ln.) with the pictures taken at the site, everything looks to be as it should. Mr. Timmons spoke with Public Works Engineer Sydney Shaffer to confirm that there are no abnormalities. (see attached e-mail)

Violation Id: V2200014 Prop Loc: 850 A1A BEACH BLVD UNIT 36
Viol Date: 01/19/22 Status: Completed Status Date: 02/08/22
Comp Name: Glenn Brown (Building Inspector) Comp Phone:
Comp Email: Gbrown@cityofsab.org

Ordinance Id Description

FBC 105.1 PERMITS 105.1 Required.

Description: Upon routine inspection Building Inspector Glenn Brown noticed windows that had been installed incorrectly at 850 A1A Beach Blvd Unit 36

Created	Modified	Note
02/08/22	02/08/22	Permit has been paid for and issued (closed)
01/19/22	01/19/22	Building Inspector (Gleen Brown) had informed Code Enforcement that windows had been installed improperly at 850 A1A Beach Blvd Unit 36. Mr. Timmons went out to the address and found the windows that had been installed without permits. Code Enforcement hung a notice of violation on the front door handle. (pictures in attachments)



MINUTES

PLANNING AND ZONING BOARD MEETING

TUESDAY, JANUARY 18, 2022, 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 Chris Pranis, Larry Einheuser, Dennis King, Hester Longstreet, Victor Sarris, Scott Babbitt.

BOARD MEMBERS ABSENT: Senior Alternate Conner Dowling, Junior Alternate Hulsey Bray.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Planner Jennifer Thompson, Recording Secretary Bonnie Miller.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF DECEMBER 21, 2021

Motion: to approve the minutes of the December 21, 2021 meeting. **Moved** by Vice-Chairperson Pranis, **seconded** by Mr. Einheuser, **passed 7-0** by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment pertaining to any issue not on the agenda.

VI. NEW BUSINESS

- A. Election of chairperson and vice-chairperson of the Board, per Section 11.02.02.H of the City of St. Augustine Beach Land Development Regulations (LDRs), the election of officers consisting of a chairperson and vice-chairperson shall take place every year as the first order of business at the regularly scheduled meeting for the month of January

Motion: to re-elect Chairperson Kincaid and Vice-Chairperson Pranis for the next one-year officer terms. **Moved** by Ms. Longstreet, **seconded** by Mr. Babbitt, **passed 7-0** by

unanimous voice-vote.

- B. Land Use Variance File No. VAR 2022-01, for reduction of the minimum 25-foot front yard setback requirement to 23 feet, 9 inches, for proposed rebuild of the first floor of a single-family residence damaged by fire and a second-story addition in a low density residential land use district on Lot 12, Minorca Subdivision, at 135 13th Street, Brett Law, Applicant

Jennifer Thompson: This land use variance is for a reduction of the minimum 25-foot front yard setback requirement to 23 feet, 9 inches for a proposed rebuild and second-story addition to a single-family residence that was damaged by fire. The survey provided by the applicant shows the original single-family home damaged by fire was built with a front setback of 23 feet, 9 inches in some places and 24 feet in others. The applicant would like to rebuild the house with these same front setbacks, due to the fact that the original building slab and some of the block walls are still remaining.

Vice-Chairperson Pranis: So, this variance has nothing to do with the proposed second-story addition?

Jennifer Thompson: The second-story addition is within the required setbacks per the LDRs. The variance request is specifically for the front yard setback reduction to 23 feet, 9 inches for the rebuild of the first floor of the home on the existing slab.

Brian Law: It was identified during plan review that the rebuild of the home fell into the termination of nonconforming structures per Section 10.01.03 of the LDRs, which is why the applicant is here. Part of the existing front building wall, which is block construction, encroaches a little over a foot into the required 25-foot front setback. Based on the submitted plans, the second-story addition will not be built over the part of the front wall that encroaches into the front setback area but will be built within the required front setback. The variance is requested to rebuild the length of the existing first floor block wall that encroaches into the 25-foot front setback by a little more than a foot. For the record, there is no relation between me and the applicant, Brett Law.

Brett Law, 135 13th Street, St. Augustine Beach, Florida, 32080, Applicant: I'm really just trying to rebuild my house for my family and would like to take the opportunity to build it back a little bit better than it was before it was damaged by fire.

Victor Sarris: So, you're just trying to rebuild within the footprint you already had, which encroached into the required 25-foot front setback by one foot, three inches?

Brett Law: Yes. The concrete footprint that was originally there is staying, and nothing is being added to expand the existing concrete footprint.

Brian Law: That is a fair assessment, as the proposed second-story addition conforms to

the required setbacks. The Board is here to discuss the rebuild of the part of the first floor that encroached approximately 15 inches into the required 25-foot front setback.

Victor Sarris: Has the Board had a situation similar to this in the past where they have granted something like this for a previously existing footprint? Even though the front building wall encroaches into the required setback, the applicant is requesting the variance to rebuild the structure as it was, sort of in like kind. Does any of this fall under the criteria for hardship and variance approval guidelines?

Brian Law: That's for the Board to decide. I have seen this in other jurisdictions, but in my four-plus years here, the only other fire I've dealt with involved the complete removal of an entire structure in Anastasia Dunes. Keep in mind not every variance has to meet every condition. The Board has to take a look at the case itself, which involved a fire, and a nonconforming structure built in 1973. If this was an existing conforming building to which the applicant wanted to add a second-story, the second-story addition would most likely be allowed without a variance. However, as the applicant wants to expand a previously-existing nonconforming structure which obviously was destroyed, with the cost of reconstruction over 50 percent of the assessed value of the structure before the fire, the regulations dealing with nonconforming structures take precedence.

Victor Sarris: So, it's safe to assume the reason the applicant is here is to say in good faith he had a fire and wants to rebuild his house back in the same footprint as it was.

Brett Law: Yes, sir.

Hester Longstreet: And we're only talking about rebuilding the house, and not anything about the workshop or shed?

Chairperson Kincaid: That's correct, they are just talking about rebuilding the house, and the variance for the front section of the house with the previously existing setbacks.

Vice-Chairperson Pranis: Was the house in conformance with the setbacks required at the time it was built?

Brian Law: I am not sure what the setbacks were when this house was built, but from what I've seen, I am pretty sure the required front yard setback was 25 feet. However, it's not unheard of for a building that's over 40 years old to be off by a foot, or even two or three feet. Surveying has gotten a lot better since the era in which this house was built, as GPS (Global Positioning System) has made surveying almost an exact science.

Dennis King: The only thing I really see as a hardship is the fire. How much of the original block wall is remaining, and are you only building it back to the way it was?

Brett Law: Yes. About 75 percent of the original front block wall is there.

Chairperson Kincaid: Is there any public comment on this variance application?

Timothy Shirley, 38 Ocean Woods Drive, St. Augustine Beach, Florida, 32080: I am a neighbor of Mr. Brett Law, and I received notice of the request for the variance. I object to it (**EXHIBIT A**), as I am against infringing on the setbacks. I think the setbacks need to be maintained, especially in this neighborhood, which is an established community. If you're building a new house in a different subdivision, that's up to them, but my house has been in this community for 30 years. There is the hardship for the fire, and I feel sorry for the family, but the fire was caused by the applicant's own negligence. He built a structure, a workshop, without a permit, and the fire was caused by combustible materials he kept in that workshop. It wasn't only a fire, there were three explosions, which moved debris all over my yard, and burned my fence, and my neighbor's fence, down, so I am against any kind of variance whatsoever that deals with that property.

Miranda Suggs, 135 13th Street, St. Augustine Beach, Florida, 32080: I just wanted to state the part about the hardship for the variance. We lost everything in the fire, we lost our home and our belongings, and we are now displaced and staying in a vacation rental which costs \$2500 a month. We have three kids, and we are business owners who work hard. Accidents happen, this wasn't something that was done out of negligence. It was decided that the fire was caused by an electric bike-charging lithium battery, and that it was an accident that of course we did not want to happen. We'd really like to have approval of the variance because that slab is existing, it didn't get demolished, and we would like to be able to move this along so we can get our family back in our home, because it is a financial hardship being displaced. The concrete forms, walls and slab are existing, they are already there, so we are requesting this variance to keep these things in place to rebuild our home and move on. The new home will be nice and add to the community, so I really hope the variance will be approved.

Vice-Chairperson Pranis: I just wanted to clarify that the front setback reduction requested is to 23 feet, 9 inches.

Brian Law: Yes, based on the submitted survey, which I believe is signed and sealed.

Chairperson Kincaid: I believe the fire is separate from the variance. The fire is not something that is before this Board to look at for cause or effect or for anything really, it was an unfortunate incident, and we are not here to look at the fire or the cause of the fire, we are here to look at the variance, which is to rebuild the house in the footprint it had before the fire. I drove down 13th Street the other day, and a couple of things struck me immediately. First, there are a number of houses on that street that probably do not appear to have a 25-foot front yard setback, so I do not think this will be a situation where everybody else's house is at 25 feet and the applicant's house will be a foot or so closer to the road. Also, the applicant's property is at the very end of 13th Street, which is a street that dead-ends and does not go through to anything. Had there been no fire, that house would still be sitting there, at 23 feet, 9 inches or wherever it was from the road. I

can't see making the applicant take 1 foot, 3 inches off the existing slab or removing that front wall entirely as a punishment for the fire. That is not the Board's place here, to use the variance process as a punishment. I think the Board uses the variance process to decide what's best for the citizens, the neighborhood, and the City. This Board has been very, very careful and strict about variances, and not allowing people to build something new in disregard of the rules and regulations in the LDRs that govern how and what is built in the City. It is the Board's job to basically implement the rules and regulations in a fair and judicious manner. I want to support this variance, because I do not think the applicant is asking for anything new, unreasonable, or out of line by asking to rebuild his home on the existing slab which has been there for however many years. For all of those reasons, I am inclined to support this variance request.

Vice-Chairperson Pranis: I'd like to state for the record that I am actually a neighbor to this property, and I suffered thousands of dollars of damage myself, but I strongly believe in being objective as to what the Board's job is here, and in making a decision based on what is presented to the Board and what is the correct thing to do.

Chairperson Kincaid: I just want to make sure that if the Board approves this variance, the approval is just for the rebuild of what was currently there. So, if the applicant were to come back and say that he wants to bring that second floor out and over so that it encroaches into the front setback area, this would require a second variance.

Brian Law: The Board may want to consider including terminology in a motion for approval that the front setback reduction from 25 feet to 23 feet, 9 inches is granted only for the rebuild of the first floor of the previously existing home damaged by fire.

Motion: to approve the variance as requested for a front yard setback reduction from 25 feet to 23 feet, 9 inches for the rebuild only of the first floor of the previously existing single-family residence damaged by fire at 135 13th Street. **Moved** by Chairperson Kincaid, **seconded** by Mr. Babbitt, **passed 7-0** by unanimous voice-vote.

- C. Ordinance No. 22-01, Second Reading, First Public Hearing, to adopt the St. Johns County School Board's Five-Year District Facilities Plan by Reference

Brian Law: We do this every year in conjunction with the School Board. The City Commission has seen this and unanimously recommended approval. It allows the City to apply for certain grants, as it is done by reference to the Capital Improvements Element of the City's Comprehensive Plan, which is a big win for the City. City Manager Max Royle has provided, on the first page of his memo, some of the Capital Improvements the City is looking at, and all of this helps the City in applying for grants.

Lex Taylor: I'll read aloud the ordinance by title. "Ordinance 22-01, an ordinance of the City Commission of St. Augustine Beach, Florida, adopting the St. Johns County School Board's Five-Year District Facilities Workplan by reference into the Capital Improvements

Element of the City of St. Augustine Beach Comprehensive Plan; adopting an additional capital improvement into the Capital Improvements Element of the City of St. Augustine Beach Comprehensive Plan; providing for repeal of conflicting ordinances; providing for severance of invalid provisions; and providing for an effective date.”

Chairperson Kincaid: Thank-you. Any questions or discussion? Is the Board’s motion to recommend passage of this to the City Commission?

Lex Taylor: This is the public hearing for this, so the Board’s motion should be to pass it. The City Commission has delegated to the Board some of the readings on ordinances.

Brian Law: If you recall, last year, the process for ordinance readings was changed, and the Board has now been given the power to hold the public hearings on ordinances.

Chairperson Kincaid: Is there any public comment on this issue? There was none.

Motion: to pass Ordinance No. 22-01 as presented. **Moved** by Chairperson Kincaid, **seconded** by Mr. Babbitt, **passed 7-0** by unanimous voice-vote.

- D. Review of Draft Ordinance No. 22-__First Public Hearing, pertaining to proposed revisions to Sections 3.02.02.01, 6.06.00, 6.06.03, 6.06.04, and 7.01.03 of the City of St. Augustine Beach Land Development Regulations (LDRs), to revise landscape plan approval processes, requirements for vegetative buffers between noncompatible uses, and height measurements of fences

Jennifer Thompson: This is the first public hearing pertaining to proposed revisions to certain sections of the LDRs. Starting with Section 3.02.02.01, landscape plans for mixed use districts shall be subject to approval by the City’s Planning and Zoning Division, rather than the St. Augustine Beach Beautification Committee. The next changes are to Section 6.06.00.B, to specify the City’s Planning and Zoning Division, rather than the Beautification Advisory Committee, shall review and approve or deny all commercial landscape plans on A1A Beach Boulevard, and Section 6.06.00.B.1.a, which refers to incentives for tree credits to satisfy mitigation required by Section 5.01.03. Section 6.06.00.B.1.a is being deleted in its entirety, as the City does not currently utilize a tree or plant credit system, so this incentive is irrelevant. The last sentence in Section 6.06.03.A has been amended to omit the City Manager or designee or city horticulturalist as the person responsible for reviewing and determining whether plant materials meet the requirements in this section and specifies that this will be determined by the City’s Planning and Zoning Division. Section 6.06.03.B has been amended to require the use of designated Florida-friendly plant material, instead of Florida native plant material. This amendment also specifies that non-designated Florida-friendly vegetation is prohibited as plant material. Many plant materials currently being used, even on City property, are not specifically Florida native, including azaleas, hibiscus, and Asiatic jasmine. The University of Florida has a website that lists all Florida-friendly plants, and plants

recommended for specific zip codes, so you can basically determine what would be best in your area. Staff recommends the requirement in this section be changed to require the use of designated Florida-friendly plant materials rather than Florida native plant materials, because requiring Florida native plant materials is very limiting. Additionally, Section 6.06.04.A.2 has been amended to authorize the City's Planning and Zoning Division or the Public Works Director or designee to review recommendations for "Avenue of Palms" concept plans and allow changes or permit variances from the requirements of this section, if needed, instead of the Beautification Advisory Committee, the City Manager, or designee. Section 6.06.04.C has been amended to change the currently required 15-foot-wide vegetative buffer and structural barrier between noncompatible uses to 5 feet. Finally, Section 7.01.03.C has been amended to require that the height for fences be measured from the lowest established grade within 5 feet of the exterior side of the fence, to prevent property owners who have a buildup of 5 feet of fill or a higher elevation from putting up an 8-foot-high fence on the highest point of their lot, so property owners with lower elevations on the other side do not have to look up at a huge wall or fence.

Chairperson Kincaid: Do these proposed revisions totally take SEPAC (Sustainability and Environmental Planning Advisory Committee, formerly the Beautification Advisory Committee) out of the equation?

Brian Law: SEPAC deals mostly with public, not private, property. The proposed code changes only affect private property, with the exception of the Avenue of Palms, which has essentially been completed for the majority of its intent. Right now, no matter what happens, the Public Works Director or designee goes out and sites the trees in the Avenue of Palms, to ensure the vision triangle of intersecting streets is not blocked by the planting of the palm trees. SEPAC has been reviewing landscaping plans on private, commercial properties, and most of their comments have been to use Florida-friendly plants and maintain the Avenue of Palms per City ordinance. Having SEPAC review commercial landscape plans causes over a month's delay for commercial development. With the newly created Planning and Zoning Division as of October 1, 2021, there's really no reason for SEPAC to review landscape plans on privately-owned commercial property, as the Planning and Zoning Division is more than suited to do this.

Chris Pranis: Who compiled these suggested changes and revisions to the LDRs?

Brian Law: They were compiled by City staff, specifically Ms. Thompson and Ms. Miller, who staff the new Planning and Zoning Division. As these changes have been compiled in an ordinance that has already been drafted, any changes this Board makes to it will be forwarded to the City Commission with the intentions and reasons for the changes.

Vice-Chairperson Pranis: So, just out of curiosity, what are the reasons for changing the required 15-foot-wide buffer between noncompatible uses to 5 feet?

Jennifer Thompson: Specifically, this came up because there was a parking lot that had not been developed yet due to the cost of putting in the parking and the 15-foot-wide vegetative and structural barrier between the parking lot and the adjacent residential lot, which would take out a large portion of the lot. So, in this particular case, it was not advantageous for the owner to improve this lot and develop it as a parking lot.

Brian Law: Parking lots are only permitted in commercial land use districts. Most commercial properties and City plazas are adjacent to residential lots, so requiring a 15-foot buffer doesn't work, with the traffic lane required to turn into a parking lot and the amount of space lost to the required 15-foot buffer. Reducing the 15-foot-wide buffer to 5 feet would still require a structural barrier, which 90 percent of the time is a fence.

Vice-Chairperson Pranis: My only issue is changing it that dramatically. Requiring a 15-foot-wide buffer helps with the sound issue. This sound buffer will be gone if the required buffer is reduced to only 5 feet between commercial and residential uses.

Kevin Kincaid: I don't have a problem with the 15-foot-wide buffer requirement between commercial and residential uses unless this is on a 50-foot-wide commercial lot, because the buffer then eats up so much of the usable space. I think it would be appropriate for commercial properties like Embassy Suites or the Courtyard by Marriott to have a 15-foot-wide buffer adjacent to residential properties, but if someone wanted to build a bicycle shop on a 50-foot-by-93-foot lot, it would be almost impossible to construct a building and the required number of parking spaces with a 15-foot-wide chunk of the 50-foot-wide lot taken out to comply with the buffer requirements.

Brian Law: That's correct, and if you can't build in conformance to the setbacks, parking, and buffer requirements, the only other recourse is to apply for a variance. This Board has seen some interesting variances granted to allow commercial parking spaces that back directly out into the street and for reduction of buffer requirements because if the required buffers were built, they could impact safe transit of traffic along A1A Beach Boulevard. As these types of issues have come up, reducing the 15-foot-wide buffer requirement between noncompatible uses has been proposed to try to help stop the requests for variances. If they start seeing a lot of similar variances, the Board has a responsibility to remember if these were for practical reasons, and if they were approved, this should really be indicative that there is something wrong with the Code.

Vice-Chairperson Pranis: Didn't we have something similar with Island Prep, where the neighbors were concerned about the buffer? My fear is that if there was another Island Prep on commercial property that abuts residential, there is a big difference between a 15-foot buffer and a 5-foot buffer, when you have kids having recreation time outside.

Brian Law: That is definitely a valid concern. There was a neighbor who lived in the subdivision behind Island Prep who objected to it because of the noise. There was talk of regulating the physical exercise time of the students, but that really wasn't feasible.

Hester Longstreet: The Beautification Advisory Committee (now SEPAC) has always been the board that has dealt with the University of Florida and the Agricultural Center to get information on Florida-friendly plants and materials. If the approval of landscape plans is taken away from them, what is the purpose of their existence?

Brian Law: I don't speak for SEPAC, but they have shifted more toward sustainability, and once again, the proposed Code changes pertain to private, not public, property. SEPAC will still be involved with landscape plans on public property, and I know their input is invaluable. I know SEPAC has been working very closely with the Public Works Department on some projects going on along Mickler Boulevard and other parts of the City, and their agendas are usually pretty full, so they still have plenty to do. SEPAC, however, is an advisory board, not a land use board, and it really has no power or authority to approve or deny anything. So, it makes sense for the City's Planning and Zoning Division, which has the power to approve or deny landscape plans on private property, to review these plans, instead of holding up development plans for review by SEPAC. The websites, books, and information available on Florida-friendly landscaping are amazing, and the Planning and Zoning Division can utilize all of these tools.

Chairperson Kincaid: Okay. Does anybody have any questions or comments?

Lex Taylor: I have to read the title of the ordinance aloud before the Board can vote on a motion, as this is the public hearing for the ordinance. "An ordinance of the City of St. Augustine Beach, Florida, relating to mixed use districts, landscaping, plant materials, buffer requirements, fences and retaining walls; amending the Land Development Regulations of the City of St. Augustine Beach, Section 3, Mixed Use Districts, Section 6, Landscaping, Plant Materials, Buffer Requirements Between Uses, Section 7, Fences and Retaining Walls; and providing an effective date."

Motion: to approve the revisions as written in Ordinance No. 22-__ with the exception of the amendment to Section 6.06.04.C. **Moved** by Vice-Chairperson Pranis, **seconded** by Mr. Kincaid, **passed 6-1** by voice-vote, with Ms. Longstreet dissenting.

Victor Sarris: What is the reason for the Board's motion to not make any changes to this one section?

Chairperson Kincaid: The Board can consider any requests for variances to this section individually, on a case-by-case basis, based on their own merits, rather than allowing a blanket change to reduce the currently required buffer from 15 feet to 5 feet.

Brian Law: The way I understand it, the reason the Board recommended no changes to this one section is because they want to preserve the current requirement for a 15-foot-wide barrier between noncompatible uses, such as commercial and residential.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Hester Longstreet: I said something at the Board's meeting last month about the City's holiday lights not being on the Boulevard. The Board was told this was because Florida Power & Light (FPL) chose not to allow the holiday lights on its utility poles. In the meantime, I've gone to different counties, Dade County, Broward County, Palm Beach County, Monroe County, and others that also work with FPL, and they all have lights on the utility poles, so I'm not sure why this City didn't have its lights up this year.

Brian Law: As I said last month, these questions should be addressed to the City Manager and/or Public Works Director, as this is outside of my department's purview. I can have Ms. Miller send an email to the City Manager and to the Public Works Director, and once we get a response, we can forward this to the Board members via email (**EXHIBIT B**).

Hester Longstreet: My City email address is not working.

Brian Law: Okay, Ms. Miller can contact the City's IT staff tomorrow so they can reach out to you to figure out what is going on.

Chairperson Kincaid: The puddles and standing water I mentioned last month on 10th Lane, next to the City parking lot in front of the public restrooms, are still there. This standing water has not dried up in months, and I'd like to know where it is coming from. I know there are, or were, some community or public wells in this area at one time.

Brian Law: I don't know anything about that, but I'll have the Planning and Zoning Division staff drive out there this week to see what is going on, take photos of the standing water, and contact Public Works if the water is on City-owned property. We can then include the responses from Public Works about this (**EXHIBIT C**) and from the City Manager about the holiday lights (**EXHIBIT B**) in next month's meeting packets.

IX. ADJOURNMENT

The meeting was adjourned at 6:52 p.m.

Kevin Kincaid, Chairperson

Bonnie Miller, 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.)



MINUTES

SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING

THURSDAY, FEBRUARY 3, 2022, AT 6:00 P.M.

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

I. CALL TO ORDER

Chair Bandy called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

III. ROLL CALL

Present: Chair Lana Bandy, Vice Chair C. Michel Cloward, and Members Craig Thomson, Sandra Krempasky, and Karen Candler.

Member Ann Palmquist was absent.

Also present: City Clerk Dariana Fitzgerald and Grounds Foreman Tom Large.

IV. APPROVAL OF MINUTES OF JANUARY 6, 2022, REGULAR MEETING

Motion: to approve the minutes of January 6, 2022, with changes and correction of typographical errors. **Moved by:** Member Krempasky. **Seconded by:** Member Candler. Motion passed unanimously.

V. PRESENTATION OF REPORTS:

1. Reforestation and Landscaping Projects

a. Mickler Boulevard

Foreman Large handed out a packet showing information on pollinator boxes (Exhibit A). He stated that Director Tredik agreed with no benches in the area and discussed alternate possibilities such as pollinator boxes, bird houses, bat houses, or butterfly houses. He made a bee box with scrap wood in less than an hour, so it was simple to do. He said he used pressured treated wood, but that articles recommended non-pressure treated. He stated that it would cost about \$10 per box based on current wood prices and using poles that are already at Public Works. He noted that articles recommended they be placed in early spring around February or March and should point to the south.

Chair Bandy asked that he look into the prices of pre-made boxes. Member Thomson asked what the carpenter on staff is doing and Foreman Large replied that he doesn't

know his schedule, but that he's on National Guard duty right now. Member Thomson asked to look into the price of having a carpenter make them with wood supplied by the City.

Member Candler asked if plants would be added to attract pollinators and Foreman Large replied that it would be designed to attract pollinators already out and about. Member Krempasky suggested planting some milkweed to help attract monarch butterflies.

Chloe Irons and Edward Edmonds, 28 Lee Drive, St. Augustine Beach, FL, agreed that pollinator boxes would be preferable and joked that people may not be as likely to congregate with bees in the area. They agreed with the use of native wildflowers and vegetation.

Clarissa Jones, 46 Lee Drive, St. Augustine Beach, FL, agreed with placing pollinator boxes and using native wildflowers.

Chair Bandy stated that she has not heard back from Lowe's yet and they may be overwhelmed and too busy right now. She looked into a grant from the Florida Wildflowers Foundation that is intended to show the beauty and benefits of native wildflowers. The grant is for up to \$3,000. She would need to fill out a pre-application survey, then, if approved, complete a longer application due on March 15th. She spoke about her visit to a butterfly garden and noted signs with information about pollinators and suggested something similar, maybe with some identifying native plants. She suggested maybe one decorative chair in case someone wanted to sit, but that would still avoid groups of people loitering.

Chair Bandy agreed to take the lead and would do the pre-application survey, after that she would need to meet with Foreman Large and Director Tredik to continue with the full application since it requires technical information that she is not fully aware of.

Member Candler recommended speaking with members of the 4H Club or Boy Scouts to see if they may be interested in helping.

Foreman Large stated that Public Works is spread thin, and they do not have the extra manpower to water and maintain a large planting project. He recommended something smaller with less maintenance over the long term.

Member Thomson noted that the Florida Department of Transportation (FDOT) throws out wildflower seeds but does not maintain or mow it. He said that they want it native and natural. He recommended that Foreman Large look into the type of seeds that FDOT uses.

Chair Bandy stated that the grant recommended buying seeds from certain certified nurseries. She said that recipients should be notified by the middle of May.

Member Candler noted that some resident of Lee Drive stated that people walking along Mickler would come up to their yards or fences and plantings might discourage people from doing that.

The Committee agreed to have Chair Bandy request \$3,000 for the grant. She noted that 80% would have to be used for seeds and plants.

Recording resumed 6:51 p.m. City Clerk Fitzgerald advised that the prior discussions were documented for the written minutes by dictation.

Member Krempasky asked if SEPAC should give Chair Bandy the approval to apply for the grant. Chair Bandy advised the award notification would be in mid-May and she asked Foreman Large for his thoughts. Foreman Large agreed that mid-May would be ok, but any later would not. Vice Chair Cloward advised that if SEPAC has the plan ready it could be executed with or without the grant. Member Krempasky asked if the grant funds would have to be used in a certain fiscal year. Chair Bandy advised that the webinar was a few years old and did not specify. Member Candler asked if SEPAC could spend a portion of the \$1,500 to try a small area to see how it works out. Member Thomson suggested using this policy for the parkettes. Chair Bandy said SEPAC could try wildflowers on a parkette to see how it works before it is done on Mickler Boulevard. Member Krempasky asked to find out how much the wildflower seeds cost and that she would be willing to donate money to be used on a parkette on D Street. Member Thomson suggested contacting Southern Horticulture for pricing, etc. Chair Bandy advised that she would contact them and she asked who would spread the seeds, SEPAC, Public Works, or hire someone. Chair Bandy advised that she could spread the seeds on the parkette. Member Candler asked if the City planted the yellow dune daisies. Foreman Large advised that Public Works planted them. He also suggested to have public discussion before planting/seeding other areas. Member Krempasky suggested to discuss the wildflowers with the D Street residents at the March 3rd meeting. Chair Bandy asked if public involvement was necessary for planting wildflowers on a parkette. Foreman Large advised that it is always a good idea to get feedback. City Clerk Fitzgerald noted that parkettes in the residential areas are sometimes confused as being part of residential yards. Member Thomson said that SEPAC would notify the public and he asked if the letter has gone out yet to the residents for the March 3rd meeting. Member Krempasky advised that it has not been sent yet.

Member Candler asked if there were any further comments from the residents in attendance. The residents agreed with the pollinator boxes and wanted to know how many bee houses there would be. Chair Bandy advised that it has not been determined yet. Member Krempasky advised that a former member of SEPAC would be contacted because he might have advice for the pollinator boxes. Foreman Large advised that there would be more information at a later date.

Chair Bandy said that it was the consensus of SEPAC to have wildflowers, some pollinator boxes, and butterfly attracting plants. She said that she would contact Southern Horticulture and FDOT to get more information about wildflower seeds. Member Krempasky advised that Director Tredik had mentioned using Redbuds and that she did not know if it would be the best plant to use and that the cost would increase by using large trees. Foreman Large advised that large trees/plants could not be used because of an existing pipe in the area and that Director Tredik's vision is to plant small trees near the sidewalk. Chair Bandy advised that she would do the pre-survey for the Wildflower Foundation and bring back an update.

SEPAC thanked the residents for attending and asked for anyone interested in joining SEPAC to please complete an application. City Clerk Fitzgerald advised that the application is on the City's website or to come to the City Manager's office to apply.

Chair Bandy moved on to Item 1.b.

b. Urban Forestry and Planning Projects

Foreman Large advised that Public Works planted the trees that SEPAC had previously purchased. He advised that five Cypress trees and two Oak trees were planted. He advised that two residents from Mickler Boulevard asked at last month's meeting to have trees planted and that he met with them. He asked for SEPAC to provide him with ideas for other trees to purchase and he would get pricing. He said that the Hollies did the best and had less maintenance, but that the City needs a variety of tree sizes. Member Thomson suggested that if the City is going to plant 18 trees, to devise a way to mix up the tree sizes. Member Krempasky advised that SEPAC has \$1,875 budgeted for this project. She said that she went to a Rotary Club meeting yesterday and that the City of St. Augustine's representative said that their adopt-a-tree program was very successful with over 200 applications and would plant 160 large trees. She asked if SEPAC could buy trees for residents who want them on their private property. Foreman Large advised that other cities have entire departments dedicated to doing these types of programs and he does not know if it could be considered an adopt-a-tree program. He said that he finds open areas in the City and speaks to those residents and that is how the trees can be planted little by little. Member Krempasky advised that the City of St. Augustine worked with the attorneys so that the homeowner agrees to take care of the tree. Chair Bandy asked if the City of St. Augustine has paperwork that SEPAC could use. Foreman Large advised that he already provided information in the past, but that the City did not have the manpower to do it. Vice Chair Cloward advised that Member Thomson was not at the meeting with the homeowner that Foreman Large is referring to and that if he had been, then SEPAC probably would not be having this conversation. She advised that the resident was very engaging and interested in what SEPAC is doing. Member Krempasky advised that Foreman Large has already done the legwork and that it might be a good way to start a program by having the resident sign a waiver. Foreman Large advised that the tree would be in the right-of-way and that it is still in the works at this point. He said that he needs to make sure that SEPAC wants to order more trees before moving forward. Member Thomson advised that SEPAC does the Urban Planning yearly and that he would like to have a report of where the trees are planted to update the inventory list. He said that according to Dr. Kaczmarzsky, the City should be insuring the urban tree canopy for storm damage replacement costs. He asked Foreman Large to discuss it with Director Tredik. Foreman Large agreed to discuss it with Director Tredik. Member Thomson said that the tree canopy represents a certain dollar value to the City just like the Avenue of Palms does and it could be insured. Chair Bandy suggested that FEMA might cover some of the tree canopy storm damage and she would like to do a campaign to educate the public of the value of trees. Member Thomson said that Dr. Kaczmarzsky did a PowerPoint presentation and got a \$50,000 grant to update the inventory again. He said that it would be good to put something in the Newsletter annually about the inventory of trees, etc. Foreman

Large asked SEPAC for suggestions of trees to be purchased. Member Thomson said there might not be enough wet areas and he suggested to not do Cypress right now and to use Hollies, Oaks, and Simpson Stoppers. Foreman Large advised that he would get pricing. Chair Bandy asked Foreman Large to contact the resident again. Foreman Large agreed.

Member Thomson advised that he sent a copy of an email that he sent to Director Tredik regarding the maintenance of the Avenue of Palms. He said that last year they were cut at the wrong time of year, and they were over-cut. He said that on page 81 of the City's Maintenance Code it specifies to not use string trimmers within 12 inches of the base of the trees and that the palms and oaks have scars. Foreman Large advised that he has seen the scars and that Public Works has had meetings to explain this to the employees and that he has also tried contacting some of the landscaping companies that do work along A1A Beach Boulevard. He said that Public Works is making a positive push to try to correct this from happening. Member Thomson said that he sent a copy of the email to City Clerk Fitzgerald and asked for it to be an exhibit for this meeting (Exhibit B). Member Thomson said that Public Works trimmed the palms on the Boulevard last year. He said that the pods have been dropping for a year and should not be trimmed again until July. Foreman Large advised that there is nothing on the schedule for trimming them yet. He said that Public Works is doing a major project from the State to maintain the trees along the sidewalks with 12-foot clearance and 3-feet from the road on A1A South down to Owens Avenue.

Member Thomson said that the palms on the Boulevard are being destroyed and said that the City should build a 12-inch radius around the trees. He asked who the foreman was for the Boulevard. Foreman Large advised that it is Foreman Robert Jones. Member Thomson asked if anyone was going to answer his email. Foreman Large advised that he could pass it on to Foreman Jones. Member Thomson said that one of the things that SEPAC is supposed to do is to try to get regulations enforced. He said that if the City can not properly maintain the trees, then how are the homeowners going to know. Member Candler asked if SEPAC could write a letter to the hotels, the HOA's, and the landscapers to advise them of the regulations. Member Thomson said it is a Code Enforcement issue and they need to know that damaging a tree is not allowed. Chair Bandy suggested to make it more of an educational thing. City Clerk Fitzgerald advised that SEPAC has no authority over private property. Member Krempasky advised that the City could write a letter. Member Candler said that it is SEPAC's job to educate people and she does not understand why SEPAC cannot notify them that they are damaging the trees. City Clerk Fitzgerald advised that SEPAC is classified as a "non-land use" board and deals with City owned property only. Member Candler advised that she is not looking for authority but for education. City Clerk Fitzgerald advised that SEPAC should not direct information at private property owners and suggested doing a general announcement in the Newsletter, the website, or Facebook. Member Krempasky asked if there was a hotel/motel association for the City. City Clerk Fitzgerald said probably, and noted that there is a restaurant association. Member Krempasky asked the City to send out the Code information regarding the pruning of trees. Foreman Large advised that SEPAC may need to go through zoning. Chair Bandy suggested putting a video on the City's website and put it in the Newsletter. Member Krempasky said that if the City's Public

Works Department does not follow the Code, then it would be hard to ask others to follow it. She asked how much it would cost to create the 12-inch radius around the trees. Foreman Large said that if a 12-inch radius is created that it would still need to be maintained and Public Works does not have the manpower. Member Thomson said that the 12-inch barrier could be maintained once a year during the tree pod trimming. Foreman Large advised that the area would need to be maintained more than once a year. He said that he would talk to Director Tredik and Assistant Director Gatchell. Member Thomson said the weeds will grow on top of the mulch and they could be pulled out.

Discussion ensued regarding whether it is easier to maintain with or without a 12-inch barrier around the trees.

Chair Bandy moved on to Item 1.c.

c. Model Green Infrastructure Plan

Chair Bandy said that Member Krempasky had asked SEPAC to look at D Street and 4th Avenue and she questioned which corner. Member Krempasky advised that she took photos of all corners and was thinking of the parkette on the north-west corner. Member Candler said that the homeowners next to that parkette have a nice privacy fence and she asked if it was the least treed parkette. Foreman Large advised that there are Oaks and Pine trees. He advised that there is another option available at A Street and 2nd Avenue (Exhibit C). Member Thomson advised that it is a natural wet area which serves a drainage purpose and should not be disturbed.

Member Krempasky advised that she sent information to the landscape architect, Ms. Chris Hite, and has not heard back from her. She asked if SEPAC wanted to wait to see if she is going to help or if there were other resources to try. Member Thomson said he spoke to someone that was interested, but there is always a battle with Public Works and SEPAC is not getting anywhere. Member Krempasky advised that it is not on Public Works, and she was hoping to get photographs from Ms. Hite as to what this project could look like to be able to sell the neighborhood on the idea. Member Thomson said that he disagreed and said that SEPAC needs direction and to stick with it. Chair Bandy advised that SEPAC is not giving any direction as to what its idea for this project is, because green infrastructure could mean multiple things. Member Thomson said that he would like for a consultant to do a plan and then Public Works could decide if they are going to participate. Member Krempasky advised that SEPAC needs to get permission from the residents. Chair Bandy questioned how SEPAC could get permission when there is no proposed plan. Member Thomson asked if SEPAC would be meeting with the public about this topic. Member Krempasky said yes, SEPAC's March 3rd meeting will be a discussion to choose one of the D Street parkettes, the wildflowers, etc. Member Thomson said that SEPAC can not depend on Public Works. Member Krempasky advised Member Thomson that it is not about Public Works. Member Thomson asked if SEPAC has \$500-\$1,500 to spend for a landscape architect. Member Krempasky advised no, and that SEPAC needs Commission approval to do this project. Member Candler asked if what Dr. Kaczmarzky had provided was enough to get approval. Member Krempasky said that what Dr. Kaczmarzky provided showed examples but did not detail it for one small

parkette. Member Thomson said that there is a small green infrastructure area already done on Mickler Boulevard. Member Krempasky said that is a bioswale. Member Thomson said that it is still green infrastructure. Member Krempasky advised that bioswales are hard to maintain and she wants to do projects that provide green infrastructure without increasing the maintenance for Public Works. She described how Dr. Kaczmarzsky took her to the bioswale and had her write each of the plant species by name and that it costs money to have proper weeding done by someone who knows which weeds to pull. Member Thomson asked to hire someone. He said that is what he initially did for the parkettes at D Street, and it became a project. Chair Bandy said that she went to the Environmental Protection Agency (EPA) website and that green infrastructure has a wide range of things that it could be. She said that there was an example of a rain garden in Tampa, Florida. Member Krempasky advised that the Commission wants SEPAC to do the project and she does not think SEPAC can do it. Chair Bandy said it would depend on what SEPAC has in mind. Member Krempasky advised that is what the landscape architect was going to tell SEPAC. Member Thomson advised that SEPAC needs a landscape architect to oversee the construction. Member Krempasky agreed and said that she cannot hire the landscape architect, but she could try to get free information from her. She said that if SEPAC gets approval for the project, then an architect could be hired.

Chair Bandy asked for any comments from the other SEPAC members. Member Candler advised that she was confused, and she thought it was going to be more like a bioswale. Member Krempasky advised that it has to be a combination of things such as beautification. Vice Chair Cloward advised that her opinion is that things are moving forward, and that SEPAC has been very focused with the agenda. She said that Public Works has been bringing information for SEPAC to discuss and make decisions on and that when certain members are present, there's a lot of talking and no decision making happening. She advised that SEPAC is not moving on, instead they were just talking about what is not getting done. She advised that SEPAC has been getting things done, and that everyone needs to be kind and respectful to Public Works because they have a lot on their plate. Member Thomson asked for Vice Chair Cloward's recommendation for moving forward on the green infrastructure. Vice Chair Cloward said that it is not her call to make, and that Chair Bandy and Member Krempasky have done very well with it and that she is still learning. She advised that during meetings when Member Thomson has either left early or been absent, that SEPAC has been able to make decisions and move on with the agenda. She said that she appreciates what Member Thomson brings to the table, but that this is not a good example of using his knowledge for the discussions. She said things are unorganized, but she suggested to move on, get feedback from the residents at the March meeting, etc.

Chair Bandy advised that she has concerns inviting the public to the next meeting when SEPAC is still confused about the project. Member Krempasky asked if SEPAC still wants to do the wildflowers on some of the parkettes. She suggested to invite the residents and discuss the green infrastructure, rain gardens, bioswales, etc. to get general feedback if they are interested to do something with the parkettes. She asked City Clerk Fitzgerald if she has enough information to send letters to the residents at D Street & 4th Avenue. City Clerk Fitzgerald advised that she could send a letter but that she was confused about what SEPAC wants done in the area. Member Krempasky

said that the parkettes on 2nd Avenue would need excavation. Member Thomson said that that is false, and he wants Director Tredik to look at the retention areas because he has 2-foot of water around an Oak tree in his yard and it does fine. He said that Director Tredik does not answer his emails. Member Krempasky asked if it would be possible to invite the residents on D Street near 2nd and 4th Avenue to let them know that SEPAC wants to improve the parkettes with wildflowers, landscaping, dry retention ponds, etc. to get their feedback. She said if the residents reject the idea, then SEPAC would have to disregard the project for that area.

Discussion ensued regarding the different parkettes on D Street; that pine trees do not do well in dry retention areas; that 4th Street is a lot higher than 2nd Street and water will flow and settle around 2nd Street.

Member Krempasky suggested that if SEPAC wanted to go back to doing the project on 2nd Street, to contact the new City Engineer, Sydney Shaffer, and ask her opinion of the best location for this type of project. She advised that she would continue to try to get information from the landscape architect and she asked City Clerk Fitzgerald to do a letter to the residents. Chair Bandy asked if SEPAC should find examples to show the residents. Member Thomson said there is a local environmental landscape architect, Mimi Greenwood, and that she might be willing to advise SEPAC.

Chair Bandy moved on to Item 2 and asked Foreman Large for his update report.

2. Draft Right-of-Way Ordinance

Foreman Large advised that there is no update at this time.

Chair Bandy moved on to Item 3.a.

3. Educational Programs

a. Newsletter Topics

Chair Bandy advised that the February Newsletter looked good and that Vice Chair Cloward handed out a draft for the March Newsletter (Exhibit D). Vice Chair Cloward advised that she did not like the way it was formatted in the email, so she kept the content the same but changed the layout. Chair Bandy suggested to add "beautification" after green infrastructure for the March 3rd meeting.

Discussion ensued regarding butterfly benches; having a one-person chair; stolen/damaged signs; etc.

Member Krempasky asked when the invasive species topic would be in the Newsletter. Member Candler said she read the letter that was sent to City Clerk Fitzgerald about "public space and crime", and that she feels there are advantages and benefits of public spaces. Vice Chair Cloward advised that she would like to include the invasive species in the April Newsletter. Member Thomson asked if that was all the SEPAC was putting in the March Newsletter. Vice Chair Cloward advised yes with click-throughs. Member Thomson asked about the illicit discharge. Vice Chair Cloward advised that it was in last month's Newsletter. Member Thomson asked if it discussed herbicides. Vice Chair Cloward advised that she picked one image from

Director Tredik's report. Chair Bandy said that the number of residents receiving the Newsletter is low and that there were very few that clicked through to read the full article. She said that she is not sure if the cost benefit is worth doing a longer article or a series of articles. Vice Chair Cloward advised that she is meeting the deadlines but could not add more. Member Thomson asked Foreman Large if he maintained the parkettes. Foreman Large advised yes. Member Thomson said that there was discussion at a prior meeting that Public Works was using an herbicide at the parkettes on D Street and that Director Tredik was going to report back on it. Foreman Large advised that he was unaware of it, and he asked which side. He said that he does the spraying for the City and that he has not sprayed anything for a long time. Member Thomson asked what herbicide is used. Foreman Large advised that he does not have the names of the herbicides and would get that information.

Chair Bandy moved on to Item 3.b.

b. Environmentally Friendly Landscaping Awards

Chair Bandy said that SEPAC discussed having the Environmentally Friendly Landscaping Awards in the fall so that they are not at the same time as the Environmental Stewardship Awards. Chair Bandy asked Member Krempasky if she had worked on an application for the awards. Member Krempasky advised that the Stewardship Awards nomination request is on the City's website and that she set a deadline of March 25th and that SEPAC could make the decisions at the April meeting. The Stewardship Awards could be honored at Arbor Day or the May Commission meeting. She said that SEPAC could start discussing the Landscaping Awards in April, fine tune it over the next few months, advertise it by June, and award them in September. She said that City Clerk Fitzgerald received an email from Lauren Trice, of the Matanzas Riverkeeper, and that she would like to be involved in the project. She contacted Ms. Trice and they are meeting next Thursday and that she should have something preliminary for review at the next meeting. Chair Bandy advised that publicity is very important to get nominees and that both awards are only in the Newsletter and on the website. She asked if Coordinator Conlon could do a press release. Member Krempasky asked if the City has a Twitter account. City Clerk Fitzgerald advised that the City does not have a Twitter account because it would be more public records to keep track of. Member Krempasky said that the St. Augustine Record posts a lot of things on Twitter. She agreed with doing a press release. City Clerk Fitzgerald advised that Coordinator Conlon sends press releases to her contact list and then they decide which press releases they are interested in reporting.

Vice Chair Cloward asked to move the Newsletter topics to the end of the agenda. She said that having the Newsletter topic after all the other discussions would help her to be able to summarize what should go in the Newsletter. Chair Bandy agreed to move the Newsletter topic to the end of the meetings.

Chair Bandy asked if SEPAC members should try to solicit local businesses for prizes for the Environmentally Friendly Landscaping Awards. Member Krempasky advised that she would check with Lauren Trice. Member Candler asked who painted the trash cans. Member Krempasky advised that Member Palmquist over saw the project with The Art Studio. Foreman Large advised that it started out as a great project but over

time, and with Covid, interest has dropped. Chair Bandy suggested to contact the Boy Scouts because they might earn a badge in carpentry by building the pollinator boxes. Member Candler said that local artists might be willing to paint the boxes and they could be given as prizes.

VI. OTHER COMMITTEE MATTERS

Member Krempasky advised that the Comprehensive Planning and Zoning Board (CPZB) has made some suggested changes to the Land Development Regulations (LDRs) (Exhibit E). She said that they do not want SEPAC involved any longer. She said that SEPAC has worked really hard to change everything to Florida native plants. She advised that she emailed Alex Farr to ask her if she had anyone who could talk at the Commission meeting about why the City should not take this step.

Member Krempasky asked if SEPAC agreed with the changes or not. Member Candler advised that she found it be a slap in the face. Member Krempasky said that they claimed SEPAC's approval is slowing the approval process and that there was only one CPZB member that voted to keep SEPAC involved. She said that Building Official Law advised the CPZB that SEPAC was working on other projects and that landscape plan approval was not the biggest thing that SEPAC does for the City. She told City Clerk Fitzgerald that Section 6.06.04.C was on the Commission's upcoming agenda but that it was not approved by the CPZB. City Clerk Fitzgerald advised that the Commission would see it as it was originally proposed, and that City Manager Royle's memo would specify any suggested changes made by the CPZB. She said that the Commission could then agree with the CPZB or make other changes.

Member Krempasky said that the CPZB was adamant about keeping the vegetative buffer at 15-feet unless a variance is requested. Member Thomson suggested a motion that SEPAC objects to the changes from Florida native to Florida friendly plants. He suggested for SEPAC to be clear as an advisory committee that these changes go against what SEPAC is promoting in the City. Vice Chair Cloward advised that she would speak at the Monday Commission meeting. Member Krempasky advised that an authority from the Native Plant Society should explain to the Commission that this is a step backwards. She said that she may have to give the presentation that Alex Farr is working on, and it would be awkward since she had made a big deal about SEPAC members not being gardeners/landscapers and that is why SEPAC needs outside help. Vice Chair Cloward advised that she would be honest about what she does not know, but to say what she does know makes sense, and it is negating what the City already said they want. She said if she is mistaken, then she should be corrected by the Commission. Member Thomson said that when the name was changed from Beautification Advisory Committee to SEPAC the resolution outlined what SEPAC is supposed to do and sustainability planning is part of it. City Clerk Fitzgerald advised that since this changes the LDRs, it requires three readings. She said that February 7th will be the second reading and the final reading will be March 7th. Member Krempasky asked if a motion was necessary. City Clerk Fitzgerald advised that SEPAC could do a consensus and write a letter. Chair Bandy volunteered to write a draft letter for review at SEPAC's next meeting. City Clerk Fitzgerald advised that it would be best to have one or two SEPAC members speak to the Commission.

Member Thomson advised that it was written by the Planner and suggested to request that one of the City's Planners speak regarding the purpose and the specific aspects of the changes from Florida native to Florida friendly. He said that he tried to do a revision of this section of the ordinance because it suggests a tree be planted after a hurricane and that is no longer valid. He

said that there are things that should be revised from SEPAC's viewpoint that were not even brought up. Member Krempasky said that she watched the CPZB meeting live and that these changes were a complete surprise. Member Candler said that she attended a CPZB meeting that lasted 17 minutes to discuss one tree removal request and she wondered if he was going to plant a tree in its place. Member Krempasky advised that it is a City Code requirement to replant a tree. Member Thomson advised that a planner should be making the presentations at the CPZB meetings, and he asked who has been doing it. City Clerk Fitzgerald advised that she thinks they are shifting to have Planner Jennifer Thompson make the presentations to the CPZB. Member Thomson said that he would like to hear from either Senior Planner Miller or Planner Thompson as to why SEPAC was not consulted. Member Krempasky suggested that Member Thomson email Ms. Bonnie Miller. Member Thomson asked if he could copy SEPAC on it. City Clerk Fitzgerald advised no. Member Thomson asked if SEPAC could request advice from the Planning Department on the changes to the landscaping ordinance. Member Krempasky advised that it came from the Planning Department and was not requested by the Commission. Chair Bandy said she did not think they would ask if it is ok not to involve SEPAC anymore. Member Thomson said that if they are going to revise this section of the ordinance, then all things should be included such as how close trees are planted, hurricane cutting, etc. and SEPAC would be the entity to negotiate those changes because SEPAC helped develop the ordinance. He said that he does not mind if someone else does it as long as they are qualified with landscaping and sustainability in the City. Member Krempasky asked if a planner has to have credentials. City Clerk Fitzgerald advised that Planner Jennifer Thompson has earned her credentials, which SEPAC can ask for in a records request. Member Krempasky advised that she would like to make that request. She said that the City of St. Augustine's planners went to school and have degrees to be a planner. Chair Bandy thanked Member Krempasky for bringing this to SEPAC's attention and also thanked the members who will be attending the Commission meeting on February 7, 2022.

Chair Bandy said that SEPAC was assigned with looking at the potential trees for the Arbor Day giveaway. Member Krempasky advised that the highlighted trees/shrubs are those that Dr. Kaczmarzky recommended (Exhibit F). Chair Bandy asked for any other recommendations. She suggested not having two different Oaks, two different Magnolias, etc. Member Krempasky said she asked Dr. Kaczmarzky to highlight what he thought was appropriate and to provide multiple choices so that when Foreman Large goes to the nursery, he would have several to choose from. She said that if SEPAC only wants to select three like last year, then Foreman Large could order any of the highlighted trees/shrubs.

Chair Bandy asked if SEPAC agreed with the highlighted selections from Dr. Kaczmarzky. Member Thomson said that he agreed with the selections. Chair Bandy advised that Foreman Large could check the availability of the selections and make the choices. Chair Bandy advised that she made her selections based on what the City of St Augustine and the Garden Club of St. Augustine gave away, such as Red Maple, Sugar Berry, Dahoon Hollies, Eastern Red Cedar, Beautyberry, etc., which are some of the ones that SEPAC has given away in the past. Member Krempasky asked Foreman Large if he attended the City of St. Augustine's event. Foreman Large advised that he attended both events and he provided a handout which showed two pictures of the trees that were given away at the City of St. Augustine's event (Exhibit G).

Member Thomson left at 8:20 p.m.

Foreman Large said the trees are from the same company that the City is going to use and that they put them in paper bags to hand out. He said that the City's Arbor Day/Tree Giveaway event

would be like last year because of Covid. He advised that Earth Day is April 22nd and the City's proposed Arbor Day date is April 27th. He said that the City could provide more material to the public from SEPAC and Director Tredik in the bag as part of the giveaway. Chair Bandy asked about the quality of the trees. Foreman Large advised they were good quality. He advised that he had trouble finding the City of St. Augustine's tree giveaway location and when he did locate it, it was just two men on the side of the road handing out trees. He said that they did not know what the trees were, nor did they have any information to provide about the trees. He said that the City of St. Augustine actually had two tree giveaways and that the other may have been different. He said that the way the City does it is great for the public and to continue to provide as much information as possible. Member Krempasky asked if it would be at the Farmers Market again. Foreman Large advised yes, and that it is proposed for April 27th. Member Krempasky asked if the City could get a better location near the entrance of the Farmers Market. Foreman Large advised that Coordinator Conlon handles that and that SEPAC should contact her about the location. Member Krempasky said that it seems to attract more attention at the entrance. She asked for SEPAC's approval for her to contact Coordinator Conlon.

It was the consensus of SEPAC for Member Krempasky to contact Coordinator Conlon.

Chair Bandy said that last year SEPAC did the Stewardship Awards at the Arbor Day event, and it was not ideal. Foreman Large advised that it was more about the trees and giving as much information as possible to the public. Member Krempasky said that if the City is not going to have an event at City Hall, then the Stewardship Award winners should be recognized at a Commission meeting for better press and that pictures should be put in the Newsletter.

Foreman Large said that his handout includes prices. They come 40 or more to a tray, then we put them in bags and hand them out, which requires less manpower than previous years. He advised that there are 32 Oaks and 10 Hollies from last year which will also be used for the tree give-away. Member Candler asked how big they are now. Foreman Large advised that they are in 1-gallon pots and are about the same size as what is shown in the handout photos. He said that Public Works does not have the manpower to have a designated person to handle the nursery. Member Krempasky asked if the event would be from 8:00 a.m. to Noon. Foreman Large advised that Coordinator Conlon has not worked out those details yet. Member Krempasky suggested having a flyer for the Landscape Awards to be included as part of the Arbor Day handout material.

Chair Bandy asked if there were any other matters.

Member Candler asked about a handout that was not discussed (Exhibit H). City Clerk Fitzgerald advised that it was information from Member Thomson that he did not discuss. Member Krempasky advised that the information was about the spacing of the Avenue of Palms which led into landscaping and the use of a 12-inch mulch barrier around the base of the trees to prevent scarring.

City Clerk Fitzgerald asked about the selection of trees for Arbor Day. Foreman Large advised that four trees would be chosen from the highlighted trees on the handout. He said that Public Works has suggested putting in a sidewalk from the 2nd Avenue sidewalk between 1st and 3rd Streets, and 6th to 8th Streets because people have to leave the 2nd Avenue sidewalk and go into the road at those locations. He said that SEPAC could determine if trees/plants could be planted along the new sidewalk. Member Candler asked if the public would agree with putting in the sidewalk. Foreman Large advised that if Public Works decides to move forward with the project that there

would be a meeting with the residents and that it is a safety concern for the City. He advised that this topic would be brought up in the future and to try to have some ideas such as using pollinator boxes. He said that he was not sure whether it would be a project for this year and that he would keep SEPAC informed. Vice Chair Cloward asked if the 2nd Avenue extension project's heavy equipment would be going to 3rd Street. Foreman Large advised that he did not know and for SEPAC to contact Director Tredik. City Clerk Fitzgerald advised that she believed it would be going straight down the existing 2nd Street.

Discussion ensued and everyone was talking at the same time. Therefore, nothing was able to be retrieved for the minutes.

Vice Chair Cloward advised that that scares her. Foreman Large advised for her to email Director Tredik as a Committee member or as a resident about her concerns. Vice Chair Cloward advised that it is going to happen.

Discussion ensued and everyone was talking at the same time. Therefore, nothing was able to be retrieved for the minutes.

Vice Chair Cloward asked when SEPAC should start discussing the budget. City Clerk Fitzgerald advised that the preliminary discussions would begin in the next few months, a preliminary budget should be set by summer, and that it must be approved no later than September 30th. Vice Chair Cloward suggested adding the FY 2023 budget to SEPAC's April agenda. Chair Bandy asked City Clerk Fitzgerald to add the FY 2023 budget to the April agenda and to move the Newsletter topics to the end of the agenda under Other Committee Matters for future meetings. City Clerk Fitzgerald advised that Other Committee Matters is a catch-all topic and would not always have discussions, but it could be under Educational. Chair Bandy advised to make it Item 3.b.

Member Candler asked about pursuing a board application from the resident on Mickler Boulevard. City Clerk Fitzgerald advised that he has not submitted an application. Chair Bandy said that it has been an ongoing problem to get membership and she asked for any ideas for recruiting new members. Vice Chair Cloward said that it could be because it is voluntary. Member Krempasky advised that there might be more interest if the applicants were not required to be a City resident and then the residents of the Commodores Club could apply. Member Krempasky advised that the first Women's Dem meeting that she went to that SEPAC membership was pitched. She asked if SEPAC could get their names and send applications. Vice Chair Cloward said that the application process might be part of the problem because the application needs to be printed out and someone might not have a printer. She said that when she applied, it was a no-brainer and that she could handle one meeting a month. Chair Bandy said that people can go to City Hall and fill out an application. Vice Chair Cloward asked if the City's website specified that an application could also be obtained at City Hall. City Clerk Fitzgerald said that she was not sure. Vice Chair Cloward asked if could be included in the verbiage. City Clerk Fitzgerald advised that she would check on it. Chair Bandy advised that the current SEPAC members need to be updated on the City's website as well. City Clerk Fitzgerald advised that she would check on it. Member Krempasky advised that SEPAC should be informed that a new member is going to be selected such as with Member Candler. Member Candler advised that she attended a meeting with former member Jeanette Smith first. She said that no one told Ms. Smith about the plaque that she was being given at the Commission meeting and that communication is bad. Member Krempasky asked Member Candler to ask Ms. Smith if she knows any Master Gardeners that might want to join SEPAC. Member Candler advised that she would ask her and said that she belongs to two

gardening clubs. Member Krempasky said that SEPAC really needs an expert who knows plants, could validate things for landscaping on public property and parkettes, to help choose native plants that require minimal maintenance, and would produce a biodiverse area to attract bees, etc. Chair Bandy said that she asked an employee at Southern Horticulture but that she did not live in the City limits.

Chair Bandy moved on to Item VII and asked for a motion to adjourn.

VII. ADJOURNMENT

Motion: to Adjourn. **Moved by** Vice Chair Cloward. **Seconded by** Member Krempasky. Motion passes unanimously.

Chair Bandy adjourned the meeting at 8:42 p.m.

Lana Bandy, Chair

ATTEST

Dariana Fitzgerald, City Clerk

COMMISSION REPORT

February 2022

TO: MAYOR/COMMISSIONERS

FROM: DANIEL P. CARSWELL, CHIEF OF POLICE

DEPARTMENT STATISTICS January 24th- February 22nd , 2022

CALLS FOR SERVICE – 1528

OFFENSE REPORTS - 37

CITATIONS ISSUED - 83

LOCAL ORDINANCE CITATIONS - 11

DUI - 2

TRAFFIC WARNINGS - 183

TRESSPASS WARNINGS - 16

ANIMAL COMPLAINTS - 21

ARRESTS - 10

- **ANIMAL CONTROL:**
 - St. Johns County Animal Control handled 21 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES –

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: MONTHLY REPORT
DATE: 2/22/2022

Finance

Finances through the end of January are reflecting 51.4% of revenue collected with 29.3% of expenses recognized. The financial audit is still on-going with a target of presenting to the commission at April's meeting.

ARPA Update

Staff is currently working on a proposed list of suggested uses to be presented to the commission in April.

Communications and Events

Melinda has put together the figures for Light up the Night and will be presenting them at the March meeting.

Technology: The IT Department has no updates.

MEMORANDUM

Date: February 23, 2022
To: Max Royle, City Manager
From: Bill Tredik, P.E., Public Works Director
Subject: February 2022 - 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 \$1.81 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
Bids scheduled to be opened on March 3, 2022. Construction pending.
- **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 100% complete. Final reimbursement request has been submitted.
- **Ocean Hammock Park Phase 3A – Construction**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$60,000; \$60,000 match required
Status – Contract execution pending. Bid Document preparation underway
- **Ocean Walk Drainage Improvements**
Legislative Appropriation Request
Appropriation Request Amount - \$694,000
Status – Grant Agreement executed. The pre-design study has been completed and request for reimbursement for the pre-design study has been submitted.
Design and Permitting underway.

- **C.R. A1A Storm Surge Protection**
HMGP grant (Dorian) - FEMA/FDEM
Phase 1 Design Grant amount \$52,500; \$17,500 match required
Status – Contract with FDEM executed. Procurement of Design Consultant underway

Additionally, Public Works has applied for the following grants:

- **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 review
- **Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements**
Legislative Appropriation Request
Funding requested \$1,200,000;
Status – Project request made; Decision in June 2022.
- **Ocean Oaks Flood Protection**
Legislative Appropriation Request
Funding requested \$750,000;
Status – Project request made; Decision in June 2022.
- **7th 8th and 9th Street Drainage**
Legislative Appropriation Request
Funding requested \$90,000;
Status – Project request made; Decision in June 2022.
- **Windstorm Mitigation of City Hall, Police Station and Bldg. C**
HMGP grant (COVID-19) - FEMA/FDEM
Grant amount requested \$150,000; \$50,000 match required
Status – Application submitted 12/21/21
- **Public Works Critical Facility Emergency Generator**
HMGP grant (COVID-19) - FEMA/FDEM
Grant amount requested \$52,500; \$17,500 match required
Status – Application submitted 12/21/21
- **7th, 8th and 9th Street Drainage Improvements**
HMGP grant (COVID-19) - FEMA/FDEM
Grant amount requested \$112,500; \$32,500 match required
Status – Application submitted 12/21/21

General 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.

Sanitation

Solid waste and recycling services continue. Curbside recycling successfully resumed in January and has continued to see increased compliance with modifications to materials collected.

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. Construction in February 2022 included:

- Backfilling and compaction at new weir and SW pump station wingwall
- Removal of emergency steel sheet pile weir and coffer dam construction
- Pouring of downstream baffle pad
- Installation of rip-rap pump basin base
- Excavation and forming of SE pump station wingwall
- Construction of downstream bulkhead west of Fiddler's Point Drive

Ocean Walk Drainage Improvements [DESIGN/PERMITTING] – The city has entered into a contract with Matthew's Design Group to complete design and permitting of the project. Design is underway. Construction planned for FY 2023.

Oceanside Circle Drainage [DESIGN/PERMITTING] – The project is in final design. A neighborhood meeting will be scheduled to inform owners of the project design and solicit input. Roadway paving and drainage improvements are scheduled to commence construction in the second half of FY 2022 after permitting is complete.

11th Street Pipe Repair [DESIGN/PERMITTING] – Final design is underway. Permit application is pending. Construction is anticipated to commence in the 2nd half of FY 2022.

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). Bids were scheduled to be opened on March 3, 2022. Construction will commence in FY 2022.

Ocean Hammock Park Phase 3 [BID PREP] – Design and permitting is 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. Construction of a portion of the Phase 3 improvements to be funded by a \$60,000 grant from the Coastal Partnership Initiative and will commence in the second half of FY2022.

Lakeside Park Dock Repair [CONSTRUCTION] –Public Works has repaired damaged structural timbers on the dock. .

Streets / Rights of Way

2nd Street Improvements and Extension [BIDDING] – Design is 100% complete and SJRWMD and FDEP permits are in-hand. Bids have been advertised and were opened on February 23, 2022. Construction is planned to commence in Spring 2022.

Roadway Resurfacing [CONSTRUCTION] – FY 2022 roadway resurfacing is currently being planned for Spring 2022. Roads currently considered for resurfacing in FY 2022 include:

- Mickler Boulevard from 16th Street to 11ths Street
- Trident Lane
- 6th Street (East of Beach Blvd)
- 7th Lane (East of Beach Blvd)
- 7th Street (East of Beach Blvd)
- 8th Street (East of Beach Blvd)
- 9th Street (East of Beach Blvd)
- Atlantic Alley

Pending available funding, resurfacing will continue northward beyond 9th Street east of A1A Beach Boulevard.

LED Streetlight Conversion - FPL has installed the Phase 1 LED conversion (arterial and collector roadways). The City Commission approved the conversion of an additional 79 lights in December 2021. These will be installed in early 2022. The remainder of the streetlights to be converted to LED will be presented to the Commission in the first half of 2022 for consideration.

A1A Beach Boulevard Crosswalks [CONSTRUCTION] – St. Johns County has commenced construction of flashing crosswalk indicators along A1A Beach Boulevard.

PENDING ACTIVITIES AND PROJECTS

Revised February 25, 2022

1. PERFORMANCE REVIEW OF POLICE CHIEF AND THE CITY MANAGER. No information to report.
2. LAND DEVELOPMENT REGULATIONS CHANGES. At its February 7, 2022, meeting, the City Commission held a public hearing on regulations concerning mixed-use districts, landscaping, plant materials, buffer requirements, fences and retaining walls, and passed the ordinance on second reading. A public hearing and final reading will be held at the Commission's March 7th 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 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. In October 2021, her suggested wording for the Vision Statement is "St. Augustine Beach is an ocean-front paradise committed to preserving its natural resources, inspiring a socially responsible and engaged citizenry through communication, transparency and accountability, and supporting a safe and exceptional quality of life for its residents and businesses." Commissioner George read the wording at the Commission's November 1st meeting. The revised draft of the strategic plan will be considered by the Commission in 2022.
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. At its May 24, 2021, continuation meeting, the Commission by consensus asked that City staff present a list of parking projects to the Planning Board for it to prioritize. At its August 17th meeting, the Board 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. An appropriation of \$45,000 has been put in the budget for this project. Part of this project that concerns underground drainage may be eligible for funding by the American Rescue Plan Act. The Public Works Director received a scope of work from a civil engineering consultant to do the design and permitting phase starting in March, to be completed before the end of the fiscal year in September.
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 next joint meeting will be scheduled during the spring of 2022.
6. UPDATING PERSONNEL MANUAL. The entire Manual will be redrafted to correct spelling and remove redundant and/or obsolete provisions.
7. LED STREETLIGHTS. New lights have been installed along the Boulevard and Pope Road, and 16th, 11th, and A Streets, and Mickler Boulevard. The next step will be replacing the high-pressure sodium lights in residential neighborhoods. At its December 6, 2021, meeting, the Commission approved a contract with Florida Power and Light to replace 79 lights. The next step will be replacing the old-fashioned, high pressure sodium lights in residential areas. The Commission at its April 4th meeting will be asked to approve this second phase.
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 will 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 March 7, 2022, 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 will be \$25,000. Total project cost: \$50,000. Though it is federal money, the grant is provided through the state. The grant agreement has been executed and the contract with a parks design firm was signed. The survey is done, plans are 100% complete and the St. Johns River Water Management District has approved the permit. The planning phase of the project has been completed.
- The Public Works Director has applied for another Partnership grant for \$60,000 to construct the improvements to Ocean Hammock Park. The application was submitted on September 25, 2020. The state has approved the grant and the City will advertise for bids in the spring of 2022.
- 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 as 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. The City is waiting to be informed whether it has received the grant.
 - d. St. Johns River Water Management District Cost Share Program: Grant applied for in February 2021 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 was executed. The City advertised for bids and the bid was awarded to Sawcross, Inc. The project is 50% complete and will likely be finished in July 2022.

- e. Hazard Mitigation Grant. At its December 6th meeting, the City Commission approved the Public Works Director's request to apply for a grant of \$420,000 for hardening City buildings, a backup generator Public Works facility, and drainage improvements at the west end of 7th, 8th, and 9th Streets. The City is waiting for notification as to whether it has received the grant.
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. 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. At its October 5, 2020, meeting, the City Commission 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 was 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 2021, 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 2021 the City was notified that the appropriation had survived the Governor's veto. The grant agreement has been executed and a contract has been negotiated with the Matthews Design Group of St. Augustine for the design and permitting phase of the project. Matthews provided a report on the project to the Commission at their November 1st meeting. A contract has been signed with Matthews for design and permitting. The Public Works Director will present a conceptual plan hold a public meeting early in the design process.
 - b. Oceanside Circle. 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.
 - 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 with 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 Street east of the Boulevard. After discussion and several onsite meetings with then-Vice Mayor Samora, A Street residents and County/City staff members, the County informed the City's Public Works Director in mid-January 2022 that the project will include a drainage inlet structure along the south side of A Street with a five-foot wide, six-inch thick concrete sidewalk on the north side. The County has asked the contractor for an updated cost estimate. Construction should start in March 2022.
 - e. Pipes under Pope Road and A1A Beach Boulevard. Application for \$550,000, 75% of which will come from the Hazard Mitigation Grant Program. The contract with the Florida Division of Emergency Management has been executed. The Public Works Director will now advertise for a design consultant.
11. STORMWATER UTILITY FEE. The Commission decided at its October 4, 2021, meeting that the time to levy the fee wasn't right in light of the recent increase in the non-ad valorem fee for the collection of household waste and recyclables and the increase in property taxes due to the rise of property values in the City. The suggestion for the utility fee will be brought back to the Commission later in 2022.
12. 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 that she asked the St. Johns County Cultural Council and a local artists' group to provide a proposal. If neither provides one, then the City will have to restore/refurbish the monument.
- The workshop that the Commission scheduled on February 9, 2022, to discuss the future of the former city hall and the civil rights monument has been postponed. The Commission re-scheduled the worked on Wednesday, March 23rd, at 5 p.m. In January 2022, the City was notified that the former city hall had been added to the National Register of Historic Places and in late February was it was notified that it had received a \$500,000 historic grant to renovate the building.
13. 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.

14. **REPAIR OF POPE ROAD.** At the City Commission's February 1, 2021, 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 5, 2021, email, Mr. Hunter replied that he had forwarded the City's request to the County's Interim Public Works Director, Mr. Greg Caldwell. Mr. Caldwell responded that the repair of Pope Road is on the County's list of projects to do.
15. **NEW YEAR'S EVE FIREWORKS SHOW.** Because of the pandemic, the show for December 31, 2020, was cancelled. At its February 1, 2021, meeting, the Commission discussed whether to have it on December 31, 2021. The consensus was for City staff to work on plans for a smaller, scaled down event. At its April 5th meeting, the Commission approved the proposal of Ms. Melinda 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 contract with the fireworks company for a 25-minute fireworks show was signed in October. On December 31st, a fireworks show without the usual bands, kids' zone, food vendors, etc., was held. Persons attending could patronize local businesses for food and beverages. There were no delays or significant problems at the event. Ms. Conlon will provide a report at the Commission's March 7, 2022, meeting.
16. **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. The agreement was reviewed by the City Attorney, who proposed some changes and sent the agreement back to the Conservancy. At this time, the City hasn't received a response from the Conservancy.
17. **INTERGOVERNMENTAL PROJECTS.** When the Commission discussed the strategic plan at its February 1, 2021, 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 2021, 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 11, 2021, meeting.
 - 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.

In January 2022, the County Traffic Operations Division informed City staff that no meetings concerning this project have been held for over a year. The Loop's final route has yet to be determined. It might be through the State Park into our City to A1A Beach Boulevard, or along Pope Road from Old Beach Road to the Boulevard.

- 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 25, 2021, 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 offshoot 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 9, 2021. The study shows that over all the current crosswalk system is working well and only needs some minor changes. In late September 2021, the County's Public Works Director informed the City that the first crosswalk improvement project will be at the pier park and the Boulevard. By late February, signals had been put at two crosswalks: between the Sea Colony subdivision and the shopping center, and between the Whispering Oaks subdivision and the Ocean Hammock Park beach access walkway.
18. **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. Money from the Act has to be spent or committed to specific projects by December 31, 2024, and spent by December 31, 2026. The agreement with the State was signed

by the Mayor at the end of August. On October 6th, the City received the first allocation, \$1,753,989. The final allocation is due in July 2022. The Commission reviewed information and a list of possible projects from the staff at its October 4, 2021, meeting and decided a number of priority uses for the money, such as premium pay for employees who worked during the pandemic, restoring revenue lost because of the downturn in the economy caused by the pandemic, and using part of the money for drainage improvements. At its November 1st meeting, the Finance Director told the Commission that the guidelines for the spending of ARPA money are still not firm. In mid-December, the Director wrote in a report to the Commission that both the County and St. Augustine are not spending any ARPA money until they receive information from the federal government about possible changes to what are allowable uses of the money. A bill approved by the U.S. Senate and that's now before the House of Representatives would provide more flexibility to cities and counties for the uses of the funds.

The City Commission will discuss possible uses of the ARPA funds at its April 4th meeting.

19. 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.

In the meantime, the City is exploring with FPL its requirements for undergrounding the electric lines when a new street, 2nd Street west of 2nd Avenue, is constructed. On October 18, 2021, City staff met with FPL representatives to discuss this project. The first step was for the City to obtain from each property owner an easement that will allow FPL to put its underground line and its above ground transformers. A letter was sent to each property owners with November 12th as the deadline for a response. As most of the lot owners in the 100 and 200 block of 2nd Street support the undergrounding project, the City Commission at its December 6th meeting approved the advertising of bids to repave the 100 block of 2nd Street and the construction of the new road in the 200 block west of 2nd Avenue. The adjoining property owners have been asked to provide easements.