



AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, APRIL 4, 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 THE SPECIAL COMMISSION MEETING ON FEBRUARY 28, 2022, THE REGULAR COMMISSION MEETING ON MARCH 7, 2022, AND THE CONTINUATION MEETING ON MARCH 14, 2022
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
 - A. Interview of Ms. Nicole Miller for Position of Regular Member on the Sustainability and Environmental Planning Advisory Committee
 - B. Audit Report for Fiscal Year 2021 Budget by James Moore and Associates

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Conditional Use Permit to Construct a Residence in a Commercial Land Use District at 16 5th Street (Lot 18, St. Augustine Beach Subdivision) (Presenter: Jennifer Thompson, Planner)
2. Ordinance 22-04, Second Reading, to Amend the City's Flood Regulations (Presenter: Brian Law, Building Official)

XI. CONSENT

3. Proclamations:
 - A. From the St. Johns River Water Management District: to Proclaim April 2022 as Water Conservation Month
 - B. From the City: to Proclaim Wednesday, April 27, 2022, as Arbor Day in the City

XII. OLD BUSINESS

4. Ordinance 22-03, First Reading, to Vacate Alley Between 2nd and 3rd Streets, West of 2nd Avenue in the Chautauqua Beach Subdivision (Presenter: Jennifer Thompson, Planner)
5. American Rescue Plan Act: Request to Approve Agreement for Contract Management with Auditing Firm of James Moore and Associates, and Discussion of Related Matters (Presenter: Patricia Douylliez, Finance Director)

XIII. NEW BUSINESS

6. 2nd Street Extension and Widening Improvements: Request to Approve Underground Easement Agreement with Florida Power and Light (Presenter: Bill Tredik, Public Works Director)
7. Master Drainage Plan: Approval of Contract with Civil Engineering Consultant, Crawford, Murphy & Tilly, Inc., to Do Update (Presenter: Bill Tredik, Public Works Director)

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, April 7, 2022, at 6:00 p.m. in the Commission meeting room at City Hall.
2. **CITY HOLIDAY.** It is Good Friday on April 15, 2022. CITY OFFICE CLOSED. Residents scheduled for household waste and recycling pickup on Friday will have pickup on Monday, April 18th.
3. **COMPREHENSIVE PLANNING AND ZONING BOARD.** The Board will hold its monthly meeting on Tuesday, April 19, 2022, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include: a) variance to reduce side setback from 10 feet to 5.5 feet for a screened patio at 400 High Tide Drive; b) variance for 507 F Street to reduce front setback from 25 feet to 15 feet and the rear setback from 20 feet to 12 feet for new house; c) variance to an existing variance at 2B F Street that will allow a two-story garage to replace a one-story garage; d) request from the

Sustainability and Environmental Planning Advisory Committee to prohibit the keeping of European honey bees and to allow other types of honey bees; e) request to consider solar power for holiday lighting decorations.

4. **ANNUAL ARBOR DAY CELEBRATION.** It will be held on Wednesday, April 27, 2022, at the County's Pier Park in conjunction with the weekly Farmers Market. Public Works employees will give residents small trees to plant.
5. **ART IN THE PARK/ADOPT A PET.** The event will be held on Sunday, April 30, 2022, in Lakeside Park near the police station. It will start at noon and will feature the works of local artists and live music. In addition, Ayla's Acres will offer orphaned dogs for adoption.
6. **CITY COMMISSION.** The Commission will hold its next monthly meeting on Monday, May 2, 2022, at 6:00 p.m. in the Commission meeting room.

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

SPECIAL CITY COMMISSION MEETING MONDAY, FEBRUARY 28, 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 6:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Samora led 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, and Building Official Brian Law.

IV. INTERVIEW OF CANDIDATES FOR INTERIM COMMISSIONER

Mayor Samora advised that this meeting is for the sole purpose of replacing the vacant seat on the Commission and that one of these seven candidates will join the Commission next Monday, March 7, 2022. He welcomed all the candidates, their families, and their supporters. He said that all seven applicants are very well qualified which will make the selection very difficult. He said that there is no bad choice, and he appreciates all the time that everyone has put into this and the engagement of the community. He explained the process and said that each candidate will be interviewed in alphabetical order, as specified on the agenda, and that each candidate will be able to come to the podium to give their background and tell why they are interested in the position. He said that the Commissioners would then have a chance to ask each candidate questions, followed by public comments, and then a vote.

Mayor Samora described the voting process and said that in the past it has been done several different ways. He suggested doing two rounds of voting and that the first vote would be to narrow it down to the top 2-3 choices. Then narrow it down to the top two candidates and invite each for some final questions and clarifications and have a final vote.

It was the consensus of the Commission to choose the top three candidates in the first round.

City Attorney Taylor asked for clarification if the Commission would be ranking the candidates.

Mayor Samora advised no. He said that each Commissioner would choose their top three, and that the two applicants with the most votes would be the top two candidates, followed by a final vote. He reiterated that all seven candidates are very well qualified but unfortunately only one could be chosen. He said that for the candidates that are not chosen, there are plenty of

opportunities to join advisory boards and he encouraged them to continue to support the City. He asked City Manager Royle to call the first candidate.

City Manager Royle asked Mr. Nicholas Binder to the podium.

1. Mr. Nicholas Binder

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that he has been a full-time resident since 2005. He said that his educational background includes a bachelor's degree in civil engineering, a master's degree in environmental engineering, and that he is a licensed professional engineer in New Jersey in retired status. He went on to describe his work experience as shown on his resume (Page 1 of the Agenda Book). He advised that he then moved over to the Construction Grants Program which is where his experience will pay off for being a Commissioner. He advised that after 19 years, the Grants Program transitioned smoothly into the State Revolving Loan Program because of his efforts to set up the program without confusion. He advised that the program was doing \$400 million a year in loans which is important because the City has \$3 million through the American Rescue Plan Act (ARPA) and if it is not used the City will lose it. He said that his expertise would help get a commitment for that money. He discussed what New Jersey is doing with their ARPA funds which reduced their tax base. He suggested to use the ARPA funds in lieu of raising taxes. He said that the area in New Jersey that he came from is similar in population to the City of St. Augustine Beach and he described his involvement in the community. He described his last assignment as a co-chair of a 50-person community group to figure out its educational needs, which was determined to be a better high school and full-day kindergarten, and they were able to get a \$45 million bond issue passed. He said that after moving to Florida, he volunteered for the National Park Service at Fort Matanzas for 14 years and was on the City of St. Augustine Beach Steering Committee. He said that he was the Director for the Whispering Oaks Stormwater Projects working with the City and St. Johns Water Management District and it is still working today. He said that he was then appointed to the City's Code Enforcement Board.

Mayor Samora thanked Mr. Binder and asked Commissioner George for her comments.

Commissioner George advised that whoever is appointed to this seat will have to run for election in November of 2022 if they choose to continue to serve. She asked Mr. Binder if he submitted his application to fill the gap or if he planned to run for election.

Mr. Binder advised that he would consider both ways. He said that it is important to fill the gap because of the upcoming budget season, which is the most important aspect for a Commissioner since it sets goals and priorities for the next year. He said that his expertise would help to make sure that the proper money is obligated to balance between ad valorem and non-ad valorem taxes.

Commissioner George thanked Mr. Binder for his service to the City.

Commissioner England thanked Mr. Binder for always being engaged and hoped that he would continue to do so.

Vice Mayor Rumrell thanked Mr. Binder for being on the Code Enforcement Board and the Charter Review Committee. He asked Mr. Binder what he thought was the most pressing issue that the City is facing and how he would handle it.

Mr. Binder said that growth is the most pressing issue, and the City does not have any more lots. He advised that there is a headline for tomorrow's St. Augustine Record about Ocean Grove RV Resort selling for \$15.1 million to Embassy Suites. He said that growth is an issue in St. Johns County, and he described instances in New Jersey regarding inadequate waste treatment facilities and that they imposed a sewer ban which meant no growth until the

sewer facilities were taken care of. He advised that he did not know the condition of St. Johns County's facilities and that the budget and the use of the ARPA funds are most important to take the burden off the regular budget.

Commissioner England said that there are very extensive and tricky regulations with the ARPA funds. She said that if he is selected, she would hope that he would be willing to read the 400 pages of ARPA regulations and help to advise staff.

Mr. Binder advised that it would not be a problem. He said that the City's staff is very busy and sometimes you need people to do research to be able to make a valued judgement.

Mayor Samora said that Mr. Binder has followed the City's proceedings very regularly and he has watched this Commission work together. He asked Mr. Binder what unique characteristic or experience he would bring to Commission.

Mr. Binder advised that his knowledge of the community and attendance at Commission meetings since 2006; that he helped advise the Commission and the Public Works Director with the development of Ocean Hammock Park and that he also worked with the County Public Works Director to get crosswalks, lighting, etc.

Mayor Samora thanked Mr. Binder. He asked if the other Commissioners were fine with no time limit, that he does not feel right putting people through a public job interview and then limiting them to three minutes. The Commission agreed.

Mayor Samora moved on to the next candidate and asked Ms. Allyson Chambers to the podium.

2. Ms. Allyson Chambers

Allyson Chambers, 865 Ocean Palm Way, St. Augustine Beach, FL, thanked the Commission for the opportunity to be considered for this important position. She advised that she has long-term ties to the community. She described her background and her reasons for applying for the position as indicated in her resume (Page 2 of the Agenda Book). She said that she has no personal agenda and wants to support the community and preserve the beauty and quality of life. She said that her track record of success would serve the community well and that St. Augustine is facing growing pains that would require creative solutions. She said that she has created strategic plans that resulted in positive long-term outcomes and that she would bring diversity to the Commission. She discussed the substance use and mental health treatment center from her resume (Page 2 of the Agenda), and said that her experience and commitment could enhance the Commission. She advised that with her track record of success she could help guide the Commission into the future, that she is a good communicator, can take complex financial and strategic information and make it relatable. She believes in transparency to build trust and engagement from the community. She advised that she is the best candidate because she has the skills, the expertise, and the determination that the City deserves along with her track record for success, leadership and communication skills, and commitment. She said that the City faces issues such as growth, parking, beach access, and how to afford these things.

Mayor Samora thanked Ms. Chambers and asked Commissioner England for her comments.

Commissioner England said that Ms. Chambers mentioned beach access and that the City has 25 public beach access walkovers and plenty of hotels and bed and breakfasts that use them to get to the beach. She asked Ms. Chambers what she was thinking about beach access.

Ms. Chambers said that she was thinking about the influx of people trying to find a place to park to get to the beach because a 4-wheel drive vehicle is required for driving on the beach.

She said that there are some businesses that are not open on the weekends/evenings and she suggested to collaborate with them for use of their parking lots and maybe there could be a tax incentive. Then there would not be a need to pour more pavement and to utilize what is there, such as Beachside Diner that closes at 3:00 pm, etc.

Commissioner George asked Ms. Chambers if she would be filling the gap or if she would run for election.

Ms. Chambers advised that she would like to run. She said that she has the liberty of free time and that she is passionate and wants to serve.

Vice Mayor Rumrell thanked Ms. Chambers for applying. He asked if she could change one thing on A1A Beach Boulevard, what would it be.

Ms. Chambers said that she loves everything about the beach, which is why she is here. She loves the integrity, how simple and small it is, it has what it needs, and that she could not think of anything to change. She said that traffic on A Street is a problem.

Mayor Samora asked Ms. Chambers to share more information about her community involvement, non-profit involvement.

Ms. Chambers advised that she has a private center for women that supports abuse, and she has been helping women for almost 15 years. She said that she also has a treatment center in Asheville, North Carolina, for women. She is at her best when she is helping people and being of service. She advised that she helped found the Florida Association of Recovery Residences to help monitor recovery homes to ensure that they follow guidelines, procedures, and are being good neighbors. She had been the president for two years and she helped to get the standard in place.

Commissioner George asked if any of Ms. Chambers businesses or non-profits were in the City limits.

Ms. Chambers advised no.

Mayor Samora moved on to the next candidate and asked Mr. Chip McGraw to the podium.

3. Mr. Chip McGraw

Chip McGraw, 40 Ocean Pines Drive, St. Augustine Beach, FL, advised that his name is Ronnie, and that everyone calls him Chip. He described his background as indicated in his resume (Pages 16 through 18 of the Agenda Book). He said that he has four children who enjoy the beach, and he feels like he is vested in the community. He said that over the past 40 years he has seen the beach grow and things change, and he has a vested interest for its future and what it could be. He advised that the City does have a major problem with growth and that he has a wealth of experience running budgets for his own businesses upwards of \$10 million annually. He advised that he has experience working in real estate and real estate development, as well as being involved with community outreach working with a youth crisis center. He said that he is also the Director of the Eastern Surfing Association Chapter of St. Augustine which helps young people have access to the beach.

Vice Mayor Rumrell thanked Mr. McGraw for applying. He asked Mr. McGraw what issues he thought the City has now and how would he handle them.

Mr. McGraw said that one of the biggest issues is parking and it needs a solution that works for the beach, the taxpayers, and visitors. He also said that sea level rise and erosion are ongoing problems. He believes that the third problem is whether there are enough beach police for the City population and the visitors to the beach.

Commissioner George asked Mr. McGraw if he would be filling the gap or would he also consider running for office.

Mr. McGraw advised that he is considering running for election.

Commissioner England commented that Mr. McGraw has traveled quite a bit and she asked if he understands the commitment for meeting attendance.

Mr. McGraw said that he is no longer traveling.

Commissioner England asked what intrigued him to become interested in local government issues.

Mr. McGraw advised that he and his family have lived here for a long time, his children go to school here, and he cares about the community long-term.

Mayor Samora thanked Mr. McGraw and moved on to the next candidate and asked Ms. Virginia Snyder Morgan to the podium.

4. Ms. Virginia Snyder Morgan

Virginia Snyder Morgan, 208 Bluebird Lane, St. Augustine Beach, FL, advised that she feels called to serve in her community and the fellowship that goes along with it. She advised that if she is appointed that it would be her intention to run for election in November. She described her background as an attorney for over 15 years including running her own law firm as stated on her resume (Pages 20-21 of the Agenda Book). She said that she is familiar with public records, the Sunshine Law, and that an important part of her work has been contributing pro bono service in the community. She said that her skills and her experience will best serve the Commission. She discussed the community engagement section of her resume. She said that she now has the time, and she is fully committed to serve if she is chosen. She advised that she chose to live in St. Augustine because it is a beautiful community for her to raise her family. Her skillset and commitment would be the best way she could serve the Commission and the City.

Mayor Samora asked if her law firm engaged in municipal law.

Ms. Morgan advised that she represents the outside counsel for the Clerk of Courts.

Mayor Samora asked how she has been able to stay up to date on local issues in St. Augustine Beach and how quickly would she be able to get up to speed joining the Commission next Monday.

Ms. Morgan advised that she has been watching the Commission meeting videos and reading minutes to make sure that she knows all the resources that are available to her. She advised that she has done some work with Land Development Regulations and is familiar with the Sunshine Law.

Commissioner England said that Ms. Morgan provided a long list of community engagement including winning the pro bono award for three years. She asked her what her specific practice of law is.

Ms. Morgan advised that she is an associate attorney with Coquina Law Group and that her practice consists primarily of Qualified Domestic Relations Orders, along with civil cases, and retirement issues.

Commissioner England asked about the boards that she is currently on, such as EPIC and St. Johns County Inn of Court and she asked what the Inn of Court is.

Ms. Morgan advised that the St. Johns County Inn of Court is a group within the St. Johns County legal community that she was invited to join which meets once a quarter and it has continuing education, presentations, dinners, etc.

Commissioner England said that it seems like she would be able to have time. She advised that being a Commissioner is not exactly a part-time position.

Vice Mayor Rumrell thanked Ms. Morgan for applying and asked her what one of her objectives would be as a City Commissioner.

Ms. Morgan said that addressing the issues in the Comprehensive Plan and making thoughtful decisions to implement the things in the Plan. She said that one of the issues that the City is already facing is infrastructure maintenance and to make good decisions now and for the future. She said that she plans to live the rest of her life here and wants to see those good decision come to fruition.

Commissioner George asked if there would be any conflicts serving as City Commissioner and representing her clients.

Ms. Morgan advised that she did not believe there would be any conflicts.

Commissioner George asked Ms. Morgan if there was anything else she would like to add.

Ms. Morgan said that one of the issues facing the City is the need to balance what is best for the residents, the businesses, and tourists. She said that would include traffic, parking, and safety. She said this is a wonderful community and a wonderful quality of life. Keeping it viable for businesses and attracting tourists in a smart way.

Mayor Samora thanked Ms. Morgan. He moved on to the next candidate and invited Ms. Andrea Samuels to the podium.

5. Ms. Andrea Samuels

Andrea Samuels, 110 Mickler Boulevard, St. Augustine Beach, FL, advised that she has lived in the City for 22 years. She commended the other candidates and said that the City is lucky to have so many engaged people willing to work. She advised that she has government experience and is familiar with the Sunshine Law and ethics laws and she has worked tirelessly for the community over the years. She worked to bring community activities to the City to benefit businesses as well as the residents such as: Music by the Sea, which is in its 20th year; the Taste of the Beach event, which raises money for the Betty Griffin House and showcases the City's restaurants; and Surf Illumination. She advised that she has sat on multiple boards such as the Florida League of Cities, Visitors Convention Bureau, and the Tourist Development Council, as indicated in her resume (Pages 31-32 of the Agenda Book). She said that it is important to have a rounded Commission by having someone who is not necessarily in business so that the residents feel that they have a representative on the Commission. She advised that she has no interest in running and would only fill the seat for eight months. That way people that are interested to run can have a chance to make the election a fair and equal process. She believes that the quality of life in the City is worth maintaining and the City has challenges to face such as parking, enough of a police force, beach renourishment, and most importantly to work for the residents.

Mayor Samora thanked Ms. Samuels for applying and for her past service to the City. He asked what drove her to come back and offer her services again.

Ms. Samuels advised that it was important to hold the seat until the next election cycle so that whoever wants to run should run for the seat and that it should be on an equal footing.

Vice Mayor Rumrell thanked Ms. Samuels for applying and asked her what she sees as the City's next issues that she could help with in the next eight months.

Ms. Samuels said that it always comes back to maintaining quality of life. She would like to have an equal balance between businesses and the residents and try to keep taxes low. She said that it is very important to provide the services that make the quality of life so enjoyable. She said that the City is lucky to have such a hard-working Public Works Department and Police Department. She said that she has experience working with budgets.

Commissioner George said that Ms. Samuels mentioned the Police Department, but that she had voted in favor of terminating 11 officers in the past. She asked if her intention now would be to support or attempt to dissolve the Police Department.

Ms. Samuels replied that she believes in municipal policing. She said that her reasoning regarding those 11 officers was because they did not follow the chain of command. She advised that she supports the police officers and always has, and that prior Chief Hardwick did a great job, and that Chief Carswell is doing a great job and that there is no reason not to support them. She said that that was a long time ago and sometimes you need to look forward rather than backward.

Commissioner England said that two issues that Ms. Samuels would be addressing are the budget and the American Rescue Plan Act (ARPA) funds. She asked if Ms. Samuels had any comments about either issue.

Ms. Samuels advised that she had no issue sitting down and reading through ARPA regulations and working with the Financial Director to help with it. She said that she has gone through the budget many times and has been able to find discrepancies and problems. She said that she is familiar with the ARPA constraints and the limited availability for the City. She said that the City's infrastructure needs work, and she would be happy to help.

Mayor Samora thanked Ms. Samuels and moved on to the next applicant. He asked Ms. Beth Sweeny to come to the podium.

6. Ms. Beth Sweeny

Beth Sweeny, 652 Sun Down Circle, St. Augustine Beach, FL, said that she grew up in Ohio and vacationed at St. Augustine Beach and has had a love for the City from a very young age. She attended Flagler College and graduated in 2005. She left the area to work in the Florida Senate where she met her husband who was born and raised here. They moved back to raise their family and have been full-time residents for 10 years. She has spent a lot of her career in government service such as school districts, grant writing, media relations, etc. as indicated on her resume (Pages 39-41 of the Agenda Book). She said that civic engagement is something that is very important to her and that she has a lot of relations that could be helpful to the City. She has a lot of community involvement such as: the Vice Chair of the Chamber of Commerce and Chair of their Public Policy Committee; tag! Children's Museum Board; and a former Board Member of the Big Brothers/Big Sisters. She has worked on budgets, fund raising, etc. She said that she has extensive experience in strategic planning which would be critical to the Commission. She said while with the Legislature she also has experience being an advocate to constituents helping them navigate the overwhelming bureaucracy. She would like to bring her skills and serve the City and help maintain the quality of life.

Commissioner George asked if she would have any conflict of interest.

Ms. Sweeny advised that she did not believe there would be any conflicts, but that she would maybe step away from the Chamber of Public Policy to avoid any perception of a conflict of interest. She said that she is used to wearing multiple hats.

Commissioner George asked Ms. Sweeny if she felt that she would have sufficient time and resources to devote to the position.

Ms. Sweeny said yes. She has an amazing support system, and she understands the time commitment and would make it work.

Vice Mayor Rumrell thanked Ms. Sweeny for applying. He asked what she thought the major issues were for the City.

Ms. Sweeny said infrastructure, stormwater management and flooding are all issues that are not going to go away, and the Commission has to be proactive and put together a long-term plan. She also agreed that balancing the needs of residents with the increased tourism to the County will always be a struggle.

Vice Mayor Rumrell asked if the City received a \$1 million grant for infrastructure, what would she use it for.

Ms. Sweeny said she would look at Master Stormwater Plan to see the greatest need.

Mayor Samora said that Ms. Sweeny has heard the qualifications of the other candidates and he asked what unique characteristics she could bring to the Commission.

Ms. Sweeny replied that she has experience in reading statutes/codes and interpreting policy and she has a proven track record of bringing people together and listening to constituents, so their voices are heard. She hopes to be a representative of her neighbors and be a voice for them.

Commissioner England said that citizen engagement is important as the City thinks about how to deal with some of the issues such as parking, etc. She asked Ms. Sweeny for her recommendation to improve citizen engagement.

Ms. Sweeny advised that she likes the direction the City is going by holding town halls. She also mentioned anything that can be done proactively to seek input such as using surveys and reaching out to media to have the City's message heard.

Commissioner England said that the City has increased its events. She asked Ms. Sweeny her opinion whether the City has enough events or does it need more or less.

Ms. Sweeny said that she feels that the City has a good balance of events, but there could always be more if the budget allows. She said there is a good mix of art and culture that gives the City a unique identity.

Commissioner England asked what she thought about Beach Blast Off this year.

Ms. Sweeny advised that she was out of town during the event but that she has been to past events and enjoyed the fireworks, the food trucks at the pier, and the music.

Mayor Samora thanked Ms. Sweeny and moved on to the final candidate. He asked Ms. Rebecca Thomson to come to the podium.

7. Ms. Rebecca Thomson

Rebecca Thomson, 145 Kings Quarry Lane, St. Augustine Beach, FL, said that she moved here in 2017 after visiting in 2011 and falling in love with the community. She said that her educational background is in communications with an MBA degree focused mainly on political communications. She described her professional background as outlined in her resume (Pages 45-46 of the Agenda Book). She said that in prior years, not included in here resume, she has 10 years of management. She advised that she was a founding board member of the Severe

Asthma Foundation. She later got her interest in public service when living in the California bay area. She loves the City and wants to maintain a wonderful safe community.

Commissioner England asked Ms. Thomson what prompted her to apply.

Ms. Thomson advised that she has more time on hands and has always thought about doing it. She said that for a lot of her life she was too busy but that she still attended and participated in her city in Pennsylvania, but never applied.

Commissioner England asked what her top priority would be.

Ms. Thomson agreed with what Ms. Sweeny said and that she feels very safe in her community and would like to maintain that.

Vice Mayor Rumrell thanked Ms. Thomson for applying. He asked if she is appointed what she would do to help the City be fiscally fit.

Ms. Thomson advised that she would analyze the budget and not overspend and make sure to balance the budget.

Commissioner George asked Ms. Thomson if she would run in November.

Ms. Thomson advised yes because she wants to be a voice for the people.

Commissioner George asked Ms. Thomson what she thought would be the biggest issue for the City in the next five years.

Ms. Thomson said that erosion, infrastructure and maintaining safety.

Mayor Samora asked if she feels that she has stayed current with the events that the Commission is dealing with to be able to step in.

Ms. Thomson said yes. She said that she is a quick study and is willing to do the work.

Mayor Samora said that he is blown away with the quality of the candidates. He moved on to Public Comments and advised that each person would have two minutes to comment and to please state their name and address for the record.

V. PUBLIC COMMENTS

Megan Wall, 108 1st Street, St. Augustine Beach, FL, has lived here for 30 years; in favor of Virginia Morgan; she is kind, fun, and great to work with; everyone loves her.

Susan Horowitz, 412 F Street, St. Augustine Beach, FL, in favor of Andrea Samuels; best qualified since she has done the job; would like to see a robust election in November; the citizens should get to pick who they want and to not give anyone an advantage.

Roberta Odom, 7 11th Street, St. Augustine Beach, FL, remember why the current Commission works so well; any of the candidates would be good; in favor of Beth Sweeny; focused, community-oriented person; served with her on the Chamber of Commerce; will add to the balance and would be an asset.

Dr. Michel Pawlowski, 109 Kings Quarry Lane, St. Augustine Beach, FL, thanked the Commissioners for their service and congratulated the candidates; society is not as stable as it used to be; concerned for police department; wants to increase budget and retain personnel; thanked the Police Department; wants to see recommendations from the Police Department to enhance the budget for retention.

Patrick Canan, 911 Lew Boulevard, St. Augustine, FL, in favor of Virginia Morgan; he's in a unique position because he knows her professionally and personally; she is very prepared and professional; she checks all the boxes and can handle the ups and down of the position.

James Higbee, 665 West Marina Cove Drive, Apt 258, St. Augustine, FL, in favor of Chip McGraw and has worked for him for over 30 years; he is committed and compassionate; created jobs for many and works with developers; has knowledge of the area and the issues with growth; sees him as a friend and mentor; has leadership qualities as well as humility; on the pulse of real estate, business and the surfing community.

Graham McGee, 4020 Grande Vista Boulevard, Apt 126, St. Augustine, FL, in favor of Chip McGraw; he is passionate about the City; has a successful marketing firm; would flourish on the Commission; surfing is a big part of the beach.

Alex Cabezas, 301 View Point Place, St. Augustine, FL, in favor of Chip McGraw; welcoming and friendly person; passionate about the community, surfing, and real estate.

Ann Breslauer, 215 7th Street, St. Augustine Beach, FL, all candidates are impressive; in favor of Andrea Samuels; she can jump right in without having to learn anything new; she agreed with what Ms. Horowitz comments; she wants fresh candidates for November.

Mayor Samora advised that there are no more speaker cards, and he invited anyone else who wanted to speak to come to the podium. Being none, he closed the Public Comments section and asked if there were any further Commissioner questions. Being none, he moved on to Item VI.

VI. SELECTION OF INTERIM COMMISSIONER

Mayor Samora advised that City Clerk Fitzgerald would be handing out a voting sheet.

City Attorney Taylor advised that it was decided to rank three candidates on the form in no particular order. From the first vote, those would be the top three candidates and any candidate that does not receive any votes will not move on to the next round. The second round of votes would be to try to get to the top two candidates, which may rank the candidates. He advised the Commissioners to put their name on their ballot. He advised that he and City Clerk Fitzgerald would then review the ballots.

Mayor Samora thanked everyone and reiterated how impressed he is with the quality of the candidates. He said that he would love to have any one of the candidates continue to serve the City in some capacity.

Commissioner England thanked the candidates and all their supporters.

Commissioner George said that the City received over 50 emails and that says a lot.

City Attorney Taylor advised that he and City Clerk Fitzgerald have tallied the votes. He said that four candidates have received votes:

Round 1 - Chambers 3, Morgan 4, Samuels 1, Sweeny 4

City Attorney Taylor advised that the Commissioners could discuss how to get to the top two candidates. He said that two candidates have received four votes each and you may want them to become your top two candidates. He advised that as long as everything is done publicly it is legal.

Commissioner England advised that she would like to go with the two candidates that had four votes.

City Attorney Taylor advised that the candidates that had four votes each were Virginia Snyder Morgan and Beth Sweeny. He reminded the Commissioners to put their name on their ballots.

City Attorney Taylor advised that he and City Clerk Fitzgerald have tallied the votes from round two.

Round 2 – Morgan 1, Sweeny 3

City attorney Taylor advised that by a vote of 3-1, Beth Sweeny would be the next Commissioner.

Mayor Samora congratulated Ms. Sweeny and thanked all the candidates for applying.

City Manager Royle advised that the City Attorney must swear in the new Commissioner and then she would get her agenda book for the March 7 meeting.

Mayor Samora moved on to Item VII and asked City Attorney Taylor to swear in the new interim Commissioner, Ms. Beth Sweeny.

VII. SWEARING IN OF INTERIM COMMISSIONER BY CITY ATTORNEY

City Attorney Taylor swore in interim Commissioner Beth Sweeny.

The Commissioners congratulated Commissioner Sweeny.

Mayor Samora reminded the Commissioners of the next meeting on Monday, March 7th, 2022, at 6:00 p.m. He moved on to Item VIII and asked for a motion to adjourn.

VIII. ADJOURNMENT

Mayor asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 7:42 p.m.

Donald Samora, Mayor

ATTEST:

Dariana Fitzgerald, City Clerk



MINUTES

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

I. CALL TO ORDER

Mayor Samora called the meeting to order at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Samora asked Commissioner Sweeny to lead the Pledge of Allegiance.

III. ROLL CALL

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

Also, present were City Manager Max Royle, City Attorney Lex Taylor, 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 FEBRUARY 7, 2022

Mayor Samora asked if there was any discussion regarding the minutes. Being none, Mayor Samora asked for a motion.

Motion: to approve the minutes of the regular Commission meeting on February 7, 2022. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

City Manager Royle suggested Item XII.9 from the agenda since, per Director Tredik, the contract is not ready yet. The Commission agreed to delete the item.

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. Proclamation to Declare the Week of March 7, 2022, as Flood Awareness Week in the City
(Presenter: Brian Law, Building Official)

Building Official Law stated that this is a yearly event. The Governor has signed a proclamation already and Coordinator Conlon has begun a social media campaign.

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

VIII. PUBLIC COMMENTS

Douglas P. Conkey, 7775 Baymeadows Way, Jacksonville, FL, introduced himself as the new intergovernmental coordinator for the St. Johns River Water Management District, representing northeast Florida. He noted that he was sitting next to County Commission Chair Henry Dean, who was his boss for many years. He commented on the proclamation and stated that flood control is one of his core missions along with water quality, water supply, and natural resources; that next month will be Water Conservation Month; that there is a program to plug old artesian wells at little to no cost to the owners; and that the North Florida Regional Water Supply Plan is in development in conjunction with Suwanee County.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, thanked the Commission for being considered for the vacant Commission seat and congratulated Commissioner Sweeny on her appointment. He mentioned a program from New Jersey with \$3.4 million of ARPA funds going to county road improvements and provided a news article (Exhibit A); suggested that IT could do a search on what other places are doing; invitations should be sent to The Dance Studio and The Art Studio for the March 23 meeting, since it may directly impact them; and that some Commissioners look for pay raises and health benefits each budget year and suggested that discussion happen before election filings are due in June.

John Grapsas, 7 16th Street, St. Augustine Beach, FL, stated that overnight parking is a problem on 16th Street and mentioned an RV that camped out near his property which had been using his trash can. He stated that when he notified City Manager Royle, the Police and Public Works Department were notified quickly, and that one RV was asked to leave. He suggested signage for no overnight camping on any streets that have that problem; thanked the City for the lighted street signs; noted that the beach is gone from 16th Street north and people are going into the dunes; and thanked Vice Mayor Rumrell for being communicative.

IX. COMMISSIONER COMMENTS

Commissioner George wanted to make sure that the City of St. Augustine and County Commissions received invites for the March 23rd meeting.

Vice Mayor Rumrell stated that some of the lighted crosswalks were installed, and he thanked County Commission Chair Dean for his help on the project. He stated that another will be up in front of the pier, hopefully before season starts, and one more is planned for 11th or 16th Street. He reported that Chief Carswell was absent due to being Officer of the Day at the Florida House in Tallahassee and noted that Chief Carswell is the first law enforcement officer from St. Johns County to be nominated. He reported that hotel occupancy and room rates are through the roof and rates are upwards of \$500 a night. He wished Mayor Samora a happy birthday.

Commissioner England also wished Mayor Samora a happy birthday and agreed with sending out invitations to the March 23rd meeting.

Commissioner Sweeny thanked the other Commissioners for their vote of confidence in her and staff for getting her up to speed over the past week.

Mayor Samora asked City Manager Royle about assignments for the Commissioners to outside boards. There was discussion about which one former-Commissioner Torres was assigned to. Commissioner George suggested a review of those assignments.

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)

City Attorney Taylor reminded the Commission that this was a quasi-judicial hearing, so there are specific procedures the Commission needs to follow.

Mayor Samora opened the hearing. City Attorney Taylor announced that this was a re-hearing on Alvin's Island's request for a curb cut from Versaggi Drive and asked the Commission if they had an ex-parte communication on this topic. There was none. He then asked City Clerk Fitzgerald if there had been any communication to the City. She replied that to her recollection, there was an email from Ms. O'Connell that was also copied to the Commission.

[There was a brief interruption to contact Attorney Seth Corneal by Zoom, then by telephone.]

Attorney Seth Corneal, Corneal Law Firm, representing Ms. Meg O'Connell, was included in the meeting by telephone. He stated that he was not able to attend in person due to being in quarantine.

Mayor Samora stated that witnesses would need to be sworn in. City Attorney Taylor swore in Public Works Director Tredik and three members of the public who intended to speak on the subject.

City Attorney Taylor provided background on this rehearing: that Alvin's Island requested additional ingress and egress from Versaggi Drive in 2015 and that was denied by the Commission; the owners appealed to the courts, which was remanded back to the City for review; the City denied the remanded appeal on March 1, 2016 and the owners filed a lawsuit; in February 2017, the City and Alvin's Island came to a settlement agreement which was approved on April 3, 2017; part of that agreement stated that Alvin's Island could apply for an additional curb cut in 2020, which they applied for and Public Works Director Tredik requested that a proposed ingress point also be an egress point; the amended request was presented and approved in December 2020; it was appealed by residents and the judge ruled that the current Commission needed to give a de novo review to the request.

Mayor Samora asked if there were any further questions for the City Attorney. Commissioner George questioned if the owners of Alvin's Island were notified. There was discussion on whether to continue with the hearing in their absence. Public Works Director Tredik stated that his position would not depend on their presence. Attorney Corneal stated that he and his client were ready to proceed with their position, but it would be hard to argue against the opposition in their absence. There was agreement to reschedule the hearing to a continuance meeting to allow for the owners of Alvin's Island to attend.

Motion: to table this item until a continuance meeting on Monday, March 14, 2022, at 6:00 p.m.
Moved by Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

City Manager Royle asked the Commission what information they have received on this matter and if there was any additional information they wanted to request at this time. Commissioner George stated that she had received the memo she requested from the December 7, 2020, meeting and mentioned the memo from the 2015 meeting. She also asked for any relevant ordinances. Commissioner England asked for any traffic studies or similar evidence.

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)

Planner Thompson reported that this was heard by the Comprehensive Planning and Zoning Board (CPZB) at their February 15th meeting. She stated that the lot was essentially split down the middle between commercial and medium density residential zoning, so the Commission would be required to give approval for any construction on this lot. She noted that this lot is surrounded by residences and that the CPZB voted to recommend approval of this application and requested that the proposed residence meet all medium density residential zoning requirements.

Mayor Samora asked about the CPZB's conditions and if they addressed the use of the property. Planner Thompson stated that the conditions were typical of similar Conditional Use Permits (CUP) that have been issued and the property would be treated as a residence. She noted that if they wanted to turn it into an office later, they would need a separate CUP to do so.

Commissioner George asked how the property would be treated should the owners wish to use it as a transient rental. Planner Thompson stated that in the past similar split lots were treated as commercially zoned. Commissioner England asked if that was written policy and what was the actual percentage of the split. Planner Thompson replied that it was not written, but it was the procedure the previous Code Enforcement Officer had taught her, and that it is about 40-45% in commercial zoning. Attorney Whitehouse noted from the audience that it was the opposite.

Attorney James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, stated that he is here on behalf of the applicant. He showed several photos detailing the property's location and surroundings (Exhibit B) and noted that these were also provided to the CPZB. He stated that the lot is 45 feet wide with 25 feet in commercial zoning and 20 feet in medium density residential and showed several photos from the City's Land Use Map illustrating the area's zoning (Exhibits B-1 to B-5). He explained that Exhibit B-6 is a photograph of the empty lot at present, Exhibit B-8 is the boundary survey, Exhibit B-9 shows an illustration of proposed construction over the lot aerial, and Exhibits B-11 to B-16 show the surrounding residences. He remarked that some of the surrounding properties are being used as short-term rentals. He stated that there were several emails indicating a misconception that the property could be re-zoned as commercial, which is not what is being requested. He noted that the owners wanted to build here to stay near family.

Commissioner George thanked Planner Thompson for sending out emails to clarify the purpose of this hearing.

Mayor Samora asked if there was any public comment on this item. Being none, he asked for a motion. Commissioner England wanted the motion to incorporate the exact conditions.

Building Official Law stated that the phrase "to be regulated as medium density residential" incorporates a number of conditions, including setbacks and impervious surface ratio and he asked that the CUP be transferrable. Attorney Whitehouse stated that the CPZB recommended transferability, since this involves a permanent structure, and any future owners should not have to come before the Commission to keep the building.

Motion: To approve Conditional Use Permit application 2022-01 with the requirement that the single-family residence meet all medium density residential requirements and be transferrable.
Moved by Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

3. Request to Vacate Alley Between 2nd and 3rd Streets West of 2nd Avenue in the Chautauqua Beach Subdivision (Presenter: Jennifer Thompson, Planner)

Planner Thompson explained the request and noted that 11 out of the 15 property owners have submitted written consent, which is 73%. She acknowledged two of the property owners drafted emails in opposition, which were provided to the Commission in the agenda book. At their February 15 meeting, the CPZB recommended by a 5-2 vote that the alley be vacated upon completion of a drainage project to be performed by the City's Public Works Department.

Mayor Samora asked if the applicant would like to speak on the matter.

Josh Patterson, 203 3rd Street, St. Augustine Beach, FL, clarified that he did try to address some of the concerns of the three opposing landowners. He explained that the existing ditch is vestigial and doesn't provide much drainage. He stated that Public Works started a project in 2020 to install some underground drainage, but the contractor went out of business and the project wasn't completed. He stated that the three opposing landowners would like to see the project completed and indicated that the supporting landowners would agree with that. He stated that he feels he has met the requirements to vacate this alley and asks that the Commission consider this a standalone ordinance, since the project may take some time to complete or may never be completed if City funds are needed elsewhere.

Mayor Samora asked if there were any objections to the restrictions laid out by Public Works. Mr. Patterson replied that there would be no objection and one of his reasons for approval at this time is that construction will likely begin soon on the 2nd Street lots to the south of the alley and some of the 3rd Street owners may want to move their fences back. He noted that on his lot, the soils weren't properly compacted by the builder and moving the fence back would allow him to access the retaining wall and fix that problem.

Mayor Samora asked if the Commission had any further questions for the applicant, being none, he asked Public Works Director Tredik to speak to his position.

Director Tredik stated that the drainage project was bid before the pandemic began and first the contractor suspended their operations, then the City suspended several projects due to revenue concerns. He stated that Public Works staff piped about 100 feet, but it hasn't been budgeted for completion because there were other priorities, but it is still in the Master Drainage Study and part of long-term plans. The original design had a 36-inch pipe, but a 24-inch was installed with the intention that when 2nd Street was developed it would have a parallel system. He does still intend to install both pipes. He suggested that it could be worked into the budget for next year and that the original estimate was a little over \$100,000 and guessed maybe 50% more now with the increased costs.

Mayor Samora asked for Director Tredik's opinion of the Commission moving forward on the vacation with the permanent easement. Director Tredik replied that he does not object to the easement as long as they can access the alley to finish the work. He noted that if fences need to be taken down, it may increase the costs slightly, and the owners may be responsible for replacing the fencing after work is completed.

Mayor George asked how deep the piping would be and Director Tredik stated that he didn't know right off, but it would follow the existing piping below grade and would not be visible. He stated that one property owner has inquired about raising the system, but he doesn't think that should be done by the City. Mayor George asked if it would affect the piping if property owners set fence posts about four feet deep. Director Tredik responded that would be something that would need to be considered, which is why Public Works would like to approve anything that goes into the easement to evaluate on a case-by-case basis. He noted that the pipe is a high-density polyethylene and is made to be tough.

Vice Mayor Rumrell commented that he was working on obtaining money from the State, \$500,000 for Magnolia Dunes and \$45,000 for the numbered streets, and asked if this project was part of that number. Director Tredik replied that it was not.

Commissioner England asked all of the conditions he noted in his memo be part of the approval to vacate the alley. Director Tredik stated that he would like the easement language to specify those conditions so that there is clarity on the owners' responsibilities. He noted that three lots are scheduled to go into conservation and there was a question on whether that would change the percentage of owners that are in favor of the vacation. Commissioner England also asked about the two dissenting CPZB members and their reasoning. Director Tredik replied that he could not speak to that. Building Official Law stated that there was discussion of binding the decisions of future Commissions and liability regarding the easement.

Commissioner George noted the language stating that "no portion of the vacated alley shall be allowed to be placed under conservation" and asked for clarification on how that would affect the three conservation lots. Director Tredik stated that he was concerned that if the three conservation lots were deeded to the City and 7 ½ feet ended up under a conservation easement, that the City would not be able to properly maintain the pipes. City Attorney Taylor agreed that the City would not want that under a conservation easement. Commissioner George asked if that was language that would need to be added now or later when the conservation easement is placed. City Attorney Taylor stated that it would be better to have it now.

Commissioner England noted that this particular alley vacation and easement was complicated and asked the Commission if the easement should come back in writing for review. City Manager Royle noted that it would come back. Mayor Samora stated that this was to approve the application, which would come back to the Commission as an ordinance in April.

Mayor Samora asked for public comment, being none, he then asked for a motion.

Motion: To approve the application to vacate the alley between 2nd and 3rd Streets west of 2nd Avenue subject to each of the conditions identified in the memorandum by Public Works Director Tredik. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

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)

Planner Thompson noted that the changes discussed at the February meeting had been incorporated into the current draft.

Mayor Samora asked about the changes that were proposed regarding fences. Building Official Law replied that that was stricken from this draft and would be dealt with on a case-by-case basis.

Commissioner George stated that she thought the only change made from the previous draft was the recommendation to preserve the fifteen foot buffer. Planner Thompson replied that was left as it currently is in the Code and the change that Commissioner England requested to change the wording "between uses" to "between zoning" was made. Commissioner George noted that that phrasing was changed in the section title, but was left unchanged within the paragraph. Planner Thompson stated that that change could be made in the final draft.

Mayor Samora confirmed that this was the final reading and Commissioner George agreed that that change could be made in the motion.

Commissioner George asked to discuss that change further, since residential homes can be approved in commercial zoning. The use of the "zoning" instead of "uses" could cause a barrier

to be required between a single-family residence in the commercial zoned area and the residence next to it. Planner Thompson clarified that this would not apply to existing construction, only to new. Commissioner George remarked that if it causes an issue, applicants could ask for a variance.

Mayor Samora opened public comment, being none, he asked for City Attorney Taylor to read the ordinance title and for a motion.

Motion: to approve Ordinance 22-02 with the amendment in Section 6.06.04, paragraph C, to correct the reference of “noncompatible uses” to “different zones”. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

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)

Coordinator Conlon reported that the event had to be cancelled in 2020, so she created a series of events called Light Up the Beach with Art Walks, a Holiday Market, and encouraged businesses to add colored lights and hold their own events. For 2021, the City was able to have a fireworks show, but still wanted to keep it small and local instead of a large carnival-like environment. She stated that many businesses did private events scheduled around the fireworks and some stayed open later to accommodate the extra visitors. The City had three shuttle stops at A Street, 10th Street, and the Pier with parking at Pier Park and on the beach. She commented that the feedback had generally been positive and that those she spoke with liked the idea of spreading out the crowd and encouraging local businesses. She noted that there were some things that could be improved, like more lighting on A Street. She thanked the major sponsors Old Town Trolley, Embassy Suites, Burkhardt Sales & Service, FPL, and Kookaburra; and her partners Paul Slava of The Art Studio, the Civic Association, and the Salt Air Farmers Market.

Mayor Samora asked what she was looking for from the Commission. Coordinator Conlon replied that she is just looking for any feedback they may have on the event and recommendations for how to proceed for 2022. She stated that the City would like to keep it smaller and avoid returning to a large event at Pier Park with lots of out-of-area vendors. She would like to continue encouraging local merchants, especially the brick-and-mortar businesses.

Mayor Samora asked if she has any suggestions for improvements. Coordinator Conlon replied that she would like to see a second shuttle pickup, probably at the Anastasia Square Shopping Center (at the corner of SR-A1A and SR-312), and more lighting at A Street.

Mayor Samora asked Commander Harrell if the Police Department had any comments on the event. Commander Harrell replied that from their perspective, it was a fantastic event. It kept the roadways open, so traffic flowed freely, and they have received nothing but positive feedback. He agreed with more lighting on the beach. They had very few calls for service, same for fire/rescue, and used about half the amount of law enforcement and fire/rescue personnel compared to past events.

Mayor Samora stated the Public Works Assistant Director Ken Gatchell provided a great report and asked if Public Works Director Tredik had any additional comments. Director Tredik stated that Public Works supports the style of the 2021 event. It was more doable logistically, used less overtime, and they were able to clean up quickly. He commented that the prior event was simply too large for the City and really taxed their capabilities.

Mayor Samora asked if the grant for the fireworks had been secured. City Manager Royle and Coordinator Conlon replied that \$25,000 came every year. Mayor Samora asked if the fireworks service was bid every year. City Manager Royle stated that it was not, since the City wanted to keep their current company because, with the exception of one incident, they have done a good job, know the location, and are attentive. Finance Director Douylliez noted that the City did a Request for Proposals about four years ago and the current company was the most favorable for price and quality.

Commissioner England asked about the expense for a music license. Finance Director Douylliez stated that is for music rights, required to legally broadcast, and since the City was not sure what the event would look like, they decided to continue with that license just in case. Commissioner England remarked that she had received comments saying that music would have been nice and asked if it would be possible to do something with music this year, maybe a CD given to the businesses to broadcast at a certain time. Coordinator Conlon stated that she could look into it. There was discussion regarding where the music could be heard and how to distribute it. Commissioner George suggested partnering with Flagler College Radio, or one of the local radio stations, like Beach 105.5 or WFOY 102.1. Coordinator Conlon stated that she had spoken to Kevin Geddings of WSOS 103.9 about him possibly broadcasting. He has been at the event in the past and has given the City airtime for interviews.

Commissioner Sweeny asked if Coordinator Conlon would need an increase in the event's budget for the coming year. Finance Director Douylliez stated that that is something that will be looked at during the coming budget review for fiscal year 2023.

Vice Mayor Rumrell asked how confident the City was about the grant funding. Coordinator Conlon stated that for the past year, the City did not apply for one Tourist Development Council grant because the TDC has moved to focusing on art and culture events and will only provide money for marketing for events older than five years. Finance Director Douylliez noted that the City receives \$20,000 for holiday lighting and \$25,000 for the fireworks separate from the grant Coordinator Conlon referenced.

Commissioner George asked if there was a need for a few vendors for water, t-shirts, etc. Coordinator Conlon stated that the City could do that, but didn't see a need for it. She noted that there was one person who was selling novelties on his own and there may be an opportunity to partner with someone, but she wanted to avoid putting vendors and activities back into Pier Park to keep the crowd spread out and commented that City staff had discussed local food trucks along A1A Beach Boulevard. Commissioner England commented that the businesses could have a kiosk or table outside of their stores and recalled seeing one near the sidewalk. Coordinator Conlon stated that Antonio's Pizza had a table for people to get quick to-go pizza and Panama Hattie's had a small bar outside.

Commissioner George asked about additional permits the businesses may need to have the outdoor tables. Coordinator Conlon noted that the Commission had approved a special permit for that the year before. Building Official Law noted that an outside event would normally require a permit and it is a simple application. City Attorney Taylor commented that the permits help to notify the police, so they are aware of events. Building Official Law stated that the Commission could waive the \$50 permit fee if they so choose.

Mayor Samora opened public comment, being none, he moved to Item 6.

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)

Director Tredik stated that the City was ready to start construction on the 2nd Street extension and had opened bids on February 23. He stated that there was an extension funded by a non-ad

valorem assessment and a widening funded by impact fees and he had contractors bid those as separate elements. He showed the results of Bid 22-02 (Exhibit C-1) and noted that element A was the extension price and element B was for the widening, the alternates are for undergrounding power lines for each of those elements. He remarked that since the FPL designs were not completed, only one contractor bid on those alternates. He remarked that the City still intends to move forward with the undergrounding, but that is not being awarded tonight, just the base bids for the extension and widening. He stated that the bids were higher than expected and showed the cost estimate that was presented to the Commission in October (Exhibit C-2). He stated that even with the higher bids, the City is still within the range it set for the non-ad valorem assessment, just near the top. The assessment for each of the thirteen lots would be \$24,761 and the range maxed out at \$25,000. When the FPL design is complete, the City will try to negotiate the rate for the undergrounding with DB Civil Construction.

Vice Mayor Rumrell asked if there were clauses in the contract for deadlines. Director Tredik replied that there were liquidated damages, and it was the City's standard contract.

Mayor Samora asked where the money would come from for the undergrounding, since the assessment was maxed out. Director Tredik replied that he is recommending the full \$25,000 assessment for each lot and the rest would have to come from the City's general fund or impact fees.

Commissioner George asked what the City would be taking on with regard to utilities. That the City is acting as the contractor to widen and open the road, but would the City be responsible for bringing utilities even if they are not undergrounded. Director Tredik replied that the City is responsible for the cost of installing the underground conduit, if the power lines are not undergrounded, then FPL would install poles to run the lines. He stated that the extra cost is because the City is choosing to underground the lines.

Commissioner George asked if the cost was locked in or if the contractor would be able to charge for overages if material costs continue to increase. Director Tredik replied that this was a lump sum contract, and the contractor should have built in some cushion for occasions like that. There is the potential for change orders due to unforeseen circumstances, but in general the City would hold the contractor to the contracted amount.

Mayor Samora asked for public comment.

Attorney James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, FL, represents several owners on the unopened section of 2nd Street and they understand that the costs are higher and want to encourage the City to move forward. He clarified that the owners still have to pay for the utility connections from the road to their home.

Motion: To accept the bid from DB Civil Construction, LLC for a total price of \$579,850. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

7. Mizell Pond Stormwater Pumping Station: Approval of Easement for Florida Power and Light (Presenter: Bill Tredik, Public Works Director)

Director Tredik stated that the pump station that is under construction is about 55% complete and should be finished by the end of July. During the due diligence to connect power to the new pump station, FPL could not find an easement agreement from when the old pump station was connected and this is just trying to clean up those records.

Motion: To approve the easement to Florida Power and Light for electrical service to the stormwater pump station. **Moved by** Commissioner England, **Seconded by** Commissioner George. Motion passed unanimously.

8. Ocean Hammock Park Phase 2 Improvements: Request to Award Bid to Lowest Qualified Bidder (Presenter: Bill Tredik, Public Works Director)

Director Tredik stated that there was only one bid for this project, and it came in extremely high at \$672,430, roughly three times what he estimated when applying for the grant (Exhibit D). He commented that there was only one bid, and the lack of interest concerns him more than the high cost. He noted that per Florida Statutes, if the City receives less than two responsive bids, the City can negotiate. He has already reached out to the bidder to see if some aspects could be removed or modified to lower the costs. If those negotiations are not successful, the City may need to bid for the project again. He stated that some aspects of the project could be done in-house, such as the educational kiosk, the picnic areas, potentially some of the ADA beach access, and parts of the nature trail. It would impact the time Public Works staff has to complete other tasks in the spring and summer. He stated that there is about a year left on the grant so if he cannot negotiate successfully within the week, he would like to re-bid as soon as possible.

Commissioner Sweeny asked if Director Tredik could reach out to companies that usually bid for City projects and ask why they did not bid for this project. Director Tredik replied that there were 27 plan holders, and he could reach out to some of them. He noted that one company was concerned about FPL service to the site. He commented that some aspects could be separated out, like the restrooms, to potentially get more interest.

Vice Mayor Rumrell addressed County Commission Chair Henry Dean in the audience if there was something that the County's General Services or Parks and Recreation contractors could do to assist.

Henry Dean, County Commission Chair, jokingly quoted \$670,000, then said he would look into it and ask County staff.

Commissioner England asked about hiring temporary staff to help with some of the projects that Director Tredik mentioned. Director Tredik replied that they could do that, but he would be more inclined to use day labor to fill in with solid waste collection and have the more experienced staff working on Ocean Hammock Park.

Mayor Samora asked about the one year constraint on the grant, if the funds needed to be encumbered or spent. Director Tredik replied that they need to be spent before the end of the grant period.

Commissioner George asked about the status of permits. Director Tredik replied that all permits were in place, except the one for the connection from the parking lot to the beach walkway through a conservation easement and Gulfstream Design is working to secure that within the next few months.

Mayor Samora asked for public comment.

Louis Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, showed a photo highlighting the location of the Ocean Hammock Park walkway relative to Sea Colony subdivision (Exhibit E-1). He noted that the land for the walkway was a concession to the City from a condo developer who previously owned the land; showed on a second photo (Exhibit E-2) how close the walkway passed to a residence; recommended adding a new walkway from the overlook tower in the center of the park to the beach and decommission the current walkway; and stated that removing the current walkway could help restore the wetlands in that area.

Gregg Hammann, 648 Ocean Palm Way, St. Augustine Beach, FL, stated that the current walkway needed to be built at the time, but now there is the opportunity for a new walkway and the City would still be providing public beach access. He noted that there are a few pillars on the current

walkway that are starting to soften, and the handrails are getting rough, so it would also save the City on future maintenance costs.

Rick Barry, 460 Ocean Grove Circle, St. Augustine Beach, FL, stated that the encroachment issues, in theory, have increased as Sea Colony built northward and there have been law enforcement issues more serious than just noise abatement. He stated that it is an equity issue, the setback from Bermuda Run's southern border is fifty feet and the setback from Sea Colony's northern border is thirty feet.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, he clarified that today the Commission was dealing with Phase 2 of the improvements, not any future phases dealing with rerouting of the walkway. He noted that he encouraged the construction of the walkway for three years, from 2006 until it started construction, and it cost more than \$400,000; when the walkway was constructed in 2009, the house shown by Mr. Geanuleas was not there, it was just finished in the last few months; asked the City that when they consider any changes to the walkway, to make sure the current walkway exists until something else takes its place; and that if the City cuts items from the bid, then at minimum the City needs the restroom, the ADA parking for the restroom, and the ADA ramp, everything else is nice but not necessary at this time.

Director Tredik commented that Mr. Binder was correct, that at this time the City is not looking at the walkway, just the restrooms. He stated that the walkway was constructed with funding from FRDAP (Florida Recreation Development Assistance Program). The State typically requires facilities to be kept and maintained for thirty years and it is likely that the City would have to repay the \$200,000 if the walkway is removed. There is also the practical side of removal, they would have to back each piece out and the walkway was not designed to hold the heavy equipment needed.

Director Tredik confirmed that the house shown in Mr. Geanuleas' photo (Exhibit E-2) was a new construction, as Mr. Binder said, but he can appreciate that it is right next to the walkway. He showed the most recent design plan for Phase 3 (Exhibit F) and noted that the tie-in to the walkway was moved west, so that it wouldn't access the current walkway right next to the house, but by Ocean Palm Way.

Mayor Samora asked when the City would be looking at Phase 3. Director Tredik replied that he is working on the bid documents, and it would be ready to bid in a month to two months. He noted that the City would not be able to afford everything in Phase 3 at this time, so he will be proposing only the overlook and the path to it at that time. He noted that there may not even be enough money to do that much, after looking at the proposed costs for Phase 2. The City has a \$60,000 grant from the Coastal Partnership Initiative matched with \$60,000 from impact fees. Mayor Samora clarified that beach access would still be from the parking lot to the existing walkway.

Commissioner George asked about ADA accessibility of the beach access. Director Tredik stated that the walkway itself is currently compliant, but when Phase 2 is complete, the access from the parking lot would be ADA compliant as well. An ADA parking space will be installed next to the restrooms and from there ADA compliant pathways would be installed to the walkway and the picnic area. Currently, the east end of the walkway has ramp access to the sand, but accessing the beach itself would still require a large-wheeled beach wheelchair.

Mayor Samora commented that he thought the connection from the overlook to the existing walkway would be part of Phase 3, since traffic will likely go in that direction from the parking lot to the center of the park, then to the beach. Director Tredik referenced Exhibit F-1 and stated that Phase 2 is everything around the parking lot and Phase 3 is everything on the east side of the park. Phase 3 has been designed and permitted, and is ready for construction on whatever portions the

City can afford at this time. He stated that the walkway connection was originally supposed to follow a relic sand dune at grade, but that would connect right next to the new house so that has been shifted to the west, which would change the plans. The fence along the walkway could be reinforced for added privacy and security in that area, but that also would increase the cost. There are also environmental impacts to consider, which could mean the path switches from at grade to elevated walkway in places, all of which could increase the costs.

Director Tredik noted that all the planned items in Phase 2 are required by the grant, so those do have to be completed unless the City could get the grant conditions modified.

Mayor Samora asked about the buffer to the north side at Bermuda Run. Director Tredik replied that it would be 100 feet and about the same or more on the south side. He stated that the parcel is about 530 to 550 feet across, so the trails are easily 200 feet away from Sea Colony.

Commissioner George stated that they need to focus on getting the restrooms in to keep priorities in line and not jeopardize Phase 2.

Mayor Samora concurred and stated there were some good points brought up during the discussion for staff to consider for Phase 3, such as Mr. Binder's concern of removing the existing walkway before there is another connection to the beach in place. He summarized that as for Phase 2, staff's recommendation was to negotiate with the bidder, then would go out to re-bid if negotiations failed. Director Tredik concurred, then stated that he would see what could be done to reduce the cost of the building. Mayor Samora confirmed that staff would be back before the Commission in April with an update.

The Commission agreed with having Director Tredik move forward with the bid as discussed.

[Mr. Hammann provided a letter to the Commission prior to the meeting, which has been attached as Exhibit G]

9. Master Drainage Plan: Approval of Contract with Civil Engineering Consultant, Crawford, Murphy & Tilly, Inc., to do Update (Presenter: Bill Tredik, Public Works Director)

[This item was deleted from the agenda.]

XIII. NEW BUSINESS

XIV. STAFF COMMENTS

City Attorney Taylor reported that he has been working on several legal items for the City, but doesn't have any specific comments.

City Clerk Fitzgerald reported that a new employee has been hired in the City Manager's office to fill her old position. Melissa Keenan will start as an Administrative Assistant and possibly move into the Deputy City Clerk title. She has experience with local government in another state and some finance experience.

Finance Director Doulliez stated that they need to decide how to spend the ARPA funds. She has been taking comments from the Commission and staff on the topic, as well as watching what the County and St. Augustine are doing, but thought that perhaps it should be put out to the residents as a survey. She would like to present a proposal to the Commission in April and thinks it would be beneficial to get feedback from the residents.

Vice Mayor Rumrell asked if ARPA funds could be used for Ocean Hammock Park. Director Doulliez replied that there is a component that could apply as long as the existing grant is not Federal, Federal funds cannot match with other Federal funds. She stated that the Federal Government has put out a \$10 million threshold for lost revenue, which opens up the City's \$3.5

million for nearly any governmental use. She stated that new garbage trucks had been considered, but they didn't fit into any of the previously defined categories, but now they could. There are still some restrictions, but they are now looser.

Commissioner England asked if Director Douylliez intended to prioritize projects that are under severe time restraints and then some of the unusual capital projects to keep the City from going further into debt. Director Douylliez replied yes; that the City would not receive the Master Drainage Plan back by April, but there are some things could be discussed, like parking on A Street.

Vice Mayor Rumrell asked if the funds were capped at \$3.5 million. Director Douylliez confirmed that it was a fixed amount, and the City has received half so far.

Commissioner George commented that she likes the idea of a survey and is sure that residents would like to see a reduction in their taxes. Director Douylliez stated that reducing taxes is one use that is still restricted. Cities cannot use ARPA funds to reduce taxes, put in reserves, or pay off debt. She will be strict on enforcing the use and reporting of these funds since she does not want to be cited for a violation in a few years and have to pay back money the City does not have to spare.

Commissioner England advised to be careful how the survey is phrased since residents will not necessarily have full knowledge of the restrictions and the projects that are under time constraints. Director Douylliez stated that, for example, residents asked the City of St. Augustine last week questions like "why they didn't have any electric vehicles" and "why they need three new garbage trucks", but St. Augustine analyses the cost-benefit of electric vehicles each budget year and makes a judgement call, so the idea wasn't dismissed without cause, but residents aren't necessarily aware of those discussions. The City may receive some of the same ideas that have already been discussed, like beach walkovers. The goal is not to create a project that will be an ongoing expense, but a one-time capital expenditure. Commissioner Sweeny asked that that be specified in the survey language. Director Douylliez noted that there was a recent survey from St. Johns County that was very streamlined, it presented options that could then be checked. She suggested the City could do something similar with maybe an open-ended question at the end.

Commissioner George commented that it would be a good idea to get an idea of the dollar amounts on the priority projects to know how much to allocate after the critical projects are done and if there, was something that could save or make money down the line, like the solar farm that former-Commissioner Brud Helhoski had proposed on Mizell Road. Director Douylliez noted that there is now the restoration of the old city hall and that could potentially become a revenue generating facility.

Mayor Samora asked who would create the survey and what the timeline was. Director Douylliez replied that Coordinator Conlon would assist her, and they would like to post it as soon as possible. Commissioner George asked if a draft could be made available for the meeting on March 14th. Director Douylliez stated that something could be put together by then.

Director Douylliez also reported that the audit was still in progress.

Commander Harrell reported that they had just hired a new officer, so they are at full staff.

Commissioner George asked about the RV that was parked on 16th Street. Commander Harrell stated that it had been taken care of and a watch order has been issued. He noted that it is important for them to be notified, that even though they drive by they may not know someone is sleeping in it.

Public Works Director Tredik stated that all the projects that are in process or being planned will eventually tax the department's ability to manage them and he would like to start thinking about how to address the project management aspect.

Commissioner England stated that she was thinking the same thing and that the Public Works Department would need some help. She encouraged him to think about the manner of assistance, whether it be a temporary consultant or contracted. Finance Director Douylliez noted that staffing could be covered under ARPA, but would have to be clear on the billing side.

Director Tredik stated that Public Works is still struggling with retention and salaries, especially at the starting level, and other similar jobs usually have higher pay. He noted that they lost an employee recently for that very reason and will continue to lose employees as other places continue to increase their salaries. Finance Director Douylliez stated that she is also putting together data on the subject; that the City needs to be at \$15 an hour by 2026, but they may want to move that up; some funds for that could be taken from ARPA. If the City maintains its current path of about 3% increase per year, it would meet the 2026 goal, but it would be difficult to continue to attract and retain employees. She noted that there have been some articles from the Federal administration encouraging local governments to use ARPA funds to shore up and retain staff.

Vice Mayor Rumrell suggested that costs for a consultant or manager could be included in any future funding requests to the State.

Building Official Law agreed with the statements on salaries and staffing and suggested possibly using ARPA to address full inflation. He reported that Embassy Suites has been issued a TCO (Temporary Certificate of Occupancy) and is at full occupancy; that Oceans 13 is finally open after a three year project; and that Jack's Brewery is nearly open, they are just waiting on some final inspections.

City Manager Royle reported that he received a notice before this meeting that the County would start resurfacing 16th Street tomorrow.

Mayor Samora reminded all present that there would be a continuation meeting on March 14 at 6:00 p.m., a Planning and Zoning Board meeting in the 15th at 6:00 p.m., and a workshop on the old city hall on March 23rd at 6:00 p.m.

XV. ADJOURNMENT

Mayor asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 9:02 p.m.

Donald Samora, Mayor

ATTEST:

Dariana Fitzgerald, City Clerk



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, MARCH 14, 2022, AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Vice Mayor Rumrell asked Commissioner England to lead the Pledge of Allegiance.

III. ROLL CALL

Present: Vice Mayor Dylan Rumrell, and Commissioners Margaret England, Undine C. George, and Beth Sweeny.

Mayor Samora was absent.

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. TOPICS

1. Public Hearing to Discuss Court Directive Concerning Driveway from Versaggi Drive for Alvin's Island Business (Presenter: Lex Taylor, City Attorney)

City Attorney Taylor introduced the item and reminded the Commission that this was a de novo review, so the application from December 2020 should be treated as if it was new and had not been previously approved.

City Attorney Taylor asked the Commission if there has been any ex parte communication on this item. There was none.

City Clerk Fitzgerald swore in Attorney Seth Corneal, Margaret O'Connell, James Collie, Steve Edmonds, and Public Works Director Tredik.

City Attorney Taylor provided background on this rehearing: that Alvin's Island requested additional ingress and egress from Versaggi Drive in 2015 and that was denied by the Commission; the owners appealed to the courts, which was remanded back to the City for review; the City denied the remanded appeal on March 1, 2016 and the owners filed a lawsuit; in February 2017, the City and Alvin's Island came to a settlement agreement which was approved on April 3, 2017; part of that agreement stated that Alvin's Island could apply for an additional curb cut in 2020, which they applied for and Public Works Director Tredik requested that a proposed ingress point also be an egress point; the amended request was presented in early 2020 and approved in December 2020; it was appealed by residents and the judge ruled that the current Commission needed to give a de novo review to the request.

City Attorney Taylor stated that the judge provided the following instructions from the clarifying order: that it be clear that the City Commission is not bound by the settlement agreement with Edmonds Family Partnership, LLLP; that the hearing must take place no later than the March regular meeting; and that the court is not mandating the facts of law that the City is considering in the 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 own review and consideration of the application.

City Attorney Taylor asked for the staff presentation by Public Works Director Tredik.

Director Tredik showed the design sketches for access from Versaggi Drive to Alvin's Island and summarized the safety concerns he had written about in his November 23, 2020, memo, which had been presented at the December 7, 2020, Commission meeting (pages 70-76 of the Agenda Book). He showed the approved plan (Exhibit A), which, in addition to signage, was angled slightly with a small lane divider to encourage drivers to only turn right when exiting. He stated that he feels this is the safest configuration for this driveway and that residents are likely seeing a decrease in vehicles turning around in the Versaggi neighborhoods. He noted that the sidewalk was brought out to the curb so that pedestrians would be more visible, and the stop bar was brought out as far as possible to allow a better line-of-sight for exiting vehicles, having those vehicles further out also causes entering vehicles to slow down more to make the turn safely.

Vice Mayor Rumrell asked if there were any questions for Director Tredik, being none, he asked if Police Chief Carswell had any comments.

Chief Carswell reported that they did a CAD (Computer Aided Dispatch) search for incidents from 2019 to the present and there was a total of 78 stops at that intersection. He stated that about 90-95% were officer generated and there was nothing traffic or crash related.

Vice Mayor Rumrell asked the applicant for his presentation.

Steve Edmonds, 12412 San Jose Boulevard, Jacksonville, FL, Edmonds Family Partnership, LLLP, stated that he was informed of the hearing on the driveway by City Manager Royle on the morning of March 8 and that was the first he heard of an appeal. He commented that he has received many emails from the residents of the Versaggi neighborhoods, including Ms. O'Connell, and kept in contact with them throughout the development process and as far as he was aware they were happy with what was approved.

Commissioner England confirmed that Mr. Edmonds' application includes both ingress and ingress.

City Attorney Taylor noted that it was not Mr. Edmonds fault that he did not receive notice and advised the Commission not to hold that against him when making their decision.

Vice Mayor Rumrell asked the opposition for their presentation.

Attorney Seth Corneal, 773 Ocean Palm Way, representing Ms. Meg O'Connell, remarked that the appeal was for the decision made by the City Commission, which is why Mr. Edmonds was not a party to the suit. He stated that the appeal was successful because the Commission was improperly instructed regarding the settlement agreement between the City and Edmonds Family Partnership, LLLP. He asserted that the Commission is charged with reviewing the application, taking recommendations of staff, and applying the appropriate code. He noted that there were petitions and complaints from the residents of Linda Mar subdivision on the record and asked that the Commission consider those as well. He stated that under the current Comprehensive Plan there were certain Land Development Regulations (LDRs) that the City must follow, and the Commission must make sure that commercial growth does not get out of hand. He cautioned that it is getting out of hand and a residential street is being used for commercial uses. He understands

that Mr. Edmonds wants to make the best use of his properties, but claimed that incorporating driveways to the north and south of Versaggi Drive would be essentially annexing a residential street as part of his development.

Attorney Corneal read Section 6.02.06.A.2 of the City's LDRs (Exhibit B-1). He stated that to the best of his knowledge, SR-A1A would be an arterial road and that currently the property already has the two access points allowed, one to SR-A1A and the other to A1A Beach Boulevard. He presented that this application is asking for a third access point beyond what the LDRs allow and that should not be to a residential street. He then read LDR 6.02.02.B (Exhibit B-2). He indicated that Director Tredik stated the proposed driveways would be the least impactful option, not that there would be no impact or no greater traffic. He suggested that the safest outcome for the residents would be to not allow the driveway. He noted that the section references ADT (average daily traffic), but does not see where the traffic and its impact have been studied, only statements asserting what driving behavior would be safer, which he contends is not evidence of the impact of non-residential use on Versaggi Drive. He recommended that the application should be denied and that it has been continually denied since the 1990s and that should not be forgotten by the Commission. If they do not deny the application, he requests that the City conduct a traffic study in order to provide an educated decision.

Vice Mayor Rumrell asked for any questions from the Commission.

Commissioner George asked Building Official Law for his interpretation of LDR 6.02.06.A and its relevance on this application. Building Official Law replied that he would consider the northern driveway to A1A Beach Boulevard an egress, not an access point, which would mean the site only has one access point from SR-A1A. He clarified that roads do not have zoning and stated that Versaggi Drive could be classified as a collector road since both Linda Mar and Overby-Gargan subdivisions make use of the road. Commissioner George asked whether LDR 6.02.06.C would apply in this situation. Building Official Law stated that he did not believe it would since this application is not part of a final development order and he is not aware of any natural features that would block access. Commissioner George noted that the merger for SR-A1A and A1A Beach Boulevard in that area was unusual and asked if there were any other sections of the Code that may guide this decision. Building Official Law advised that he is not aware of any and provided the disclaimer that his department handles private property, not public.

Commissioner England asked about the language used in LDR 6.02.06D, that "access to nonresidential uses shall not be *through* [emphasis added] an area designed, approved, or developed for residential use" and whether a driveway on Versaggi Drive would be considered as going through a residential area. Building Official Law stated that the driveway would not be going through the residential area since the commercial area is in the front.

Vice Mayor Rumrell commented that the ADT for a residential street says 500 trips and a collector street is 3,000 trips and that Versaggi Drive is 28 feet wide, which would fit under the 30 foot collector classification rather than the residential street width of 22 feet wide. He stated that he feels that some sections of the Code seem contradictory. City Attorney Taylor asked Building Official Law to clarify his statement on Versaggi Drive being a collector road. Building Official Law stated that collector roads are designed to collect traffic from residential or other streets and deposit it onto arterial roads or highways and on Versaggi Drive there are subdivisions collecting from either side of the road. He again disclaimed that he is not a civil engineer and is simply offering his interpretation of the Code. Director Tredik agreed that the section of Versaggi Drive from Linda Mar Drive/Versaggi Place to SR-A1A seems to have trip counts more consistent with a collector road.

Vice Mayor Rumrell opened public comment.

Amanda Rodriguez was sworn in by the City Clerk.

Amanda Rodriguez, 32 Versaggi Drive, St. Augustine Beach, FL, provided screenshot images showing the traffic in the area of Versaggi Drive from a traffic monitoring website (Exhibit C) and disagreed with the classification of Versaggi Drive as a collector road. She stated that Director Tredik may have had the intention to give drivers more distance to safely make a U-turn at the traffic light, but instead they are making an illegal left turn from Versaggi Drive onto SR-A1A which she has personally witnessed, including one employee of Alvin's Island who does so regularly. She also stated that drivers were swiping left into Alvin's Island at high speeds when there are no exiting cars, which Director Tredik stated that he was trying to prevent with the final configuration, and drivers are also going straight across Versaggi Drive between Alvin's Island and the Verizon store. She stated that the contractors are cutting concrete until 9:00 p.m. at night in a residential neighborhood. She acknowledged that the traffic going into the residential neighborhood has been reduced and she understood having the ingress, but asserted that the exit adds too much traffic at that intersection. She suggested adding a crossbar that would not allow traffic to exit from an ingress point. She stated that they wanted data driven decisions. She indicated that the letter sent to the neighborhood to invite them to a community meeting in 2020 (Exhibit D) was phrased in a way that made many residents believe that the driveway was already approved, so they did not come to state their opinion.

Commissioner George clarified that Ms. Rodriguez could understand having an ingress point there, but not the egress.

Commissioner England asked Chief Carswell if he was aware of accidents caused by cars making illegal left turns across SR-A1A. Chief Carswell replied that nothing in his research suggests any accidents there or calls about left turns, but he does not dispute that it could be happening.

Commissioner England asked Director Tredik for his response. Director Tredik stated that if someone is determined enough, then they could do it and it is difficult to stop someone from breaking the law if they are committed to doing so. He noted that there are signs, and it is clearly not intended for left turns, but he could speak with FDOT to see if there is something more that could be done, like extending the median, but it would ultimately be their decision. He stated that he is not prepared to discuss the possible changes in detail, because you would need to allow the left turn in from the southbound traffic and that computer design would need to be done. Commissioner England asked if there were signs indicating "no entry". Director Tredik stated that he was not sure, but it could be added.

Commissioner Sweeny stated that Ms. Rodriguez also spoke about a raised divider. She stated that she was unclear whether that raised divider was at the intersection, or the ingress/egress and she asked Director Tredik for his response. Director Tredik stated that he believed Ms. Rodriguez was talking about the area where the vehicles come out and that it is painted, not raised. He advised that it could be raised, but it would be small and would probably be run over which could cause potential vehicle safety issues. He stated that he did not know if it would be the right thing to do in this instance.

Meg O'Connell, 10 Versaggi Drive, St. Augustine Beach, FL, read speech (Exhibit E).

James Collie, 10 Versaggi Drive, St. Augustine Beach, FL, stated that at the December 2020 meeting the residents came to argue against the application from Mr. Edmonds and that City Attorney Taylor informed the Commission to go along with it because the previous work was not up to par. He stated that the neighbors thought they could argue not whether it should be approved but whether they are safe, and that the neighborhood meeting notice stated that the application had already been approved, which was not true, and they never had a chance to argue against it. He stated that yesterday he drove into Versaggi Drive and a truck was exiting Verizon

and pulled right in front of him. Instead of exiting Versaggi Drive, the truck turned right and entered into Alvin's Island. These things happen all the time and the residents do not call the police when there is not an accident to report so the lack of a phone call is not evidence of anything.

City Attorney Taylor asked if there was any further evidence or expert testimony to add before closing arguments. Attorney Corneal suggested to include any evidence from the appeals process from the December 7th hearing and anything exchanged between us as parties to that lawsuit should be included. City Attorney Taylor advised that everything that Attorney Corneal emailed him today would also be included in the record.

Vice Mayor Rumrell asked if there were any further questions for staff. Commissioner Sweeny asked if there were examples of a similar road structure with a residential access road running through a commercial area, such as the businesses along A1A Beach Boulevard that have access points from residential roads. Director Tredik stated that there are other places with similar situations such as the Walgreen's, but that every site is unique with certain needs for access. He stated that he agreed with Building Official Law that the egress to A1A Beach Boulevard does not allow anyone to come in and is kind of redundant because of the other egress to SR-A1A allows for that turn to the Boulevard. He stated that if it were a new plan submitted today with that egress driveway to A1A Beach Boulevard, he would not be comfortable approving it. Commissioner England gave an example of the new Oceans 13 building which is a mixed-use building with access from the side streets. Director Tredik advised that most of the numbered streets have commercial driveways on a path to residential streets.

Building Official Law states that on the west side of A1A Beach Boulevard 300-feet is commercial, and that Beachside Diner (451 A1A Beach Boulevard) has an access point off a street that leads to a residential sector. Director Tredik noted that Sunset Grille did also. Commissioner Sweeny stated that Cone Heads Ice Cream also has its parking access from a residential street. Commissioner George stated so does Obi's, Kookaburra, Taco Shop, and the Sunshine Shop, etc. City Manager Royle stated that the Marriott Hotel has an entrance off of 7th Street. Building Official Law stated that A Street has Mango Mango's, the Surf Shop, and the veterinary office.

Commissioner George asked Building Official Law for his comments about Versaggi Drive being a collector road and whether there are multiple developments there. Building Official Law stated that one of the developments is Overby-Gargan and the other is Linda Mar. Commissioner George advised that she wanted to make that clear to the speaker because the neighborhood kind of considers themselves as one. Building Official Law advised that it is the legal description. Commissioner George asked if that was the appropriate definition under the Code. Building Official Law stated that if there are two different plats, then they were built at different times, and that he believes that Overby-Gargan was unplatted from old government lots. He asked, since there are two individual plats, would that lead you to believe that there are two developments, he would say so, but he is not a civil engineer. Commissioner George asked Director Tredik for his comments. Director Tredik advised that he does not know the history of the subdivision but if there are multiple subdivisions leading to one roadway and it exceeds the trip count then it would meet the requirements of being a collector road. He stated that it is a unique situation because it was built over time and that it was not built like a collector, but it has the right-of-way with the 66-feet which is consistent with a collector road; that the road has driveways up and down it and it serves both; that it collects the whole area and funnels it out to Versaggi Drive and SR-A1A; and that the western most section could be in the collector classification in his opinion.

Commissioner England advised that meeting that collector road classification is not essential to approving the driveway and that there is nothing else in the code that would prohibit the driveway especially referencing Section 6.02.06.D. and the residential streets that have driveway cuts into

commercial properties. Building Official Law stated that he agrees and that Section 6.02.06.A talks about not having more than one on an arterial access point, which they do not have; Section C is about designs, which give the City leeway to challenge design issues; and Section D is about access to residential lots, which this is not in the residential sector. Commissioner England thanked Building Official Law for walking the Commissioners through the applicable Code provisions and prohibitions.

Commissioner George asked City Attorney Taylor to address the burdens of proof. City Attorney Taylor stated that the initial burden of proof is on Mr. Edmonds since he is requesting the permit. He stated that staff has provided several examples of residential streets that were provided with extra ingress and egress and that if the permit is denied, then the City would have to produce specific finding of fact that would determine why it would not be granted in this situation, which could lead to an appeal. He stated that a finding of fact would be needed to approve it as well. He stated that the burden for the opposition is that they need to persuade the Commission that it is reasonable to deny it. Commissioner George asked if the burden of proof be a requirement that there be a traffic study submitted. City Attorney Taylor advised that the instruction from the judge was that he was not going to order the City to do a traffic study, his instruction was that the City follow its own rules in the practice of approving these without traffic studies; that traffic studies are costly and take time from staff. He stated that it is not required but that the ADT should be incorporated with the City's expert and the expert that Mr. Edmonds hired for Alvin's. He stated that there is no evidence from the other side that says that it conflicts, other than the evidence they provided of some congestion from the traffic maps which is relevant and should be looked at. Commissioner George asked if the traffic maps were recent or prior to the new design being installed for comparison. Director Tredik advised that they were dated from January through March of 2022.

Ms. O'Connell stated that the neighbors were concerned about the amount of traffic and that there was resistance from the Commission to do a traffic study, so the neighbors found other means to do their own traffic study by using St. Johns County's real-time traffic maps. She stated that there is a lot of traffic on the street which is depicted in orange. She stated that Ocean Trace subdivision with the Walgreen's is often compared to Versaggi Drive, but that it has a traffic light and Versaggi does not. Many of the images show more traffic on Versaggi Drive than Ocean Trace so does that warrant a traffic light for Versaggi Drive to make it safer or does the neighborhood have to live with the amount of traffic. She stated that this is the second fastest growing county in the state of Florida and the ninth in the country and that the decisions made by this Commission today should be sustainable and are going to impact the residents. As Mr. Edmonds continues to build his properties, she wants to make it is safe for the neighborhood.

Commissioner England stated that she respects the traffic studies, and she understands the growth in that area which means traffic will increase. She stated that the driveway cuts would not change the traffic on that street because it will continue to be used to reach the neighborhood and the businesses. Ms. O'Connell stated that the traffic will increase because now there are both an ingress and egress from Alvin's and that the original application in December of 2020 was for an ingress only. She stated that 90% of the residents were fine with the ingress because it would stop people from coming into the neighborhood. She stated that at least three times she has seen people leaving Alvin's and crossing over Versaggi Drive to go to Verizon. She stated that when those new shops open, people will probably use Versaggi Drive to cut through Verizon to get to those shops, which is not safe.

Director Tredik advised that the County maps may be helpful to identify areas that get congested, they do not give the data needed as guidance to make a decision since he does not know how the data is generated or how accurate it is. He stated that the maps showed congestion on Linda Mar,

and he did not understand why it would show anything except green. He stated that it is a useful tool, but he advised caution using it to make a decision. Vice Mayor Rumrell stated that he looked at the maps and Linda Mar Drive was red or yellow in every picture. He stated that Versaggi Drive was only congested at that corner and if it is accurate, that must mean that people are coming from Linda Mar Drive and making a left turn onto Versaggi Drive. Ms. O'Connell stated that there has been construction on Linda Mar, which had cause congestion.

Commissioner Sweeny stated asked if there would be additional ingress or egress to the newly constructed shops south of Verizon or if there was something that could be done to address it so that people do not cross Versaggi Drive to get to those shops. Director Tredik advised that he did not know of any plans to change the driveway on the south side, that it would remain a right turn in only, but that people could occasionally get creative and go around obstacles. Commissioner Sweeny asked if there was additional ingress or egress on the other side of the Verizon building or does it egress onto SR-A1A. Director Tredik stated yes, he does not have a map, but that is his recollection. Building Official Law stated that the development order was issued by the Commission pre-Covid and that staff did ask that they widen the egress to soften the turn and that the design engineers of Matthews Design Group did agree to it and that FDOT was consulted in 2019. Commissioner Sweeny asked if most patrons would use that ingress/egress rather than use the Verizon store as access. Building Official Law stated he could not determine what people might do when driving. He stated that as part of this development, he would have reached out to St. Johns County and every agency possible. He stated that that is what he recalls about the development order and that Mr. Edmonds may know more about it.

Commissioner England asked who the Commission would consult if it wanted to do further research concerning people crossing over Versaggi Drive between Alvin's and Verizon. Building Official Law advised that it is a State highway and that FDOT would have to approve anything such as a red light. Commissioner England stated that a red light would be highly unlikely because there is a red light a few hundred feet away. Building Official Law advised that it was out of his comfort level and that FDOT would have to be contacted to modify a State highway. Commissioner England asked for Director Tredik's comments. Director Tredik stated that it is a difficult movement to make, but not impossible and that a person would be violating the law to do it. He stated that he would have to investigate if there are any other modifications that could be done to make it more challenging but that it is a possibility.

Vice Mayor Rumrell asked if there were any further questions for staff. Being none, City Attorney Taylor asked if Mr. Edmonds had anything further to add or if staff did okay. Mr. Edmonds did not have anything further to add.

Vice Mayor Rumrell moved on to the rebuttal by the opposing party.

Attorney Seth Corneal, 773 Ocean Palm Way, representing Ms. Meg O'Connell, stated that he had a few points of clarification that he wanted to make; that part of the appeal is this very issue of comparing this intersection with others up and down SR-A1A and A1A Beach Boulevard; that in December of 2020 when the Commission originally decided this application there was a comparison made to the Ocean Trace intersection and that everyone was getting upset because it is a completely different animal because they have an intersection, a light, a gated community, and the driveway are not directly parallel with no way to go into one and another; that there is also an island separating it close to the gate by Island Prep; that the comparison to the streets on the Boulevard, those are all side streets that have other means to get out of their neighborhoods. Most of those streets intersect with other streets, which is not the case with Versaggi Drive. He stated that if Versaggi Drive were to collapse, that people would have to go to the beach to get out. He stated that he appreciates and respects the comparisons to try to make this work, but there is not much comparison that can be made with other intersections. He stated that he is not

trying to cost the City money or to be a pain, he really believes that if the Commission is trying to make an informed decision, to look at a traffic study. It has to be determined that this is not impacting Versaggi Drive in a way that the residents would not be able to enjoy their residential street anymore. He stated that he would like to respond to two other issues; that he has argued vehemently against the settlement agreement but only to the extent that we believed it curtailed the Commission's discretion to deny the application, and we were successful at that, the Commission has absolute discretion to grant or deny the application. He stated that the settlement (Exhibit F) also reads in Section 3.b: "that the North Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only to allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive." He stated that the settlement agreement prohibits you from making this an ingress and egress because it specifies only an ingress. He stated that he is not a Civil Engineer, and that Mr. Law has greater credentials for making an analysis of your curb sections and LDRs, but that he looked at the regulations regarding residential streets and collection roads and that he noticed 6.02.02.B, and that the last sentence says that each residential street shall be classified and designed for its entire length to meet the minimum standard. He stated that he interprets that to state that this is a residential street from beginning to end or it's not, and that classifying the one end as a collector road and the other as not is a worthy interpretation. He stated that according to the Code, the standard speed limit for a collector road is 30 miles per hour, but Versaggi Drive is 25 miles per hour. He stated that this bares greater scrutiny, more evidence, and review for the safety of your residents and that is all we ask.

Commissioner George asked Attorney Corneal if he believed, and if so to point out in the Code, anything that requires the applicant to provide a traffic study. Attorney Corneal stated no, he did not know if the Code specifically talks about a traffic study at all; it talks about any decision for non-residential use crossing a residential use, which he believes is what we have here, requires that the Commission determine the impact on the residential property. He stated that he is not a traffic expert, and he does not read into it that it specifically asks for a traffic study. He stated that if you cannot, with empirical data, determine what the ADT is and how it has been impacted by this use, that he does not know how the Commission would make a decision. He advised that he thinks they need a traffic study and that is his interpretation.

Commissioner England stated that as an opposing party for this de novo hearing she has heard conflicting evidence whether they are opposing the exit or the driveway completely and asked for clarification. Attorney Corneal replied that he is doing both and that he is opposing the application entirely. He stated that they believe that the driveway should be closed off and not used at all. It could be chained off or torn up, but that if the alternative is to grant it, then a traffic study should be done first. If the traffic study says that it is ok, then it should only be granted to the extent that there is ingress. Commissioner England advised that since this is a de novo hearing that the Commission is considering all the evidence and what the parties are requesting and since the driveways are already there, that they are not going to be considered.

City Attorney Taylor stated for the record that all the Commissioners have had a chance to look at all the traffic map printouts that were provided by Ms. Rodriguez (Exhibit C).

Vice Mayor Rumrell moved on to rebuttal by the applicant and he asked Mr. Edmonds if he had anything to add for the record.

Steve Edmonds, 12412 San Jose Boulevard, Jacksonville, FL, stated that he remembered Commissioner George and Commissioner England back from when all this started and that traffic studies were done several years ago for the initial application for the driveways. Commissioner

England stated that those traffic studies were completed before the Commission considered the exit. Mr. Edmonds stated yes.

Commissioner Sweeny asked City Attorney Taylor to speak about the agreement and what Attorney Corneal had mentioned about it prohibiting the egress. City Attorney Taylor stated that the judge specifically stated that the agreement is not binding on this Commission, so he would interpret that to be the entirety of it, they are making an argument that it was only talking about certain portions. He stated that his advice as legal council is that it could go either way and that the Commission should use common sense on those things, he cannot predict what a judge might say or do. He stated that there is a tenet that the residents were not a party to the settlement agreement and a current Board cannot bind a future Board. We are now looking at a de novo decision, the legal principal is that they cannot create a settlement agreement that binds you from a de novo decision in the future. He advised that that would be the direction that he would go, although he would definitely put out there that if they were to appeal again that they might make arguments to the contrary.

Vice Mayor Rumrell asked for any further discussion from the Commission, staff, or legal counsel. Being none, he asked City Clerk Fitzgerald to make sure that all evidence is placed into the record. City Clerk Fitzgerald advised that she had all the documents that Attorney Corneal discussed, along with others from emails that were not directly referenced in this meeting; the letter and the traffic study maps from Ms. Rodriguez; and the information Director Tredik presented. Director Tredik advised that the other information that he presented was included in the package. City Clerk Fitzgerald advised that she had just been handed a document from Ms. O'Connell, which was read as a public comment earlier. She stated that she has everything in hand from what was discussed tonight to add to the record.

Commissioner England advised that she has concerns about the exit and would like to further discuss with staff and the City Manager as to why not get a traffic study on the exit. Director Tredik advised that a traffic study could be done and that someone would need to hire a traffic engineer to do it. He stated that they would do trips counts at all the approaches, intersections, surrounding intersections, and make recommendations for the best configuration. He advised that these are normally done in large developments ahead of time to see if certain improvements are needed; that in this case the traffic study was done years ago and the building itself was not changing, it was just an access issue. Commissioner England stated that the exit seems to be a point of controversy on safety issues and what can be done to improve safety in that area. Director Tredik stated that if the Commission decides that a traffic study needs to be done, that he would recommend that it be expansive enough to capture the U-turn movements on SR-A1A to understand where people are going after they leave the site and to get a feel for where people are going. Commissioner England stated that it is a State road and would need to involve FDOT. Director Tredik stated that the State would have to set up counters. Commissioner England asked if North Florida Transportation Planning Organization (TPO) would help. Director Tredik advised that he did not have an answer for that. Commissioner England stated that it could be a condition. Director Tredik advised that the City could look into it and look into St. Johns County. He stated that if you are looking for a defensible study that he would recommend a licensed traffic engineer and not borrow one from somewhere else.

Commissioner Sweeny asked how long a traffic study normally takes. Director Tredik stated in a normal environment it would probably take a couple of months, but now it could be double that. He stated that it does not take long to actually do the study but that it could take long to get it in someone's work queue and that he could not know for sure until he reaches out.

Vice Mayor Rumrell asked for any further questions. Being none, he closed the Public Hearing and asked for a motion to either approve or deny the application.

Commissioner England asked if they could discuss the findings of fact first. City Attorney Taylor advised that the Commission is allowed to discuss all the evidence, formulate findings of fact, and then make a motion.

Commissioner England stated that the finding of fact that she would like to put on record is that this is a de novo quasi-judicial proceeding and that the Commission is considering the application of the applicant from January 2020 as amended. She stated that it may take some discussion, but another finding of fact is that there is no prohibition in the Code for the driveway cut or ingress and egress for the applicant based on the evidence presented and discussion of the Code.

Commissioner George advised that she appreciated the findings of fact and what she captured from all of this is that the Commission still has some Code to clean up. She stated that she appreciates the need for evidence-based decisions, and it troubles her greatly that there was a statement made that a notice went out to the community that had incorrect information and she asked to have that letter circulated to the Commissioners, separate from this hearing, so that it can be looked into it and ensure that staff has the appropriate oversight to prevent that from ever happening again. She acknowledged that it is a difficult situation; there is evidence and testimony from Director Tredik that there is a safety issue on State Road A1A complicated by the current ingress/egress and that ingress/egress on the north side of Versaggi alleviates that safety hazard and there is some testimony from the residents that indicates the additional egress onto Versaggi decreased the safety for them.

Commissioner England stated that there are arguments both ways whether the settlement agreement has precedence at this hearing and that the settlement agreement would prohibit the egress off Versaggi from the north side. Based on what the City Attorney has stated is that the Commission could consider that, we are not bound by a prohibition on egress, and she offered that as a statement of fact. She stated that they are still back to that egress.

Commissioner Sweeny advised that she would echo her fellow Commissioners' comments in that this is a tough decision, and she hears the concerns of the residents and wants to be cognizant of the safety issues surrounding that. She stated that she also looked at the Code and she believes that the applicant has met the Code. She asked if the Commission is bound to approve the application in its entirety for both the ingress and egress or could they approve the ingress with the stipulation to conduct a traffic study and come back for the egress. City Attorney Taylor advised that this is a de novo review, and the Commission is bound by the initial application, but after that, any part could be changed unless it is deemed illegal. He stated that the Commission has open discretion to change or add extra qualifications.

Commissioner George asked if the Commission could require that the applicant provide a new traffic study with the scope that Director Tredik spoke about earlier, or since there is no current requirement in the Code would it be considered as requiring more of this applicant than others. City Attorney Taylor stated that it is a good question and that the judge would have to decide that down the road. He stated that he could not give precise advice on how that would come down because the argument was framed pretty well. He stated that there were some traffic studies done a long time ago and they may not be applicable any longer. The City Code does not have a requirement for them, and the Commission wants detail, data driven decisions. He stated where to put that expense is a legislative thought as well as a judicial thought, whether the applicant should bear those costs or if it is fair for this particular applicant is why this is quasi-judicial. The Commission is sitting in more than one function, as legislative for what is fair and as judicial for what is fair for this instance.

Commissioner England stated that the City's responsibility is to make sure that what is approved is safe as opposed to relying on the applicant telling us it is safe, especially with the egress to make

sure that things are done to improve compliance with safety, etc. City Attorney Taylor advised that the Commission received a lot of testimony today from a lot of different people such as Director Tredik with his expert/educated opinion, the residents, etc. and that all should be taken in total to make the decision today. He cannot tell the Commission what the stronger piece of evidence is.

Commissioner England made a motion to approve the application for the driveway cut off Versaggi Drive to Alvin's Island for ingress and egress subject to the City getting a second opinion on how to make traffic safer in relation to violations of street signs and the egress off of Versaggi Drive.

City Attorney Taylor advised to have discussion with staff to make sure that can be done.

Director Tredik stated that he is concerned that that would be approved subject to an unknown. He could research methods to make the intersection safer, but he doesn't know what they could be, cost, etc. Commissioner England suggested making the motion for approval *and* getting a second opinion instead of *subject to* a second opinion. Director Tredik stated that the City could make every attempt to make the area safer, but doesn't know what the outcome would be.

City Attorney Taylor asked for clarification that the motion would be to approve the application and then to direct staff to provide recommendations to improve the intersection. Director Tredik stated that he could do that and that would be a City capital improvement project. Commissioner England stated that she wants to do everything possible to increase safety for vehicles, bicyclists, and pedestrians and to reduce the number of violations of the street signs.

Commissioner George stated that one of the possibilities discussed was a raised divider in the driveway on the north parcel and asked if the property owner would need to consent to having that installed. Director Tredik replied that to his knowledge that would be in the right-of-way and the City would not be changing the access, just the design features.

Director Tredik cautioned that the danger with doing a study after approval is that it could come back with a recommendation that goes against what had been already approved. That is a low probability risk, but possible.

Commissioner Sweeny asked if the scope of the study could take the approval into account, to address solutions other than changing the ingress/egress. Director Tredik replied that he would recommend an unbiased study without preconditions, otherwise they would be tainting the outcome.

Commissioner George offered to second Commissioner England's motion. She asked Commissioner England if she had any suggestions for possible enhancements. Commissioner England stated that it would be based on what has been brought up on the record from today.

Vice Mayor Rumrell asked what would happen if the study recommended ingress only. Director Tredik replied that the City would be responsible for making that change, but he cannot predict Mr. Edmond's response in that situation.

City Attorney Taylor stated that his interpretation is that if the application is approved, the agency conducting a study would include the changes made today and be charged with finding solutions that would be legal for the City to do knowing that the driveway access had been granted. He stated that the Commission could table this item until after a study is completed or it could approve the application, then see what improvements could be made, knowing that the study could be contrary to what is approved. Commissioner George asked if there was a risk of setting a precedent by tabling it to have a study done. City Attorney Taylor replied that it could potentially, that residents could push for studies to be done every time someone asks for an

access change since every intersection is different and it would be harder to tell someone “no” after someone else has been told “yes”.

Director Tredik stated that a study would set up trip counters in the area and count the number of vehicles in the current configuration and if changes are made, those configurations would need to be adjusted. He thinks it is highly unlikely that a traffic engineer would say that the driveway is not necessary. It would be based on how vehicles get to and from the site, not on volume.

Vice Mayor Rumrell asked if they would look at what is in the intersection currently. Director Tredik replied that they could go farther down Versaggi Drive or SR-A1A, that would have to be discussed with the company doing the study.

City Clerk Fitzgerald asked to clarify the wording of the motion on the table. Commissioner England replied that it was to approve the application for the driveway off Versaggi Drive to Alvin’s Island for ingress and egress and obtain a traffic study for safety reasons.

City Attorney Taylor suggested to adopt the previous statements of fact into the motion: that this hearing was de novo, that there is no prohibition for the driveway cut in our current code, that the Commission is not bound by the settlement agreement though it could be considered, and to base the decision on the entire record presented today.

Commissioner George commented that she feels strongly that it would be better to table the decision if they want to obtain a study. She stated that staff seems to be indicating that there is some question about the relevance of a traffic study as opposed to enforcing the signage that is currently there.

Commissioner Sweeny commented that is about where her thoughts were, with approving the application, then separately looking at ways to improve the safety of the intersection with signage. She suggested speaking with FDOT about what to do to prevent left turns.

Commissioner England Stated that she feels strongly about making sure the City has done everything it can to improve safety.

Commissioner George stated that she is willing to table the item, but she is also cognizant of what staff is telling them, that the traffic study itself will only have so much relevance as opposed to the other traffic issues with that intersection as a whole. The reality is the application and the traffic issues will likely be two separate things, but they could still proceed with both combined and use any data gathered to help inform any decisions. She noted that Director Tredik stated earlier that the expectation that the study would cause a different design is very low.

City Attorney Taylor stated that there needs to be clarification on whether the direction of the Commission is to do a traffic study or to look for recommendations to improve the safety of the intersection. He suggested the Commission discuss whether they are looking to do one or both of those things, then to decide whether to approve or table the application.

Commissioner England stated that they cannot change the amount of traffic and it will likely continue to increase. She asked if there was a way to get another opinion on ways to improve the safety of the area.

Commissioner Sweeny asked what the scope of a traffic study would include, would it just be traffic counts, or would it look at safety features and design of the roads. Director Tredik replied that, in this instance, he would want it to look at traffic counts and traffic movements, where people are coming from and where they are going. It could look at speed, but he doesn’t think that would be particularly helpful. If they go forward with a study, the final scope would need to be negotiated with a traffic engineer and they may have some suggestions to make it a more robust study.

Police Chief Carswell stated that he has no doubt that a study would find that more cars are entering that area, since an ingress/egress has been added, but doesn't know if it will find that the increase is causing a safety concern. He noted that on the three year search for records, there was not one crash as a result of that increased traffic; people may be making left-hand turns, but it would be hard to find an intersection in the City where people do not occasionally make illegal turns. He stated that the Police Department would be happy to up the enforcement, but does not think that a few exceptions to the rule make this a safety concern. Director Tredik noted that a traffic engineer would look at the history and likely come to the same conclusion.

Commissioner George asked if Chief Carswell had any other suggestions for improving compliance in that intersection. Chief Carswell agreed with Director Tredik's suggestions of extending the SR-A1A median and the Police Department would be willing to assign a patrol there to monitor traffic and issue citations to violators. He repeated that currently they do not have any calls or accident records showing that it is a safety concern.

Vice Mayor Rumrell stated that there is a motion on the table that did not seem likely to go anywhere. Commission England withdrew her motion.

Motion: To table the item and to instruct staff to conduct a traffic study and upon receiving it back, as well as additional ideas for improving compliance with the traffic signals at that intersection, to invite the applicant back to provide any additional data to support the application with the previously stated findings of fact and the additional finding of fact that it is an extremely uniquely situated intersection with State Road A1A. **Moved by** Commissioner George, **Seconded by** Commissioner England.

Roll call vote was as follows:

Vice Mayor Rumrell	YES
Commissioner England	YES
Commissioner George	YES
Commissioner Sweeny	YES

Motion passed unanimously.

2. Uses of American Rescue Plan Act Funds: Review of Proposed Survey Through SurveyMonkey (Presenter: Patricia Douylliez, Finance Director)

Vice Mayor Rumrell introduced the Item and asked Finance Director Douylliez to speak.

Director Douylliez explained that at this time she is only here to discuss the proposed survey and not ARPA funds. She provided the survey draft to the Commission and so far has received two suggestions. The first was to combine "Improve Parkettes" and "Develop Hammock Dunes Park" into one option as "Improve City Parks and Parkettes" with a box to explain further and the second was to add an option for "Adding Eco-friendly Elements to the City (Developing a Composting Program, Investing in Electric Vehicles, Solar-Powered Generation, or Other Types of Projects) also with a box to explain further. She commented that the second suggestion was a bit lengthy, but did offer ideas on what may fall under that category.

Director Douylliez stated that the survey is ready to be posted once she has finalized changes and approval from the Commission. She noted that there is the option to rank the items from one to the total number, but respondents do not need to rank every option. She stated that it would be posted on the City's website, social media, sent to the press release list, and possibly to local businesses and rentals.

Commissioner England asked for Director Douylliez to repeat the second suggestion, then noted that it brought up projects that the Commission hadn't discussed. Commissioner George replied that it was her suggestion, and she was simply brainstorming. It was not intended to lead any respondents to pick one of the parentheticals, but to communicate what the idea would embody. She noted that there weren't any green suggestions, but that it is in their Comprehensive Plan and there was such a response to suspending recycling and stopping glass recycling that she had it in mind. Director Douylliez suggested to leave it open ended and allow people to offer their own suggestions. Commissioner George commented that several cities have municipal composting programs to reduce trash and recycling, but it is a money issue to get such a program started.

Commissioner Sweeny suggested noting the amount the City will receive on the survey to perhaps keep respondents' suggestions more reasonable and avoid \$10 million dollar recommendations. Director Douylliez noted that \$3.5 million may seem like a lot, but once she starts adding up ideas it will go quickly. Commissioner England clarified that it is also dependent on what can be used by a certain date. Director Douylliez replied that funds must be encumbered by December 2024 and spent by December 2026.

Commissioner George asked if it could be used for traffic studies. Director Douylliez replied that with the revised guidance on the Lost Revenue category, it opens the funds up to more possible uses and that could potentially be one.

Vice Mayor Rumrell suggested adding a survey option for law enforcement, perhaps vehicles. Director Douylliez stated that Police Department staff will likely have suggestions for uses of the funds, but if a broad category like that is added to the survey it may be opening up discussion of "is the City looking to get rid of them" or a direction other than intended.

Commissioner George asked for clarification on the "Build More Beach Walkovers" category, that she thought the City had enough and that the County usually funded those with TDT (Tourist Development Tax) money. Director Douylliez replied that it was a staff suggestion based on projects that may benefit the residents, because ultimately the ARPA funds are meant for that. Commissioner England stated that maybe "Improved Beach Walkovers" may be better. Public Works Director Tredik stated that improving beach walkovers is in the Capital Improvement Plan, that there are some beach access points that are cut through the dunes and elevated walkways over the dunes would better protect the dune ecosystem and reduce the vulnerability from storm surge. Director Douylliez stated that one thing staff is considering is how to prevent more maintenance or repairs in the future. If the elevated walkovers are installed, then the dune system below them can build itself up and help protect from storm surge naturally. Currently, the City has to buy sand to fill some of those access points for each storm and that cost could be reduced or eliminated with a strong dune system. Commissioner Sweeny suggested making that item "Improve Beach Walkovers".

Commissioner George stated that the suggestion to combine "Improve Parkettes" and "Develop Hammock Dunes Park" to "Improve City Parks and Parkettes" was hers as well and asked the Commission for their comments. The Commission agreed with that suggestion and Commissioner England stated that she would like to keep the number of options at ten.

Commissioner George clarified that regardless of the response for number 1, the respondents could always add more comments and suggestions for number 2.

Director Douylliez advised that the survey would not be exclusive to City residents, that anyone who sees the survey could answer it. Commissioner Sweeny asked if a box to indicate zip code could be added, maybe to get an idea of where the responses are coming from. Director Douylliez noted that in the past, if there were too many options, people would decide not to respond, but asking for a zip code shouldn't be too much. Commissioner George commented that it was federal

funds, so she didn't mind too much for people outside of the City to respond, but it would be good to know. Director Douylliez stated that she could add the zip code option and modify it later if it appeared that the survey wasn't getting many responses. Commissioner George suggested an optional check box for someone to mark if they were a resident of the City.

Director Douylliez asked how long the Commission would like this posted. She noted that staff had planned to present their suggestions at the April Commission meeting and recommended presenting suggestions from the survey at the May Commission meeting. City Manager Royle suggested presenting both staff and survey suggestions together in May. The Commission agreed.

Commissioner George suggested sending the survey to the Homeowners Associations and Community Association Managers. Director Douylliez stated that Coordinator Conlon has a list, and she will distribute to them as well.

Vice Mayor Rumrell stated that the Comprehensive Planning and Zoning Board has a meeting on March 15 at 6:00 p.m. and the Commission will have a workshop on March 23 at 5:00 p.m. He noted that he, Commissioner Sweeny, and Kevin Sweeny have secured \$1.2 million for Ocean Oaks and Atlantic Oaks drainage projects and around \$90,000 for 7th, 8th, and 9th Streets drainage from the State and that State Representatives Paul Renner and Cyndi Stevenson and State Senator Travis Hutson were able to secure \$54 million for St. Johns County, a historic amount of money.

Commissioner Sweeny also thanked Florida House Speaker Chris Sprowls along with State Representatives Josie Tomkow, Chair of the Agriculture & Natural Resources Appropriations Subcommittee, and Jay Trumbull, Chair of House Appropriations Committee.

V. ADJOURNMENT

Vice Mayor asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Commissioner George, **Seconded by** Commissioner England. Motion passed unanimously.

Vice Mayor Rumrell adjourned the meeting at 8:32 p.m.

Dylan Rumrell, Vice Mayor

ATTEST:

Dariana Fitzgerald, City Clerk

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: March 23, 2022

SUBJECT: Presentations

- A. Interview of Ms. Nicole Miller for Position of Regular Meeting on the Sustainability and Environmental Planning Advisory Committee
- B. Audit Report for Fiscal Year 2021 Budget by James Moore and Associates

ITEM A. INTERVIEW

Attached as pages 1-6 is Ms. Miller's application and resume. She will be at your April 4th meeting for the customary interview.

ITEM B. AUDIT REPORT

A summary of it is attached as pages 7-16. Mr. Moore will do the presentation of it by Zoom, as he must be in Edgewater, Florida, on April 4th, when he'll present that city's audit report. He has asked if he could present our City's audit report later in your meeting. He will call the Finance Director when he is finished in Edgewater, and you can have his presentation at that time during your meeting.



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

FOR APPOINTMENTS TO COMMITTEES NOT INVOLVED IN LAND USE

Date received by City 3/15/22

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

Name: Nicole Miller

Address: 214 12th Street Unit B, St. Augustine, FL 32080

Phone #: 904-599-1927 E-Mail Address: nicolemiller29@ufl.edu

How long have you been a legal resident of the City of St. Augustine Beach. 4 months (27 years in St. Johns County)

I am a full-time ☒ part-time ☐ resident. N/A

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

List all active professional licenses and certifications: Project Management for Beginners (PMI 2021); Quality 101 (American Society of Quality 2021); ISO 14644-1 & ISO 14644-2 (Institute of Environmental Sciences and Technology 2020)

Educational background: Master of Science in Ecology with conc. in Microbiology (2019 UF); Bachelors of Science in Microbiology (2016 UF); Associates of Arts in Biology (2014 SJRSC)

Past work experience: Microbiologist II & Guest Project Manager at Medtronic Inc. (2019-present); Graduate Research Assistant at University of Florida (2016-2019); Scientific Diver at Central Caribbean Marine Institute (2017-2019); Research Lab Tech at University of Florida (2014-2016)

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

- | | |
|---|--|
| 1. <u>Florida Chapter of American Society of Microbiology</u> | 2. <u>Employee Resource Group Chair (Medtronic Inc.)</u> |
| 3. <u>Divers Alert Network</u> | 4. <u>Institute of Environmental Sciences & Tech. Member</u> |

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

1. Beautification Advisory Committee ☒
2. Other: SE PAC ☒

I am available for meetings

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

List three (3) personal or professional references:

1. Dr. Julie Meyer, University of Florida, juliemeyer@ufl.edu
2. Dr. Emma Weeks, University of Florida, eniweeks@ufl.edu
3. Lauren Walkins, Impact by Design, lauren@impactbydesigninc.org

You may use this space for a brief biographical profile or to list certain skills you possess that may be relevant to the appointment you are seeking. (Indicate below if you are attaching a resume.)

SEE BELOW

---- As a St. Johns County native and University of Florida graduate, I have strong appreciation for the natural resources of St. Augustine Beach with the technical know-how to accurately advise sustainability and environmental planning projects of the City of St. Augustine Beach. My deep community roots and expertise in environmental monitoring will help me to provide resident-focused data driven solutions to board member and the public alike. Additionally, I have extensive experience in environmental science communications, spanning three peer-reviewed research articles & one self-published marine-resource-oriented children's book (CV attached). Thank you for your consideration. --- Nicole Miller

NOTE: All information provided will become a matter of public record and will be open to the public. If you require special accommodations because of a disability to participate in the application/selection process, you must notify the City Commission in advance. This application will be kept on file for one (1) year, at which time you must notify the City Commission of your intent to remain an active applicant and update your application accordingly or it will be removed from the active file. I hereby authorize the City of St. Augustine Beach or its representatives to verify all information provided and I further authorize the release of any information by those in possession of such information which may be requested by the City. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that a volunteer position provides for no compensation except that as may

Nicole Miller, MSc

+1 904-599-1927

nicolemiller29@ufl.edu

Training

Project Management for Beginners [PMI]	October 2021
American Society for Quality - Quality 101	March 2021
Industrial Sterilization for Medical Devices [AAMI]	October 2020
Animal Tissue Use in Medical Devices ISO 22442 Parts 1-4 [QSC]	July 2020
Institute of Environmental Sciences and Technology ISO 14644-1 & ISO 14644-2	February 2020
U.S. DOE Joint Genome Institute Microbial Genomics and Metagenomics Workshop	September 2017

Leadership Positions

Employee Resource Group Chair. Medtronic Young Professionals	2021-Present
<ul style="list-style-type: none">• Communication Chair• Lead engagement initiatives to promote employee inclusion, professional development, and networking• Manage internal and external events	
Diversity and Inclusion Representative. Medtronic ENT JAX	2020-Present
<ul style="list-style-type: none">• Contribute to internal D&I hiring initiatives, employee engagement, and work satisfaction	
Graduate Student Representative. Florida Chapter of American Society of Microbiology	2017-2019
<ul style="list-style-type: none">• Recruit student participation from previously underrepresented Florida Colleges and Universities through social media and online outreach• Organized Open Panel Discussion between members of FL ASM and Undergraduates to facilitate dialogue about entering the field of Microbiology	

Technical Skills

Proficiency in Microsoft Office, Beginner in R Statistical Computing Software, efficient with laboratory techniques such as PCR, minipreps, DNA extraction, gram staining, counts, demonstrated knowledge medical device environmental monitoring programs and quality management systems, quality assurance, compliance, communicative, creative, focused

Membership

Institute of Environmental Sciences and Technology Member	2019- Present
BioFlorida Member	2016- Present
Divers Alert Network	2017-Present
American Society of Microbiology	2017-2019
Florida Chapter American Society for Microbiology	2016-2019

Languages

Fluent English
Intermediate Spanish

Publications

Baniszewski, J., Miller, N., Kariuki, E. M., Cuda, J. P., & Weeks, E. N. (2020). *Cricotopus lebetis* intraspecific competition and damage to hydrilla. *Florida Entomologist*, 103(1), 32-37.

Miller, N. & Cameron J. (2020). Common Long Horned Bee. *University of Florida Featured Creature*, EDIS, entnemdept.ufl.edu.

Miller, N., Maneval, P., Manfrino, C., Frazer, T. K., & Meyer, J. L. (2020). Spatial distribution of microbial communities among colonies and genotypes in nursery-reared *Acropora cervicornis*. *PeerJ*, 8, e9635.

Miller, N. (2022) Learn from Earth All About Surf. *New Day Initiative*, St. Augustine, FL

Hobbies

Beach Volleyball, Surfing, Travel

Nicole Miller, MSc

+1 904-599-1927

nicolemiller29@ufl.edu

Work Experience Cont.

Laboratory Assistant. University of Florida

November 2016- July 2017

- Soils and Water Science Department, Gainesville, Florida.
- Worked toward understanding optimal natural product formation in coral-associated bacteria
- Helped to evaluate antimicrobial activity in coral microbiomes
- Conducted experiments using various techniques including DNA and RNA isolation, antimicrobial assays, 16s PCR, and transcriptomics
- Contributed to bioinformatic scripts (R and RStudio) used to analyze Caribbean coral genomics and metagenomics
- PI- Dr. Julie Meyer

Laboratory Assistant. University of Florida

May-July 2016

- Whitney Laboratory for Marine Bioscience, St. Augustine, Florida.
- Worked to produce a protocol for culturing the comb jelly *Mnemiopsis leidyi*
- Performed molecular lab techniques (CRISPR), under supervision, to analyze the evolutionary history of *Nematostella vectensis*
- PI- Dr. Mark Q. Martindale and Jose Nunez

Laboratory Assistant. University of Florida

May 2015- April 2016

- UF Entomology & Nematology Department, Gainesville, FL.
- Volunteered to help assess the prevalence of ehrlichial and rickettsial pathogens in ticks and wildlife throughout Florida
- Gained proficiency utilizing molecular laboratory techniques including DNA extractions, qPCR, and immunofluorescence assays
- Worked on a USDA funded project testing biological control agents of invasive aquatic plant species in Florida waterways.
- PI-Dr. James P. Cuda & PI-Dr. Phillip Kaufman

Awards and Honors

Medtronic Mission Medallion	2021
Florida Academic Scholar	2013-2016
UF/IFAS Undergraduate Research Internship	2015
• Research experience funded by USDA project	
Chemistry Academic Award	2014
• St. Johns River State College	

Conferences

Medtronic 16 th Annual Statistical Conference	October 2020
Florida Branch American Society of Microbiology Annual Conference	October 2017
Annual BioFlorida Inc. Conference	December 2016
Southeast Regional Society for Developmental Biology Annual Meeting	May 2016

Professional and Public Presentations

Importance of Quality Assurance Systems at Medtronic Quality Day	October 2019
On Behalf of the Central Caribbean Marine Institute Public Outreach	April 2019
Association of Sciences of Limnology and Oceanography Annual Conference	February 2019
UF School of Natural Resources and Environment Annual Symposium	April 2018
Suds & Science Presented by UF Wildlife Ecology and Conservation Department	March 2018

Nicole Miller, MSc

+1 904-599-1927

nicolemiller29@ufl.edu

Education

Master of Science. University of Florida. Gainesville, FL

May 2019

- Major: Interdisciplinary Ecology
- Concentration: Microbiology and Cell Science

Bachelor of Science. University of Florida. Gainesville, FL

December 2016

- Major: Microbiology and Cell Science

Associates of Arts Degree. St. Johns River State College. St. Augustine, FL

May 2014

- Concentration: Biology

Work Experience

Microbiologist I. Medtronic Inc.

July 2019- Present

- Medtronic Xomed: Medical Technology, Services, and Solutions, Jacksonville, FL.
- Responsible for maintaining the environmental monitoring program (EMP) of ISO class 7 & 8 medical device clean rooms
- Responsible for reporting microbiological assessments of business and quality initiatives, including equipment qualifications, line transfers, new product development, system requalification, and procedural development
- Work as the microbiological lead to report impacts of manufacturing line conversions and changes within facility environmentally controlled areas
- Responsible for quarterly summary and interpretation of microbiological data to inform management of trends within the manufacturing environments
- Consultant for genetic laboratory initiatives of ENT sister sites
- Conducts onboarding and training of newly hired team members to departmental tasks
- Responsible for continuously improving Jacksonville facility EMP by streamlining standard operating protocols and enhancing efficiency of microbiology laboratory processes
- Ensured audit readiness and quality control compliance with international and federal standards applicable to medical devices production
- Supervisor: Samantha Hodge

Graduate Research Assistant. University of Florida

August 2017- May 2019

- School of Natural Resources and Environment, Gainesville, FL.
- Lead thesis experimental design, implementation, sample processing, bioinformatic analysis and reporting
- Lead communication among international organizations for project sampling within the Cayman Islands
- Managed publication of thesis research "Spatial distribution of microbial communities among colonies and genotypes in nursery-reared *Acropora cervicornis*" in accredited peer-reviewed journal
- Prepared environmental samples for Next Generation Sequencing, utilizing DNA extraction, library amplification via PCR, miniprep processing, and quality control
- Contributed to ongoing laboratory research including, organization of large environmental meta-datasets, quality control (QC) of genetic data used for statistical analysis, and documentation of laboratory procedures
- Contributed to lab R and Python programming scripts for QC and analysis of high throughput 'omic datasets
- Presented data interpretation of thesis project results at international and regional conferences
- Collected and cultured sulfur-oxidizing bacteria at distance marine laboratories for research initiatives
- PI-Dr. Julie Meyer; Co-Chair- Dr. Tom Frazer

Scientific Diver. Central Caribbean Marine Institute

December 2017- May 2019

- Blossom Village, Little Cayman, Cayman Island
- Assisted in dive planning and safety evaluations
- Conducted dives for scientific research initiatives of the Central Caribbean Marine Institute and UF SNRE
- Assisted other graduate students in experimental tasks and dives
- PI-Dr. Tom Frazer

be provided by Florida Statutes or other enabling legislation.

Nicole Miller
Signature

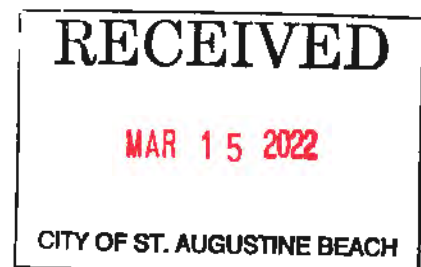
NICOLE MILLER

Date: 15 MAR 2022

Please return completed application to:

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

Thank you for your interest!



Annual Audit 2021

Presentation to: City of St. Augustine Beach
Presented by: James Halleran, CPA



121 Executive Circle
Daytona Beach, FL 32114
386-257-4100
www.jmco.com

Independent Auditors' Reports

Financial Statements (pgs. 1-2) – Unmodified Opinion

Internal Control and Compliance – Government Auditing Standards (pgs. 41-42)

- » 3 prior year comments corrected
- » 1 new material weakness*
- » 1 new significant deficiency*

Management Letter Required by Chapter 10.550, Rules of the Auditor General (pgs. 43-45)

- » 1 prior year comment – corrected
- » 1 prior year comment – repeated in the current year*
- » 2 new recommendations*

**Page 48: Management's Response to Findings*



Independent Auditors' Reports

Investment Statute Accountants' Examination Report
(pg. 46)

Impact Fee Affidavit (pg. 47)



JAMES MOORE

General Fund (Page 10)

<u>Fund Balance</u>	<u>9/30/2021</u>	<u>9/30/2020</u>	<u>9/30/2019</u>
Nonspendable	\$ 76,811	\$ 59,290	\$ 50,552
Restricted	774,286	1,089,540	933,837
Committed	-0-	-0-	-0-
Assigned	650,000	425,000	650,000
Unassigned	* <u>2,343,828</u>	* <u>1,041,529</u>	* <u>1,103,533</u>
Total	\$ <u>3,844,925</u>	\$ <u>2,751,307</u>	\$ <u>2,737,922</u>

*Unassigned general fund balance would ultimately be responsible for covering the deficit fund balance in Road and Bridge and Weir Project.

General Fund

Total assigned/unassigned fund balance	\$2,993,828
2021 expenditures and transfers out	\$7,016,395
Assigned/unassigned fund balance as a % of expenditures and transfers out:	42.7%
GFOA minimum rec. = 2 months	At least 16.7%

General Fund

Total **unassigned** fund balance \$2,343,828

2021 expenditures \$5,438,933

Unassigned fund balance as a % of expenditures: 43.1%

Fund Balance Policy

At least 20%

Financial Highlights

COVID-19 pandemic:

» \$514K from St. Johns County

Charges for services increased \$417K (41.8%)

Operating grants increased \$526K (177.1%)

Capital grants increased \$392K (161.9%)

Property taxes increased \$296K (7.6%)



Financial Highlights

Overall expenses decreased \$326K
(-4.1%)

» Public Safety expenses decreased \$282K (-8.5%) mainly due to changes in pension and OPEB liabilities

New Impact Fee fund in FY2021

- » \$402,380 transferred from General Fund
- » \$671,909 transferred from Road and Bridge Fund

New Weir Project fund in FY2021 - \$82,307 deficit fund balance



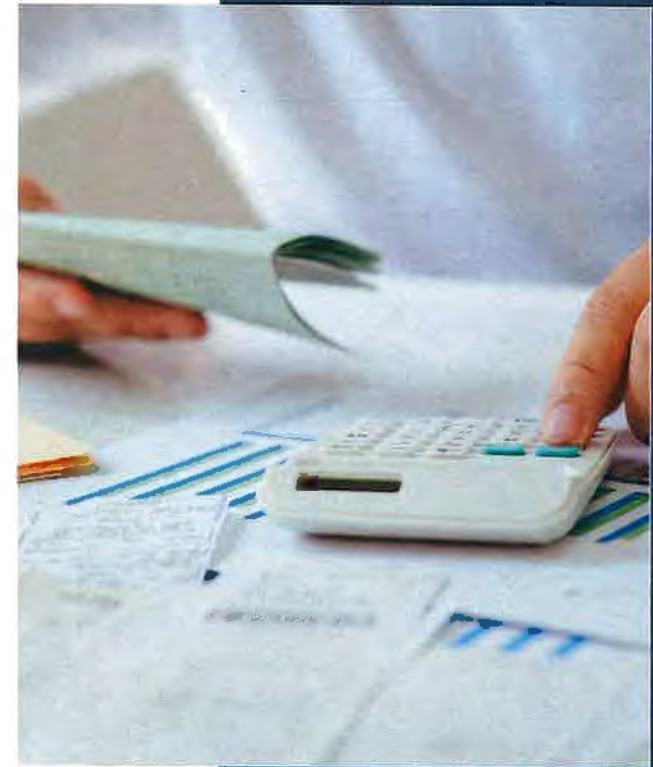
Pensions and OPEB

GASB 68 Net Pension Liability (NPL) - Impact of FRS

- » Overall the NPL decreased \$5.0M from the prior year
- » Recording of NPL share from FRS
 - » \$995,547 total NPL
- » Recording of NPL share from HIS
 - » \$1.03 million total NPL

GASB 75 OPEB - Impact of Implicit Rate Subsidy

- » Approximately \$1.95 million total OPEB liability
- » Increased \$1.26 million



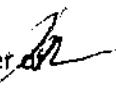
GENERAL SERVICES



QUESTIONS?

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: March 16, 2022

SUBJECT: Conditional Use Permit to Construct a Residence in a Commercial Land Use District at 16 5th Steet (Lot 18, St. Augustine Beach Subdivision)

INTRODUCTION

Lot 18 of the St. Augustine Beach subdivision is located east of A1A Beach Boulevard and is the second lot in from the Boulevard. It is on the north side of 5th Street.

The owners, Mr. John Burda and Ms. Lingyi Chen, want to build a residence on lot 18. Because the lot is within the commercial zone that's 150 feet east of the Boulevard's center line, they must first obtain a conditional use permit from the City for the residence.

The Comprehensive Planning and Zoning Board reviewed Mr. Burda and Ms. Chen's request at its March 15, 2022, meeting, and by a 6-1 vote recommended that you approve the conditional use permit.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-16, the application that Mr. Burda and Ms. Chen submitted to the Comprehensive Planning and Zoning Board for a recommendation to you as to whether the conditional use permit should be granted.
- b. Page 17, a memo from Ms. Jennifer Thompson, Planner, in which she states the Planning Board's recommendation to you that you approve the permit.

ACTION REQUESTED

It is that you hold the public hearing and then decide whether or not to approve a conditional use permit to construct a residence in the commercial zone on Lot 18 of the St. Augustine Beach subdivision.



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: February 25, 2022
Re: Conditional Use File CU 2022-02

Conditional Use File No. CU 2022-02, for proposed new construction of a single-family residence on Lot 18, St. Augustine Beach Subdivision, in a commercial land use district at 16 5th Street. The applicants are John Francis Burda and Lingyi Chen.

In the past, the Commission approved a Conditional Use Permit application for this address in 2020, under different ownership, to allow a single-family residence to be built in the commercial zone, CU 2020-03. The use was not commenced within a year of the issuance date, which caused the Conditional Use Permit to expire.

Additionally, in 2019, another Conditional Use Permit application for the property had been approved, CU 2019-05, under different ownership, to allow a single-family residence to be built in the commercial zone. The use was not commenced within a year of the issuance date, which caused the Conditional Use Permit to expire.

Both previously granted Conditional Use Permits were approved based on that the single-family residence would be built in compliance with the current Land Development Regulations for medium density land use districts.

Sincerely,

Jennifer Thompson

Planner

Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

TO: Planning and Zoning Division

FROM: Brian Law

SUBJECT: 16 5th Street CU 2022-02

DATE: 3-1-2022

The Building Division has no objection to the construction of a new single family residence in a commercially zoned district. The property is located in a X(S) flood zone. The current building code in effect is the 2020 7th edition. This aerial imagery is from 2019.



Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-8758
blaw@cityofsab.org

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

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

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) 18 Block(s) _____ Subdivision St Augustine Beach
 Street Address 16 5th Street St Augustine Fl 32080

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

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☒ (Circle one)

4. Real estate parcel identification number: 169890-0180

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

JOHN FRANCIS BURDA
 LINGY CHEN

352 Arlington Park Court
Hot Springs, Arizona 71901-0000

6. Current land use classification: Commercial Land Use District

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

8. Description of conditional use permit being sought: Residential Single Family Use for two years.

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

Application had been approved previously last year but expired in November of 2021. New owner purchased lot in July of 2021 and now wishes to also wishes to keep it residential use. Home will be built by generation homes

10. Has an application for a conditional use permit been submitted in the past year? Yes ☒ (Circle one)

If yes, what was the final result? _____

1) 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 Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge

Print name (owner or his/ her agent)

John Burdett
Print name (applicant or his/her agent)

Signature/date

2-2-2022
Signature/date

Owner/agent address

352 Arlington Park Ct.
Hot Springs, AR 71901-0000
Applicant/agent address

Phone number

901-570-0463
Phone number

****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 does not constitute approval for variation from the covenants and restrictions. ****

****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: 2-8-2022

Conditional Use File #: CU 2022-02

Applicant's name: John Francis Burda / Lingyi Chen

Applicant's address: 352 Arlington Park Ct., Hot Springs,
Arizona 71901-0000

For conditional use permit at: 16 5th Street, St. Augustine Beach,
Fl. 32080

Charges

Application Fee: \$400.00 Date Paid: 2-8-2022

Legal Notice Sign: \$10.00 Date Paid: 2-8-2022

Received by Bonnie Miller

Date 2-8-2022

Invoice # I2200662

Check # or type of credit or debit card 830

Definition—Conditional Use Permit

A conditional use is defined as a use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. Applications for conditional uses specified as type C-1 per Section 3.02.02 of the City of St. Augustine Beach Land Development Regulations must be reviewed by both the City's Comprehensive Planning and Zoning and City Commission. The Comprehensive Planning and Zoning Board shall make a recommendation to approve or deny the application to the City Commission, which shall make the final decision to approve or deny the application based upon its review of the application and the Comprehensive Planning and Zoning Board's recommendation. Applicants and/or their agents for type C-1 conditional uses are required to attend the meetings of both the Comprehensive Planning and Zoning Board and City Commission at which their applications are heard. Applications for conditional uses specified as type C-2 per Section 3.02.02 of the City's Land Development Regulations are reviewed solely by the City's Comprehensive Planning and Zoning Board, with the final decision to approve or deny made by the Comprehensive Planning and Zoning Board. Applicants and/or their agents for type C-2 conditional uses are required to attend the Comprehensive Planning and Zoning Board meeting at which their application is heard.

Instructions for Applying for a Conditional Use Permit

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, please attach extra sheets with the question numbers clearly marked.

Documentation Needed for a Conditional Use Permit

- 1) The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lots and block number. Include street address and location by indication street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot, i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
- 2) Provide the name and address of the owner of the property. The person's name on the application should agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.
- 3) Indicate the current land use classification of the parcel under consideration. A current land use map is available on the City's website, staugbch.com on display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.

- 4) Notification of all property owners within a radius of 300 feet of the property for which the conditional use permit is being sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0804) will provide applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the conditional use permit is requested. **This list of names and addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, the applicant shall submit stamped, addressed legal-size envelopes with the application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners).** Signatures and approvals of property owners within 300 feet are not necessary. Applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the conditional use permit, but these persons should not sign the application itself. Applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the conditional use permit application.
- 5) Provide the section of the land use code from which the conditional use permit is being sought. Personnel in the Building and Zoning Department will assist you in this matter if needed.
- 6) A fee of \$410.00 will be charged for the conditional use permit administrative procedure, which includes the legal notice sign, and legal advertising. The applicant will be required to post the legal notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which type C-1 conditional use applications go before the Comprehensive Planning and Zoning Board and City Commission and no later than 15 days before the meeting date at which type C-2 conditional use applications go before the Comprehensive Planning and Zoning Board.
- 7) A final order on each request for a conditional use permit shall be made within thirty (30) days of the meeting at which the application was reviewed and considered. Each final order shall contain findings upon which the City Commission or Comprehensive Planning and Zoning Board's order is based and may include such conditions and safeguards prescribed by the City Commission or Comprehensive Planning and Zoning Board appropriate in the matter, including reasonable time limits in which action pursuant to such order shall begin and/or be completed.
- 8) Appeal of decisions on type C-1 conditional use applications granted by the City Commission shall be made to the Circuit Court of St. Johns County, Florida. Appeal of decisions on type C-2 conditional use applications granted by the Comprehensive Planning and Zoning Board shall be made to the City Commission.
- 9) The application must be signed by the owner of the property for which the conditional use permit is requested and/or the owner's authorized agent. All authorized agents must provide notarized written authorization, which must accompany the application, approving such representation.

Limitations on Granting a Conditional Use Permit

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission or Comprehensive Planning and Zoning Board may adopt the following conditions to any permit:

- 1) That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
- 2) The time within which the use shall be commenced may be extended for a period of time longer than one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission or Comprehensive Planning and Zoning Board shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.
- 3) Whenever the City Commission or Comprehensive Planning and Zoning Board denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
- 4) The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission or Comprehensive Planning and Zoning Board when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.

**BEFORE THE CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

Public Records of St. Johns County, FL
Clerk number: 2020105797
BK: 5104 PG: 1506
11/20/2020 1:29 PM
Recording \$18.50

In re:

**APPLICATION FOR CONDITIONAL USE
PERMIT TO BUILD A RESIDENCE IN A
COMMERCIAL LAND USE DISTRICT AT 16
5TH STREET, LOT 17, OF ST. AUGUSTINE
BEACH, CHAUTAUQUA BEACH,
ACCORDING TO PLAT THEREOF AS FILED
IN MAP BOOK 3, PAGE 140 OF THE PUBLIC
RECORDS OF ST. JOHNS COUNTY, ST.
AUGUSTINE BEACH, FLORIDA 32080.**

ORDER APPROVING CONDITIONAL USE (2020-03)

The application of Mr. Michael Collier and Ms. Wai Lee Young, for a conditional use permit to allow for a residence to be built in a commercial land use district located at 16 5th Street, St. Augustine Beach, Florida 32080, having come on to be heard before the City Commission on November 9, 2020, and the City Commission having received the recommendations of the Comprehensive Planning and Zoning Board, having taken public comments, and having considered said application fully, it is therefore:

ORDERED that the application is hereby approved as follows:

1. The documentation for granting of a conditional use as detailed in the Application and discussed at the hearing are incorporated herein as findings of fact.
2. The conditional use granted shall conform to all materials submitted with the Application and which were provided by the Applicant to supplement the Application, including all drawings, sketches and renderings and recommendations by the building official, as follows:
 - a. The proposed new single-family residence shall be built in compliance with current Land Development Regulations (LDR's) for medium density residential land use districts;
 - b. No variances shall be requested to reduce setback requirements or maximum impervious surface ratio (ISR) coverage per LDR requirements for medium density residential land use districts;



Prepared by:
Cindy Brown
Land Title of America, Inc.
2495 US Highway 1 South
Saint Augustine, FL 32086
File Number: 21-1068-CB

Parcel ID: 169890-0180

Special Warranty Deed

This Indenture made this 12th day of July, 2021 BETWEEN **J. Russell Collins, Individually and as Trustee of the 16 5th Street Land Trust**, GRANTOR*, whose post office address is 2493 U. S. Highway 1, South, Saint Augustine, FL 32086, and **John Francis Burda and Lingyi Chen, Husband and Wife**, GRANTEE*, whose post office address is 352 Arlington Park Court, Hot Springs, AR 71901.

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 St. Johns, State of Florida, to-wit:

Lot 18, St. Augustine Beach, according to the map or plat thereof, as recorded in Map Book 3, Page 140, of the Public Records of St. Johns County, Florida.

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 2021 and Subsequent Years.


Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

and said grantor herchy covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good, right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

*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.


**J. Russell Collins, Individually and as
Trustee of the 16 5th Street Land Trust**

WITNESSES

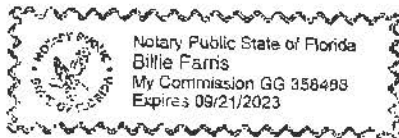
Witness: _____

Witness: _____

State of Florida
County of Saint Johns

THE FOREGOING INSTRUMENT was acknowledged before me by means of ☒ physical presence or ☐ online notarization on **July 12, 2021** by **J. Russell Collins, Individually and as Trustee 16 5th Street Land Trust** who is or are personally known to me or has or have produced Driver's License(s) as identification.

[Seal]



Notary Public: _____

My commission expires: _____

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

Parcel ID 1698900180
Location Address 5TH ST
SAINT AUGUSTINE 32080-0000
Neighborhood St. Augustine Beach (679.05)
Tax Description* 3-140 ST AUG BCH LOT 18 CRS316/B90
*The Description above is not to be used on legal documents.
Property Use Code Vacant Residential (0000)
Subdivision St. Augustine Beach
Sec/Twp/Rng 34-7-30
District City of St. Augustine Beach (District 551)
Millage Rate 16.1681
Acreage 0.120
Homestead N



Owner Information

Owner Name John & Frances E. Co. 100%
Ownership 100%
Mailing Address 352 ARLINGTON PARK CT
HOT SPRINGS, AR 71901-0000

Map



Valuation Information

	2022
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$359,520
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$359,520
Total Deferred	\$0
Assessed Value	\$359,520
Total Exemptions	\$0
Taxable Value	\$359,520

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	\$292,240	\$0	\$0	\$282,240	\$282,240	\$0	\$282,240
2020	\$0	\$0	\$282,240	\$0	\$0	\$282,240	\$275,986	\$6,254	\$275,986
2019	\$0	\$0	\$250,896	\$0	\$0	\$250,896	\$250,896	\$0	\$250,896
2018	\$0	\$0	\$292,712	\$0	\$0	\$292,712	\$292,712	\$0	\$292,712

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Residential	48	105	48	EF	\$359,520

**City of St. Augustine Beach Building and Zoning Department
Owner Authorization Form**

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

To: St. Augustine Beach Building and Zoning Department
2200 A1A South
St. Augustine Beach, Florida 32080

From: Owner Name(s) & Phone #: John Burda, MO 901-570-0463
Address: 352 Arlington Park CT
City, State & Zip Code: Hot Springs, AR 71901
This is to advise you that I hereby give permission to:

Contractor/Agent Name(s) & Phone #: Mr. Tommy Scott 703-965-5542/
Address: 679 Ocean Jasper Drive (Momentum Realty)
City, State, Zip Code: St. Augustine, FL 32086
Who is my contractor/agent, to perform the following on my behalf pertaining to an application for construction, development, land use, zoning, conditional use permit, special events permit, variance, or any other action pursuant to an application for:
16 SM Street
St. Augustine, FL 32080
(St. Augustine Beach, Lot 18)

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for approval to conduct any development authorized pursuant to this application and to furnish, on request, supplemental information in support of this application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements that may be necessary to procure such approval.

I hereby recognize that any duly authorized agent of City of Saint Augustine Beach (CoSAB) may enter and inspect any parcel of land for which a development approval or permit has been issued, or where there is a reasonable cause to believe that a development activity is being carried out, for the purpose of ascertaining the state of compliance with City Codes. The interiors of buildings shall not be subject to such inspections unless related to the enforcement of the building code. No person shall refuse immediate entry or access to any authorized representative of the CoSAB or one of the specified agencies who requests entry for the purpose of inspection and who presents appropriate credentials. No person shall obstruct, hamper or interfere with any such inspection. If requested, the owner or operator of the premises shall receive a report setting forth the facts and results of the compliance determination.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Date: 3-3-22 John Burda
Typed or Printed Name of Property Owner

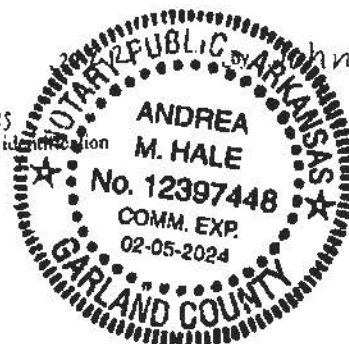
Signature of Property Owner

State of Arkansas County of: Garland

Subscribed and sworn before me this 3 day of March

Who is/are personally known to me or who has/have produced Driver's License as identification

Andrea M. Hale
Signature of Notary Public, State of Arkansas
Typed or Printed Name: Andrea M. Hale



John F. Burda



Area Schedule

First Floor Living	819 SF
Second Floor Living	1522 SF
Third Floor Living	1245 SF
Total Living	3586 SF

First Floor	
Living Area	819 SF
Garage	579 SF
Lanai	224 SF
Front Entry Porch	60 SF
Total Footprint	1682 SF

Second Floor Decks (Tub option not included)	224 SF
Third Floor Decks	430 SF
Roof Deck	120 SF
Stairs	48 SF
Total Lanai, Decks & Porches	998 SF

Residence For
Drs. John & Lynn
Burda Chen
 Lot 18, 5th Street
 St. Augustine Beach

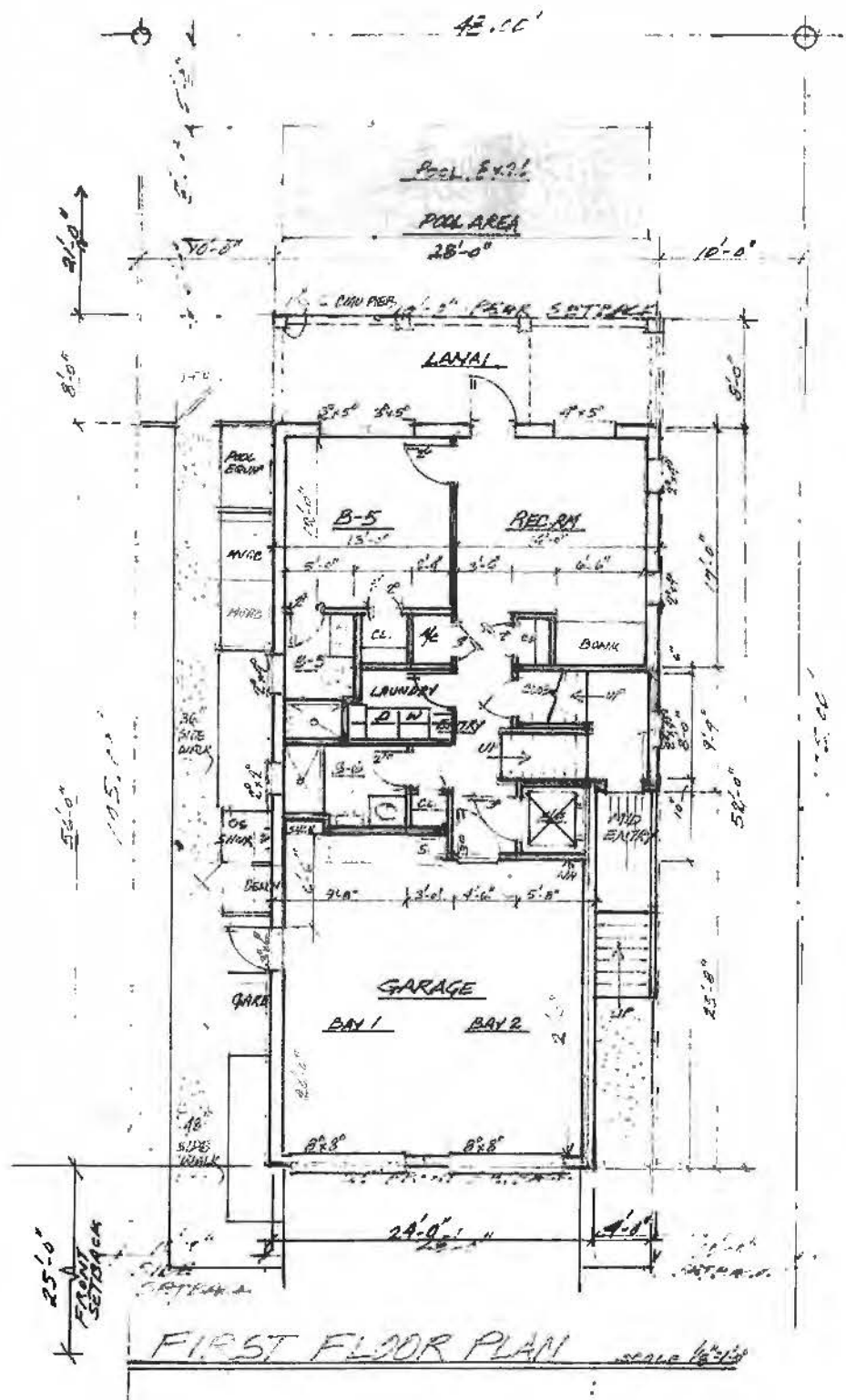
Generation Homes

Designed by Rob Florez ©2021

Rob@roblorezdesign.com

WWW.ROBFLOREZDESIGN.COM

ROB
FLOREZ
DESIGN
 (904) 377-2040



5TH FLOOR

PRELIMINARY SITE PLAN

Generation Homes

Designed by Rob Florez ©2021

Rob@roblorezdesign.com 15 -

WWW.ROBFLOREZDESIGN.COM

ROB
FLOREZ
DESIGN

(904)-377-2040

$\gamma_1 = \frac{1}{2} \left(\frac{1}{\gamma_1} + \frac{1}{\gamma_2} \right)$

[illegible]

4300-1-1

TREE CHART

NO	SIZE & TYPE
1	4" FALM
2	8" FALM
3	6" FALM
4	6" FALM
5	6" FALM
6	14" FALM
7	14" FALM
8	14" FALM
9	14" FALM
10	12" FALM
11	12" FALM

101 AIA BEACH BOULEVARD



● 1. 下列各数中，是正数的是（ ）
A. -1 B. 0 C. 1 D. -2

$$u(x, y, z) = \frac{1}{4\pi} \int_{\Omega} \frac{\Delta u(\xi, \eta, \zeta)}{r} dV(\xi, \eta, \zeta) + \frac{1}{4\pi} \int_{\partial\Omega} \frac{u(\xi, \eta, \zeta)}{r} dS(\xi, \eta, \zeta) - \frac{1}{4\pi} \int_{\partial\Omega} \frac{\partial u(\xi, \eta, \zeta)}{\partial n} \frac{1}{r} dS(\xi, \eta, \zeta)$$

R/A REG-T OF RAN
R/A REG-LD R/A RPL
R/A REG-LD R/A REG
1/2 CIRCLED IN THE MIDDLE AT THE
END OF THE LINE

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

DATE: 10/10/1964

DEAC-424/43

5TH STREET

EMAIL: RGSLB8100@GMAIL.COM
(904) 472-3888 WEBSITE: RGSLANDSURVEYING.COM
3624 CRAZY HORSE TRAIL, ST AUGUSTINE, FL 32086

FILE WORK COMPLETED	MAP ORIGINALLY FILED
DATE 01-28-2019	DATE 01-24-2019

MICHAEL F. DANIELER, P.O. BOX 1000, FLORIDA CERT. NO. 6234
MICHAEL F. DANIELER, P.O. BOX 1000, FLORIDA CERT. NO. 6234

745051 2774
 745052 5241 27
 745053 117



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: March 16, 2022
Re: Conditional Use File No. CU 2022-02

At the Comprehensive Planning and Zoning Board Meeting held on Tuesday 3/15/2022, conditional use file no. CU 2022-02 was reviewed, for construction of a new single-family residence on Lot 18, St. Augustine Beach Subdivision, in a commercial land use district at 16 5th St.

Chairperson Chris Pranis made a motion to recommend approval of CU 2022-02 to the Commission and requested that the single-family residence meet all medium density residential requirements as well as having a 2-year expiration date rather than a 1-year expiration date. Member Larry Einheuser seconded the motion which passed 6-1, with Vice Chair Hester Longstreet as the dissenting vote.

In the past, the Commission approved a Conditional Use Permit application for this address in 2020, under different ownership, to allow a single-family residence to be built in the commercial zone, CU 2020-03. The use was not commenced within a year of the issuance date, which caused the Conditional Use Permit to expire.

Additionally, in 2019, another Conditional Use Permit application for the property had been approved by the Commission: CU 2019-05, under different ownership, to allow a single-family residence to be built in the commercial zone. The use was not commenced within a year of the issuance date, which caused the Conditional Use Permit to expire.

Sincerely,

Jennifer Thompson

Planner
Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

TO: Max Royle, City Manager

FROM: Brian Law

SUBJECT: Flood ordinance

DATE: 3-2-2022

Section S.03.07 of the City of St. Augustine Beach Land Development Regulations addresses floodplain management for the City. In 2018 this section was amended to update the existing flood ordinance. Since the adoption of the current floodplain management ordinance there has been a regulatory change regarding non-elevated Accessory Structures installation below the required minimum elevation. The definition of market value has been modified to represent actual cash value as the method of determination. The striking out or modification of several phrases or sections are simply the result of a standard model code becoming site specific. Some of these changes are below:

- 1) Removal of manufactured homes in certain sections—prohibited by the LDR
- 2) Recreation vehicle—Section 13-4 City code prohibits the sleeping in motor/recreational vehicles.
- 3) The current FIRM was adopted December 7, 2018
- 4) The city has no water courses or floodways in its jurisdiction
- 5) The city has no A unnumbered flood zones
- 6) The definition of accessory structure was added

The proposed changes are in yellow on the draft ordinance for ease of reading along with the comments from Rebecca Quinn, CFM FDEM/SFMO Ordinance Consultant.

City Staff asks that the Comprehensive Planning and Zoning Board and City Commission approve the ordinance as written and prepared by the State consultants.

Upon final passage of the ordinance, it will be submitted back to the State of Florida for final acceptance.

Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-8758
blaw@cityofsab.org



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: March 16th, 2022
Re: Proposed Flood Ordinance-First Public Reading

At the Comprehensive Planning and Zoning Board Meeting held on Tuesday 3/15/2022, Brian Law the Building Official presented changes to the current flood ordinance.

Chairperson Chris Pranis made a motion to recommend approval to the Commission of the proposed changes which was seconded by Member Conner Dowling and passed by a unanimous voice-vote.

Sincerely,

Jennifer Thompson

Planner

Planning and Zoning Division

ORDINANCE NO. 22-04

AN ORDINANCE BY THE CITY COMMISSION FOR THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA AMENDING THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA'S LAND DEVELOPMENT CODE TO AMEND THE CITY'S LAND DEVELOPMENT CODE SECTION 5 TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

Commented [RCQ1]: Title and whereas clauses you'll finalize.

I'll help if you need more whereas clauses

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City of Saint Augustine Beach, Florida has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for at-grade wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

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

NOW, THEREFORE, BE IT ORDAINED by the City of Saint Augustine Beach, Florida of the City of Saint Augustine Beach, Florida that the City's Land Development Code Section 5.03.07 is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 2.

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

SECTION 2. This ordinance specifically amends the City of Saint Augustine Beach, Florida's Land Development Code Section 5 as follows:

Sec. 5.03.07. Floodplain management

(a) Administration.

(1) General.

- a. **Title.** These regulations shall be known as the Floodplain Management Ordinance of St. Augustine Beach, hereinafter referred to as "this ordinance."
- b. **Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes

Commented [RCQ2]: Downloaded from Municode 2/1/22

Changes shown:

MH not permitted - DONE
RV also not? Removed lingering bits - DONE
Accessory str - DONE
Market Value defn - DONE
Floodway & alteration watercourse remove - DONE
Zones w/o BFE remove - DONE

Proofed and adjusted cross references - DONE

Section 5.03.07(1)(b)(iii). Coastal A Zone is seaward of LIMWA and landward of Zone V boundary. If you want to consider treating the Coastal A Zone exactly like Zone V, then additional changes here are needed and FBC technical amendments would go in Chapter 5

Commented [RCQ3]: First of three places to clean up and remove manufactured homes

and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Commented [RCQ4]: Manufactured buildings are NOT manufactured homes – manufactured buildings are subject to the FBC, so we don't need to call out specifically

- c. *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- d. *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- e. *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

- f. *Disclaimer of Liability.* This ordinance shall not create liability on the part of City Commission of St. Augustine Beach, Florida or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(2) *Applicability.*

- a. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- b. *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of St. Augustine Beach, as established in subsection (a)(2)c. of this ordinance.
- c. *Basis for establishing flood hazard areas.* The Flood Insurance Study for St. Johns County, Florida and Incorporated Areas dated ~~December 7, 2018~~ July 18, 2011 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the St. Augustine Beach Building Department, City of St. Augustine Beach.
- d. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to (a)(5) of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- e. *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- f. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- g. *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:
1. Considered as minimum requirements;

Commented [RCQ5]:

2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(3) *Duties and powers of the floodplain administrator.*

- a. *Designation.* The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- b. *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to (a)(7) of this ordinance.
- c. *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
- d. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repair of substantial damage or and other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- e. *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to (a)(7) of this ordinance.
- f. *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- g. *Inspections.* The Floodplain Administrator shall make the required inspections as specified in (a)(6) of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- h. *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to (a)(3)d of this ordinance;
 2. ~~Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);~~
 - 2.3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations ~~or~~ flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within 6 months of such data becoming available;

3.4. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete;

4.5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of St. Augustine Beach are modified; and

5.5. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

- i. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; ~~notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained;~~ documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department, St. Augustine Beach.

(4) *Permits.*

- a. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- b. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

- c. *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in section 553.73 (10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- d. *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in (a)(5) of this ordinance.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.

- e. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- f. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
- g. *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- h. *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 1. The St. Johns River Water Management District; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 6. Federal permits and approvals.

(5) *Site plans and construction documents.*

- a. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
 1. Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 2. ~~Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with (a)(5) b.(2) or (3) of this ordinance.~~

3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with (a)(5)b.(1) of this ordinance.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

b. ~~Reserved. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:~~

1. ~~Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering principles.~~

2. ~~Obtain, review, and provide to applicant's base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.~~

3. ~~Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:~~

a. ~~Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or~~

b. ~~Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no~~

Commented [RCQ6]: If we "reserve" this section then don't have to make changes to cross references. If you prefer, we can renumber subsequent paragraphs and also adjust cross references

evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida-licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

- c. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this ordinance, the applicant for activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

Commented [RCQ7]: For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in (a)(5)d of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRF and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in (a)(5)d of this ordinance.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- d. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard

areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(6) *Inspections.*

- a. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- b. *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- c. *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- d. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; ~~or~~
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with (a)(5)b (3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- e. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in (a)(6)d of this ordinance.

(7) *Variances and appeals.*

- a. *General.* The City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.
- b. *Appeals.* The St. Augustine Beach Planning and Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of St. Augustine Beach Planning and

Zoning Board may appeal such decision to the St. Augustine Beach City Commission or Circuit Court, as provided by Florida Statutes.

- c. *Limitations on authority to grant variances.* The St. Augustine Beach City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in (a)(7)g of this ordinance, the conditions of issuance set forth in (a)(7)h of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The St. Augustine beach City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- d. *Reserved. Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in (a)(5)e of this ordinance.
- e. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12-44 Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- f. *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of (a)(7)d, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- g. *Considerations for issuance of variances.* In reviewing requests for variances, the St. Augustine beach City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - 4. The importance of the services provided by the proposed development to the community;
 - 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

Commented [RCQ8]: First of two places; chapter number change a few cycles back

6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- h. *Conditions for issuance of variances.* Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 2. Determination by the St. Augustine Beach City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(8) *Violations.*

- a. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- b. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- c. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(b) *Definitions.*

(1) *General.*

- a. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
- b. Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- c. Terms not defined. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(2) *Definitions.*

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 29, 1972. [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida-licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter ~~12~~ **44** Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicle Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the Actual Cash Value (in-kind

Commented [RCQ9]: Municode mistakenly shows the next four as separate definitions, but they are supposed to be indented. I'm adding numbers so it's clearer

Commented [RCQ10]: Almost all of the communities we've worked with in the past year (about 100) have made this change to remove the traditional market appraisal - FDEM approved this to rely on ACV as primary method. It's recommended because there's less judgement and less opportunity for bias. The starting "like-kind replacement cost" is what it would cost to build exactly as shown (not to current code).

replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 29, 1972 and includes any subsequent improvements to such structures.

Recreational vehicle. A vehicle, including a park trailer, which is: See section 320.01 F.S.

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AF, A99, AI1, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Commented [RCQ11]: Leave it here because it's part of the defn

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(c) *Flood Resistant Development.*

(1) *Buildings and structures.*

- a. *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to (a)(4)c of this Ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of (c)(5) of this ordinance.
- b. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.
- c. *Structure Height.* Structure height shall be measured in accordance with adopted City Ordinances. No provisions shall be deemed to permit an increase of the overall building height limit.

- d. Manufactured Homes and Recreational Vehicles. In accordance with the Zoning Code, manufactured homes and recreational vehicles are not permitted.

Commented [RCQ12]: Question pending with SFMD

- e. Non-elevated Accessory Structures. Accessory structures are permitted below the elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

2. If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
4. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

(2) *Subdivisions.*

- a. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AII and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- b. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
 2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with (a)(5)b.1 of this ordinance; and
 2. 3. Compliance with the site improvement and utilities requirements of (c)(3) of this ordinance.

(3) *Site improvements, utilities and limitations.*

- a. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AII and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- b. *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- c. *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- d. *Reserved. Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in (a)(5)e(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- e. *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- f. *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by (a)(5)c (a)(5)e.4 of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with (c)(5)e (e)(5)h.(3) of this ordinance.

(4) *Tanks.*

- a. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- b. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of (c)(4)c of this ordinance shall:
 1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (Zone V).

- c. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- d. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(5) *Other development.*

- a. *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
 - 1. Be located and constructed to minimize flood damage;
 - 2. Meet the limitations of (c)(3)d. of this ordinance if located in a regulated floodway;
 - 2.3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - 3.4. Be constructed of flood damage-resistant materials; and
 - 4.5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- b. ~~Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of (c)(3)d of this ordinance.~~
- c. ~~Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of (c)(3)d of this ordinance.~~
- d. ~~Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of (c)(3)d of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of (a)(5)e (3) of this ordinance.~~

Commented [RCQ13]: Not using "reserved" here because below paragraphs aren't cross referenced from another section

b. e. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

c. f. *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

d. g. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

e. h. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 12-09, § 1, 11-13-12; Ord. No. 18-01 , § 3, 4-2-18)

Editor's note(s)—Ord. No. 12-09, § 1, adopted November 13, 2012, repealed the former § 5.03.07, and enacted a new § 5.03.07 as set out herein. The former § 5.03.07 pertained to similar subject matter and derived from Ord. No. 04-12, Arts. 1—6, adopted August 2, 2004.

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

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

SECTION 5. This Ordinance shall take effect 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
Commissioner Sweeny

FROM: Max Royle, City Manager

DATE: March 17, 2022

SUBJECT: Proclamations 

- A. From the St. Johns River Water Management District, to Proclaim April 2022 as Water Conservation Month
- B. From the City, to Proclaim Wednesday, April 27, 2022, as Arbor Day in the City

The proclamations are attached. With one motion and a second, you can adopt both.

Dariana Fitzgerald

From: Douglas Conkey <DConkey@sjrwmd.com>
Sent: Tuesday, March 1, 2022 12:43 PM
To: Clerk
Subject: water conservation proclamation
Attachments: Sample Proclamation 2022.docx

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Dariana,

I hope all is well. 2022 is the 24-year anniversary since April was first established as Water Conservation Month in Florida. It would be great if the City of St Augustine Beach could support the initiative of water conservation with a proclamation. I have attached a sample proclamation. Your support is greatly appreciated.

Douglas Conkey

Intergovernmental Coordinator

Governmental Affairs Program

St. Johns River Water Management District

7775 Baymeadows Way, Suite 102, Jacksonville, FL 32256

Office: (904) 730-6287

Email: dconkey@sjrwmd.com

Website: www.sjrwmd.com

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www.sjrwmd.com/ePermit

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

P R O C L A M A T I O N

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, the State of Florida, Water Management Districts, counties, and municipalities are working together to increase awareness about the importance of water conservation; and

WHEREAS, the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

WHEREAS, the City of St. Augustine Beach has always encouraged and supported water conservation, through various educational programs and special events; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

NOW THEREFORE, WE, THE CITY OF ST. AUGUSTINE BEACH, do hereby proclaim the month of April 2022, as **WATER CONSERVATION MONTH** in the City of St. Augustine Beach and further encourage each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

PRESENTED this 4th day of April 2022.

Mayor Donald Samora

ATTEST:

City Manager Max Royle

P R O C L A M A T I O N

WHEREAS, the people of St. Augustine Beach gain great joy from trees, experiencing connections with them beyond gratitude for their utilitarian value; and

WHEREAS, the City will hold its annual Arbor Day celebration on April 27, 2022; and

WHEREAS, the City will host an Arbor Day event at the St. Johns County Pier with exhibits; and

WHEREAS, the Sustainability & Environmental Planning Advisory Committee has continued its project to restore the City's tree canopy with the giveaway of trees; and

NOW, THEREFORE, the City Commission of the City of St. Augustine Beach, does hereby proclaim Wednesday, April 27, 2022, as

ARBOR DAY

in the City of St. Augustine Beach and invite all our citizens to join me in appreciating the blessings of trees.

IN WITNESS WHEREOF I have hereunto set my hand and caused to be affixed the official seal of the City of St. Augustine Beach, Florida, this 4th day of April 2022.


Mayor Donald Samora

ATTEST:

City Manager Max Royle

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: March 11, 2022

SUBJECT: Ordinance 22-03, First Reading, to Vacate Alley between 2nd and 3rd Streets West of 2nd Avenue in the Chautauqua Beach Subdivision

BACKGROUND

A majority of the owners of the lots bordering this alley requested that it be vacated. The Comprehensive Planning and Zoning Board reviewed the request at its February 15, 2022, and recommended that it be approved, subject to the condition that the alley be vacated when the Public Works Department had completed a drainage project in it. That project is a drainage pipe.

You held a public hearing for the vacation request at your March 7, 2022, regular meeting, when you reviewed the application and the Board's recommendation. You approved the request subject to each of the conditions listed by the Public Works Director in a memo that was included with the application.

ATTACHMENTS

They are:

- a. Pages 1-30, the application and the Planning Board's recommendation to you. The Public Works Director's memo with his proposed conditions is pages 3-4.
- b. Pages 31-32, the minutes of that part of your March 7th meeting when you reviewed and approved the request to vacate the alley.
- c. Pages 33-36, Ordinance 22-03, which was prepared by the City Attorney and reviewed by the Public Works Director. It will make official for the record the vacation of the alley between 2nd and 3rd Streets, west of 2nd Avenue.

ACTION REQUESTED

It is that you review Ordinance 22-03 and pass it on first reading. It will then be scheduled for a public hearing and final reading at your May 2nd meeting.



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) 209-2607 Fax
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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0111110

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



FPL

Visit the new www.fpl.com/construction at [FPL.com/construction](http://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](http://www.fpl.com/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 3208D

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

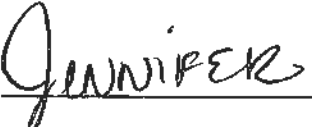
Per Ordinance No. 15-05, Section 18-51-e of the St. Augustine Beach Code, the names and addresses of the owners of the real property bounding and abutting the property for which the vacation is requested shall be obtained from the current tax assessment roll. The written consent of each owner shall be 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)
 12/28/21	 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 

Date 12-28-21

Invoice # 12200458

Check # or type of credit or debit card 104

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 <bmillier@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

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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, 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



GREENFIELD

From: Max Royle <mroyle@cityofsab.org>
Date: Monday, December 27, 2021 at 9:47 AM
To: Joshua T. Patterson <jtp@g-etg.com>
c: 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>
c: 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>
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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.greenfieldenvironmental.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



GREENFIELD
ENVIRONMENTAL TRUST GROUP

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>

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www.avg.com

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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 & ALLEYS 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	CRAIDOCK JILL, MARC	116 2ND ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOTS 1 & 3 BLK 31 OR1398/800-601
1696400120	DHEMOCOURT 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	PERSON JOSHUA T, TIFFANY P	203 3RD ST		SAINT AUGUSTINE FL 320800000	2-5 CHAUTAUQUA BCH LOT 6 BLK 31 OR4256/1545

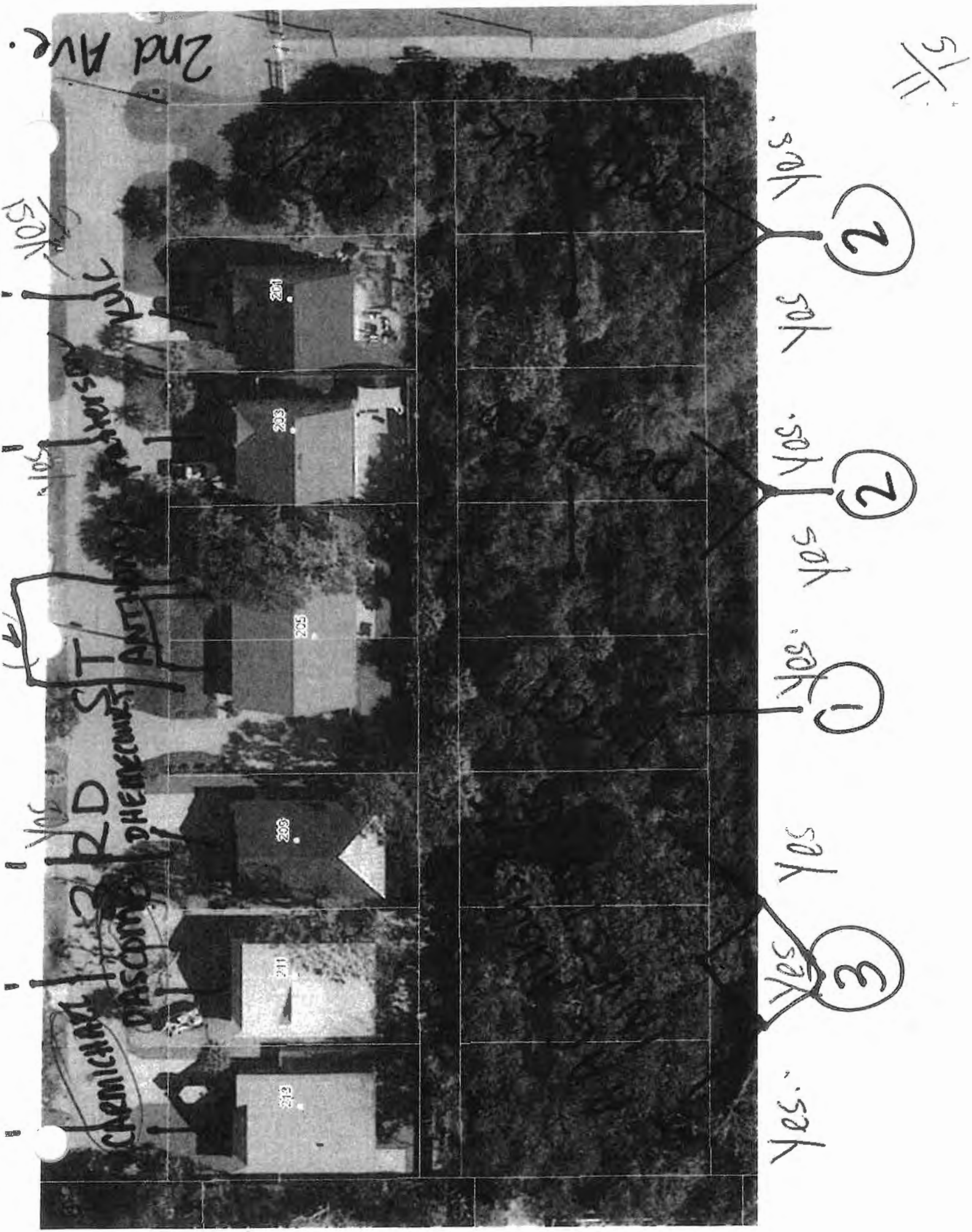
3rd St

169650 0160 169640 0140 169640 0120 169620 0000 169620 0060 169620 0040 168320 0002

168320 0003

169640 0150 169650 0000 169640 0110 169640 0000 169630 0000 169620 0050 169615 0010

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



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: [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) 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

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, 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:

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: Arthur Hitch III

PIN 1696400000

Signature of Consent Arthur Hitch III

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 CHATHAMANI)
PIN 1696400150, 1696400110, 1696500000
Signature of Consent [Signature]
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

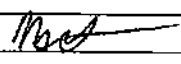
Dear P&Z Board members:

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 
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

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.

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
27-239-6569

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

3. Request to Vacate Alley Between 2nd and 3rd Streets West of 2nd Avenue in the Chautauqua Beach Subdivision (Presenter: Jennifer Thompson, Planner)

Planner Thompson explained the request and noted that 11 out of the 15 property owners have submitted written consent, which is 73%. She acknowledged two of the property owners wrote emails in opposition, which were provided to the Commission in the agenda book. At their February 15 meeting, the CPZB recommended by a 5-2 vote that the alley be vacated upon completion of a drainage project to be performed by the City's Public Works Department.

Mayor Samora asked if the applicant would like to speak on the matter.

Josh Patterson, 203 3rd Street, St. Augustine Beach, FL, clarified that he did try to address some of the concerns of the three opposing landowners. He explained that the existing ditch is vestigial and doesn't provide much drainage. He stated that Public Works started a project in 2020 to install some underground drainage, but the contractor went out of business and the project wasn't completed. He stated that the three opposing landowners would like to see the project completed and indicated that the supporting landowners would agree with that. He stated that he feels he has met the requirements to vacate this alley and asks that the Commission consider this a standalone ordinance, since the project may take some time to complete or may never be completed if City funds are needed elsewhere.

Mayor Samora asked if there were any objections to the restrictions laid out by Public Works. Mr. Patterson replied that there would be no objection and one of his reasons for approval at this time is that construction will likely begin soon on the 2nd Street lots to the south of the alley and some of the 3rd Street owners may want to move their fences back. He noted that on his lot, the soils weren't properly compacted by the builder and moving the fence back would allow him to access the retaining wall and fix that problem.

Mayor Samora asked the Commission had any further questions for the applicant, being none, he asked Public Works Director Tredik to speak to his position.

Director Tredik stated that the drainage project was bid before the pandemic began and first the contractor suspended their operations, then the City suspended several projects due to revenue concerns. He stated that about 100 feet was piped by Public Works staff, but it hasn't been budgeted for completion because there were other priorities, but it is still in the Master Drainage Study and part of long-term plans. The original design had a 36-inch pipe, but a 24-inch was installed with the intention that when 2nd Street was developed it would have a parallel system. He does still intend to install both pipes. He suggested that it could be worked into the budget for next year and that the original estimate was a little over \$100,000 and guessed maybe 50% more now with the increased costs.

Mayor Samora asked for Director Tredik's opinion of the Commission moving forward on the vacation with the permanent easement. Director Tredik replied that he does not object to the easement as long as they can access the alley to finish the work. He noted that if fences need to be taken down, it may increase the costs slightly, and the owners may be responsible for replacing the fencing after work is completed.

Mayor George asked how deep the piping would be and Director Tredik stated that he didn't know right off, but it would follow the existing piping below grade and would not be visible. He stated that one property owner has inquired about raising the system, but he doesn't think that should be done by the City. Mayor George asked if it would affect the piping if property owners set fence posts about four feet deep. Director Tredik responded that would be something that would need

to be considered, which is why Public Works would like to approve anything that goes into the easement to evaluate on a case-by-case basis. He noted that the pipe is a high-density polyethylene and is made to be tough.

Vice Mayor Rumrell commented that he was working on obtaining money from the State, \$500,000 for Magnolia Dunes and \$45,000 for the numbered streets, and asked if this project was part of that number. Director Tredik replied that it was not.

Commissioner England asked all of the conditions he noted in his memo be part of the approval to vacate the alley. Director Tredik stated that he would like the easement language to specify those conditions so that there is clarity on the owners' responsibilities. He noted that three lots are scheduled to go into conservation and there was a question on whether that would change the percentage of owners that are in favor of the vacation. Commissioner England also asked about the two dissenting CPZB members and their reasoning. Director Tredik replied that he could not speak to that. Building Official Law stated that there was discussion of binding the decisions of future Commissions and liability regarding the easement.

Commissioner George noted the language stating that "no portion of the vacated alley shall be allowed to be placed under conservation" and asked for. Director Tredik stated that he was concerned that if the three conservation lots were deeded to the City and 7 ½ feet ended up under a conservation easement, that the City would not be able to properly maintain the pipes. City Attorney Taylor agreed that the City would not want that under a conservation easement. Commissioner George asked if that was language that would need to be added now or later we the conservation easement is placed. City Attorney Taylor stated that it would be better to have it now.

Commissioner England noted that this particular alley vacation and easement was complicated and asked the Commission if the easement should come back in writing for review. City Manager Royle noted that it would come back. Mayor Samora stated that this was to approve the application, which would come back to the Commission as an ordinance in April.

Mayor Samora asked for public comment, being none, he then asked for a motion.

Motion: To approve the application to vacate the alley between 2nd and 3rd Streets west of 2nd Avenue subject to each of the conditions identified in the memorandum by Public Works Director Tredik. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

ORDINANCE NO. 22-03

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; VACATING A PORTION OF THE PUBLIC ALLEY LOCATED ON THE WEST OF 2ND AVENUE BETWEEN 3RD STREET AND 2ND STREET, ADJOINING LOTS 1-16, BLOCK 31, CHAUTAUQUA BEACH SUBDIVISION, WITHIN THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS in January of 2022, Mr. Josh Patterson, of 203 3rd Street, Saint Augustine Beach, Florida, submitted an application for the vacation of the public alley located on the west of 2nd avenue between 3rd street and 2nd street, adjoining lots 1-16 of Block 31, the Chautauqua Beach Subdivision, within the City of Saint Augustine Beach, Florida.

WHEREAS the City of Saint Augustine Beach has a planned project to install improvements to this alley for the purposes of drainage.

WHEREAS Lot 1, Lots 3, and 5 of Block 31 Chautauqua Beach Subdivision are planned for placement under conservation easement and dedication to the City.

WHEREAS all property owners agree by accepting this vacation of the City's public alley that any grading modifications within the easement are subject to the review and approval by the Public Works Department of the City of Saint Augustine Beach, no adverse drainage impacts shall be made to adjacent or upstream properties, planting of any large shrubs or trees within the easement must be approved by the Public Works Department of the City of Saint Augustine Beach, 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, and the cost of moving or replacing any items, which can include but are not limited to fences, plants, and retaining walls may be removed by the City at the cost of the property owner and the City is not responsible for any cost of replacement.

WHEREAS the property owners agree that by accepting this vacation of the City's alley that no part of the easement may be deeded into any conservation easement which would prevent the construction, maintenance, and use of the vacated alley for the purposes of drainage improvements.

WHEREAS on February 15, 2022, the City of Saint Augustine Beach Planning and Zoning Committee heard a request to vacate the public alley located on the west of 2nd avenue between

3rd street and 2nd street, adjoining lots 1-16 of Block 31, the Chautauqua Beach Subdivision, within the City of Saint Augustine Beach, Florida.

WHEREAS the Planning and Zoning 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.

WHEREAS on March 7, 2022, the City of Saint Augustine Beach City Commission heard a request to vacate the public alley located on the west of 2nd avenue between 3rd street and 2nd street, adjoining lots 1-16 of Block 31, the Chautauqua Beach Subdivision, within the City of Saint Augustine Beach, Florida.

WHEREAS the City Commission finds that it is in the best interests of the citizens of Saint Augustine Beach, Florida that the public alley located on the west of 2nd avenue between 3rd street and 2nd street, adjoining lots 1-16 including the plaza of Block 31, the Chautauqua Beach Subdivision, within the City of Saint Augustine Beach, Florida. be vacated, subject to the reservation of a public utility and drainage easement over the entire alley to be vacated.

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAINT AUGUSTINE BEACH:

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

SECTION 2. The City Commission does hereby find that the public alley located on the west of 2nd avenue between 3rd street and 2nd street, adjoining lots 1-16 including the plaza of Block 31, the Chautauqua Beach Subdivision, within the City of Saint Augustine Beach, Florida, as more particularly described and shown on **Exhibit "A"**, attached hereto and made a part hereof, is hereby vacated, subject to the reservation by the City of Saint Augustine Beach of a public utility and drainage easement over the entire alley to be vacated.

SECTION 3. The City Clerk is authorized and directed to forward a certified copy of this Ordinance to the Clerk of the Circuit Court for recordation.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect immediately upon passage.

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

EXHIBIT "A" – PROPERTY DESCRIPTION

A portion of parcel 168320 0003 shown in the map below: the fifteen (15) foot wide by four hundred (400) feet length alley located on the west of 2nd avenue between 3rd street and 2nd street, adjoining lots 1-16 including the plaza of Block 31, the Chautauqua Beach Subdivision, within the City of Saint Augustine Beach, Florida



The portion vacated is roughly shown outlined in red above in the map. The measurements shown in the map are not precise and the vacated area is exactly fifteen (15) feet width by four hundred (400) feet length.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: ARPA REQUEST
DATE: 3/17/2022

As a recipient of the American Rescue Plan Act (ARPA) the city is required to track expenses and submit annual reports to substantiate purchases. Our auditor has presented an agreement to assist us with the reporting and tracking of projects for the full term of ARPA. Attached is a summary of the services, along with the contract for your review. I have reviewed the agreement and I feel that it is in the best interest of the city to engage James Moore to assist us with this process to ensure that we remain in compliance. The one-time cost of this service is \$6,900 for reporting and \$7,500 for project accounting & reporting and can be charged back to ARPA as an expense.

As this is a very complex and detailed program for which the city has received \$3.5 million dollars in funding, I am requesting that the Commission approve the agreement to engage the services of James Moore at this time. The first reporting deadline is April 30, 2022, and with this approval, they can begin assisting us with ARPA.

Unlock the Restrictions on Your ARPA Funding

Is your county or municipality a recipient of ARPA Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) of less than \$10 million? Are you still trying to prioritize projects within the eligible premium pay, infrastructure project or other eligible uses?

If so, **stop what you're doing** and consider the following before going down any path that may not be necessary or could add unneeded complexity and risk to the use of your ARPA funds. Because when all is said and done, you can now effectively spend the impact of those funds on **any governmental purpose**.

The Treasury's Final Rule expanded the available use of these funds but didn't eliminate all compliance requirements. That's why we developed our **ARPA Reporting and Compliance Services**. We'll help you leverage the flexibility allowed by CSLFRF program guidelines so you can confidently address the most serious challenges facing your organization.

These services are performed by full-time CPA auditors on our Government Services Team. As government CPAs for over 50 years, it's our job to understand the ins and outs of these and other reporting and compliance

requirements. Our team will help ensure you're compliant while maximizing the funds available to invest into your local government.

Reporting and Compliance packages start at just \$4,900 – a fraction of what most consulting firms charge. Even better, these services can be paid from your ARPA funds. So you'll get the experience and knowledge necessary to help ensure compliance at a cost that allows almost all of your ARPA funds to go to work for your government. We can also provide customized project accounting services to help ensure back-end transparency.

Scan the QR code to watch our video, and read our Q&A for additional details.



Questions and Answers



Q: What services are included in the base Reporting and Compliance package?

A: Our base package includes the filing of all your ARPA reports in the Treasury portal, development of internal policy and communication regarding the plan for the use and recognition of your ARPA funds, and compilation of a final audit package that can be provided to your auditors for single audit purposes.

Q: What do you mean by spending the funds on “any governmental purpose”?

A: This is where a lot of confusion still exists. In short, we'll help you claim the standard allowance and identify eligible expenditures on which the ARPA funds will be used to meet all restrictions. These eligible expenditures likely already exist in your current fiscal year's budget. The resulting savings can then be used on any governmental purpose.

Q: The \$10 million standard allowance sounds helpful, but we already identified infrastructure projects to use up our entire award. Since we have a plan in place, does any of this really matter to us?

A: Absolutely. While you may not necessarily change the planned use, the reporting process for direct use of the ARPA funds on such projects is extensive and cumbersome. Engaging us to guide you through election of the standard allowance does more than simplify your reporting process. We'll also help you strategize how to minimize the additional impact of any single audit costs.

Q: So really, how much is this going to cost?

A: Our base package for small governments costs \$4,900 with total award amounts under \$1 million. Fees scale upward only minimally for larger awards, not to exceed a maximum of \$8,900.

Q: Why are you charging so much less than other ARPA consultants?

A: For us, it's about repetition, economies of scale and our commitment to bringing the highest level of value to our clients. The number of organizations we're working with through this process has enabled us to spread our own research and training costs across a broader population.

Q: What additional services are available?

A: We'd be glad to make a presentation to your elected officials to explain the standard allowance and opportunities available (think again – ANY governmental purpose) to utilize your funds. We also offer project accounting and reporting services related to the use of the economic impact of your ARPA funds by providing a summary of the related expenditures for internal use and distribution to your elected officials and/or citizens. Our fees for these services (as add-ons to our base reporting and compliance package) are as follows:

- Presentation to Elected Officials (pre- and/or post-reporting and expenditure of funds)
 - o In-person: \$1,000 (plus reimbursement of actual costs and travel time in excess of 1 hour at \$100/hour)
 - o Remote: \$750
- Project Accounting and Reporting Services
 - o Project Tracking and Final Report Summarizing Use of Funds - \$7,500
 - o Interim Reports: \$2,000 per report issued

Q: Will you be performing this work on site or remotely?

A: All work can be performed remotely, so we're able to help you regardless of where you are!

Contact us today! We'll be there for you... so you can be there for those you serve.



March 11, 2022

City of St. Augustine Beach, Florida
Attn: Patty Douylliez, Finance Director
Via E-Mail: pdouylliez@cityofsab.org

RE: ARPA Reporting and Compliance Consulting Engagement Letter

Dear Ms. Douylliez:

We are pleased to provide the City of St. Augustine Beach, Florida (the Government) with reporting and compliance consulting services related to the Government's Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) from the American Rescue Plan Act (ARPA). This letter confirms our understanding of the terms and objectives of our engagement and the nature and limitations of the services we will provide as it relates to assistance with the Government's reporting of its CSLFRF funds and internal compliance and accountability. This engagement between you and our firm will be governed by the terms of this letter.

Engagement Objectives

You have requested that we perform ARPA CSLFRF reporting and compliance consulting services as described below:

- Preparation of all required reports through the United States Treasury's online portal for the Government's use of ARPA CSLFRF funds in accordance with the Government's plan to elect the standard allowance for revenue replacement for the use of 100% of the ARPA CSLFRF award.
- Assistance in the development of an official accounting policy or internal memo related to the Government's planned usage of the economic impact of the ARPA CSLFRF funds.
- Assembly of a final audit package related to the usage of the ARPA CSLFRF funds that can be provided to your auditors for single audit purposes.

Your Responsibilities

In order for us to perform the above services, we will need the following assistance:

- Assistance in establishing a member of our team as an authorized user to prepare reports through the Treasury's portal.
- Trial balance and/or general ledger reports and applicable supporting documentation, as requested.
- Final review, approval, and submittal of reports and internal policy/memo document.

The sufficiency of the consulting services we provide is solely the responsibility of the Government. Consequently, we make no representation regarding the sufficiency of the procedures to be performed. Our recommendations regarding procedures to be performed and the results of the procedures performed are dependent on the accuracy and completeness of the representations and information that we receive from your personnel. Accordingly, inaccurate or incomplete information could result in inaccurate findings or inappropriate recommendations, and critical recommendations may not be identified. Any reports we issue

to you as a result of this consulting engagement are solely intended for the use of the Government, and should not be used by anyone other than those specified parties. We will not provide any legal services.

You are responsible for ensuring compliance with all applicable ARPA and Federal guidance, and making all management decisions and responsibilities and for designating an individual, with suitable skills, knowledge, and experience to oversee any nonattest services that we provide. You are responsible for: accepting responsibility for the results of the services performed, including decisions regarding implementation of any recommendations provided by us; making all management decisions and performing all management functions; evaluating the adequacy and results of the services performed; and establishing and maintaining internal controls as well as monitor ongoing activities.

Our Responsibilities

We will perform our services in accordance with the Statement on Standards for Consulting Services and the Code of Professional conduct issued by the American Institute of Certified Public Accountants. Such services are not intended to represent an audit, examination, attestation, financial forecast or projection, special report or agreed-upon procedures engagement as those services are defined in AICPA literature applicable to such engagements. Accordingly, these services will not result in the issuance of a written communication to third parties by us regarding financial data or internal controls, expressing a conclusion, or providing any form of assurance.

The engagement is limited to the professional services outlined above. James Moore & Co., P.L., in its sole professional judgement, reserves the right to refuse to take any action that may be construed as making management decisions or performing management functions on your behalf. However, we may provide advice and recommendations to assist management in performing its functions and making decisions. Our engagement does not include any procedures designed to detect errors, fraud, or theft. Therefore, our engagement cannot be relied upon to disclose such matters.

Upon completion of our procedures, we will provide a copy of any final deliverables included in this engagement, including the final accounting policy/memo language and internal audit package for single audit purposes.

Nonattest Services

We will perform the following nonattest services: preparation of ARPA CSLFRF program reports to be submitted to the U.S. Treasury and related internal reporting package; preparation of an internal policy/memo related to the usage of such funds. With respect to any nonattest services we perform, we will not assume management responsibilities on behalf of the Government. However, we will provide advice and recommendations to assist management of the Government in performing its responsibilities. The Government's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual (Patty Douylliez, Finance Director) to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the engagement are as follows. We will perform the services in accordance with applicable professional standards. This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities. Our firm may advise the Government with regard to different matters, but the Government must make all decisions with regard to those matters.

Engagement Timeline

We expect to perform these procedures in accordance with the following timeline:

- ***Upon Execution of Agreement: Project Kickoff and Planning***
 - o Initial setup within the Treasury's portal to ensure proper access is available to file the required reports.
 - o Submittal of client survey related to planned usage of funds, accounting policy preferences, and other key information to aid us in the development of the accounting policy/internal memo.
- ***By April 30, 2022: Filing of Initial Project and Expenditure Report***
 - o Determination of usage of funds for general government expenditures to meet the applicable compliance requirements for usage of funds earned under the standard allowance for revenue replacement; expected to equal 100% of award.
 - o Submittal of report.
- ***By May 31, 2022: Completion of Internal Accounting Policy/Memo and Final Audit Package***
 - o Final edits of accounting policy/memo for use by the Government.
 - o Completion of final audit package summarizing compliance and with supporting documentation for single audit purposes.
- ***Ongoing: Subsequent Reporting Deadlines***
 - o Submittal of subsequent reports through the Treasury portal, as required, in succeeding years.

Other Engagement Terms

Zach Chalifour and James Halleran are the service leaders for the services specified in this letter. Their responsibilities include supervising James Moore & Company's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign any reports we issue to you as part of this engagement.

Our fee for these services will be \$6,900. Our services will be billed according to the following milestone schedule:

Milestones (in expected order of completion)	Percentage of Total Fee Due
At Execution of Engagement Letter	0%
Upon Filing Treasury P&E Report Due April 30, 2022	30%
Submittal of Internal ARPA Audit Package	30%
Submittal of Internal ARPA Accounting Policy/Memo	30%
Upon Completion of Final Report Due to U.S. Treasury	10%

The above fees are based upon the Government's planned usage of the \$10 million standard allowance for revenue replacement for the full ARPA CSLFRF award amount. Should the plan for use of these funds change, or additional reporting and compliance requirements not in effect at the time of this letter be instituted by the Treasury, our fees may be subject to change. In such case, no additional work shall be performed without advance discussion and approval of any additional fees.

You may request that we perform additional services not contemplated by this engagement letter. If this occurs, we will communicate with you regarding the scope of additional services and the estimated price. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter. While we would be more than glad to discuss a custom service plan to best meet your needs, specific services related to this engagement that may be added on at your request are as follows:

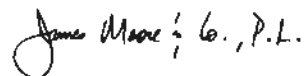
<u>Elective Add-on Service</u>	<u>Fee</u>
Presentation to Elected Officials – In Person	\$1,000 + travel costs + travel time at \$100/hour
Presentation to Elected Officials – Remote	\$750
Project Accounting & Reporting – Accounting & Final Report	\$7,500
Project Accounting & Reporting – Interim Report	\$2,000 each

This engagement letter may be terminated by either party for noncompliance with the terms as noted in this engagement letter. The parties will provide 60 days' notice of their intention to terminate the engagement. If work has been partially completed toward an identified milestone at the time of termination, a final billing shall be made based on the amount of actual time incurred.

You agree to release, indemnify, defend, and hold us harmless from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.

We appreciate the opportunity to assist you and believe this letter accurately summarizes the significant terms of our proposal. If you have any questions, please let us know. If you agree with the terms of our proposal as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



JAMES MOORE & CO., P.L.

RESPONSE:

This letter correctly sets forth the understanding of the City of St. Augustine Beach, Florida.

By: _____

Title: _____

Date: _____

MEMORANDUM

TO: Max Royle, City Manger
FROM: Sydney Shaffer, El Civil Engineer
DATE: March 22, 2022
SUBJECT: 2nd Street Extension and Widening Improvements
Florida Power and Light (FPL) Underground Utility Easement – 3rd St. to 2nd St.

BACKGROUND

Design of 2nd Street Extension and Widening improvements was completed in January 2022, and an Invitation to Bid (Bid No. 22-02) for construction was advertised on February 2, 2022. Bids for construction of the 2nd Street Project were opened on February 13, 2022, and on March 7, 2022, the City Commission awarded the bid to DB Civil Construction in the amount of \$579,850.00.

During the project development process, the City Commission directed staff to pursue undergrounding of power lines along 2nd Street. FPL is currently designing the underground facilities and City staff is working with property owners and FPL to facilitate the execution of the required easements. In addition to easements from property owners along 2nd Street – and in order to properly serve 2nd Street with underground power – FPL has requested an underground utility easement within the 2nd Avenue right of way between 3rd Street and 2nd Street. This easement will allow undergrounding of electric from existing power poles on 3rd Street. A sketch and legal description of the easement is provided in Exhibit “A” and a copy of the FPL easement is attached as Exhibit “B.”

STAFF RECOMMENDATION

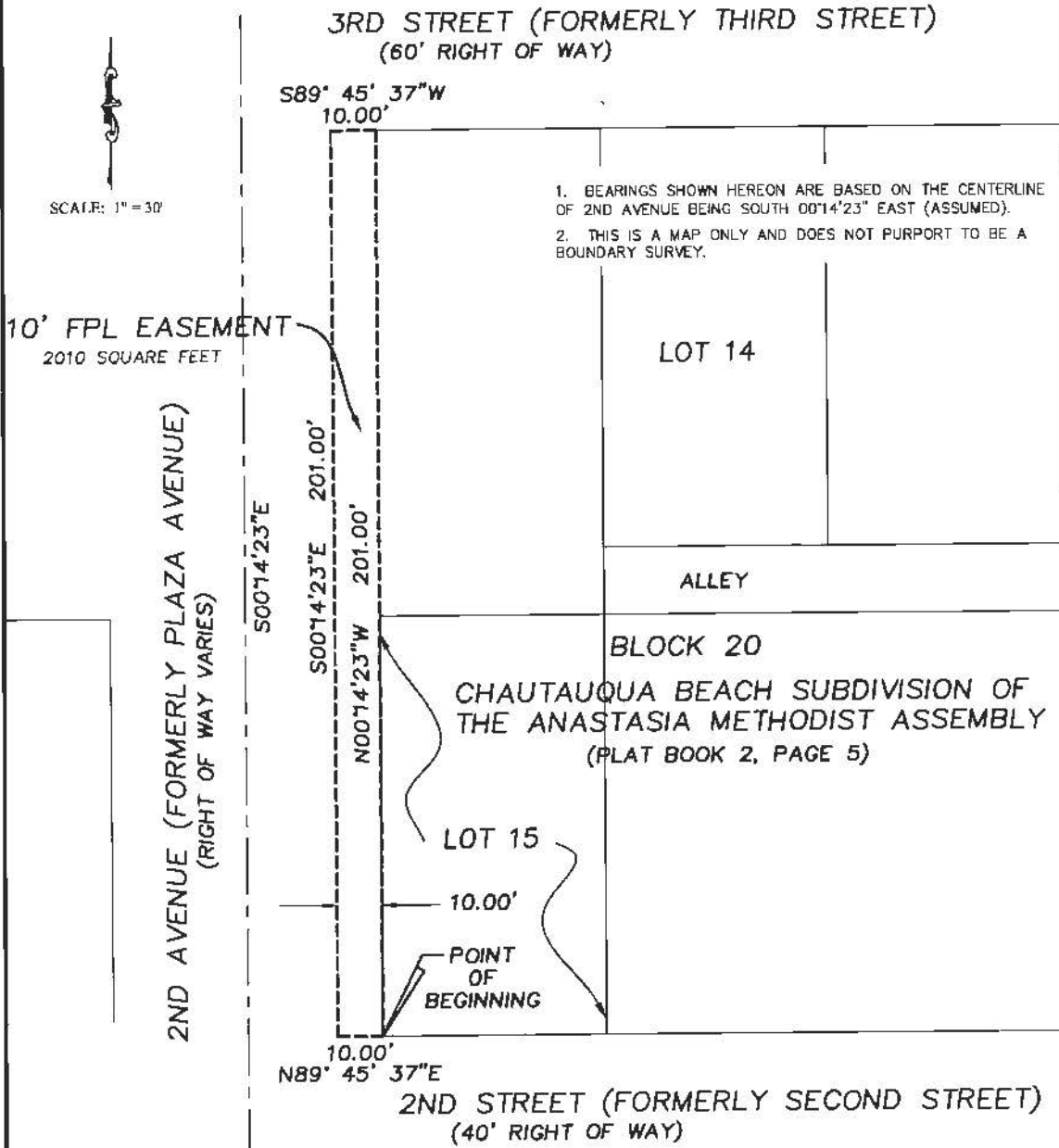
Approve an underground utility easement to FPL, as depicted and described in Exhibits “A” and “B”, of the 2nd Avenue right of way between 2nd Street and 3rd Street.

MAP OF 10' WIDE FP&L EASEMENT

A PART OF 2ND AVENUE (FORMERLY PLAZA AVENUE, A RIGHT OF WAY OF VARYING WIDTH, ACCORDING TO THE PLAT OF CHAUTAUQUA BEACH SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY, AS RECORDED IN PLAT BOOK 2, PAGE 5 OF THE PUBLIC RECORDS OF ST. JOHN'S COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 15, BLOCK 20 OF SAID PLAT, ALSO BEING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF 2ND STREET (FORMERLY SECOND STREET, A 40 FOOT RIGHT OF WAY BY SAID PLAT) WITH THE EASTERLY RIGHT OF WAY LINE OF SAID 2ND AVENUE; THENCE NORTH 00 DEGREES 14 MINUTES 23 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID LOT 15, ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF 2ND AVENUE, AND THE NORTHERLY PROJECTION THEREOF, 201.00 FEET TO ITS INTERSECTION WITH THE WESTERLY PROJECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF 3RD STREET (FORMERLY THIRD STREET, A 60 FOOT RIGHT OF WAY BY SAID PLAT); THENCE SOUTH 89 DEGREES 45 MINUTES 37 SECONDS WEST, ALONG SAID WESTERLY PROJECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF 3RD STREET, 10.00 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 23 SECONDS EAST, ALONG A LINE PARALLEL WITH AND LYING 10.00 FEET WESTERLY OF, WHEN MEASURED AT RIGHT ANGLES TO SAID EASTERLY RIGHT OF WAY LINE OF 2ND AVENUE AND ITS NORTHERLY PROJECTION, 201.00 FEET TO ITS INTERSECTION WITH THE WESTERLY PROJECTION OF SAID NORTHERLY RIGHT OF WAY LINE OF 2ND STREET; THENCE NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, ALONG SAID WESTERLY PROJECTION OF THE NORTHERLY RIGHT OF WAY LINE OF 2ND STREET, 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2010 SQUARE FEET MORE OR LESS.



1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF 2ND AVENUE BEING SOUTH 00°14'23" EAST (ASSUMED).
2. THIS IS A MAP ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.

I CERTIFY TO CRAWFORD, MURPHY & TILLY

THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 5J-17.051 & 5J-17.052, F.A.C.

SIGNED BRENDA D. CATONE, PSM REGISTRATION #5447

DATE: MARCH 21, 2022 SCALE 1" = 30' I.B. # 4603

DEGROVE

Surveyors, Inc.

2131 CORPORATE SQUARE BLVD.

JACKSONVILLE, FL 32216

(904) 722-0400

Work Request No. 11128591

Sec. 34, Twp 07 S, Rge 30 E

Parcel I.D.N/A

(Maintained by County Appraiser)

UNDERGROUND EASEMENT (INDIVIDUAL)

This Instrument Prepared By

Name: ADAM KOENIG

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:

The Easterly 10 feet of the 2nd Avenue right-of-way between 2nd Street and 3rd Street of CHAUTAUQUA BEACH SUBDIVISION of the Anastasia Methodist Assembly, Inc, according to the plat thereof as recorded in Map Book 2, Page 5, of the Public Records of St. Johns County, Florida. (see Exhibit A)

Reserved for Circuit Court

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:

By: _____

(Witness' Signature)

Print Name: _____

Print Name: _____

(Witness)

Print Address: _____

(Witness' Signature)

By: _____

Print Name: _____

Print Name: _____

(Witness)

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

MEMORANDUM

TO: Max Royle, City Manager

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

DATE: April 4, 2022

SUBJECT: RFQ 21-06: Ocean Walk Subdivision Drainage Improvements
Engineering Contract with Crawford, Murphy & Tilly for City of St. Augustine Beach
Storm Drainage Master Plan Update

BACKGROUND

The most recent update to the Storm Drainage Master Plan Update occurred in 2004 and is now almost 18 years old. This 2004 Plan identified eighteen drainage improvement projects classified as:

- Part I – Major Ditch Improvements
- Part II – Other Improvements

Most of the projects identified in the 2004 Plan have been completed, with the following exceptions:

- Mickler Blvd ditch from 11th Street to 16th Street
- Mickler Blvd. ditch from A Street. to 11th Street
- 16th Street ditch from Mickler to Ocean Woods ditch
- 7th, 8th, and 9th Street piping

Though the 2004 Plan addressed known major drainage issues at the time of its development, detailed street level analysis, except in specific locations, was beyond its scope. As a result, not all future localized drainage problems were fully understood. As growth continued – and the City filled in – new drainage concerns arose. These new drainage concerns – in conjunction with the need to prepare for impacts associated with sea level rise and extreme tides – necessitate an update to the aging Storm Drainage Master Plan. By updating the Storm Drainage Master Plan, the City will prepare for the coming challenges of the next 10 years and beyond.

The update to the Storm Drainage Master Plan will attack stormwater issues on multiple fronts. The Consultant will review the 2004 Plan and supporting documentation to update the cost and design requirements – as well as the necessity – for constructing unaccomplished projects. The Plan Update will also identify and address new drainage concerns, predict future issues, and develop long-term management strategies to increase resiliency and sustainability of the city's stormwater infrastructure. As part of the Plan Update development – and to maximize the Plans success - the Consultant will coordinate closely with City staff and solicit public input throughout the process.

In developing the Plan Update, the Consultant must also coordinate efforts with other city plans and studies. The City has, for example, just completed a Vulnerability Study identifying the City's susceptibility to storm surge and extreme tides in conjunction with predicted sea level rise scenarios. From the Vulnerability Study, the City intends to develop an Adaptation and Resiliency Plan to prepare for and mitigate future sea level rise. The updated Storm Drainage Master Plan must work in tandem with these plans to develop a storm drainage capital improvement and management plan to meet the City's stormwater needs well into the future.

The Storm Drainage Master Plan Update is currently included in the City's FY 2022 budget. RFQ 21-06 was advertised on October 22, 2021 with submittals received by 3:00 PM November 18, 2021. In response to RFQ 21-06, the City received submittals from the following three engineering firms:

1. Gulfstream Design Group, LLC
2. Matthews Design Group, LLC
3. Crawford, Murphy & Tilly

Three (3) city staff (selection committee) independently reviewed and scored each RFQ submittal. Each reviewer assigned a score of 1 through 5 for each category. The selection committee met on November 23, 2021, to present their individual scores for tabulation. The maximum score for each firm by an individual reviewer was 500 points. The maximum combined score for each firm was 1,500 points (500 x 3 reviewers). A summary of combined scores from the three responding firms is as follows:

	Gulfstream Design Group	Matthews Design Group	Crawford, Murphy & Tilly
GENERAL EVALUATION CRITERIA			
Project Approach	160	220	200
Relevant Project Experience	200	180	240
Quality Control and quality Assurance	110	90	90
Proximity to and Familiarity with Project Area	70	65	65
TECHNICAL			
Hydrologic and Hydraulic Modeling	100	100	120
Drainage System Design	120	110	120
Stormwater Pump Station Design	70	60	120
Environmental Resource and NPDES Permitting	100	80	110
Roadway, Utility and Other Design	50	55	50
TOTAL SCORE	980	960	1115

The firm receiving the highest combined score was Crawford, Murphy & Tilly with total combined score of 1115.

Consultants Competitive Negotiation Act (CCNA) Requirements

Per the 287 .055 Florida Statutes, an agency shall negotiate a contract with the most qualified firm for professional services at compensation which the agency determines is fair, competitive, and reasonable. Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the agency determines to be fair, competitive and reasonable, negotiations with that firm must be formally terminated. The agency shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency must terminate negotiations. The agency shall then undertake negotiations with the third most qualified firm.

On December 6, 2021, the City Commission approved the staff scores and ranking of submittals to RFQ 21-06 and authorized the City Manager or designee to negotiate with the top ranked

DISCUSSION

Staff has negotiated a scope of work for completion of the Master Drainage Study update. The work will be divided into six (6) primary tasks, with work described in Exhibit A to the contract. Work includes:

Task 1 – Quantify (\$21,520)

1. Limited Update of Existing Asset Inventory to review of records and limited field reconnaissance from the field engineering verification and topographic survey allowance of Task 6. Also identify info currently unavailable and not to be secured in this scope.
2. Expand and update current ICPR model to create more detail for larger drainage basin nodes, including expanded nodes for sub basins of the larger basin. Areas for more detail to be determined by and limited to past flood concerns within the sub basin areas. Add new area or project specific infrastructure since the 2004 master plan
3. Identify areas outside of current ICPR model drainage basin but within the city, compiling existing available stormwater data or modeling information, without creation of new independent computer models or combining or modification of existing models
4. Review 2004 Work Plan Projects & 2020 Vulnerability Assessment Mitigation Projects,

Task 2 – Evaluate (\$14,040)

1. Review / Summarize last 18 years projects/progress, summarizing those completed, those remaining and the permit significance of those remaining.
2. Import newly confirmed and/or quality improved Data (in identified areas) into GIS
3. Convert any verified NGVD29 datum-based infrastructure into the current NAVD88 datum.
4. Evaluate Existing Conditions of the Updated ICPR model outputs 25-year/100-year conditions

5. Identify future Development/Redevelopment Projects
6. Results/Strategies of Vulnerability Assessment
7. Evaluate two alternative future city CIP listings of infrastructure projects for stormwater treatment and attenuation considerations within the Updated ICPR model outputs 25-year/100-year conditions
8. Identify Extent of Information within the City GIS system requiring quality Improvement for City capital program funding.

Task 3 – Facilitate (\$20,720)

1. City to conduct a city-wide questionnaire mailer to solicit planning input, the results to be compiled and tabulated with CMT assistance and used in an informational public meeting.
2. Develop up to two differing project programs for infrastructure Improvements in coordination with City staff
3. Administer Workshop with City Staff progressing to the final master plan document
4. Presentation To the City Commission

Task 4 – Delivery (\$33,450)

1. Provide estimated budget projections to fund program options
2. Evaluate future budget needs for CIP and additional funding
3. Create material for printed and web base content
4. ICPR model results – with the model presentation data prepared in an updated GIS based city wide graphic
5. Prepare/provide master plan progressive updates at 50% and 90%
6. Provide final report – Printed copies (20) and digital
7. Provide GIS database with GIS applications for implementation consisting of a separate database layer in the city GIS system.
8. Facilitate the reporting by presentation of the final recommendations to City Commission

Task 5 – Project Management Oversight (\$10,620)

1. Organize and attend meetings for the purpose of presentation or coordination
2. Coordination and direct communication / correspondence
3. Status Reporting
4. Monitor and adjust scope / schedule / budget

Task 6 – Topo Survey, Field Engineering and concept Infrastructure Plans (\$34,200)

1. Topographic Survey - In the event of the need for detailed topographic data currently unavailable but deemed essential to assess the field conditions or conceptually define needed infrastructure improvements in areas such as Atlantic Oaks Circle, Magnolia Dunes, Seaside Villas at Pope Road and Ocean Oaks the scope of services will include an allowance for 8 full days of survey incurred in 8 hour increments .Similarly, for areas of existing infrastructure such as conveyance culverts, ditches or storm drains requiring

specific elevation determination or verification the scope of services will include an allowance for 4 full days of survey incurred in 8-hour increments.

2. Field Engineering Verification- In the event of the need for detailed field condition information or field evaluation of site conditions deemed essential to assess the field conditions or conceptually define needed infrastructure improvements in areas such as Atlantic Oaks Circle, Magnolia Dunes, Seaside Villas at Pope Road and Ocean Oaks the scope of services will include an allowance for field engineer verification/ evaluation. Similarly, for areas of existing infrastructure such as conveyance culverts, ditches or storm drains requiring field verification or evaluation of construction or maintenance conditions the scope of services will include an allowance for field engineering. The allowance will be limited to 48 total hours.
3. Concept Infrastructure Plans-In anticipation of identifying within the field evaluation and ICPR software modeling of the City stormwater system certain areas such as Atlantic Oaks Circle, Magnolia Dunes, Seaside Villas at Pope Road and Ocean Oaks are identified as needing infrastructure improvements the scope of services will include a 10 hour allowance for up to 6 areas of engineering conceptual infrastructure planning and order of magnitude project cost for each area.

Work is anticipated to be complete within nine (9) months of the execution of the contract. The cost of the above services is a lump-sum fee of \$134,650. It is the opinion of staff that the above fee is fair, competitive, and reasonable, as specified by 287.055 Florida Statutes.

RECOMMENDATION

Authorize execution of an engineering agreement with Crawford Murphy & Tilly for the City of St. Augustine Beach Storm Drainage Master Plan Update for a lump-sum fee of \$134,650.

This document has important legal consequences; consultation with an attorney is encouraged with respect to its use or modification. This document should be adapted to the particular circumstances of the contemplated Project and the controlling Laws and Regulations.

EJCDC® E-500, Agreement between Owner and Engineer for Professional Services, is published in two parts: (1) this part, the E-500 Agreement form, and (2) the Exhibits to Agreement between Engineer and Subconsultant for Professional Services. This first part contains a Guidelines for Use section that pertains to both the Agreement form and the Exhibits.

**AGREEMENT BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES
BETWEEN
CITY OF ST. AUGUSTINE BEACH
AND
CRAWFORD MURPHY & TILLY, ENGINEERS AND CONSULTANTS
APRIL 2022**

Prepared by



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AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

TABLE OF CONTENTS

	Page
Article 1— Services Of Engineer	1
1.01 Scope	1
Article 2— Owner's Responsibilities	1
2.01 Project Information	1
2.02 Not Used.....	
2.03 Owner-Furnished Services.....	2
2.04 Owner's General Responsibilities.....	3
2.05 Payment.....	4
Article 3— Schedule For Rendering Services	4
3.01 Commencement	4
3.02 Time for Completion.....	4
Article 4— Invoices And Payments	5
4.01 Invoices.....	5
4.02 Payments	5
Article 5— Opinions Of Cost	5
5.01 Opinions of Probable Construction Cost	5
5.02 Opinions of Total Project Costs	6
Article 6— General Considerations.....	6
6.01 Standards of Performance.....	6
6.02 Ownership and Use of Documents.....	8
6.03 Electronic Transmittals	9
6.04 Insurance	9
6.05 Suspension and Termination	11
6.06 Successors, Assigns, and Beneficiaries	12
6.07 Dispute Resolution	13
6.08 Controlling Law; Venue	13
6.09 Environmental Condition of Site	13
6.10 Indemnification and Mutual Waiver	15
6.11 Records Retention	16
6.12 Miscellaneous Provisions.....	16
Article 7— Definitions	16
7.01 Defined Terms	16
Article 8— Exhibits And Special Provisions.....	21
8.01 Exhibits to Agreement	21
8.02 Total Agreement.....	21
8.03 Designated Representatives	21
8.04 Engineer's Certifications	22
8.05 Conflict of Interest.....	22

AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

This is an Agreement between The City of St. Augustine Beach (Owner) and Crawford, Murphy & Tilley Engineers and Consultants (Engineer). Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as City of St. Augustine Beach Storm Drainage Master Plan Update (Project). Other terms used in this Agreement are defined in Article 7. Engineer's services under this Agreement are generally identified as customary professional services which shall include planning, civil engineering and permitting services, and may include the customary support services of survey, geotechnical analysis, structural, environmental, mechanical and electrical engineering for the Project.

Owner and Engineer further agree as follows:

ARTICLE 1—SERVICES OF ENGINEER

1.01 Scope

- A. Engineer shall provide, or cause to be provided, the services set forth herein and in Exhibit A.
- B. All phases of service will include Management of Engineering Services as shown in Exhibit A.

ARTICLE 2—OWNER'S RESPONSIBILITIES

2.01 Project Information

- A. To the extent Owner has not already provided the following, or has new, additional, or revised information from that previously provided, Owner shall provide Engineer with information and data needed by Engineer in the performance of Basic and Additional Services, including Owner's:
 - 1. design objectives and constraints;
 - 2. space, capacity, and performance requirements;
 - 3. flexibility and expandability needs;
 - 4. design and construction standards;
 - 5. budgetary limitations; and
 - 6. any other available information pertinent to the Project including reports and data relative to previous designs, construction, or investigation at or adjacent to the Site.
- B. Following Engineer's assessment of initially-available Project information and data and upon Engineer's request, Owner shall obtain, furnish, or otherwise make available (if necessary through retention of specialists or consultants) such additional Project-related information and data as is reasonably required to enable Engineer to complete its Basic and Additional Services; or, with consent of Engineer, Owner may authorize the Engineer to obtain or provide all or part of such additional information as Additional Services. Such additional information or data may include the following:
 - 1. Property descriptions.
 - 2. Zoning, deed, and other land use restrictions.
 - 3. Surveys, topographic mapping, and utility documentation.

4. Property, boundary, easement, right-of-way, and other special surveys or data, including establishing relevant reference points.
 5. Explorations and tests of subsurface conditions at or adjacent to the Site; geotechnical reports and investigations; drawings of physical conditions relating to existing surface or subsurface structures at the Site; hydrographic surveys, laboratory tests and inspections of samples, materials, and equipment; appropriate professional interpretation of such information or data.
 6. Environmental assessments, audits, investigations, and impact statements, and other relevant environmental, historical, or cultural studies relevant to the Project, the Site, and adjacent areas.
 7. Data or consultations as required for the Project but not otherwise identified in this Agreement.
- C. Owner shall examine all alternative solutions, studies, reports, sketches, Drawings, Specifications, proposals, and other documents presented by Engineer (including obtaining advice of an attorney, risk manager, insurance counselor, financial/municipal advisor, and other advisors or consultants as Owner deems appropriate with respect to such examination) and render in writing timely decisions pertaining thereto.
 - D. Owner shall furnish to Engineer data as to Owner's anticipated costs for services to be provided to Owner by others (including, but not limited to, accounting, bond and financial, independent cost estimating, insurance counseling, and legal advice) so that Engineer may assist Owner in collating the various cost categories that comprise Total Project Costs.
 - E. Owner shall advise Engineer if any invention, design, process, product, or device that Owner has requested, required, or recommended for inclusion in the Drawings or Specifications will be subject to payment (whether by Owner or Contractor) of any license fee or royalty to others, as required by patent rights or copyrights.
 - F. Owner shall inform Engineer as to whether Engineer's assistance is requested with respect to Owner's evaluation of the possible use of Project Strategies, Technologies, and Techniques, as defined in Exhibit A.
 - G. Owner shall inform Engineer as to whether Engineer's assistance is requested in identifying opportunities for enhancing the sustainability of the Project.

2.02 *Not Used*

2.03 Owner-Furnished Services

- A. Recognizing and acknowledging that Engineer's services and expertise do not include the following services, Owner shall obtain, as required for the Project:
 1. Accounting, bond and financial advisory services (including, if applicable, "municipal advisor" services as described in Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) and the municipal advisor registration rules issued by the Securities and Exchange Commission), independent cost estimating, and insurance counseling services.
 2. Legal services, including legal services required by Owner, legal services needed as a result of issues raised by Contractor, and Project-related legal services reasonably requested by Engineer.

- 3. Auditing services, including those needed by Owner to ascertain how or for what purpose Contractor has used money paid to it.
- B. Owner shall acquire or arrange for acquisition of the Site(s) and any temporary or permanent rights of access, easements, or property rights needed for the Project.

2.04 Owner's General Responsibilities

- A. Owner shall inform Engineer of the policies, procedures, and requirements of Owner that are applicable to Engineer's performance of services under this Agreement.
- B. Owner shall provide Engineer with Owner's budget for the Project, including type and source of funding to be used, and will promptly inform Engineer if the budget or funding sources change.
- C. Owner shall inform Engineer in writing of any safety or security programs that are applicable to the personnel of Engineer, its Subconsultants, and Engineer's Subcontractors, as they visit the Site or otherwise perform services under this Agreement.
- D. Owner shall arrange for safe access to and make all provisions for Engineer to enter upon public and private property as required for Engineer to perform services under this Agreement.
- E. Owner shall provide necessary direction and make decisions, including prompt review of Engineer's submittals, and carry out its other responsibilities in a timely manner so as not to delay Engineer's performance of its services.
- F. Owner shall be responsible for all requirements and instructions that it furnishes to Engineer pursuant to this Agreement, and for the accuracy and completeness of all programs, reports, data, and other information furnished by Owner to Engineer pursuant to this Agreement. Engineer may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations applicable to the furnished items.
- G. Owner shall give prompt written notice to Engineer whenever Owner observes or otherwise becomes aware of:
 - 1. any development that affects the scope or time of performance of Engineer's services;
 - 2. the presence at the Site of any Constituent of Concern; or
 - 3. any relevant, material defect or nonconformance in: (a) Engineer's services, (b) the Work, (c) the performance of any Constructor, or (d) Owner's performance of its responsibilities under this Agreement.
- H. Owner shall advise Engineer of the identity and scope of services of any independent consultants employed by Owner to perform or furnish services in regard to the Project, including, but not limited to, cost estimating, project peer review, value engineering, and constructability review.
- I. If Owner designates a construction manager, site representative, or any individual or entity other than, or in addition to, Engineer to represent Owner at the Site, Owner shall define and set forth as an exhibit to this Agreement the duties, responsibilities, and limitations of authority of such other party and the relation thereof to the duties, responsibilities, and authority of Engineer.

J. Owner shall:

1. Primarily communicate with Engineer's Subcontractors and Subconsultants through the Engineer.
 - a. Promptly inform Engineer of the substance of any communications between Owner and Engineer's Subcontractors or Subconsultants.
 - b. Refrain from directing the services of Engineer's Subcontractors or Subconsultants.
2. Authorize Engineer to provide Additional Services as set forth in Article 2 of Exhibit A of the Agreement, as required.

2.05 Payment

- A. Owner shall pay Engineer as set forth in Article 4 and Exhibit J.
- B. Engineer's compensation is summarized as follows; if there is a conflict between the following summary and the contents of Exhibit J, then Exhibit J will prevail.

Task #	Task Description	Amount	Basis of Compensation
1	Task 1 in Exhibit J	\$21,620	% Completion of Task
2	Task 2 in Exhibit J	\$14,040	% Completion of Task
3	Task 3 in Exhibit J	\$20,720	% Completion of Task
4	Task 4 in Exhibit J	\$33,450	% Completion of Task
5	Task 5 in Exhibit J	\$10,620	% Completion of Task
6	Task 6 in Exhibit J	\$34,200	% Completion of Task
7	Additional Services (Article 2 of Exhibit A)		

Based on a **9-month** continuous professional services period.

1. Compensation items and totals based in whole or in part on Hourly Rates, Direct Labor, or Percentage of Construction Cost are estimates only.
2. Lump sum amounts incorporate Engineer's labor, overhead, profit, and Engineer's Subcontractor and Subconsultants' charges.

ARTICLE 3—SCHEDULE FOR RENDERING SERVICES

3.01 Commencement

- A. Engineer is authorized to begin rendering services as of the Effective Date.

3.02 Time for Completion

- A. Engineer shall complete its obligations within a reasonable time. Specific periods of time for rendering services, or specific dates by which services are to be completed, are provided in Exhibit B, and are hereby agreed to be reasonable.
- B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, will be adjusted equitably.

- C. If Owner authorizes changes in the scope, extent, or character of the Project or Engineer's services, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, will be adjusted equitably.
- D. If Engineer fails, for reasons within control of Engineer, to complete the performance required in this Agreement within the time set forth, as duly adjusted, then Owner shall be entitled, as its sole remedy, to the recovery of direct damages to the extent, if any, resulting from such failure by Engineer.

ARTICLE 4—INVOICES AND PAYMENTS

4.01 Invoices

- A. Preparation and Submittal of Invoices: Engineer shall prepare invoices in accordance with its standard invoicing practices, the progress reporting and special invoicing requirements (if any) in Exhibit A Paragraph 1.01.A, and the terms of Exhibit J. Engineer shall submit its invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt.

4.02 Payments

- A. Application to Interest and Principal: Payment will be credited first to any interest owed to Engineer and then to principal.
- B. Disputed Invoices: If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so; may withhold only that portion so disputed; and must pay the undisputed portion, subject to the terms of Paragraph 4.01. After a disputed item has been resolved, Engineer shall include the agreed-upon amount on a new invoice.
- C. Failure to Pay: If Owner fails to make any undisputed payment due Engineer within 30 days after receipt of Engineer's invoice, then:
 - 1. amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day, and
 - 2. Engineer may, after giving 7 days' written notice to Owner, suspend services under this Agreement until Owner has paid in full amounts due. Owner waives any and all claims against Engineer for any such suspension.
- D. Sales or Use Taxes: If after the Effective Date any governmental entity takes an action that imposes additional sales or use taxes on Engineer's services or compensation under this Agreement, then Engineer may invoice such additional sales or use taxes for reimbursement by Owner. Owner shall reimburse Engineer for the cost of such invoiced additional sales or use taxes; such reimbursement will be in addition to the compensation to which Engineer is entitled under the terms of Exhibit J.

ARTICLE 5—OPINIONS OF COST

5.01 Opinions of Probable Construction Cost

- A. Engineer's opinions of probable Construction Cost (if any) are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or

services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. If Owner requires greater assurance as to probable Construction Cost, then Owner agrees to obtain an independent cost estimate.

5.02 Opinions of Total Project Costs

- A. The services, if any, of Engineer with respect to Total Project Costs will be limited to assisting the Owner in tabulating the various categories that comprise Total Project Costs. Engineer assumes no responsibility for the accuracy of any opinions of Total Project Costs.

ARTICLE 6—GENERAL CONSIDERATIONS

6.01 Standards of Performance

- A. **Standard of Care:** The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer.
- B. **Technical Accuracy:** Owner shall not be responsible for discovering deficiencies in the technical accuracy of Engineer's services. Engineer shall correct deficiencies in technical accuracy without additional compensation, unless such corrective action is directly attributable to deficiencies in Owner-furnished information.
- C. **Engineer's Subcontractors and Subconsultants:** Engineer may retain such Engineer's Subcontractors and Subconsultants as Engineer deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by Owner.
- D. **Reliance on Others:** Subject to the standard of care set forth in Paragraph 6.01.A, Engineer may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- E. **Compliance with Laws and Regulations, and Policies and Procedures**
 - 1. Engineer and Owner shall comply with applicable Laws and Regulations.
 - 2. Engineer shall comply with the policies, procedures, and instructions of Owner that are applicable to Engineer's performance of services under this Agreement and that Owner provides to Engineer in writing, subject to the standard of care set forth in Paragraph 6.01.A, and to the extent compliance is not inconsistent with professional practice requirements.
 - 3. This Agreement is based on Laws and Regulations and Owner-provided written policies and procedures as of the Effective Date. The following may be the basis for modifications to Owner's responsibilities or to Engineer's scope of services, times of performance, or compensation:
 - a. changes after the Effective Date to Laws and Regulations,

- b. the receipt by Engineer after the Effective Date of Owner-provided written policies and procedures, and
 - c. changes after the Effective Date to Owner-provided written policies or procedures.
- F. General Conditions of Construction Contract: The general conditions for any Construction Contract Documents prepared hereunder are to be the current edition of EJCDC® C-700, Standard General Conditions of the Construction Contract, prepared by the Engineers Joint Contract Documents Committee, unless expressly indicated otherwise.
- G. Copies of Drawings and Specifications: If Engineer is required to prepare or furnish Drawings or Specifications under this Agreement, Engineer shall deliver to Owner at least one complete electronic copy of such Drawings and Specifications, signed and sealed according to applicable Laws and Regulations, and one complete printed copy, duly signed and sealed.
- H. Engineer shall not be required to sign any document, no matter by whom requested, that would result in Engineer having to certify, guarantee, or warrant conditions whose existence Engineer cannot ascertain within the authorized scope of Engineer's services. Owner agrees not to make resolution of any dispute with Engineer or payment of any amount due to Engineer in any way contingent upon Engineer signing any such document.
- I. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor will Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any failure of a Constructor to comply with Laws and Regulations applicable to that Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- J. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform the Work in accordance with the Construction Contract Documents.
- K. Engineer shall not be responsible for any decision made regarding the Construction Contract Documents, or any application, interpretation, clarification, or modification of the Construction Contract Documents, other than those made by Engineer.
- L. Engineer is not required to provide and does not have any responsibility for surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements.
- M. Engineer's services do not include providing legal advice or representation.
- N. Engineer's services do not include (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission, or (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances.
- O. While at the Site, Engineer, its Subconsultants, and Engineer's Subcontractors, and their employees and representatives will comply with the applicable requirements of Contractor's and Owner's safety programs of which Engineer has been informed in writing.

6.02 Ownership and Use of Documents

- A. All Documents are instruments of service, and Engineer owns the Documents, including all associated copyrights and the right of reuse at the discretion of the Engineer, subject to the following provisions:
1. Upon receipt by Engineer of full payment due and owing for all services relating to preparation of the Documents and subject to the express exclusions that follow, Engineer and any Subconsultants will grant to Owner the ownership of the Documents, including all associated copyrights and the right of reuse.
 2. When requested by Owner, Engineer will perform any clerical or administrative acts reasonably necessary to confirm or record the transfer of Engineer's interests in the Documents to the Owner, and Owner will reimburse the Engineer for its costs to comply with the transfer request.
 3. Engineer shall have and retain the ownership, title, and property rights, including copyright, patent, intellectual property, and common law rights, in any design elements (including but not limited to standard details, drawings, plans, specifications, methodologies, and engineering computations) used in the Documents, but developed by Engineer or its Subconsultants previous to or independent of this Agreement ("Previously/Independently Created Works"). Engineer shall provide appropriate verification of such previous or independent development upon Owner's request.
 4. Upon receipt by Engineer of full payment due and owing for all services relating to preparation of the Documents, Engineer will issue to Owner a royalty-free, nonexclusive and irrevocable license to use such Previously/Independently Created Works on the Project or on any extension of the Project.
 5. Owner acknowledges that the Documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer.
 6. Any such use or reuse, or any modification of the Documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and Consultants.
 7. Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and Subconsultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the Documents without written verification, completion, or adaptation by Engineer.
 8. Such limited license to Owner shall not create any rights in third parties.
 9. Nothing herein limits the Engineer's right of use or reuse of Previously/Independently Created Works or any of Engineer's non-Documents work product.
- B. If Engineer at Owner's request verifies the suitability of the Documents, completes them, or adapts them for extensions of the Project or for any other purpose, then Owner shall compensate Engineer at rates or in an amount to be agreed upon by Owner and Engineer.

- C. Engineer shall inform Owner if Engineer is aware of any invention, design, process, product, or device specified in the Drawings, Specifications, or other Documents that is subject to payment (whether by Owner or Contractor) of any license fee or royalty to others, as required by patent rights or copyrights. If Engineer's good-faith inclusion in the Drawings, Specifications, or other Documents of new, innovative, or non-standard technologies, for the benefit of Owner and the Project, results in third-party claims of infringement or violation of intellectual property rights, then Owner and Engineer shall share equally the costs of defending against, settling, or paying such claims.
- D. Engineer will obtain Owner's consent, which will not be unreasonably withheld, prior to releasing any publicity, including news and press releases, promotional publications, award and prize competition submittals, and other advertising regarding the subject matter of this Agreement. Nothing herein will limit the Engineer's right to include information in statements of qualifications and proposals to others accurately describing its participation and participation of employees in the Project.

6.03 Electronic Transmittals

- A. To the fullest extent practical, Owner and Engineer agree to transmit, and accept, Project-related correspondence, Documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with Exhibit F, Electronic Documents Protocol (EDP).
 - 1. Compliance with the EDP by Engineer shall be considered a Basic Service and no direct or separate compensation will be paid to Engineer for such compliance, unless provisions for separate compensation are expressly set forth in the EDP.
 - 2. Engineer's costs directly attributable to changes in Engineer's Electronic Documents obligations, after the effective date of this Agreement, necessitated by revisions to Exhibit F, delayed adoption of Exhibit F, or implementation of other Electronic Documents protocols, will be compensated as Additional Services.
- B. If this Agreement does not include Exhibit F or otherwise does not establish or include protocols for transmittal of Electronic Documents by Electronic Means, then Owner and Engineer may operate without specific protocols or may jointly develop such protocols at a later date.
- C. Except as stated otherwise in Exhibit F (if included in this Agreement), when transmitting Electronic Documents by Electronic Means, the transmitting party makes no representations as to long term compatibility, usability, or readability of the Electronic Documents resulting from the recipient's use of software application packages, operating systems, or computer hardware differing from those used in the drafting or transmittal of the Electronic Documents, or from those established in applicable protocols.
- D. This Agreement (including the EDP) is not intended to create obligations for Owner or Engineer with respect to transmittals to or from third parties, except as expressly stated in the EDP.

6.04 Insurance

- A. Engineer shall procure and maintain insurance as set forth in Exhibit G.
- B. Additional Insureds: The Engineer's commercial general liability, automobile liability, and umbrella or excess liability policies, must:

1. include and list as additional insureds Owner, and any individuals or entities identified as additional insureds in Exhibit G;
 2. include coverage for the respective officers, directors, members, partners, and employees of all such additional insureds;
 3. afford primary coverage to these additional insureds for all claims covered thereby (including as applicable those arising from both ongoing and completed operations); and
 4. not seek contribution from insurance maintained by the additional insured.
- C. Owner shall procure and maintain insurance as set forth in Exhibit G.
- D. Owner shall require Contractor to purchase and maintain policies of Insurance covering workers' compensation, general liability, motor vehicle damage and injuries, and other Insurance necessary to protect Owner's and Engineer's Interests In the Project. Owner shall require Contractor to cause Engineer, its Subconsultants, and Engineer's Subcontractors to be listed as additional insureds with respect to such liability insurance purchased and maintained by Contractor for the Project. Owner shall give Engineer access to any certificates of insurance and copies of endorsements and policies obtained by Owner from Contractor.
- E. Owner and Engineer shall each deliver to the other certificates of insurance evidencing the coverages indicated in Exhibit G. Such certificates must be furnished prior to commencement of Engineer's services and at renewals thereafter during the life of the Agreement.
1. Upon request by Owner or any other insured, Engineer shall also furnish other evidence of such required insurance, including but not limited to copies of policies and endorsements, documentation of applicable self-insured retentions (if allowed) and deductibles, full disclosure of all relevant exclusions, and evidence of insurance required to be purchased and maintained by Subconsultants and Engineer's Subcontractors. In any documentation furnished under this provision, Engineer may redact (a) any confidential premium or pricing information and (b) any wording specific to projects or jurisdictions other than those applicable to this Agreement.
- F. All construction contracts entered into by Owner with respect to the Project must require builder's risk or similar property insurance.
- G. All policies of property insurance relating to the Project, including but not limited to any builder's risk or similar policy, must allow for waiver of subrogation rights and contain provisions to the effect that in the event of payment of any loss or damage the insurers will have no rights of recovery against any insured thereunder or against Engineer, its Subconsultants, or Engineer's Subcontractors. Owner and Engineer waive all rights against each other, Contractor, Engineer's Subcontractors and Subconsultants, and the respective officers, directors, members, partners, employees, agents, consultants, and subcontractors of each and any of them, for all losses and damages caused by, arising out of, or resulting from any of the perils or causes of loss covered by any such builder's risk or similar policy and any other property insurance relating to the Project. Owner and Engineer shall take appropriate measures in other Project-related contracts to secure waivers of rights consistent with those set forth in this paragraph.
- H. All policies of insurance must contain a provision or endorsement that the coverage afforded will not be canceled, and that renewal will not be refused, until at least 10 days' prior written

notice has been given to the primary insured. Upon receipt of such notice, the primary insured must promptly forward a copy of the notice to the other party to this Agreement and replace the coverage being cancelled or reduced to conform to the requirements of this Agreement.

- I. At any time, Owner may request that Engineer, or Engineer's Subcontractors or Subconsultants, at Owner's sole expense, provide additional insurance coverage, increased limits, or revised deductibles that are more protective than those specified in Exhibit G. If so requested by Owner, and if commercially available, Engineer shall obtain and shall require Engineer's Subcontractors or Subconsultants to obtain such additional insurance coverage, different limits, or revised deductibles for such periods of time as requested by Owner, and Exhibit G will be supplemented to incorporate these requirements.

6.05 Suspension and Termination

A. Suspension

1. By Owner: Owner may suspend Engineer's services for up to 90 days upon 7 days' written notice to Engineer.
2. By Engineer: Engineer may, after giving 7 days' written notice to Owner, suspend services under this Agreement:
 - a. if Owner has failed to pay Engineer for invoiced services and expenses, as set forth in Paragraphs 4.02.B and 4.02.C;
 - b. in response to the presence of Constituents of Concern at the Site, as set forth in Paragraph 6.09.D; or
 - c. if persistent circumstances beyond the control of Engineer have prevented it from performing its obligations under this Agreement.

B. Termination for Cause

1. Either party may terminate the Agreement for cause upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms of the Agreement, through no fault of the terminating party.
 - a. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 6.05.B.1 if the party receiving such notice begins, within 7 days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30-day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein will extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. In addition to its termination rights in Paragraph 6.05.B.1, Engineer may terminate this Agreement for cause upon 7 days' written notice:
 - a. if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional;

- b. if Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control; or
 - c. as the result of the presence at or adjacent to the Site of undisclosed Constituents of Concern, as set forth in Paragraph 6.09.E.
- 3. Engineer will have no liability to Owner on account of any termination by Engineer for cause.
- C. Termination for Convenience: Owner may terminate this Agreement for convenience, effective upon Engineer's receipt of notice from Owner.
- D. Extension of Effective Date of Termination: If Owner terminates the Agreement for cause or convenience, Owner may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files. Engineer shall be entitled to compensation for such tasks.
- E. Payments Upon Termination: In the event of any termination under Paragraph 6.05, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination. Upon making such payment, Owner will have the limited right to the use of Documents, at Owner's sole risk, subject to the provisions of Paragraph 6.02.A.
 - 1. If Owner has terminated the Agreement for cause and disputes Engineer's entitlement to compensation for services and reimbursement of expenses, then Engineer's entitlement to payment and Owner's rights to the use of the Documents will be resolved in accordance with the dispute resolution provisions of this Agreement or as otherwise agreed in writing.
 - 2. If Owner has terminated the Agreement for convenience, or if Engineer has terminated the Agreement for cause, then Engineer will be entitled, in addition to the payments identified above, to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's Subcontractors or Subconsultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Exhibit J.

6.06 Successors, Assigns, and Beneficiaries

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 6.06.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, claims arising out of this Agreement or money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless

specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

C. Unless expressly provided otherwise in this Agreement:

1. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.
2. Nothing in this Agreement will be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them.
3. Owner agrees that the substance of the provisions of this Paragraph 6.06.C will appear in the Construction Contract Documents.

6.07 Dispute Resolution

A. Unless otherwise required by Exhibit H, Owner and Engineer shall resolve all disputes in the following manner:

1. Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice, prior to invoking mediation.
2. Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation. Owner and Engineer agree to participate in the mediation process in good faith. The process will be conducted on a confidential basis, and must be completed within 120 days.
3. If the parties fail to resolve a Dispute through negotiations under Paragraph 6.07.A.1 or mediation under Paragraph 6.07.A.2, then:
 - a. either or both may invoke the applicable dispute resolution procedures of Exhibit H for final resolution of Disputes.
 - b. If Exhibit H is not included, or if no final dispute resolution method is specified in Exhibit H, then the parties may exercise their rights at law.

6.08 Controlling Law; Venue

- A. This Agreement is to be governed by the Laws and Regulations of the state in which the Project is located.
- B. Venue for any exercise of rights at law will be the state court having jurisdiction at the location of the Project; or at the choice of either party, and if federal jurisdictional requirements can be met, in federal court in the district in which the Project is located.

6.09 Environmental Condition of Site

- A. Owner represents to Engineer that, as of the Effective Date, to the best of Owner's knowledge, no Constituents of Concern, other than those disclosed in writing to Engineer, exist at or adjacent to the Site.
- B. Undisclosed Constituents of Concern: For purposes of this Paragraph 6.09, the presence at or adjacent to the Site of Constituents of Concern that were not disclosed to Engineer pursuant to Paragraph 6.09.A, in such quantities or circumstances that such Constituents of

Concern may present a danger to persons or property exposed to them, will be referred to as “undisclosed” Constituents of Concern.

1. The presence at the Site of materials that are necessary for the execution of the Work, or that are to be incorporated in the Work, and that are controlled and contained pursuant to industry practices, Laws and Regulations, and the requirements of this Agreement or the Construction Contract, are not undisclosed Constituents of Concern.
 2. Constituents of Concern that are to be located, identified, studied, removed, or remediated as part of the services under this Agreement are not undisclosed Constituents of Concern.
 3. Constituents of Concern that are to be located, identified, studied, removed, or remediated as part of the services under another professional services contract for Owner, or as part of the work under a construction or remediation contract, are not undisclosed Constituents of Concern if Engineer has been informed of the general scope of such contract.
- C. If Engineer encounters or learns of an undisclosed Constituent of Concern at the Site, then Engineer shall notify (1) Owner and (2) appropriate authorities having jurisdiction if Engineer reasonably concludes that doing so is required by applicable Laws or Regulations.
- D. It is acknowledged by both parties that Engineer’s scope of services does not include any services related to undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an undisclosed Constituent of Concern, or if encountered, uncovered, or revealed Constituents of Concern are present in substantially greater quantities or substantially different locations than disclosed or anticipated, or if investigative or remedial action, or other professional services, are necessary or required by applicable Laws and Regulations with respect to such Constituents of Concern, then Engineer may, at its option and without liability for direct, consequential, or any other damages, suspend performance of services on the portion of the Project adversely affected thereby until such portion of the Project is no longer so affected; and Owner shall promptly determine whether to retain a qualified expert to evaluate such condition or take any necessary corrective action.
- E. If the presence at the Site of undisclosed Constituents of Concern, or of Constituents of Concern in substantially greater quantities or in substantially different locations than disclosed or anticipated, adversely affects the performance of Engineer’s services under this Agreement, then:
1. if the adverse effects do not preclude Engineer from completing its Project services in general accordance with this Agreement on unaffected or marginally affected portions of the Project, Engineer may accept an equitable adjustment in its compensation or in the time of completion, or both; and the Agreement will be amended to reflect changes necessitated by the presence of such Constituents of Concern; or
 2. if the adverse effects are of such materiality to the overall performance of Engineer that it cannot complete its services without significant changes to the scope of services, time of completion, and compensation, then Engineer may terminate this Agreement for cause on 7 days’ written notice.

- F. Owner acknowledges that Engineer is performing professional services for Owner and that Engineer is not and will not be required to become an "owner," "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, which are or may be encountered at or near the Site in connection with Engineer's activities under this Agreement.

6.10 Indemnification and Mutual Waiver

- A. **Indemnification by Engineer:** To the fullest extent permitted by Laws and Regulations, Engineer shall indemnify and hold harmless Owner, and Owner's officers, directors, members, partners, agents, and employees, from losses, damages, and judgments (including reasonable consultants' and attorneys' fees and expenses) arising from third-party claims or actions relating to the Project, provided that any such claim, action, loss, damages, or judgment is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, but only to the extent caused by any negligent act or omission of Engineer or Engineer's officers, directors, members, partners, agents, employees, Subconsultants, or Engineer's Subcontractors. This indemnification provision is subject to and limited by the provisions, if any, agreed to by Owner and Engineer in Exhibit I, "Limitations of Liability."
- B. **Environmental Indemnification:** To the fullest extent permitted by Laws and Regulations, Owner shall indemnify and hold harmless Engineer, its Subconsultants, Engineer's Subcontractors, and their officers, directors, members, partners, agents, employees, and subconsultants from all claims, costs, losses, damages, actions, and judgments (including reasonable consultants' and attorney's fees and expenses) caused by, arising out of, relating to, or resulting from a Constituent of Concern at, on, or under the Site, provided that:
1. any such claim, cost, loss, damages, action, or judgment is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, and
 2. nothing in this paragraph obligates Owner to indemnify any individual or entity from and against the consequences of that individual's or entity's own negligence or willful misconduct.
- C. **No Defense Obligation:** The indemnification commitments in this Agreement do not include a defense obligation by the indemnitor unless such obligation is expressly stated.
- D. **Percentage Share of Negligence:** To the fullest extent permitted by Laws and Regulations, a party's total liability to the other party and anyone claiming by, through, or under the other party for any cost, loss, or damages caused in part by the negligence of the party and in part by the negligence of the other party or any other negligent entity or individual, will not exceed the percentage share that the party's negligence bears to the total negligence of Owner, Engineer, and all other negligent entities and individuals.
- E. **Mutual Waiver:** To the fullest extent permitted by Laws and Regulations, Owner and Engineer waive against each other, and the other's officers, directors, members, partners, agents, employees, subconsultants, and insurers, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, from any cause or causes. Such excluded damages

include but are not limited to loss of profits or revenue; loss of use or opportunity; loss of good will; cost of substitute facilities, goods, or services; and cost of capital.

6.11 Records Retention

- A. Engineer shall maintain on file in legible form, for a period of five years following completion or termination of its services, or such other period as required by Laws and Regulations, all Documents, records (including cost records), and design calculations related to Engineer's services or pertinent to Engineer's performance under this Agreement. Upon Owner's request, Engineer shall provide a copy of any such item to Owner at cost.

6.12 Miscellaneous Provisions

- A. **Notices:** Any notice required under this Agreement will be in writing and delivered: in person (by commercial courier or otherwise); by registered or certified mail; or by e-mail to the recipient, with the words "Formal Notice" or similar in the e-mail's subject line. All such notices are effective upon the date of receipt.
- B. **Survival:** Subject to applicable Laws and Regulations, all express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
- C. **Severability:** Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations will be deemed stricken, and all remaining provisions will continue to be valid and binding upon Owner and Engineer.
- D. **No Waiver:** A party's non-enforcement of any provision will not constitute a waiver of that provision, nor will it affect the enforceability of that provision or of the remainder of this Agreement.
- E. **No waiver of sovereign immunity:** Nothing in this agreement shall be construed as a waiver of sovereign immunity beyond that provided in Section 768.28, Florida Statutes, nor shall anything in the Agreement be construed as increasing the limits of the sovereign immunity of the City as provided in Section 768.28, Florida Statutes.
- F. **Accrual of Claims:** To the fullest extent permitted by Laws and Regulations, all causes of action arising under this Agreement will be deemed to have accrued, and all statutory periods of limitation will commence, no later than the date of Substantial Completion; or, if Engineer's services do not include Construction Phase services, or the Project is not completed, then no later than the date of Owner's last payment to Engineer.

ARTICLE 7—DEFINITIONS

7.01 Defined Terms

- A. Wherever used in this Agreement (including the exhibits hereto) terms (including the singular and plural forms) printed with initial capital letters have the meanings indicated in the text above, in the exhibits, or in the following definitions:
 - 1. **Addenda**—Written or graphic instruments issued prior to the opening of bids which clarify, correct, or change the bidding requirements or the proposed Construction Contract Documents.

2. **Additional Services**—The services to be performed for or furnished to Owner by Engineer in accordance with Article 2 of Exhibit A of this Agreement.
3. **Agreement**—This written contract for professional services between Owner and Engineer, including all exhibits identified in Paragraph 8.01 and any duly executed amendments.
4. **Application for Payment**—The form acceptable to Engineer which is to be used by Contractor during the course of the Work in requesting progress or final payments and which is to be accompanied by such supporting documentation as is required by the Construction Contract.
5. **Basic Services**—The services to be performed for or furnished to Owner by Engineer in accordance with Article 1 of Exhibit A of this Agreement.
6. **Bidding/Proposal Documents**—Documents related to the selection of the Contractor, including advertisements or invitations to bid; requests for proposals; instructions to bidders or proposers, including any attachments such as lists of available Site-related documents; bid forms; bids; proposal forms; proposals; bidding requirements; and qualifications documents.
7. **Change Order**—A document which is signed by Contractor and Owner and authorizes an addition, deletion, or revision in the Work or an adjustment in the Construction Contract Price or the Construction Contract Times, or other revision to the Construction Contract, issued on or after the effective date of the Construction Contract.
8. **Change Proposal**—A written request by Contractor, duly submitted in compliance with the procedural requirements set forth in the Construction Contract, seeking an adjustment in Construction Contract Price or Construction Contract Times, or both; contesting an initial decision by Engineer concerning the requirements of the Construction Contract Documents or the acceptability of Work under the Construction Contract Documents; challenging a set-off against payments due; or seeking other relief with respect to the terms of the Construction Contract.
9. **Constituents of Concern**—Asbestos, petroleum, radioactive materials, polychlorinated biphenyls (PCBs), lead-based paint (as defined by the HUD/EPA standard), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to Laws and Regulations regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.
10. **Construction Contract**—The entire and integrated written contract between Owner and Contractor concerning the Work.
11. **Construction Contract Documents**—Those items designated as “Contract Documents” in the Construction Contract, and which together comprise the Construction Contract. See also definition of “Front-End Construction Contract Documents” below.
12. **Construction Contract Price**—The money that Owner has agreed to pay Contractor for completion of the Work in accordance with the Construction Contract Documents.
13. **Construction Contract Times**—The number of days or the dates by which Contractor must: (a) achieve milestones, if any, in the Construction Contract; (b) achieve Substantial Completion; and (c) complete the Work.

14. **Construction Cost**—The cost to Owner of the construction of those portions of the entire Project designed or specified by or for Engineer under this Agreement, including construction labor, services, materials, equipment, insurance, and bonding costs, and allowances for contingencies. Construction Cost does not include costs of services of Engineer or other design professionals and consultants; cost of land or rights-of-way, or compensation for damages to property; Owner's costs for legal, accounting, insurance counseling, or auditing services; interest or financing charges incurred in connection with the Project; or the cost of other services to be provided by others to Owner. Construction Cost is one of the items comprising Total Project Costs.
15. **Constructor**—Any person or entity (not including the Engineer, its employees, agents, representatives, or Subconsultants, or Engineer's Subcontractors), performing or supporting construction activities relating to the Project, including but not limited to Contractors, Subcontractors, Suppliers, Owner's work forces, utility companies, other contractors, construction managers, design-builders, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.
16. **Contractor**—The entity or individual with which Owner enters into a Construction Contract.
17. **Documents**—All documents expressly identified as deliverables in this Agreement, whether in printed or Electronic Document form, required by this Agreement to be provided or furnished by Engineer to Owner. Such specifically required deliverables may include, by way of example, Drawings, Specifications, data, reports, building information models, and civil integrated management models.
18. **Drawings**—That part of the Construction Contract Documents that graphically shows the scope, extent, and character of the Work to be performed by Contractor.
19. **Effective Date**—The date indicated in this Agreement on which it becomes effective, but if no such date is indicated, the date on which this Agreement is signed and delivered by the last of the parties to sign and deliver.
20. **Electronic Document**—Any Project-related correspondence, attachments to correspondence, data, documents, drawings, information, or graphics, including but not limited to Shop Drawings and other Submittals, that are in an electronic or digital format.
21. **Electronic Means**—Electronic mail (e-mail), upload/download from a secure Project website, or other communications methods that allow: (a) the transmission or communication of Electronic Documents; (b) the documentation of transmissions, including sending and receipt; (c) printing of the transmitted Electronic Document by the recipient; (d) the storage and archiving of the Electronic Document by sender and recipient; and (e) the use by recipient of the Electronic Document for purposes permitted by this Agreement. Electronic Means does not include the use of text messaging, or of Facebook, Twitter, Instagram, or similar social media services for transmission of Electronic Documents.
22. **Engineer**—The individual or entity named as such in this Agreement.

23. **Engineer's Subcontractor**—An individual, firm, vendor, or other entity having a contract with Engineer to furnish general services, equipment, or materials with respect to the Project as an independent contractor.
24. **Field Order**—A written order issued by Engineer which requires minor changes in the Work but does not change the Construction Contract Price or the Construction Contract Times.
25. **Front-End Construction Contract Documents**—Those Construction Contract Documents whose primary purpose is to establish legal and contractual terms and conditions, typically including the Owner-Contractor agreement, bonds, general conditions, and supplementary conditions. The term excludes the Drawings and Specifications, and any Construction Contract Documents delivered or issued after the effective date of the Construction Contract.
26. **Laws and Regulations; Laws or Regulations**—Any and all applicable laws, statutes, rules, regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.
27. **Owner**—The individual or entity named as such in this Agreement and for which Engineer's services are to be performed. Unless indicated otherwise, this is the same individual or entity that will enter into any Construction Contracts concerning the Project.
28. **Project**—The total undertaking to be accomplished for Owner by engineers, contractors, and others, including planning, study, design, construction, testing, commissioning, and start-up, and of which the services to be performed or furnished by Engineer under this Agreement are a part.
29. **Record Drawings**—Drawings depicting the completed Project, or a specific portion of the completed Project, prepared by Engineer and based on Contractor's record copy of all Drawings, Specifications, Addenda, Change Orders, Work Change Directives, Field Orders, and written interpretations and clarifications, as delivered to Engineer and annotated by Contractor to show changes made during construction.
30. **Resident Project Representative**—The authorized representative of Engineer assigned to assist Engineer at the Site during the Construction Phase. As used herein, the term Resident Project Representative (RPR) includes any assistants or field staff of the RPR.
31. **Samples**—Physical examples of materials, equipment, or workmanship that are representative of some portion of the Work and that establish the standards by which such portion of the Work will be judged.
32. **Shop Drawings**—All drawings, diagrams, illustrations, schedules, and other data or information that are specifically prepared or assembled by or for Contractor and submitted by Contractor to illustrate some portion of the Work. Shop Drawings, whether approved or not, are not Drawings and are not Construction Contract Documents.
33. **Site**—Lands or areas to be indicated in the Construction Contract Documents as being furnished by Owner upon which the Work is to be performed, including rights-of-way and easements, and such other lands furnished by Owner which are designated for the use of Contractor.

34. **Specifications**—The part of the Construction Contract Documents that consists of written requirements for materials, equipment, systems, standards, and workmanship as applied to the Work, and certain administrative requirements and procedural matters applicable to the Work.
35. **Subconsultant**—An individual, design firm, consultant, or other entity having a contract with Engineer to furnish professional services with respect to the Project as an independent contractor.
36. **Subcontractor**—An individual or entity having a direct contract with Contractor or with any other Subcontractor for the performance of a part of the Work.
37. **Submittal**—A written or graphic document, prepared by or for Contractor, which the Construction Contract Documents require Contractor to submit to Engineer, or that is indicated as a Submittal in the Schedule of Submittals accepted by Engineer. Submittals may include Shop Drawings and Samples; schedules; product data; Owner-delegated designs; sustainable design information; information on special procedures; testing plans; results of tests and evaluations, source quality-control testing and inspections, and field or Site quality-control testing and inspections; warranties and certifications; Suppliers' instructions and reports; records of delivery of spare parts and tools; operations and maintenance data; Project photographic documentation; record documents; and other such documents required by the Construction Contract Documents. Submittals, whether or not approved or accepted by Engineer, are not Construction Contract Documents. Change Proposals, Change Orders, Claims, notices, Applications for Payment, and requests for interpretation or clarification are not Submittals.
38. **Substantial Completion**—The time at which the Work (or a specified part thereof) has progressed to the point where, in the opinion of Engineer, the Work (or a specified part thereof) is sufficiently complete, in accordance with the Construction Contract Documents, so that the Work (or a specified part thereof) can be utilized for the purposes for which it is intended. The terms "substantially complete" and "substantially completed" as applied to all or part of the Work refer to Substantial Completion thereof.
39. **Supplier**—A manufacturer, fabricator, supplier, distributor, materialman, or vendor having a direct contract with Contractor or with any Subcontractor to furnish materials or equipment to be incorporated in the Work by Contractor or a Subcontractor.
40. **Total Project Costs**—The total cost of planning, studying, designing, constructing, testing, commissioning, and start-up of the Project, including Construction Cost and all other Project labor, services, materials, equipment, insurance, and bonding costs, allowances for contingencies, and the total costs of services of Engineer or other design professionals and consultants, together with such other Project-related costs that Owner furnishes for inclusion, including but not limited to cost of land, rights-of-way, compensation for damages to properties and private utilities (including relocation if not part of Construction Cost), Owner's costs for legal, accounting, insurance counseling, and auditing services, interest and financing charges incurred in connection with the Project, and the cost of other services to be provided by others to Owner.
41. **Underground Facilities**—All active or not-in-service underground lines, pipelines, conduits, ducts, encasements, cables, wires, manholes, vaults, tanks, tunnels, or other

such facilities or systems at the Site, including but not limited to those facilities or systems that produce, transmit, distribute, or convey telephone or other communications, cable television, fiber optic transmissions, power, electricity, light, heat, gases, oil, crude oil products, liquid petroleum products, water, steam, waste, wastewater, storm water, other liquids or chemicals, or traffic or other control systems. An abandoned facility or system is not an Underground Facility.

42. **Work**—The entire construction or the various separately identifiable parts thereof required to be provided under the Construction Contract Documents. Work includes and is the result of performing or providing all labor, services, and documentation necessary to produce such construction; furnishing, installing, and incorporating all materials and equipment into such construction; and may include related services such as testing, start-up, and commissioning, all as required by the Construction Contract Documents.
43. **Work Change Directive**—A written directive to Contractor issued on or after the effective date of the Construction Contract, signed by Owner and recommended by Engineer, ordering an addition, deletion, or revision in the Work.

B. Terminology

1. The word “day” means a calendar day of 24 hours measured from midnight to the next midnight.

ARTICLE 8—EXHIBITS AND SPECIAL PROVISIONS

8.01 Exhibits to Agreement

The following exhibits are incorporated by reference and included as part of this Agreement:

- A. Exhibit A, Engineer’s Services.
- B. Exhibit B, Deliverables Schedule.
- C. Exhibit C, Amendment to Owner-Engineer Agreement (form).
- D. Exhibit F, Electronic Documents Protocol (EDP).
- E. Exhibit G, Insurance.
- F. Exhibit J, Payments to Engineer for Services and Reimbursable Expenses.

8.02 Total Agreement

- A. This Agreement (which includes the exhibits listed above) constitutes the entire contractual agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a written instrument duly executed by both parties. Amendments should be based whenever possible on the format of Exhibit C to this Agreement.

8.03 Designated Representatives

- A. With the execution of this Agreement, Engineer and Owner shall each designate a specific individual to act as representative under this Agreement. Such an individual must have authority to transmit instructions, receive information, and render decisions with respect to this Agreement on behalf of the party that the individual represents.

8.04 Engineer's Certifications

- A. Engineer certifies that it has not engaged in corrupt, fraudulent, or coercive practices in competing for or in executing the Agreement. For the purposes of this Paragraph 8.04:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the selection process or in the Agreement execution;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the selection process or the execution of the Agreement to the detriment of Owner, or (b) to deprive Owner of the benefits of free and open competition;
 - 3. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the selection process or affect the execution of the Agreement.

8.05 Conflict of Interest

- A. Nothing in this Agreement will be construed to create or impose any duty on the part of Engineer that would be in conflict with Engineer's paramount obligations to the public health, safety, and welfare under the professional practice requirements governing Engineer, its Subconsultants, and all licensed professionals employed by Engineer or its Subconsultants.
- B. If during the term of this Agreement a potential or actual conflict of interest arises or is identified:
 - 1. Engineer and Owner together will make reasonable, good faith efforts to avoid or eliminate the conflict of interest; to mitigate any adverse consequences of the conflict of interest; and, if necessary and feasible, to modify this Agreement to address the conflict of interest and its consequences, such that progress under the Agreement may continue.
 - 2. Such efforts will be governed by applicable Laws and Regulations and by any pertinent Owner's policies, procedures, and requirements (including any conflict-of-interest resolution methodologies) provided to Engineer under Paragraph 2.04.A of this Agreement.

This Agreement's Effective Date is **[insert date]**.

Owner:

(name of organization)

By:

(individual's signature)

Date:

(date signed)

Name:

(typed or printed)

Title:

(typed or printed)

Attest:

(individual's signature)

Engineer:

(name of organization)

By:

(individual's signature)

Date:

(date signed)

Name:

(typed or printed)

Title:

(typed or printed)

Attest:

(individual's signature)

Designated Representative:

Name:

(typed or printed)

Title:

(typed or printed)

Address:

Phone:

Email:

Designated Representative:

Name:

(typed or printed)

Title:

(typed or printed)

Address:

Phone:

Email:

CRAWFORD, MURPHY & TILLY, INC.
STANDARD SCHEDULE OF HOURLY CHARGES
April 1, 2021

Classification	Regular Rate
Principal	\$ 230
Project Engineer II Project Architect II Project Manager II Project Environmental Specialist II	\$ 220
Project Engineer I Project Architect I Project Manager I Project Environmental Specialist I Project Structural Engineer I	\$ 190
Sr. Structural Engineer II	\$ 175
Sr. Technician II	\$ 160
Aerial Mapping Specialist	\$ 155
Sr. Engineer I Sr. Architect I Sr. Structural Engineer I Land Surveyor	\$ 150
Technical Manager II Environmental Specialist III	\$ 140
Sr. Technician I	\$ 135
Sr. Planner I GIS Specialist Engineer I Architect I Structural Engineer I	\$ 130
Environmental Specialist II Technician II	\$ 115
Planner I Technical Manager I Environmental Specialist I Technician I Project Administrative Assistant	\$ 95
Administrative Assistant	\$ 60

EXHIBIT A
CONSULTANT SCOPE OF SERVICES



March 23, 2022

William Tredik, Director of Public Works
City of St. Augustine Beach
2200 A1A South
St Augustine Beach, Florida 32080

Email: Btredik@cityofsab.org

**Re: Professional Engineering Services for
City of St. Augustine Beach Storm Drainage Master Plan Update**

Dear Mr. Tredik:

Crawford Murphy & Tilly is pleased to submit this proposal for Professional Engineering Services in connection with the update of the City's master drainage plan.

Based upon the City's review of the Engineering Proposals for the Master Drainage Plan Update RFQ 21-06 and selection of Crawford Murphy & Tilly as the most qualified firm to perform these services, we are providing herein a proposed agreement for performing these services.

PROJECT DESCRIPTION

Update of the City of SAB Storm Drainage Master Plan will include.

1. Update /expansion of the 2004 infrastructure data from the last master plan update
2. Redefine /expand the geographic extent of the master plan, creating an all-encompassing city-wide geographic area and water shed based area.
3. Incorporate areas of the city with stormwater management systems that are either independent of the city's master stormwater treatment/ attenuation modeling or not directly connected to the watersheds of the existing master stormwater model.
4. Add external watershed areas influencing the city-wide stormwater system or projected development areas within the city to the current master geographic area, specifically those areas identified in the Vulnerability Assessment that are outside the city corporate boundary but are a conduit to adversely impact City as a result of sea level rise.
5. Incorporate into the master plan the prior vulnerability from sea level rise evaluation of the expanded master geographic area, and further Expanding the information needed to determine resiliency mitigation/remediation options and cost impacts.

EXHIBIT A
CONSULTANT SCOPE OF SERVICES



GIS Information

The project to further expand on the above by including expanded GIS support infrastructure data as follows.

1. Raw Data/ information mining from the City's current GIS data files and from past design/record plans and reports currently available through sources such as SJRWMD, St. Johns County, FDOT records, SEG and other City consultant past records or any other readily available sources.
2. Establish a GIS Stormwater master plan Infrastructure Layer from the data/ information mining task above, and include consideration for the following,
 - A. Place identifiers on the mined data to define the level of accuracy and reliability of available data before adding to the Master stormwater GIS data base. Further evaluate existing information in the data base to attempt to establish and accuracy/reliability identifier to the data.
 - B. Determine the attributable extent of the mined data and the information gaps in the data (such as attributes of age, materials, length /diameter, size, elevations, cross-sections or vertical datum and detailed location.
 - C. Data input into the GIS Stormwater master Plan infrastructure layer.
3. Verify Infrastructure Assets
 - A. Limit the scope to verifying infrastructure assets only in the master conveyance network of the drainage system with field survey provided as a part of the survey allowance in Task 6 of the scope of services.
 - B. Compare system attributes in the GIS data to the 2004 master ICPR Model, identifying differences and attempt to reconcile or rectify by a field inspection and recording with field survey and/or field engineering provided as a part of the allowance in Task 6 of the scope of services.
 - C. City to define smaller geographic subareas, within the master stormwater ICPR model larger less defined node and subbasins, of localized flood concern to be further evaluated to develop a data/information set for these areas not thoroughly evaluated in the development of the 2004 Model update.



Master Stormwater Model

The project to further expand the breadth and detail of the existing ICPR stormwater computer model by including consideration for the following.

1. Update the model presentation data in a current GIS based city wide graphic
2. Evaluate Existing Conditions of the Updated ICPR model outputs for an annual treatment, 5-year, 10-year, 25-year and 100-year conditions
3. Expand and update current ICPR model to create more detail for larger drainage basin nodes, including expanded nodes for sub basins of the larger basin. Areas for more detail to be determined by and limited to past flood concerns within the sub basin areas such as Seaside Villas at Pope Road, Magnolia Dunes, Atlantic Oaks Circle and Ocean Oaks. Add new area or project specific infrastructure since the 2004 master plan such as Sea Spray Beach House, Seaside at Anastasia Condos, Courtyard Marriott, and Ocean Ridge.
4. Identify areas outside of current ICPR model drainage basin but within the city, compiling existing available stormwater data or modeling information, without creation of new independent computer models or combining or modification of existing models. Describe these areas as independent stormwater runoff basins within the city.
5. Incorporate 2004 Work Plan remaining projects deemed essential & 2020 Vulnerability Assessment Mitigation projects,
6. Update the NGVD29 datum of the ICPR model into the current NAVD88 datum.
7. Evaluate two alternative future city CIP listings of infrastructure projects for stormwater treatment and attenuation considerations within the Updated ICPR model outputs conditions

SCOPE OF SERVICES

Our professional services to provide the basic update to the existing stormwater master plan and expand the master plan to cover the entire City corporate limits will be provided in the following Tasks:

Task 1. Quantify



1. Limited Update of Existing Asset Inventory to review of records and limited field reconnaissance from the field engineering verification and topographic survey allowance of Task 6. Also identify info currently unavailable and not to be secured in this scope.
2. Expand and update current ICPR model to create more detail for larger drainage basin nodes, including expanded nodes for sub basins of the larger basin. Areas for more detail to be determined by and limited to past flood concerns within the sub basin areas. Add new area or project specific infrastructure since the 2004 master plan
3. Identify areas outside of current ICPR model drainage basin but within the city, compiling existing available stormwater data or modeling information, without creation of new independent computer models or combining or modification of existing models
4. Review 2004 Work Plan Projects & 2020 Vulnerability Assessment Mitigation Projects,

Task 2. Evaluate

1. Review / Summarize last 18 years projects/progress, summarizing those completed, those remaining and the permit significance of those remaining.
2. Import newly confirmed and/or quality improved Data (in identified areas) into GIS
3. Convert any verified NGVD29 datum-based infrastructure into the current NAVD88 datum.
4. Evaluate Existing Conditions of the Updated ICPR model outputs 25-year/100-year conditions
5. Identify future Development/Redevelopment Projects
6. Results/Strategies of Vulnerability Assessment
7. Evaluate two alternative future city CIP listings of infrastructure projects for stormwater treatment and attenuation considerations within the Updated ICPR model outputs 25-year/100-year conditions
8. Identify Extent of Information within the City GIS system requiring quality Improvement for City capital program funding.

Task 3. Facilitate

1. City to conduct a city-wide questionnaire mailer to solicit planning input, the results to be compiled and tabulated with CMT assistance and used in an informational public meeting.
2. Develop up to two differing project programs for infrastructure Improvements in coordination with City staff



3. Administer Workshop with City Staff progressing to the final master plan document
4. Presentation To the City Commission

Task 4. Delivery

1. Provide estimated budget projections to fund program options
2. Evaluate future budget needs for CIP and additional funding
3. Create material for printed and web base content
4. ICPR model results – with the model presentation data prepared in an updated GIS based city wide graphic
5. Prepare/provide master plan progressive updates at 50% and 90%
6. Provide final report – Printed copies (20) and digital
7. Provide GIS database with GIS applications for implementation consisting of a separate database layer in the city GIS system.
8. Facilitate the reporting by presentation of the final recommendations to City Commission

Task 5. Project Management Oversight

1. Organize and attend meetings for the purpose of presentation or coordination
2. Coordination and direct communication / correspondence
3. Status Reporting
4. Monitor and adjust scope / schedule / budget

Task 6. Topo Survey, Field Engineering and Concept Infrastructure Plans

The task 6 provides for services to address expected need for flood mitigation identification and mitigation plans as well as more detailed information on existing infrastructure than currently is available. The services are provided as an allowance and may or may not be partially or fully utilized. The allowance cost for services may also need to be adjusted between the three categories below based upon need and scope.

1. **Topographic Survey** - In the event of the need for detailed topographic data currently unavailable but deemed essential to assess the field conditions or conceptually define needed infrastructure improvements in areas such as Atlantic Oaks Circle, Magnolia Dunes, Seaside Villas at Pope Road and Ocean Oaks the scope of services will include an allowance for 8 full days of survey incurred in 8 hour increments. Similarly, for areas of existing infrastructure such as conveyance culverts, ditches or storm drains requiring specific elevation determination or verification the scope of services will include an allowance for 4 full days of survey incurred in 8-hour increments.

EXHIBIT A
CONSULTANT SCOPE OF SERVICES



2. Field Engineering Verification- In the event of the need for detailed field condition information or field evaluation of site conditions deemed essential to assess the field conditions or conceptually define needed infrastructure improvements in areas such as Atlantic Oaks Circle, Magnolia Dunes, Seaside Villas at Pope Road and Ocean Oaks the scope of services will include an allowance for field engineer verification/ evaluation. Similarly, for areas of existing infrastructure such as conveyance culverts, ditches or storm drains requiring field verification or evaluation of construction or maintenance conditions the scope of services will include an allowance for field engineering. The allowance will be limited to 48 total hours.
3. Concept Infrastructure Plans-In anticipation of identifying within the field evaluation and ICPR software modeling of the City stormwater system certain areas such as Atlantic Oaks Circle, Magnolia Dunes, Seaside Villas at Pope Road and Ocean Oaks are identified as needing infrastructure improvements the scope of services will include a 10 hour allowance for up to 6 areas of engineering conceptual infrastructure planning and order of magnitude project cost for each area.

PROFESSIONAL SERVICES ESTIMATED FEES

Our fees are outlined by Task as follows:

<u>Task</u>	<u>Estimated Fee</u>
Task 1. Quantify	\$21,620
Task 2. Evaluate	\$14,040
Task 3. Facilitate	\$20,720
Task 4. Deliver	\$33,450
Task 5. Project Management Oversight	\$10,620
Task 6. Topo Survey, Field Engineering and Concept Infrastructure Plans (Allowance)	\$34,200
<hr/>	
TOTAL	\$134,650

OPTIONAL SUPPLEMENTAL SCOPE OF SERVICES w/ FUNDING AVAILABILITY

EXHIBIT A
CONSULTANT SCOPE OF SERVICES



These services are considered limiting to the scope of services provided above and may or may not be incorporated into the services at a later date or upon a desire of the City to increase the scope to address conditions below.

1. City GIS system database quality grading and reorganization (budget est.\$8,000)
2. Estimate of cost to acquire unavailable information on existing infrastructure assets. Assess Infrastructure assets for estimated replacement cost. (budget est.\$4,100)
3. Evaluate Current and Alternative Asset Management Systems. (budget est.\$4,900)
4. Review for Potential Comp Plan Policies / City Codes Impacting Stormwater and Explore Future Potential Regulatory Standard/Policies impacting the City Stormwater master planning. (budget est.\$4,700)
5. Review of the existing Public Works stormwater related Operation and Maintenance and Capital Program. Assessment of current City stormwater funding (and source) with recommendations for program sustainability funding. (budget est.\$6,900)
6. Technical assistance and support for external governmental funding programs. (budget est.\$5,900)
7. Update of the SJRWMD Master stormwater management Environmental Resource Permit (ERP). (budget est.\$18,000)
8. Supplemental Outside Agency Coordination / Management/ Presentation Meetings- St. Johns County, City of St. Augustine, State Resiliency Office, SJRWMD, Funding agency meetings locally in the form of attendance, development of presentation material or technical evaluations and assistance in preparation of meeting (budget est.\$960/each)

SERVICES EXCLUDED

The above services and professional fees do not include consideration for Land Ownership or Easement Identification in considering recommendations for infrastructure improvements or assessment /evaluation of ownership of infrastructure. The services also do not include environmental investigations or stormwater treatment variations or innovation concepts.

CLIENT RESPONSIBILITIES

Client agrees to provide full, reliable information regarding its requirements for the project. In addition, the Client agrees to provide, at its expense and in a timely manner, the cooperation of its

EXHIBIT A
CONSULTANT SCOPE OF SERVICES



personnel and such additional information, with respect to the project, as may be required from time to time by CMT in the performance of our work. The Client shall render any decisions promptly to avoid unreasonable delay to the project and the performance of CMT's work.

The Client also agrees to notify us in writing within 15 days of an invoice date if some or all of an invoice is being disputed. The Client will pay undisputed invoices within 30 days of the date on the invoice.

Mr. William Tredik or someone designated by him as the Client Representative who will be responsible for technical direction for this project and has authority for project decision approval. In the event the engineering decisions, as directed by Mr. Tredik or his designee, are rejected by others and additional engineering is required, such services shall be compensated as extra services at our standard hourly rates.

We are very appreciative to be working with you on this project and trust that this proposed agreement is responsive to your needs. In consideration of the proposed fee amount below the CCNA established continuing contract threshold, if the City is satisfied with the proposed agreement, the agreement can be provided as a standard Amendment to the City/ CMT Continuing Contract (and be subject to the existing contract conditions) or alternately be executed as a standalone Contract Agreement. Please advise as to the method of contracting services the city wishes. If you have any questions during your evaluation of the agreement, please do not hesitate to contact me.

Sincerely,

Gary L. Sneddon

Gary L. Sneddon, P.E.
Regional Manager

EXHIBIT B—DELIVERABLES SCHEDULE

Paragraphs 2.04.E, 3.02.A, and Exhibit A of the Agreement are supplemented by the following paragraph and table.

Engineer shall furnish deliverables to Owner as required in Column 2 of the following table (and as further described in Exhibit A), according to the schedule in Column 4.

Party	Deliverable	Exhibit A Reference	Schedule
Engineer	Submit digitally signed electronic report of all Task 1 deliverables described in Exhibit A, including: <ul style="list-style-type: none">• Updated Asset Inventory• Updated ICPR model• Updated drainage basin mapping• Summary report of 2004 Work Plan Projects and 2020 Vulnerability Assessment Mitigation Projects	Task 1.1 through Task 1.4	Within 270 calendar days of the Effective Date.
Engineer	<ul style="list-style-type: none">• Submit digitally signed report with deliverables for Task 2.1 through Task 2.8 as described in Exhibit A• Provide updated GIS layers• Provide updated CIP listings	Task 2.1 through Task 2.8	Within 270 calendar days of the Effective Date.
Engineer	<ul style="list-style-type: none">• Prepare and submit all documents and exhibits related to as described in Exhibit-A section 3.1 through 3.4• Attend Workshop with City Staff• Presentation to City commission	Task 3.1 Through Task 3.4	Within 270 calendar days of the Effective Date.
Engineer	<ul style="list-style-type: none">• Prepare and submit all documents and exhibits related to as described in Exhibit-A section 4.1 through 4.8• Provide GIS database and layers• Presentation to City Commission	Task 4.1 Through Task 4.8	Within 270 calendar days of the Effective Date
Engineer	<ul style="list-style-type: none">• Conduct and document all required activities as described in Exhibit-A section 4.1 through 4.8	Task 5.1 Through Task 5.4	Within 270 calendar days of the Effective Date.
Engineer	<ul style="list-style-type: none">• Provide all topographic surveys• Document and report all field engineering verifications• Provide concept Infrastructure Plans	Task 6.1 Through Task 6.3	Within 270 calendar days of the Effective Date.

Exhibit J—Payments to Engineer for Services and Reimbursable Expenses.

Appendix 2: Standard Hourly Rates Schedule.

Exhibits to EJCDC® E-500, Agreement between Owner and Engineer for Professional Services.

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EXHIBIT C—AMENDMENT TO OWNER-ENGINEER AGREEMENT

AMENDMENT TO OWNER-ENGINEER AGREEMENT

Amendment No. [Enter Amendment Number]

Owner: **City of St. Augustine Beach**
Engineer: **Crawford, Murphy & Tilly**
Project: **City of St. Augustine Beach Stormwater Drainage Master Plan Update**
Effective Date of Owner-Engineer Agreement: **[Effective Date of Agreement]**
Nature of Amendment: (Check those that apply)

- ☐ Additional Services to be performed by Engineer
- ☐ Modifications to services of Engineer
- ☐ Modifications to responsibilities of Owner
- ☐ Modifications of payment to Engineer
- ☐ Modifications to time(s) for rendering services
- ☐ Modifications to other terms and conditions of the Agreement

Description of Modifications:

[Here describe the modifications, in as much specificity and detail as needed. Use an attachment if necessary. Include cost breakdown and documentation, if applicable.]

Agreement Summary:

Original agreement amount: \$
Net change for prior amendments: \$
This amendment amount: \$
Adjusted Agreement amount: \$
Change in time for services (days or date, as applicable):

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. The Effective Date of the Amendment is **[Enter Effective Date of Amendment]**.

Owner	Engineer
_____ (typed or printed name of organization)	_____ (typed or printed name of organization)
By: _____ (individual's signature)	By: _____ (individual's signature)
(Attach evidence of authority to sign.)	(Attach evidence of authority to sign.)
Date: _____ (date signed)	Date: _____ (date signed)
Name: _____ (typed or printed)	Name: _____ (typed or printed)
Title: _____ (typed or printed)	Title: _____ (typed or printed)

Exhibit J—Payments to Engineer for Services and Reimbursable Expenses.

Appendix 2: Standard Hourly Rates Schedule.

Exhibits to EJCDC® E-500, Agreement between Owner and Engineer for Professional Services.

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EXHIBIT F—ELECTRONIC DOCUMENTS PROTOCOL (EDP)

ARTICLE 1—ELECTRONIC DOCUMENTS PROTOCOL (EDP)

Paragraph 6.03 of the Agreement is supplemented by the following Exhibit F Paragraph 1.01 and Exhibit F—Attachment 1: Software Requirements for Electronic Document Exchange:

1.01 Electronic Documents Protocol

- A. **Electronic Transmittals:** The parties shall conform to the following provisions together referred to as the Electronic Documents Protocol ("EDP" or "Protocol") for exchange of electronic transmittals.

1. Basic Requirements

- a. To the fullest extent practical, the parties agree to and will transmit and accept Electronic Documents by Electronic Means using the procedures described in this Protocol. Use of the Electronic Documents and any information contained therein is subject to the requirements of this Protocol and other provisions of the Agreement.
- b. The contents of the information in any Electronic Document will be the responsibility of the transmitting party.
- c. Electronic Documents as exchanged by this Protocol may be used in the same manner as the printed versions of the same documents that are exchanged using non-electronic format and methods, subject to the same governing requirements, limitations, and restrictions, set forth in the Agreement.
- d. Except as otherwise explicitly stated herein, the terms of this Protocol will be incorporated into any other agreement or subcontract between the Owner and Engineer and any third party for any portion of the Project, or any Project-related services, where that third party is, either directly or indirectly, required to exchange Electronic Documents with Owner, Engineer, or any Contractor or other entity directly contracted with the Owner to furnish Program-related services. Nothing herein will modify the requirements of the Agreement and applicable Construction Contract Documents regarding communications between and among the individual third parties and their respective subcontractors and consultants, except to the extent that any respective subcontractor or consultant exchanges Electronic Documents with the Owner or Engineer.
- e. When transmitting Electronic Documents, the transmitting Party makes no representations as to long term compatibility, usability, or readability of the items resulting from the receiving Party's use of software application packages, operating systems, or computer hardware differing from those established in this Protocol.
- f. Nothing herein negates any obligation (1) in the Agreement to create, provide, or maintain an original printed record version of Drawings and Specifications, signed and sealed according to applicable Laws and Regulations; (2) to comply with any applicable Law or Regulation governing the signing and sealing of design documents or the signing and electronic transmission of any other documents; or

Exhibit F—Electronic Documents Protocol (EDP).

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Page 1 of 5

(3) to comply with any notice requirements limiting or otherwise modifying the acceptance of Electronic Documents for such notice.

2. System Infrastructure for Electronic Document Exchange

- a. Each party will provide hardware, operating system(s) software, internet, e-mail, and large file transfer functions ("System Infrastructure") at its own cost and sufficient for complying with the EDP requirements. With the exception of minimum standards set forth in this EDP and any explicit system requirements specified by attachment to this EDP, it will be the obligation of each party to determine, for itself, its own System Infrastructure.
 - 1) The maximum size of an e-mail attachment for exchange of Electronic Documents under this EDP is **10 MB**. Attachments larger than that may be exchanged using large file transfer functions or physical media.
 - 2) Each Party assumes full and complete responsibility for any and all of its own costs, delays, deficiencies, and errors associated with converting, translating, updating, verifying, licensing, or otherwise enabling its System Infrastructure, including operating systems and software, for use with respect to this EDP.
- b. Each party is responsible for its own system operations, security, back-up, archiving, audits, printing resources, and other Information Technology ("IT") for maintaining operations of its System Infrastructure during the Project, including coordination with the party's individual(s) or entity responsible for managing its System Infrastructure and capable of addressing routine communications and other IT issues affecting the exchange of Electronic Documents.
- c. Each party will operate and maintain industry-standard, industry-accepted, ISO-standard, commercial-grade security software and systems that are intended to protect the other party from: software viruses and other malicious software like worms, trojans, adware; data breaches; loss of confidentiality; and other threats in the transmission to or storage of information from the other parties, including transmission of Electronic Documents by physical media such as CD/DVD/flash drive/hard drive. To the extent that a party maintains and operates such security software and systems, it will not be liable to the other party for any breach of system security.
- d. In the case of disputes, conflicts, or modifications to the EDP required to address issues affecting System Infrastructure, the parties will cooperatively resolve the issues; but, failing resolution, the Owner is authorized to make and require reasonable and necessary changes to the EDP to effectuate its original intent. If the changes cause additional cost or time to Engineer, not reasonably anticipated under the original EDP, Engineer shall be entitled to compensation as Additional Services for its costs associated with the revisions to the EDP, delayed adoption of Exhibit L or implementation of other Electronic Documents protocols.
- e. Each party is responsible for its own back-up and archive of documents sent and received during the term of any Project contract/agreement under this EDP, unless this EDP establishes a Project document archive, either as part of a mandatory Project website or other communications protocol, upon which the Parties may

rely for document archiving during the specified term of operation of such project document archive. Further, each party remains solely responsible for its own post-Project back-up and archive of project documents, as each party deems necessary for its own purposes, after the term of contract, or termination of the project document archive, if one is established.

- f. If a receiving party receives an obviously corrupted, damaged, or unreadable Electronic Document, the receiving party will advise the sending party of the incomplete transmission.
- g. The parties will bring any non-conforming Electronic Documents into compliance with the EDP. The parties will attempt to complete a successful transmission of the Electronic Document or use an alternative delivery method to complete the communication.

B. Software Requirements for Electronic Document Exchange; Limitations

- 1. Each party will acquire the software and software licenses necessary to create and transmit Electronic Documents and to read and to use any Electronic Documents received from the other party (and if relevant from third parties), using the software formats required in this section of the EDP.
 - a. Prior to using any updated version of the software required in this section for sending Electronic Documents to the other party, the originating party will first notify and receive concurrence from the other party for use of the updated version or adjust its transmission to comply with this EDP.
- 2. The parties agree not to intentionally edit, reverse engineer, decrypt, remove security or encryption features, or convert to another format for modification purposes any Electronic Document or information contained therein that was transmitted in a software data format, including Portable Document Format (PDF), intended by sender not to be modified, unless the receiving party obtains the permission of the sending party or is citing or quoting excerpts of the Electronic Document for Project purposes.
- 3. Software and data formats for exchange of Electronic Documents will conform to the requirements set forth in the following Attachment 1 to this EDP, including software version, if listed.

C. Format and Distribution of Deliverables

- 1. By definition, "Documents" as used in this Agreement are documents expressly identified as deliverables from Engineer to Owner. Exhibit A of the Agreement identifies various Documents that Engineer is required to deliver to Owner as part of Engineer's services; Exhibit B is a schedule of such Documents. Engineer will transmit such Documents to Owner in the formats identified in Attachment 1 to this Protocol. If no specific format is identified for a deliverable Document, the format will be Portable Document Format (PDF).
- 2. If a Document will be distributed to third parties, such as prospective bidders and contractors, reviewing agencies, or lenders, the transmittal format for distribution will be as identified in Attachment 1 to this Protocol; provided, however, that if a format for distribution of a specific Document is expressly stated in Exhibit A, then the Exhibit A

format will take precedence. If no specific format is identified for distribution of a deliverable Document to third parties, the format will be Portable Document Format (PDF).

a. If a format for Document distribution other than Portable Document Format (PDF) is specified, Owner shall first obtain a written, signed release from each third party to which the deliverable Document is distributed, establishing agreement to the following conditions:

- 1) The content included in the Electronic Documents prepared by or for Engineer and covered by the request was prepared as an internal working document for Engineer's purposes solely, and is being provided to the third party on an "AS IS" basis without any warranties of any kind, including, but not limited to any implied warranties of fitness for any purpose. As such, the third party is advised and acknowledges that the content may not be suitable for the third party's application, or may require substantial modification and independent verification by the third party. The content may include limited resolution of models; not-to-scale schematic representations and symbols; use of notes to convey design concepts in lieu of accurate graphics; approximations; graphical simplifications; undocumented intermediate revisions; and other devices that may affect subsequent reuse.
- 2) Electronic Documents containing text, graphics, metadata, or other types of data that are provided to the Requesting Party are only for the convenience of the third party. Any conclusion or information obtained or derived from such data will be at the third party's sole risk and the third party waives any and all claims against Engineer or Owner arising from the use of the Electronic Documents covered by the request, or of any data contained in such Electronic Documents.
- 3) The third party shall indemnify and hold harmless Owner, Engineer, and Engineer's Subcontractors and Subconsultants, from all claims, damages, losses, and expenses, including attorneys' fees and defense costs arising out of or resulting from the third party's use, adaptation, or distribution of any Electronic Documents provided under the request.
- 4) The third party agrees not to sell, copy, transfer, forward, give away or otherwise distribute this information (in source or modified file format) to any third party without the direct written authorization of Engineer, unless such distribution is specifically identified in the request and is limited to the third party's subcontractors and consultants. The third party warrants that subsequent use by the third party's subcontractors and subconsultants will comply with all terms of the Construction Contract Documents and any specific instructions or conditions established by Owner.

b. If Engineer is required to assist or participate in obtaining such releases from third parties, such services will be categorized as Additional Services.

D. Requests by Project-Related Parties for Electronic Documents in Other Formats

1. Owner may release (or direct Engineer to release) an Electronic Document version of a Document prepared by or for Engineer, including but not limited to a deliverable Document as set forth in Exhibit F Paragraph 1.01.C, in a format other than those identified in Exhibit F Paragraph 1.01.B or 1.01.C of the Electronic Documents Protocol, or elsewhere in the Agreement, only if (a) a Contractor or other Project-related party (Requesting Party) makes a good faith request for such release, (b) Owner determines in its sole discretion that such release is prudent and will be beneficial to the Project, and (c) Owner obtains Requesting Party's written consent to the four conditions set forth in Exhibit F Paragraph 1.01.C.2.a.1-4 above.
2. Any services by Engineer in connection with Owner or Engineer providing a Document to a Requesting Party under this Exhibit F Paragraph 1.01.D are Additional Services. Such services may include but are not limited to preparing the data in a manner deemed appropriate by Engineer. Owner may require reimbursement from the Requesting Party for the cost of such Additional Services, but compensation by Owner to Engineer for the Additional Services is not contingent upon Owner obtaining reimbursement from the Requesting Party.

EXHIBIT F—ATTACHMENT 1: SOFTWARE REQUIREMENTS FOR ELECTRONIC DOCUMENT EXCHANGE

Item	Electronic Documents	Transmittal Means	Data Format	Note (1)
a.1	General communications, transmittal covers, meeting notices, and responses to general information requests for which there is no specific prescribed form.	Email	Email	
a.2	Meeting agendas; meeting minutes; RFI's and Responses to RFI's; and Construction Contract administrative forms.	Email w/Attach	PDF	(2)
a.3	Contractor's Submittals (Shop Drawings, "Or Equal" requests, Substitute requests, documentation accompanying Sample submittals and other Submittals) to Owner and Engineer; and, Owner's and Engineer's Responses to Contractor's Submittals, Shop Drawings, Correspondence, and Applications for Payment	Email w/Attach	PDF	
a.4	Correspondence; Interim and Final Versions of reports, layouts, Specifications, Drawings, maps, calculations and spreadsheets, Construction Contract, Bidding/Proposal Documents, and Front-End Construction Contract Documents.	Email w/ Attach or LFE	PDF	(3)
a.5	Layouts, plans, maps, surveys, and Drawings to be submitted to Owner by Engineer for future use and modification	Email w/ Attach or LFE	DWG	
a.6	Correspondence, reports, and specifications to be submitted by Engineer to Owner for future word processing use and modification	Email w/ Attach or LFE	DOC	
a.7	Spreadsheets and data to be submitted to Owner by Engineer for future data processing use and modification	Email w/ Attach or LFE	EXC	
a.8	Database files and data to be submitted to Owner for future data processing use and modification	Email w/ Attach or LFE	DB	
Notes				
(1)	All exchanges and uses of transmitted data are subject to the appropriate provisions of the Agreement and Construction Contract.			
(2)	Transmittal of written notices is governed by requirements of the Agreement and Construction Contract.			
(3)	Transmittal of Bidding/Proposal Documents and Front-End Construction Contract Documents will be in manner selected by Owner in Exhibit A, Paragraph 1.05.A.1.a. Unless otherwise expressly stated, these documents and the Construction Contract will be transmitted in PDF format, including transmittals to bidders and Contractor.			
Key				
EMAIL	Standard Email formats (.htm, .rtf, or .txt). Do not use stationery formatting or other features that impair legibility of content on screen or in printed copies.			
LFE	Agreed upon Large File Exchange method (FTP, CD, DVD, hard drive.)			
PDF	Portable Document Format readable by Adobe® Acrobat Reader Version [number] or later.			
DWG	Autodesk® AutoCAD. dwg format Version 2020.			
DOC	Microsoft® Word. docx format Version (latest).			
EXC	Microsoft® Excel .xlsx or .xml			
DB	Microsoft® Access .mdb			

EXHIBIT G—INSURANCE

ARTICLE 1—INSURANCE

Paragraph 6.04 of the Agreement, Insurance, is supplemented to include the following Exhibit G Paragraphs 1.01 and 1.02:

1.01 Engineer's Insurance

A. The Engineer shall indemnify and hold the Owner harmless against all loss, damage, or expense by reason of injury to person or damage to property arising out of the use of or activities on any said premises by the Engineer, its agents, representatives, Contractors, Subcontractors, or employees. Prior to commencement of services under this Contract the Engineer's insurance coverage shall comply with the following insurance requirements:

- 1) Worker's Compensation/Employer's Liability Insurance as required by the Worker's Compensation Laws of the State of Florida.
- 2) General Liability Insurance on the Comprehensive form for all operations of the successful Bidder under the Contract, including coverage for, but not limited to Personal Injury Broad Form Property Damage and Project Liability for a minimum limit of \$1,000,000 per occurrence.
- 3) Automobile/Truck Injury and Property Damage Liability Insurance covering all vehicles, whether owned, non-owned, leased or hired, with not less than \$100,000 per person/\$300,000 per occurrence combined single limits.

Insurance companies providing the required insurance coverages for the successful Bidder must be rated into the current issue of "Bests" Insurance Key Rating Guide at "A" for the policyholder's category and XIII for the financial category to be specifically approved by the Owner.

1.02 Insurance Certificate:

A. A Certificate of Insurance, naming St. Augustine Beach City Commissioners as additional insured, shall be required at the signing of the Contract by the Engineer. Certificates of Insurance are to be authorized in writing by an officer of the insurance company or companies, identifying their agent and executed by the agent with a copy of the agent's license by the insurance company attached. The Certificate must reflect the required coverages and guarantee the City of St. Augustine Beach Commissioners. Certified copies of all policies must accompany the Certificate of Insurance when requested by the City.

EXHIBIT J—PAYMENTS TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES: INTRODUCTION

EXHIBIT J—PAYMENTS TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES**COMPENSATION PACKET BC-1: BASIC SERVICES—LUMP SUM**

ARTICLE 1—COMPENSATION PACKET BC-1: BASIC SERVICES—LUMP SUM

Article 2 of the Agreement is supplemented to include the following Exhibit J Paragraph 1.01:

1.01 Compensation for Basic Services (other than Resident Project Representative)—Lump Sum Method of Payment

A. Owner shall pay Engineer for Basic Services set forth in Exhibit A as follows:

1. A Lump Sum amount of \$134,650.00 based on the following estimated distribution of compensation:

a. Task 1 – Quantify	\$ 21,620.00
b. Task 2 – Evaluate	\$ 14,040.00
c. Task 3 – Facilitate	\$ 20,720.00
d. Task 4 – Delivery	\$ 33,450.00
e. Task 5 – Project Management Oversight	\$ 10,620.00
f. Task 6 – Topo Survey, Field Engineering and Concept Infrastructure Plans	\$ 34,200.00

2. Engineer may alter the distribution of compensation between individual phases noted herein to be consistent with services actually rendered, but compensation will not exceed the total Lump Sum amount unless approved in writing by the Owner.

3. The Lump Sum includes compensation for Engineer's services and services of Engineer's Subcontractors and Subconsultants, if any. Appropriate amounts have been incorporated in the Lump Sum to account for labor costs, overhead, profit, and expenses (other than any expressly allowed Reimbursable Expenses).

4. In addition to the Lump Sum, Engineer is also entitled to reimbursement from Owner for the following Reimbursable Expenses (see Appendix 1 for rates or charges): None

5. The portion of the Lump Sum amount billed for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period. If any Reimbursable Expenses are expressly allowed, Engineer may also bill for any such Reimbursable Expenses incurred during the billing period.

B. Period of Service: The compensation amount stipulated in Compensation Packet BC-1 is conditioned on a period of service not exceeding twelve (12) months. If such period of service is extended, the compensation amount for Engineer's services will be appropriately adjusted.

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
APRIL 4, 2022**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-20.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's February 15, 2022, meeting are attached as pages 21-40.

SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE

The minutes of the Committee's March 3, 2022, meeting are attached as pages 41-55.

POLICE DEPARTMENT

Please see page 56.

FINANCE DEPARTMENT

Please see page 57.

PUBLIC WORKS DEPARTMENT

Please see pages 58-61.

CITY MANAGER

1. Complaints

A. Mold in Rental Unit

The owner said the unit needs mold remediation. As the City has no employees with training in that specialty, the owner was asked to contact the Florida Department of Health.

B. Overflowing Trash Containers

A resident complained on a Saturday morning that trash bins at the 16th Street beach access were overflowing. As the County is responsible for emptying the containers at beach access, the City Manager forwarded the complaint to County Beach Services. The bins were emptied within an hour.

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 14, 2021, 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 FPL'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. At its March 7, 2022, meeting, the City Commission awarded the bid for this project to DB Civil Construction of Ormond Beach, Florida, for \$579,850. The contract will be executed with construction beginning in May.

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, an 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. Because the contractor is experiencing delays in getting materials, the project won't be started until early May.

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, which the City received. At its March 7, 2022, meeting, the City Commission approved the Public Works Director's recommendation that the one bid received to construct the restrooms be rejected because of its very high price and authorized negotiating with the bidder to lower the cost. As these negotiations did not result in significant savings, the Director has decided to purchase prefabricated 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 other 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 approved on final reading 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 at its April 4th meeting.

B. Fiscal Year 2022 Budget

February 28, 2022, marked the end of the fifth month of Fiscal Year 2022, which began on October 1, 2021, and will end on September 30, 2022. As of February 28th, the City for its General Fund had received \$5,452,017 and spent \$3,240,010. The surplus of revenues over expenditures at the end of the first quarter was \$2,212,007. Also, as of the end of February, the City had received \$3,350,856 from its major revenue source, property taxes. A year ago, February 2021, the amount received from property taxes was \$3,154,774, or \$226,082 less. In terms of percentages, the City by the end of January had received 56.4% of the revenue projected to be received for the entire fiscal year and had spent 33.5% of the projected expenditures. The gap between revenues and expenditures will likely narrow considerably during the remaining seven months of the fiscal year as revenue from property taxes declines during those months.

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 to 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 March, the City Manager approved the following permits: a. the Civic Association's weekly Music by the Sea concerts on May 25 through June 27, 2022; and August 17 through September 21, 2022; b. the WMS Surf Art Camp, Monday through Friday, from June 6 to October 14, 2022; c. the TNT Events' Arts and Crafts Fest on January 6-8, February 17-19 and March 10-12, 2023.

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

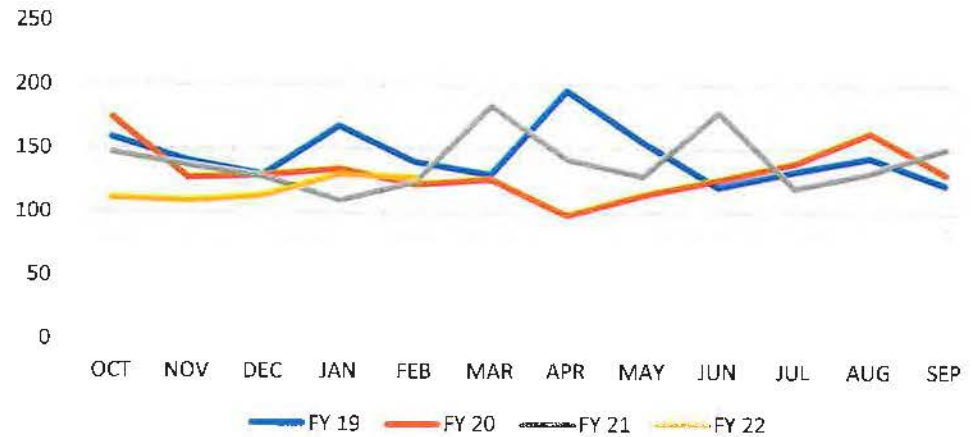
On Wednesday, March 23rd, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City has received \$500,000 historic grant to renovate windows and other features in the building and a \$25,000 grant for interpretative signage. The outcome of the workshop was that the building would be renovated for use as an arts center with the second floor restored for artists' studios and possibly a small museum. City staff in late March will meet with Ms. Stone and Les Thomas, a local architect, to determine what the next steps should be to restore the building. The deadline for using the money from the historic grant is June 2024.

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	127
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	590

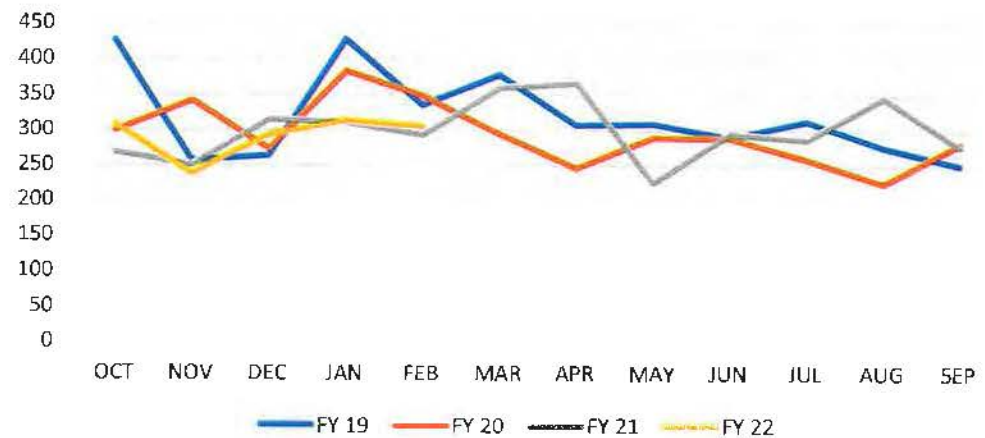
OF PERMITS ISSUED



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	305
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	1453

OF INSPECTIONS PERFORMED

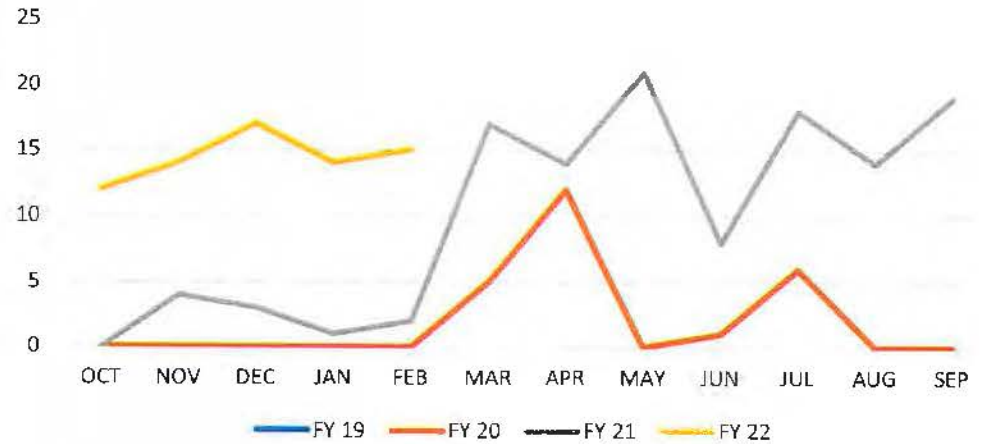


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	15
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	72

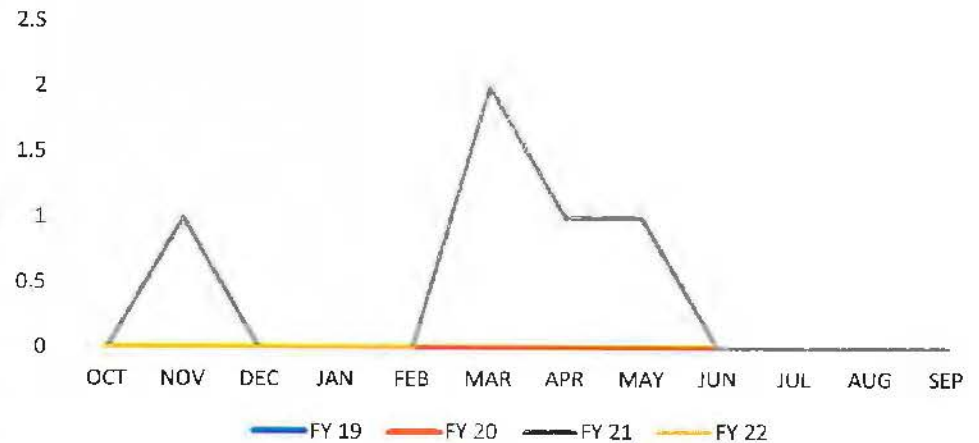
OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER



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	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

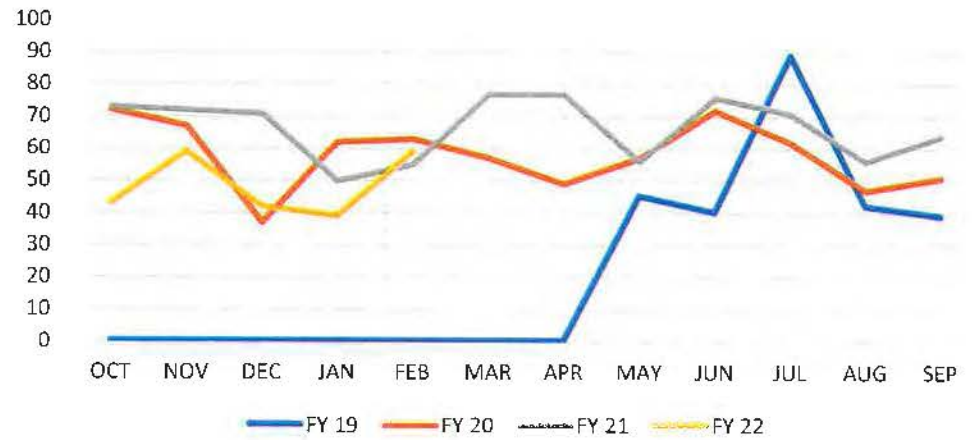


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	59
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	242

OF PLAN REVIEW ACTIVITIES

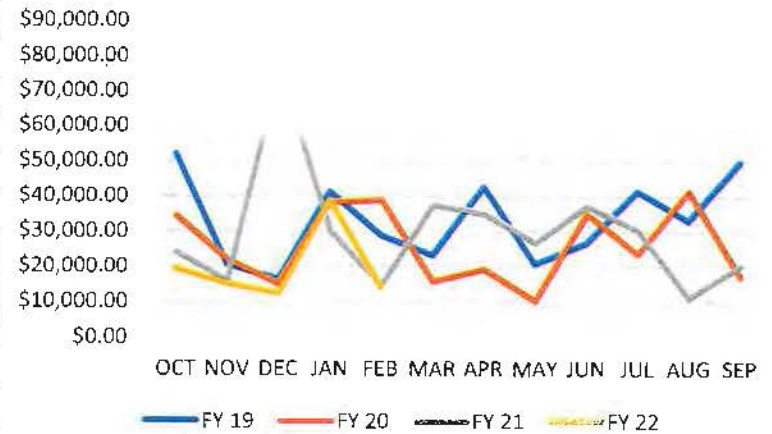


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$51,655.01	\$34,277.62	\$24,139.90	\$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	\$13,916.49
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	\$98,660.96

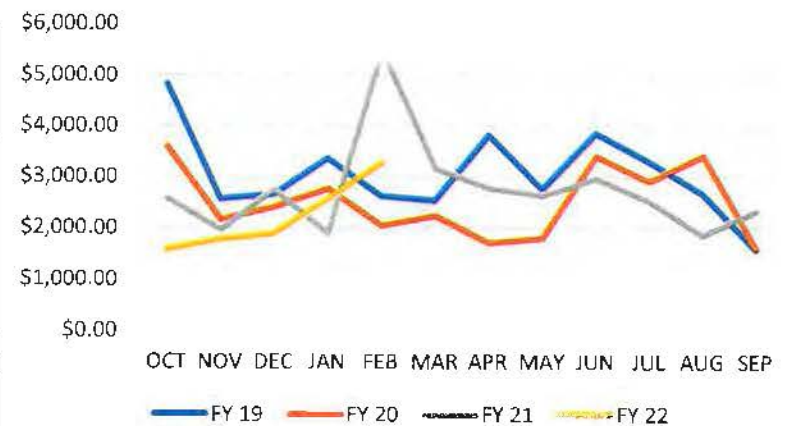
BUILDING PERMIT FEE GRAPH



MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$4,819.09	\$3,593.67	\$2,574.62	\$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	\$3,274.80
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	\$11,063.92

MECHANICAL PERMIT FEE REPORT

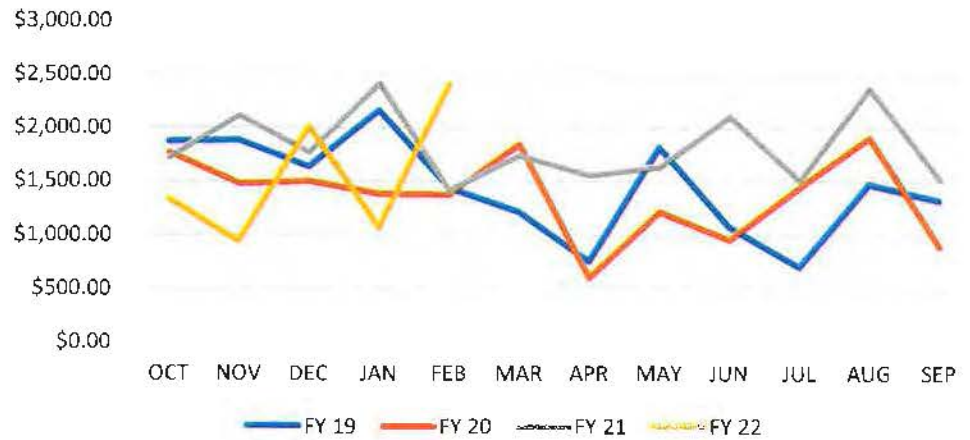


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	\$2,405.00
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	\$7,745.00

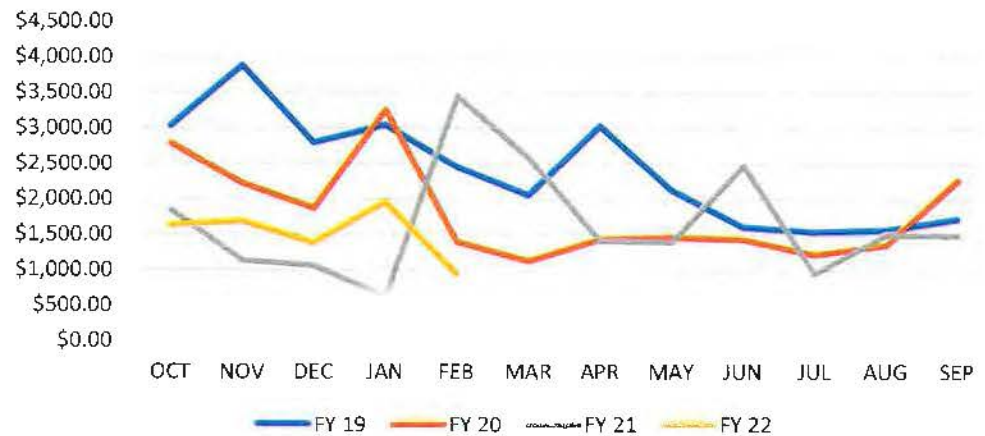
ELECTRICAL PERMIT FEE REPORT



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	\$938.00
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	\$7,592.00

PLUMBING PERMIT FEE REPORT

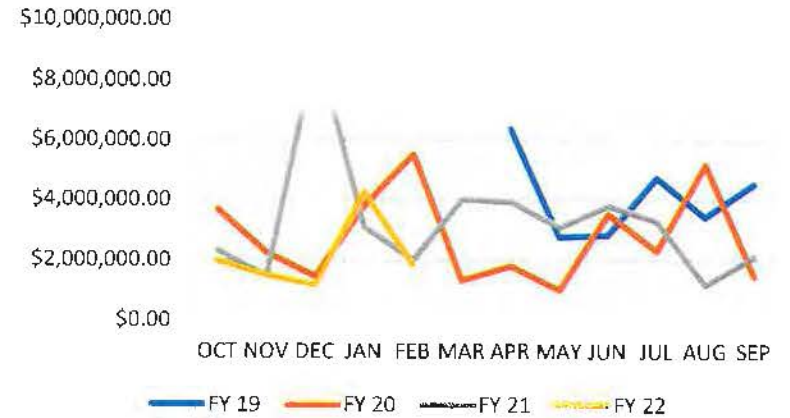


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	\$1,847,029.62
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	\$10,703,900.46

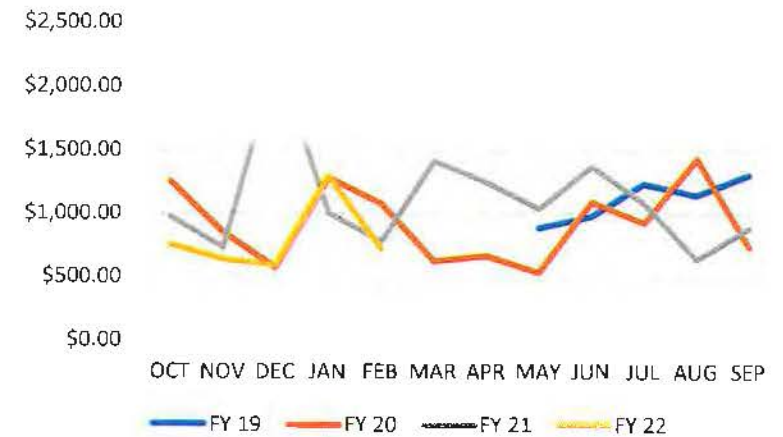
ALTERATION COST



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	\$721.09
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	\$3,986.47

STATE SURCHARGE PERMIT FEE REPORT



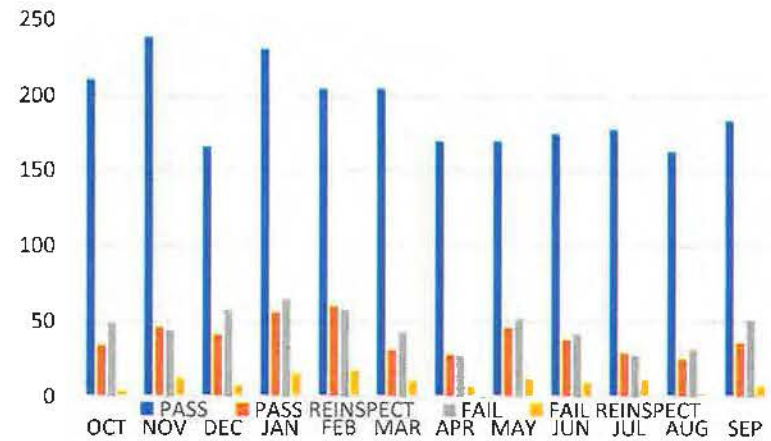
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

FY 20 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	210	34	49	3
NOV	238	46	44	12
DEC	165	41	58	7
JAN	230	56	65	15
FEB	204	60	58	17
MAR	204	31	43	10
APR	169	28	28	7
MAY	169	46	52	12
JUN	174	38	42	9
JUL	177	29	28	12
AUG	162	25	32	2
SEP	183	36	51	7
TOTAL	2285	470	550	113

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 20 INSPECTION RESULTS

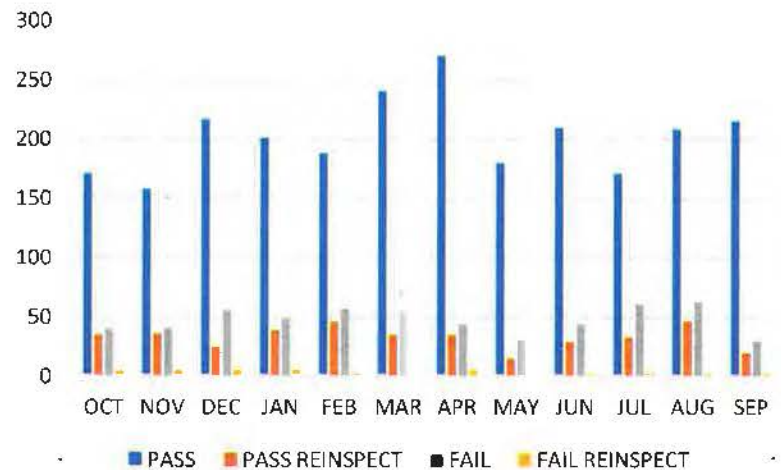


FY 21 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	170	35	40	5
NOV	157	36	41	5
DEC	216	25	56	6
JAN	200	39	49	6
FEB	187	46	57	3
MAR	240	35	55	3
APR	270	35	44	5
MAY	179	15	31	1
JUN	209	29	44	2
JUL	170	33	61	4
AUG	208	47	63	2
SEP	215	20	30	2
TOTAL	2421	395	571	44

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 21 INSPECTION RESULTS



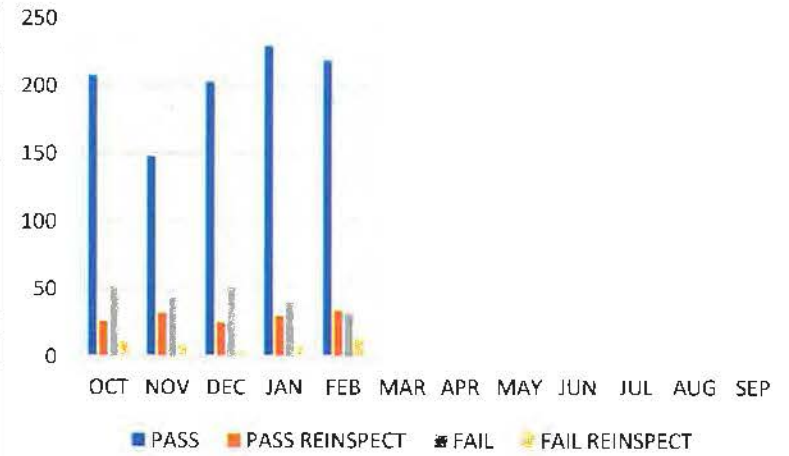
CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

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	218	34	32	12
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
TOTAL	1003	147	222	37

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

FY 22 INSPECTION RESULTS



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
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
4983	3 LISBON ST	P2200629	SFR-D	3/2/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5016	103 WHISPERING OAKS CIR	P2200667	SFR-D	3/10/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description	User Code 1
594	12 13TH STREET	P1915242	COMMERCIAL NEW	9/9/2019	TCO	MIXED USE BUILDING--2 OFFICE SUITES BOTTOM FLOOR WITH 2 RESIDENTIAL SUITES ON THE SECOND FLOOR	COM
1740	116 SEA GROVE MAIN ST	P2000906	COM BUILD OUT	6/9/2020		COMMERCIAL INTERIOR BUILD-OUT FOR OFFICE SPACE/FUTURE TENANT SPACE	COM
1827	681 A1A BEACH BLVD	P2000843	COMMERCIAL NEW	4/7/2020		BUILDING-COMMERCIAL NEW BUILDING--BREWERY 1ST FLOOR AND STORAGE 2ND FLOOR	COM
1842	300 A1A BEACH BLVD	P2001952	COM ADDITION	12/14/2020	TCO	LATERAL ADDITION FOR 42 ROOMS TO AN EXISTING 175 UNIT OCEAN FRONT HOTEL	COM
2141	3930 A1A SOUTH	P2001353	COM ADDITION	8/7/2020		BUILDING ADDITION - SHELL CONSTRUCTION4987 SQUARE FEET 6 UNITS	COM
4991	3930 A1A SOUTH	P2200457	COM BUILD OUT	1/27/2022		COMMERCIAL BUILDING ALT.-- BUILD OUT UNIT 4	COM

Application Id Range: First to Last

Issue Date Range: First to 03/17/22

Expiration Date Range: First to 09/29/23

Applied For: Y Open: Y

Application Date Range: First to 09/17/22

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 COM

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 INSPECTIONS

Application Id	Property Location	Building Code 1	Description of Work 1	Issue Date
4490	109 B ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	10/11/2021
4501	24 DEANNA DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	10/13/2021
4558	126 MICKLER BLVD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	10/27/2021
4577	0 SEA COLONY PARKWAY	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/2/2021
4663	129 14TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/23/2021
4693	129 14TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/30/2021
4741	28 LEE DR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	12/8/2021
4937	28 MAGNOLIA DUNES CIR	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	2/4/2022
4943	208 4TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	1/28/2022
5078	201 7TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	2/23/2022
5103	S05 D ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	3/1/2022
5137	605 A St	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	3/10/2022
5184	508 E ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	3/17/2022
Totals				

Application Id Range: First to Last

Issue Date Range: 10/01/21 to 03/17/22

Expiration Date Range: First to 09/30/22

Applied For: Y Open: Y

Application Date Range: First to 03/17/22

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

Activity Date Range: 10/01/21 to 03/17/22

Activity Type Range: T-TREE REMOVAL to T-TREE REMOVAL

Inspector Id Range: First to Last

'SENT LETTER': Y Open With No Date: N

COSAB FY'22 ZONING REPORT

Application Id	Parcel Id	Property Location	Building Code	Activity Type	Inspector	Date	Status
4253	1630300010	301 A1A BEACH BLVD	ZONING	Z-VARIANCE	BONNIE M	9/21/2021	APPROVED
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	BONNIE M	3/7/2022	APPROVED
4854	1726800000	225 MADRID ST	ZONING	Z-CONCEPT REV	JENNIFER	3/15/2022	PERFORMED
4896	1688300110	12 2ND ST	ZONING	Z-COND USE	BONNIE M	2/15/2022	APPROVED
4896	1688300110	12 2ND ST	ZONING	Z-COND USE	BONNIE M	3/7/2022	APPROVED
4993	1698900180	16 5TH ST	ZONING	Z-COND USE	JENNIFER	3/15/2022	APPROVED
4993	1698900180	16 5TH ST	ZONING	Z-COND USE	JENNIFER	4/4/2022	OPEN
4997	1686400000	570 A1A BEACH BLVD	ZONING	Z-COND USE	JENNIFER	3/15/2022	APPROVED
4998	1686400000	570 A1A BEACH BLVD	ZONING	Z-COND USE	JENNIFER	3/15/2022	APPROVED
5124	1629611250	400 HIGH TIDE DR	ZONING	Z-VARIANCE	JENNIFER	4/19/2022	OPEN
5170	1718500045	507 F 5T	ZONING	Z-VARIANCE	JENNIFER	4/19/2022	OPEN

Application Id Range: First to Last Range of Building Codes: ZONING to ZONING
 Activity Date Range: 09/01/21 to 04/19/22 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 03/17/22	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	Status Date: 11/03/21
Viol Date: 10/05/21	Status: Completed	Comp Phone: (305)469-9134
Comp Name: DeBlasio, Patrick		
Comp Email: pdeblasio@littler.com		

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 refrence)

Violation Id: V2200002	Prop Loc: 1 E ST	Status Date: 10/05/21	Comp Name:
Viol Date: 10/05/21	Status: Completed		
Comp Phone:	Comp Email:		

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: Received 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 Structures 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: Completed Status Date: 03/17/22 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
03/17/22	03/17/22	Invoice has been paid
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. Laws 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 personel 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.

<u>Created</u>	<u>Modified</u>	<u>Note</u>
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

<u>Created</u>	<u>Modified</u>	<u>Note</u>
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)

Violation Id: V2200015 Prop Loc: 42 JOBIL DR
Viol Date: 02/25/22 Status: Open Comp Name: GLENN BROWN Comp Phone:
Comp Email: GBROWN@CITYOFSAB.ORG

Ordinance Id Description
FBC 105.1 PERMITS 105.1 Required.

Description: Second story deck being rebuilt without a permit

<u>Created</u>	<u>Modified</u>	<u>Note</u>
02/25/22	02/25/22	Building Inspector Glenn Brown, noticed work being done while doing inspections on permits in the surrounding area. Code Enforcement posted a Stop Work Order on the deck until plans and engineering are submitted along with a permit. (Contractor Id: ALLAN005)

Violation Id: V2200016 Prop Loc: 56 WILLOW DR
Viol Date: 03/01/22 Status: Completed Status Date: 03/03/22 Comp Name: Public Works
Comp Phone: Comp Email:

Ordinance Id	Description
SEC.5.00.00	Removal of Trees

Description: Public Works reported a tree had been cut down at this adress.

Created	Modified	Note
03/03/22	03/03/22	Arborist letter has been sent for the trees removed (see attached)
03/01/22	03/01/22	Code Enforcement recieved a call about fresh tree debris and a fresh cut stump in the front yard of 56 Willow Dr. Mr. Timmons went out and found that the report is valid (see attachments). Notice of violation has been posted on the front door.

Violation Id: v2200017	Prop Loc: 114 14TH ST	Status: Completed	Status Date: 03/17/22	Comp Name:
Viol Date: 03/03/22	Comp Phone:	Comp Email:		

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Received report that siding was being repaired without a permit.

Created	Modified	Note
03/17/22	03/17/22	Permit has been issued
03/03/22	03/03/22	3/3/2022 Code Enforcement went back out to find the project has been completed. Stop Work Order has been posted. No one home
03/03/22	03/03/22	3/2/2022 Code Enforcement spoke with the owner (Armbruster Lance William) about doing siding work without a permit. Homeowner stated that he was unaware of the work needed a permit. Homeowner said he will rectify asap

Violation Id: v2200018	Prop Loc: 3848 A1A S	Status: Completed	Status Date: 03/15/22	Comp Name: Meg O'Connell
Viol Date: 03/04/22	Comp Phone: (704)840-6174	Comp Email: meg@globaldisabilityinclusion.com		

Ordinance Id	Description
6.03.10	Parking of semi-trailers, storage containers and storage units

Description: Storage of a large container Southeast of building.

Created	Modified	Note
03/15/22	03/15/22	Storage container has been removed
03/04/22	03/04/22	Code Enforcement has sent a certified letter to 3848 A1A S, regarding the parking of a storage container southeast of the main building

Violation Id: v2200019	Prop Loc: 15 2ND ST	Status: Open	Comp Name: GLENN BROWN	Comp Phone:
Viol Date: 03/08/22	Comp Email:			

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Work without permits

Created	Modified	Note
03/09/22	03/09/22	Owner collected appropriate paperwork to file for permits, including Owner Builder documents. Mr. Timmons called the St. Johns Utility Dept to confirm if 15 2nd St. is currently on septic or sewer. Utility Dept. stated that 15 2nd St. only recieves a water bill, so the residence must be on septic.
03/08/22	03/08/22	Building Inspector Glenn Brown reported a commercial dumpster infront of 15 2nd st. Code Enforcement Officer Gil Timmons, responded by investigating the work being done. Mr. Timmons found substantial remodel work being done along with plumbing and electrical work being done without permits. Mr. Timmons spoke with the head contractor "Dean" of "Cajun Contractors". Cajun Contractors does not appear to be in any florida database, including the City of St. Augustine Beach's list of registered contractors. Mr. Timmons posted a Stop Work Order until permits are pulled and the contractor has registered with the appropriate governances.



MINUTES

PLANNING AND ZONING BOARD MEETING

TUESDAY, FEBRUARY 15, 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, Conner Dowling, Larry Einheuser, Hester Longstreet, Victor Sarris, Junior Alternate Gary Smith.

BOARD MEMBERS ABSENT: Scott Babbitt, Senior Alternate Hulsey Bray.

STAFF PRESENT: Building Official Brian Law, City Attorney Lex Taylor, Planner Jennifer Thompson, Public Works Director Bill Tredik, Recording Secretary Bonnie Miller.

IV. APPROVAL OF MINUTES OF PLANNING AND ZONING BOARD MEETING OF JANUARY 18, 2022

Motion: to approve the minutes of the January 18, 2022 meeting. **Moved** by Mr. Einheuser, **seconded** by Mr. Sarris, **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. Vacating Alley File No. V 2022-01, for 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 Lot 1 and Lots 3-16 and the City plaza on the northwest corner of 3rd Street and 2nd Avenue, Block 31, Chautauqua Beach Subdivision, to incorporate the square footage of said alley into the square footage of the owners of real property adjacent to and abutting alley, Joshua and Tiffany Patterson, Applicants

Jennifer Thompson: This first agenda item is an application requesting the vacation of the 15-foot-wide alley lying between 2nd Street and 3rd Street, adjacent to the right-of-way of 2nd Avenue. Eleven out of a total of fifteen property owners with lots abutting this alley signed their written consent to vacate it. Two property owners with lots abutting the alley have expressed concerns over vacating the alley and did not give their consent. The email sent from one of these property owners is included in the original packet information copied to the Board, and I forwarded the email from the other property owner to the Board members today (**EXHIBIT A**). The applicant is present, as well the City's Public Works Director, Bill Tredik, who would like to express his comments to the Board regarding this application, which was also copied and sent to St. Johns County Fire-Rescue, St. Johns County Utility Department, and Florida Power & Light (FPL). None of these agencies had any comments or objections to vacating this alley.

Bill Tredik: Public Works does not have any objections to vacating this alley, however, there are some things, especially involving drainage, that I do have a keen interest in. The vacant street to the south of this alley is 2nd Street, which will be extended and built out in the next several months. This work is actually being sent out for bids now. The first three lots going west from 2nd Avenue abutting the south side of this alley will be put under a conservation easement and dedicated to the City, so drainage is a concern. If the alley is vacated, the City will require a drainage and utility easement to be placed over the full width of the alley right-of-way, and I also want to make sure that the south half of the alley abutting the first three lots west of 2nd Avenue does not get put in the conservation easement. The City needs access to the full 15-foot alley width for drainage purposes.

Joshua Patterson, Applicant, 203 3rd Street, St. Augustine Beach, Florida, 32080: I filed the vacating application, along with some of my neighbors, including those owning the three lots that will be deeded to the City as a conservation easement. There were concerns from other owners of lots abutting the alley about the ditch in this alley, which I attempted to address, by talking to Mr. Tredik and City Manager Max Royle. One concern was that the ditch may have been used for mosquito control in the past. I reached out to the mosquito control district, looked at old maps and old listings, and was given confirmation this was not a mosquito control ditch. Another concern was the drainage project the City started in this alley in 2020. The funds for this project were depleted, and the contractor may have gone out of business due to the pandemic, so some of the neighbors were concerned the City would not come back and finish it. They were assured by Mr. Tredik and Mr. Royle it will be finished, whether the alley is vacated or not, as vacating the alley won't preclude the City from finishing the project, which will basically infill this vestigial ditch and replace it with an underground culvert and piping.

Victor Sarris: Would the completion of the drainage project, which involves getting the storm pipe in the ditch, be inhibited if the request to vacate the alley is granted?

Joshua Patterson: My understanding is no, because the City will maintain a perpetual easement over the vacated alley for access for drainage projects, maintenance, or repairs.

Bill Tredik: It is the City's intent to pipe the rest of that ditch. However, there are finances involved, so this is something that needs to be budgeted and approved by the City Commission. The longer the project is put on hold, the more difficult it will be to complete, as people will put up fences and start utilizing their part of the alley once it is vacated. While this will not preclude the completion of the project, these changes may be disruptive to it. When the remainder of the drainage project is budgeted, it will get done, but I can't speak to exactly when that will be, which is why one of my comments in my staff memo is that the Public Works Department cannot commit to the completion of the drainage project without the City Commission's approval of the needed funding.

Chris Pranis: Would this project be more expensive to complete if the alley is vacated?

Bill Tredik: To some degree. If people don't make any changes to that area for the time being, it won't add to the cost, but if people start putting up fences and filling in portions of the ditch, this will add to the cost. The City will have authority over what is done in the vacated alley through the easement, but if it is changed in such a way that they have to take down fences and replace them and things like that, this will increase the cost.

Kevin Kincaid: To the best of your knowledge, would the City's intention to complete the drainage project change if the alley is vacated?

Bill Tredik: No, I think it's in the City's best interest to have an improved pipe there. A pipe would be a lot easier to maintain than an open ditch, which really hasn't been maintained as well as it should have been over the years. Regarding mosquitoes, as it is now the ditch really doesn't serve any purpose for mosquito control as far as I am aware, it's just a cut ditch to drain the land. Who put the ditch in, I really don't know.

Joshua Patterson: Just for clarification, the project was approved, and the funding for it was part of the budget in 2020, is that correct?

Bill Tredik: Yes, it was in the budget in 2020, and the City actually bid the project, and was ready to start work on it. Then the pandemic hit, and the contractor shut down. As the rest of 2020 unfolded, the City stopped spending, because no one knew what the financial impacts of the pandemic would be. This project, along with several other capital improvement projects, was not completed. City staff actually installed two segments, about 100 feet of pipe, with our own crews, because there were erosion problems in the bank, affecting one of the adjacent property owner's pools. The project did not get re-budgeted in 2021 or 2022, but this does not mean it will not be re-budgeted in the future.

Conner Dowling: Is your property, Mr. Patterson, one that has a culvert existing behind it right now, as part of the 100 feet of pipe Mr. Tredik said was installed by City crews?

Joshua Patterson: Yes. The entrance to this culvert is within my lot boundaries, but it doesn't extend past my lot, so there is kind of a gaping hole where the existing culvert

ends. It would be in my best interest, as well as everyone else's, to see that the project is completed, because the 100 feet of installed pipe doesn't quite cover the last few feet behind my lot, which is the second lot on 3rd Street west of the City plaza on 2nd Avenue.

Conner Dowling: Some of the other folks who wrote emails opposing the alley vacation don't have the culvert behind their lots. It's a good-sized ditch, I remember tramping back there as a kid, and falling into it a couple of times. I would be concerned, too, if it were in my backyard. Would there be any negative impacts to waiting until the culvert is installed behind all the lots before the alley is vacated versus vacating the alley now?

Joshua Patterson: Yes. My main concern is timing, because if the City waits to vacate the alley until the drainage project is completed, there could be an extension of the pandemic, or another pandemic, and it could never happen. The more real risk, however, is that once those three lots on the southeast side of the alley are deeded to the City, although the City has said there would still be approval to vacate the alley, there may be less likelihood that 70% of the adjacent property owners will consent to the alley vacation. The application I submitted has more than 70% of the adjacent property owners in agreement to vacate the alley, including the consent of the current owners of the three lots that will be deeded to the City for conservation. Once these lots are deeded to the City, however, there may not be the minimum 70% agreement of adjacent property owners in favor of vacating the alley that I have in my current application. There's a lot of work that goes into submitting the required paperwork for an application to vacate an alley, including trying to contact absentee property owners to get their written consent.

Conner Dowling: I think in theory, it would be easier to get the adjacent property owners to agree to vacate the alley once 2nd Street is a real road, because there would then be people there to buy into it. My only concern is that upstream of the ditch, there are some folks who are concerned about it, so in theory if you give them that 7.5 feet of the vacated alley, and over the course of a year or two, no culvert goes in, and somebody starts to throw a few shovelfuls of dirt into the ditch, what will be the effects of this downstream?

Kevin Kincaid: The City always has the right to come back in and maintain drainage, right?

Bill Tredik: That is correct, and in fact, that ditch is important to the drainage from the rear eastern property line of Sea Oaks Subdivision. When 2nd Street is put in, there will be a drainage connection, but they still need some capacity in that system to get all the drainage to go down to 2nd Avenue. So yes, the City will still have to maintain drainage.

Victor Sarris: Just for clarification, Mr. Patterson's concerns are that once the three properties are deeded to the City as conservation easements, there may not be a majority vote to vacate the alley. How does this coincide with drainage concerns in this ditch?

Joshua Patterson: Vacating the alley will allow me to correct a problem in the back of my lot, caused because the builder who built my house didn't compact the soils the way they

needed to be compacted, so my deck, like the neighbor's pool, was falling into the ditch. It has now been stabilized with the portion of the drainage project that has been done. Vacating the alley would allow me to move my fence, which is tied into a wall, back 7.5 feet, and correct the pavers and retaining wall the fence is tied into. Once that is done, the soil suitability and compaction beneath the pool deck can be corrected, and I won't have gaping holes in my pool deck. This alley vacation is specific to me for fixing the soil compaction on my lot, and because 2nd Street will soon be developed, it will allow me to have a fence as a buffer between the future development of the vacant lots behind me.

Paul Carmichael, 213 3rd Street, St. Augustine Beach, Florida, 32080: I live at the end of 3rd Street. Just to clarify, there are three adjacent property owners, owning a total of four lots, who did consent to vacating the alley. I am one of these property owners, and to Mr. Patterson's credit, he has tried his best to answer my questions and the questions of other neighbors to make us feel comfortable with the alley vacation, but most of their concerns, I think, are with the timing of this. Ultimately, they would all like this ditch filled. I'm having erosion problems and had to put big stakes in back of my fence to hold it up, and every year, I have erosion underneath the fence. I was told three years ago by the builder who built my house that the drainage project would get done, but I understand that it did not get done because of funding and the pandemic. My concern now is that it will never happen, and the minute the alley vacation is approved, the adjacent property owners will take ownership of what is essentially a swamp. I have the same concerns the other folks who voted no have, that it's a liability for me to be responsible for part of a ditch that is full of water and has tires and a ladder thrown in it, along with a lot of vegetation and snakes, from what I've heard. I don't want any part of it until it is actually finished, which needs to be done for erosion purposes. Once it's finished to everyone's satisfaction, my understanding in talking to the other neighbors is that they would all agree to the alley vacation. Right now, however, it would be nothing but a liability for the adjacent property owners to take it on. I think the people with lots on 2nd Street who agreed to the alley vacation did so because for them, this is a problem way down the road, as they haven't even built their homes yet, so it is not an immediate issue. My request would be to hold off on vacating the alley until the pipe is laid and the ditch is filled to the level of their lots, to fix the erosion issues, as there is kind of a drop-off, at least on my lot. Or the alley vacation could be made contingent on the completion of the drainage project, so the adjacent property owners won't take over ownership of their vacated portions of the alley until the drainage project is done. Right now, the ditch is just a danger as it is full of water and there is really no use for it to the adjacent owners.

Kevin Kincaid: For your timing issue, is it a lack of trust in the system, in thinking that if the City vacates the alley, the City will not fix the ditch and complete the drainage project?

Paul Carmichael: Yes, I'm worried the City won't fix the ditch. As Mr. Tredik said, the project has been pulled in the past, and it has to get budget approval, so anything could happen, like another pandemic, or a hurricane, and if the City is short on finances, it may never get done. Even if it does get done, it's probably a year or two off, and in the

meantime, if someone gets hurt in that ditch, the adjacent property owners would be responsible once the alley is vacated. I don't know if they will have to insure that, and I think it is unreasonable for the adjacent property owners to take on that liability until the ditch is fixed. Right now, there's nothing there for them to use, if anything, it's a danger.

Victor Sarris: So, the applicant, Mr. Patterson, is concerned about the timeline, and he wants to vacate the alley now, because he wants to improve his property by stabilizing it. But Mr. Carmichael does not want the alley vacated now, because he doesn't want to incur the liability of owning property that is now just an open ditch filled with water.

Paul Carmichael: Yes, that's it primarily, but also, the culverting and the pipe need to be laid because they all have erosion in their backyards. If there is no timeline as to when this will be done, it may never happen, so my request is to not vacate the alley until the drainage project is done. Otherwise, vacating the alley now is like putting the cart before the horse, as there is no use to the adjacent property owners for it, and all they would be doing is taking on a liability for a kind of a swamp or creek full of water. Some of the other property owners who signed yes to vacating the alley are under the impression, after talking to Mr. Tredik, that the drainage project will get done. Everybody wants it done, but I don't think they should have to take ownership of the vacated alley until it is.

Chris Pranis: Drainage ditches are vital to the City. I've witnessed firsthand culverts being put in Raintree Subdivision, north of 11th Street, and my concern is the detriment that could happen down ditch prior to the new culvert and the new piping being laid, if people start impacting their portions of the vacated alley. This could actually make drainage worse for the people who are down ditch, or down flow, of the ditch.

Kevin Kincaid: But those people could actually impact the drainage today, without owning any portion of the alley, if, for example, they wanted to do something such as stabilize their properties. I am trying to figure out what vacating or not vacating the alley means to each adjoining property owner, and how it will affect them.

Brian Law: The staff memo written by Mr. Tredik clearly states that if the alley is vacated and someone alters the existing drainage ditch, this would ultimately become a code enforcement issue. If someone filled in the ditch, for example, there would obviously be a massive failure of that portion of the drainage system, and more likely than not, City staff would have to remove the interference, and would then be looking at monetary compensation for the time spent by City staff and the use of City equipment to do so.

Kevin Kincaid: Currently, does the City own the liability for any injuries or anything that happens in that alleyway?

Lex Taylor: Correct, but I am not sure what liability there would be for the City, if the City has made no improvements to that land and the City's ownership of the land is not inviting anybody to it. I won't say that there is no liability for the City, but it's negligible,

because people know exactly that it is woods and wet and the City has ownership rights to ponds and lakes that people can drown in. There is still some level of negligence on the upkeep of those things that would create liability, but there is not considerable liability for the City right now, with the way things in the alley are, or are not, developed.

Kevin Kincaid: If the alley is vacated and the land is transferred to the adjacent property owners, does this create a liability that currently doesn't exist?

Lex Taylor: The adjacent property owners would own the land if the alley is vacated, and there is always some potential level of liability, but generally speaking, if you have unimproved land, and a lake in your backyard, and someone drowns in your backyard in the lake that is connected to a lot of other backyards, it is hard for me to think how this creates specific liability for any one adjacent property owner. I'm not saying that can't happen, or that there is no liability, but I can definitely say there would be a low level of liability, as it's hard imaging what one could do that would be a negligent upkeeping of these types of unimproved land. There could potentially be code violation problems if someone dumps a tire or a refrigerator or something like that back there on a portion of a vacated alleyway that an adjacent property owner owns, but I think injury liabilities are harder to prove than liabilities about negligence on the property owner's part.

Hester Longstreet: I think what we need to think about is vacating this alley upon completion of the drainage project. That way, the City can't say it changed its mind about the drainage project, and the alley can only be vacated when this project is completed.

Lex Taylor: My concern with that is that you can't bind future Boards or Commissions to this. If the drainage project was going to be done next month, that would be one thing, and that would be okay, but if the project is not actually done and there is a new Commission, you can't bind the new Commission. While a motion to approve the vacating of the alley contingent upon completion of the drainage project could be passed, it could theoretically be reversed before the vacation of the alley is actually put in place.

Chris Pranis: If the motion with the condition as stated by Ms. Longstreet is approved by this Board, could the Commission approve the vacating of the alley, without the condition that the drainage project be completed?

Lex Taylor: Yes, that could be done.

Kevin Kincaid: I think this would clearly convey the Board's will, and the Commission will do what it wants anyway.

Hester Longstreet: I think the residents should light a fire under the City Commission to take care of the drainage project now. The message from this Board to the Commission needs to be exactly what I said, as it says to the Commission that the drainage project needs to be done. It was supposed to be done in 2020, and it was not completed, no fault

to anyone, but now it needs to be taken care of. I'm sure the Commission can come up with some kind of money to fund it without having to wait until 2023. There's an impetus and a need for this to happen, so I think if people speak at the next Commission meeting that the drainage project needs to be budgeted and completed, it should make the Commissioners a little worried, especially with elections coming up soon.

Motion: to recommend the City Commission vacate the alley described in the application submitted for Vacating Alley File No. V 2022-01 contingent upon completion of the drainage project in this alley. **Moved** by Ms. Longstreet, **seconded** by Mr. Kincaid, **passed 5-2** by roll-call vote, with Mr. Dowling, Mr. Einheuser, Ms. Longstreet, Mr. Kincaid, and Mr. Smith assenting, and Mr. Sarris and Mr. Pranis dissenting.

- B. Conditional Use File No. CU 2022-01, for proposed new construction of a 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 Street, James G. Whitehouse, Esquire, St. Johns Law Group, Agent for Charles and Rhonda Adams, Applicants

Lex Taylor: Before the Board addresses this agenda item, I know there is at least one ex parte communication that needs to be disclosed by Mr. Kincaid, who also needs to decide whether or not he wants to abstain on this agenda item because of it.

Kevin Kincaid: I did have a short discussion with one of the neighbors on 2nd Street and see no reason to recuse myself or abstain. The discussion was actually just clarifying information that was sent to the City in an email.

Lex Taylor: At this point in time, are there any motions that anybody that might be a party wants to make?

Jane West, 660 Sundown Circle, St. Augustine Beach, Florida, 32080: Chairperson Kincaid, I have the utmost respect for you, as I sat in that same chair for a long time. My client is John O'Brien, and I am going to respectfully request that Chairperson Kincaid does recuse himself, as I am overly concerned about the appearance of impropriety given that he is sitting in a quasi-judicial capacity and having some sort of hint of bias against my client, basically. I hate to do that, I've never asked someone to recuse themselves before, but with all due respect, I think that just for appearances of impropriety it would be best.

Lex Taylor: Mr. Kincaid has made his decision to not recuse himself, so they can move on.

Jennifer Thompson: This conditional use application is for proposed new construction of a single-family residence on a vacant lot at 12 2nd Street. This application is a little different from most conditional use applications submitted for a single-family residence on a commercial lot, as this lot is almost exactly split down the middle with the western half zoned commercial and the eastern half zoned medium density residential. Per

Sections 3.02.02 and 10.03.00 of the City's LDRs, a conditional use permit is required to construct a single-family residence in a commercially zoned district. Currently, the properties nearby and adjacent are all used as residences, including those at 14 2nd Street, 10 2nd Street, and several properties across the street. The Building Department has no objections to the application. There are several concerned residents who have expressed their concerns in emails, which I provided to the Board members today (**EXHIBITS B**).

Kevin Kincaid: Just to clarify, this property at 12 2nd Street is currently considered to be a commercial property.

Jennifer Thompson: It is half commercial, half medium density residential. No matter what the owners or applicants would like to build on this property, they would have to apply for a conditional use permit and come before this Board and the City Commission.

Kevin Kincaid: So, there is nothing that is available, or which could be built on this property, without permission from the City.

Jennifer Thompson: Correct.

James Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, Florida, 32080: I am here on behalf of the current property owners and the people who are under contract to buy the property. This is an application for a conditional use permit for a residential use in a commercial land use district. The City's future land use map (**EXHIBITS C**) shows the location of this lot, and the zoning, which is about 60% commercial and 40% medium density residential. This is all in the Board members' packets, including a copy of the boundary survey, which shows the dimensions of the lot as approximately 45 feet wide and 100 feet deep (**EXHIBIT D**). In the Board members' packets as well is a depiction of the proposed use of the property (**EXHIBIT E**), which is a single-family residential use, per the conditional use application; a photograph of the lot itself from front to back from 2nd Street (**EXHIBIT F**); and aerial photographs of the lot and the surrounding neighborhood (**EXHIBITS G**), which, as previously pointed out by staff, has a number of residential uses, several of which are multi-family, including the property immediately to the west, which I think is a triplex, at 14 2nd Street. Across the street, at 11 2nd Street (**EXHIBIT H**), is a property that has two different uses, with a transient rental in commercial zoning, and a single-family residence in medium density residential zoning. Also, across the street at 7 2nd Street, there is a multi-family residential property, with a number of units and parking spaces in front of it (**EXHIBIT I**). Behind his clients' lot, on 3rd Street, there are a number of residential uses that back up to his clients' lot, some of which are multi-family and some that are short-term rentals (**EXHIBITS J**). The properties near A1A Beach Boulevard are in commercial zoning, and going east down the block toward the ocean, the lots are in medium density residential zoning. For clarification purposes, this application is for a conditional use permit for a residential use in a commercial land use district. The majority of the emails sent to the City are from property owners opposing the commercial rezoning of the lot, but that is not what is happening

here. This lot is already partially zoned commercial, and the conditional use application is for a single-family residential use. The consideration by this Board is whether or not a residential use is appropriate here on this lot, and clearly as I have shown from all the surrounding uses, if there is any place where a residential use is appropriate, it is here.

Lex Taylor: For order of operations, normally there is only one party at these functions, but tonight there is a represented party that is one of the neighbors, so the Board should give them the same privileges given to the party that is presenting the application.

Jane West: The thing about this is that they are all actually in agreement, as Mr. Whitehouse just alluded to. So why am I even here? I'll be very straight with you, quite frankly, my client, Mr. John O'Brien, was informed quite unequivocally by City staff that the property owner could potentially establish any type of business as a result of the issuance of this conditional use permit. Naturally, as my client is not a land planner and this isn't his schtick, he contacted me because I have experience with this particular area. For those of you who don't know me, I am the policy and planning director for "1000 Friends of Florida," which is a not-for-profit smart growth advocacy organization based out of Tallahassee. I've been very busy this legislative session, and I also am an environmental and land use attorney with 24 years of experience. I also was a member of this Planning and Zoning Board for quite a few years. My client's concerns are valid because of what he was told by City staff. I approached this in a way to basically resolve the issue with the opposing counsel, and I thought we had actually reached an agreement. The objective here, as to what I think the applicants are trying to accomplish with this conditional use permit application, is to build a single-family dwelling unit, and ultimately to use it for the purpose of a short-term vacation rental. There is no objection to this from my client, but what he does have concerns about is this property possibly being used for any commercial use. So, what I suggested to Mr. Whitehouse is to condition the conditional use permit with some language they can come to terms with. This is the proposed language which I thought we had an agreement on: "This conditional use permit shall be subject to the following condition: As described in the conditional use permit application, the use on the property located at 12 2nd Street, St. Augustine Beach, parcel number 168830-0110, shall be a residential use and shall be subject to all current code, zoning, and comprehensive plan requirements." This basically just confirms what all parties before the Board have already stated. Mr. Whitehouse has a lot of land use experience, and so do I, and we both thought this was an appropriate condition to add to this conditional use permit. I have not, unfortunately, had the opportunity to run this by the City's counsel, because he informed me that he was busy in meetings all day, but this is my suggestion on how to assuage the concerns of my client. Everyone is in agreement on this being a single-family dwelling unit, but my client just wants a little bit of assurance, as this moves forward, that it will stay that way, and that it will indeed be a residential use. I think that is a pretty reasonable request, and a very, very easy fix for the Board to condition it with this language, which I can provide, as I drafted the original language, and Mr. Whitehouse in his response in the email chain replied with his suggestion. With the Board's permission, I'll deliver the proposed language to the clerk (EXHIBIT K).

Kevin Kincaid: If the Board were to deny adding this condition to the conditional use permit, would this leave the possibility of having a commercial establishment there?

Jane West: Right. That is why my client wants this conditional language added.

Kevin Kincaid: If this language is not added, what are your options?

Jane West: Hopefully, the assurances provided by Mr. Whitehouse on what the intentions of the perspective seller will be will bear out, but we are concerned that might not actually be the case. I just don't think it's a big stretch to add this language everyone agrees on.

Kevin Kincaid: It might not be, but the Board hasn't heard if Mr. Whitehouse may have any objections to this. If this language isn't added as a condition to the conditional use permit, for whatever reason, would your position be to deny the conditional use permit?

Jane West: Yes, because it would allow potentially commercial use.

Kevin Kincaid: Is there any difference between the house that would be built on this lot and any of the houses already built in a commercial land use district to the west of it? Could any of these existing houses open up a restaurant in their basements, if this is an allowed use? Your request is to restrict this property, but not every other property west of commercial zoning line all up and down A1A Beach Boulevard.

Jane West: I appreciate the question, and here's where I'm coming from. In the wake of recently-passed legislation in 2021, the governor unfortunately signed into law House Bill 403, relating to home-based businesses. So, quite frankly, even though what is proposed is a single-family dwelling unit, people can operate massage parlors, barber shops, cannabis shops, right out of their homes with the passage of that legislation. To address this in a meaningful way on behalf of my client, this seemed like the best approach.

Kevin Kincaid: Is your client's address within the commercial land use district?

Jane West: Yes, a portion of it is in commercial zoning.

Kevin Kincaid: So he can potentially do the same thing he's afraid the neighbors might do.

Jane West: It's possible. We can negotiate privately with the seller on this, but I'd like to get this resolved here, tonight. I think the conditional language is a reasonable attempt, they're all in agreement, and I don't see why there would be any adverse position to it.

Kevin Kincaid: Is there anyone else who would like to speak on this issue?

Phil Godin, 2½ 3rd Street, St. Augustine Beach, Florida, 32080: We've owned our house at the end of 3rd Street for 22 years, enjoy the community, and think you guys do a great job.

About six or seven years ago, the little cottage at the end of 3rd Street, which was owned by Marilyn Peyton, became available, and I didn't necessarily want anyone else to build there, so I bought the property. I'm the father of Lee Gratz, the potential buyer of the property at 12 2nd Street. She lives in Chicago with her husband and two little boys and comes here to the beach often. Before that, my mother also had a place further down the beach, so I would love to see my daughter and her family at this property on 2nd Street. I think what the neighbor across the street to the south is asking for is a bit constraining, and slightly ridiculous. If he was that concerned about it, he should have bought the parcel. That's what we do in Chicago, if somebody wants to build on a 25-foot wide lot and the people next door don't want them to, they give them money. They don't come before a public commission and try to put ridiculous restrictions on a property across the street from them. It isn't acceptable, it isn't fair, and I just happen to be an attorney also, a trial attorney. For Ms. West to come here today and offer the conditions that have been offered would not be tolerated in most municipalities that I know of. I know what my daughter's intent is, as she and her husband have been meeting with builders, and to disrupt existing zoning to appease one neighbor just doesn't seem appropriate at all.

Kevin Kincaid: I'd like to clarify that the Board is not addressing zoning, as no one has asked to rezone anything. We are not addressing the current zoning, or the current lot lines or boundaries, we're addressing a request to build a residence on a lot that is partly zoned commercial and partly zoned residential. According to staff, permission needs to be granted to build commercial or residential on this lot, so the Board's task tonight is to look at this request, listen to the opposition, and decide whether or not we want to recommend the Commission approve a conditional use permit to build a residence on this lot. All the emails sent about zoning and rezoning are not what the Board's task is tonight.

Mark Boris, 5 2nd Street, St. Augustine Beach, Florida, 32080: I want to make it clear that the proposed conditions are not to appease just one neighbor, as it includes myself as well, and what someone else says is unreasonable is not unreasonable to me. The lot is zoned commercial, so once the City has approved this, the applicants can do whatever they want to it commercially, it's a done deal. If they want to be good neighbors, as they've said, just put in the little statement that has been suggested. I don't see what's wrong with that at all. This is not to appease one neighbor, it's a neighborhood that doesn't want to see a lot of commercial businesses try to move in, for whatever reasons.

Kevin Kincaid: At least the way I understand this, the neighborhood would like to have a residence built on this lot.

Mark Boris: That would be no problem, as it's practically all rentals now. I think there are two or three homes that are not rented out. We have no problem with rentals.

Kevin Kincaid: The Board is here to decide whether or not permission should be granted to build a residence on this lot, nobody's asked to put a 7-Eleven in here, and nobody has asked to put a commercial property in here, they're asking to put a residence here.

Mark Boris: If the okay is given for a residence, is there anything to stop the owners from changing it to commercial in the future?

Brian Law: I'm going to back everything up, because I think we're going down the wrong path. I wasn't privileged to the conversation staff had with the resident, but as Ms. Thompson said at the beginning, because the property is partly commercial and partly residential due to the old-school platting of commercial zoning running 150 east from the centerline of A1A Beach Boulevard, and 300 feet west from the centerline of the Boulevard, many lots are split. Staff does not have the authority to grant either commercial or residential uses on this lot, which is why we have to default to this Board and the City Commission. Everything I've heard clearly says, along with the application, that the requested use is for the construction of a single-family residence in a commercial sector, because approximately half the lot is in commercial zoning. Staff cannot approve any commercial use of this lot or approve a commercial building on a lot that is partly in medium density residential zoning. If this Board recommends that construction of a single-family residence in a commercial sector be allowed, and the Commission approves it at a future meeting, that's all that can be built on this lot. You could pick any other building you want, but this would not be approved by City staff, because we do not have the authority to make that decision on a piece of property that has split zoning.

Mark Boris: Ms. Thompson responded to his email, and said down the road, if anyone buys the property, or the current owners sell it to anyone else, the new owners would have to come before this Board and the Commission and apply for permission to build anything different, and then of course, the adjacent property owners could also state their objections. What is to prevent the people who want to buy this lot and are now applying for a conditional use permit to build a single-family residence in a commercial area from changing their minds tomorrow, and deciding they want a commercial use?

Kevin Kincaid: A commercial use would have to be approved, and to do so, it would have to come back before this Board and the City Commission.

Brian Law: Once again, to reiterate, City staff cannot approve construction of a commercial structure on this lot, this would have to go before this Board and the City Commission, because half of that lot is residential, which would preclude the use, under Section 3.02.02 of the City's LDRs, of any commercial development in the residential sector. It is also a violation of the City's Comprehensive Plan, for commercial intrusion into the residential sector, which we don't do. City staff has always recommended that a single-family residence in a commercial sector be treated the same as a single-family residence built in medium density residential zoning, which includes regulations for impervious surface ratio, lot coverage, and setbacks. But there is no way staff can approve a commercial development on a lot that is split in zoning, as the LDRs do not allow it. I understand the concerns of the neighbors in not wanting a business use popping up their neighborhood, but that is not what they are here for. The only development that would be allowed with this conditional use permit, if it is approved by

the City Commission, is a single-family residence, so this is all that could be built on this lot. The applicants could not change their minds and decide to build a 7-Eleven or a diner, which would actually never occur anyway, because these commercial uses would never be able to comply with the parking requirements, as the lot is too narrow. The conditional use permit would be granted solely for the construction of a single-family residence in a commercial sector. There is nothing more to it and there is no way to get around this. Because it is a split property with two different zoning types, City staff has no authority to approve anything, as any development, per the LDRs, must go to this Board and the Commission to define the overall zoning. It sounds like everybody wants the same thing here, a single-family residence built in compliance with medium density residential regulations, and I have no objection to Ms. West's proposed statement or conditions.

Mr. Kincaid: There is no place better for a residence, as there is absolutely no place on that street for a commercial activity. If somebody were to say, okay, you won't let us build a house, so we want to build a 7-Eleven, I would be against that, as something like that just could not go on that lot. The only thing that could be built on this lot is a house, which would be subject to the same restrictions as every other house on that street.

Mark Boris: Mr. Law did clarify that the people who want to buy the lot now, or anyone else who wants to buy it, would still have to come before this Board and the Commission if they change their minds in a few months and decide they want to build something else.

Mr. Kincaid: If the conditional use application is granted by the Commission, the only thing that can be built on this lot is a single-family residence, that's it, no more, no less.

James Whitehouse: Just to clarify, his clients are here to ask for the Board's recommendation to the City Commission to allow a conditional use permit for a residential use in a commercial zoning district with the typical conditions staff asks for, as well as the transferability of the conditional use permit, because the property is obviously under contract to another party to buy. City Code clearly provides for that, so they are requesting that the conditional use permit be granted to run with the land.

Lex Taylor: Transferability is in the standard conditional use permit order. I think it would have to be said that the order wasn't transferable to not have it. As there is a potential sale of the lot predicated on this, the conditional use permit, if approved, will be for the new property owner, not the current owner, so it has to be transferable so that it runs with the property, which is normal for these types of conditional use permit orders. With a business, it usually would be done the other way, as one business use might be allowed per conditional use, but a different business use may not be allowed, so you want to keep track of the transferability. Transferability is normally allowed, however, for conditional use permits for single-family residences in commercial land use districts.

Motion: to recommend approval of Conditional Use File No. CU 2022-01 to the City Commission to allow new construction of a single-family residence at 12 2nd Street

contingent upon compliance with requirements for medium density residential per the City's LDRs. **Moved** by Chairperson Kincaid, **seconded** by Mr. Pranis, **passed 7-0** by unanimous voice-vote.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Hester Longstreet: I am a little disappointed the City was not able to have its usual holiday lights. Is there a possibility of doing something else, to make it a little more festive, since the holiday lights will no longer be allowed on the Florida Power & Light (FPL) poles?

Kevin Kincaid: I didn't read in any of the emails that were sent back and forth between the City and FPL that there was any appeal process for this, or anything further the City could do. The City can no longer put the holiday lights on the FPL poles because of the new restrictions, which include not being able to use the electricity on the poles, as this will no longer be donated or allowed by FPL. Are there any options for the City to put these lights up in another way, or an appeal process through FPL?

Jennifer Thompson: I know the City Manager, Max Royle, was handling this, and possibly it might be something that Public Works could also work on with Mr. Royle, as the City's Public Works employees do install the holiday lights. I am not sure if there was another element to this that we may be missing, but staff can reach out to Mr. Royle and see if there is anything additional the City can try to do.

Chris Pranis: I think this year, a lot of businesses along the Boulevard stepped up their game, and hopefully, this goes forward and continues.

IX. ADJOURNMENT

The meeting was adjourned at 7:32 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.)

MEMORANDUM

TO: Members of SEPAC
FROM: Dariana Fitzgerald, Deputy City Clerk
DATE: December 28, 2021
SUBJECT: Mickler Boulevard Landscaping Responses

Following this memo is a copy of the letter sent to residents along Mickler Boulevard and Lee Drive regarding the proposed improvements in that area. We received a few responses from those residents by email (also attached). There may be additional residents who come to your meeting to give their comments in person.



City of St. Augustine Beach

2200 A1A South
St. Augustine Beach, FL 32080
www.staugbch.com

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

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

December 10, 2021

Subj.: Proposal to Enhance the Sidewalk along Mickler Boulevard

The City's Sustainability and Environmental Planning Advisory Committee (SEPAC) is discussing plans to enhance the green space near the sidewalk along Mickler Boulevard from Pope Road to 16th Street. Ideas currently being discussed include a few benches spaced along the grassy area, with a few native Florida plants for landscaping, to allow walkers and bicyclists a place to rest and some low barrier landscaping in the space between the road and the sidewalk to provide a measure of safety for people using the sidewalk.

Since your property is adjacent to the area being discussed, the Committee would like to hear your opinions on the project. This topic will be on their agenda for their January 6th meeting at 6:00 p.m. in the City Commission Room at City Hall, 2200 A1A South.

If you wish to make comments concerning the project, you can do so by attending the meeting or by sending your comments to me at dfitzgerald@cityofsab.org. The comments will be provided to SEPAC and made part of the meeting's permanent record. If you would like to send comments, please do so by Tuesday, December 28, 2021.

Sincerely,

Dariana Fitzgerald
Deputy City Clerk

Dariana Fitzgerald

From: DeLuca, Jason <jdeluca@plslogistics.com>
Sent: Wednesday, December 15, 2021 10:08 AM
To: Dariana Fitzgerald
Subject: Proposal to Enhance the Sidewalk along Mickler Boulevard

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.

Good morning,

We appreciate the opportunity for our opinion and suggestions to be heard. Few ideas that come to mind:

- Benches in grass areas along Mickler – 4-6
- More trash cans w/ coverings that are more appealing.
- Perhaps some planter boxes
- Stepping stones or rocks leading up to benches
- Plants in between street and sidewalk – Some of our favorite that are extremely low maintenance and require little upkeep.
 - philodendron,
 - hibiscus,
 - Mexican heather,
 - Ixora,
 - Blue Daze,
 - Inca,
 - Butterfly bush

Thanks again!

Jay and Elyse
10 Mickler Blvd.

Sincerely,

Jason DeLuca
Satellite Office Leader | Jacksonville, FL



Work: (904) 435-9554
Cell: (516) 250-7291
Email: jdeluca@plslogistics.com

Visit Our Website



Dariana Fitzgerald

From: Nancy Gouch <nancygouch@gmail.com>
Sent: Monday, December 20, 2021 3:47 PM
To: Dariana Fitzgerald
Subject: Proposed Mickler Blvd sidewalk enhancements

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 Dariana,

We support enhancements along the sidewalk on Mickler Blvd, especially those that improve the curb appeal of the street while maintaining safety.

I would discourage tall plants and grasses that limit visibility along the road. It's also nice to be able to ride bikes on the sidewalk and easily exit on and off to give pedestrians the right of way. Please consider that when looking into plantings.

Thank you for taking suggestions.

Nancy Gouch
8 Mickler Blvd
630-272-7948

Dariana Fitzgerald

From: Gretchen Territo <gretchen.territo@gmail.com>
Sent: Monday, December 20, 2021 5:22 PM
To: Dariana Fitzgerald
Subject: Proposal to Enhance the Sidewalk Along Mickler Blvd

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.

Hi Ms. Fitzgerald,

Thank you for sending us a letter about the proposed enhancements to the sidewalk along Mickler Blvd. We appreciate the City's efforts to make improvements to our community that enhance the quality of life for our residents. With that being said, however, we are not in favor of the suggested improvements for a number of reasons:

1. There are benches along Pope Road, a seating area at the Beach Access on Pope, and picnic tables/benches at Ron Parker. We feel there is substantial seating already and it is under utilized as it is. We live in Ocean Walk so we travel Pope Road frequently and notice that these benches are rarely used.
2. When the existing benches on Pope are used, it is often used by vagrants, not local bikers or walkers stopping for a rest.
3. Our home backs-up to Mickler Blvd so the proposed seating areas would be right behind our fence where they could impact the quiet enjoyment of our home and yard. The existing seating areas in the area (along Pope Road, a seating area at the Beach Access on Pope, and picnic tables/benches at Ron Parker) do not abut private homeowner space. We certainly realize the space on the other side of our fence is public space, but we intentionally chose a property that did not have a neighbor behind us so we would have quiet enjoyment of our yard. We have two small children who play in the backyard and one who takes a nap still so quiet enjoyment is important to us.
4. We have already experienced quite a bit of disturbance behind our home over the last several years while the ditch was taken out, the culvert installed, and the pump takes out water from our Ocean Walk Neighborhood. Please know that we are very grateful for the City's efforts to correct the drainage issues affecting our neighborhood. My understanding, however, is that there is still quite a bit of work to be done. It seems like a beautification project might make more sense once the construction on Mickler is completely finished and we've had some time to enjoy our backyards undisturbed.

Again, we are grateful to the City for all the support in correcting the drainage issues in our neighborhood and their attempts to improve our quality of life through local enhancements. If there are other ideas up for consideration, we would be happy to hear them and support projects that we feel will really benefit community residents.

Feel free to call or email me anytime with questions.

Thank you,
Gretchen Territo



MINUTES

SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING

THURSDAY, MARCH 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.

Also present: City Clerk Dariana Fitzgerald, Public Works Director Bill Tredik, and Grounds Foreman Tom Large.

IV. APPROVAL OF MINUTES OF FEBRUARY 3, 2021, REGULAR MEETING

Chair Bandy suggested to move the approval of the minutes after Item V.1 to accommodate the public that was present to speak on Item V.1. SEPAC returned to this item at 6:43 p.m. to approve the minutes.

Motion: to approve the minutes of February 3, 2022, with changes discussed. **Moved by:** Member Cloward. **Seconded by:** Member Krempasky. Motion passed unanimously.

Chair Bandy moved on to Item 5.a, Landscaping Awards, at 6:51 p.m., to accommodate participation from guests Dr. Lonnie Kaczmarzky and Ms. Lauren Trice.

V. PRESENTATION OF REPORTS:

1. Discussion on D Street Parkettes

Chair Bandy welcomed the public. She advised that they should have received a letter regarding the discussion of possible enhancements to some of the public areas in the City; that everything is in the preliminary stages; and that SEPAC wants to hear their thoughts and ideas. She showed a PowerPoint presentation which discussed a few options that are being considered (Exhibit A). She said that hopefully this discussion will ease their concerns and that there are no suggestions of parking lots or concrete. This is a sustainability and environmental board that is in favor of protecting the green spaces and wants the public's input. She said that green infrastructure can help with flooding, improve the air quality, contribute to the City's resilience and long-term sustainability; examples would be: bioswales, which the City already has a few; increasing the

number of trees; landscaping with native plants, which is vital to the environment; rain gardens and dry retention ponds. Trees give us oxygen, make us healthy, make the City look beautiful, provide shade which could reduce your electric bills, increase property value, reduce runoff, and soil erosion. She said that SEPAC has been talking about some potential options for a green infrastructure project while beautifying some of the public spaces throughout the City, such as rain gardens. She advised that Dr. Lonnie Kaczmarzsky is in attendance and that he is a former member of SEPAC, an expert at green infrastructure, and she showed a bioswale that he worked on for Mickler Boulevard. She said that SEPAC has discussed the possibility of butterfly gardens, wildflower gardens, pollinator boxes, and bird/bat boxes. She advised that there are things that the public can do at home such as planting native species, installing rain gardens, and to learn more about these types of things. She said that it could save money and make the City a better place.

Chair Bandy asked if there were any comments from SEPAC Members or Dr. Kaczmarzsky.

Dr. Kaczmarzsky advised that SEPAC is in the process of trying to get a grant from the Florida Wildflower Foundation and it would need to have matching funds of approximately \$1,500; that it could help SEPAC obtain the matching funds from the City if the residents are on board with the improvements. Chair Bandy advised that if the improvements help with flooding that it would be easier to get approval for the similar projects in other areas of the City and that she would be looking for volunteers for things such as building the pollinator boxes, etc. She also said that there are positions available on SEPAC for anyone that is interested.

Chair Bandy asked for any comments or questions from the public.

Susan Davis, 313 D Street, St. Augustine Beach, FL, said that you know which areas flood and that she has lived between 4th and D Streets for the past 34 years and has never had flooding.

Dr. Kaczmarzsky advised that swales are spread throughout the City and would reduce the drainage; retention ponds would reduce the impact on the entire City; dry retention areas hold water for about 48 hours to reduce stress on the system, then the water flows into the storm sewers later. He said that there are fifty parkettes in the City and SEPAC wants to do something useful to keep them green.

Chair Bandy invited anyone from the public that is interested to speak, to come to the podium and state their name and address for the record.

Stephanie Hagopian and Damion Lapier, 312 D Street, St. Augustine Beach, FL, said that she is at the intersection of D Street and 4th Avenue and is in favor of staying green and not parking lots. Member Krempasky asked if they were in favor of everything that is proposed. Ms. Hagopian said yes. Chair Bandy asked if there was one particular thing she liked or if she had other ideas. Ms. Hagopian said that she contemplated the possibility of a community garden if her neighbors are on board, and she liked the idea of a rain garden; that she would like to see more trees and landscaping without disrupting the environment or the wildlife. Member Krempasky said that SEPAC is trying to get funding from the City for a landscape architect to pull these elements together and then use it as a model going forward with other areas. Ms. Hagopian advise that she would not mind managing her corner and helping to keep it maintained. Member Candler said that she would like to see more citizen participation in taking care of the parkettes. Ms. Hagopian advised that she has only lived there since December of 2020 and was not sure if she was allowed

to do anything with the parkette space and that she knows that other neighbors in the area have landscaped their corners. She would like to know the guidelines of what is and is not allowed.

Dr. Kaczmarsky suggested a workshop meeting to discuss what are weeds and what are not weeds. Vice Chair Cloward advised that the residents could help with the weeding. Member Krempasky advised that the parkettes are not City property, they are common elements for the neighborhoods, but that does not mean that residents can plant whatever they want on them. Member Thomson said that the parkettes were originally platted as rights-of-ways and are not parcels.

Karen Mathis, 201 D Street, St. Augustine Beach, FL., asked for more clarification about the bioswale for the D Street parkette, the potential environmental impact, and the drains to alleviate flooding; that the residents do not have enough information to be able to respond in an educated manner. Dr. Kaczmarsky advised that there is a bioswale on the corner of Mickler Boulevard and Surfcrest Street; that a lot of swales are like a creek, and when it rains, it runs off of people's properties and flushes into the storm system; by planting them with vegetation it helps absorb hundreds of gallons of water keeping it out of the storm system, absorbs the nutrients that cause algae blooms, and gives pollinators/animals food. Ms. Mathis asked how the City would maintain the bioswales. Dr. Kaczmarsky advised that they would only need to be weeded twice a year and he would like for the City to provide funding to hire someone; it would take about two hours at approximately \$35 per hour. Member Krempasky advised that SEPAC does have it in the budget for this year. Ms. Mathis asked Dr. Kaczmarsky to address the standing water that is already a problem in the parkettes which is a haven for mosquitos. Dr. Kaczmarsky said that traditionally the water is removed by infrastructure, pipes, and concrete swales. He advised that stormwater issues are going to increase, and to try using green infrastructure to help offset the costs of installing pipes and drainage systems; the water table is high here and it does not take much to overfill the retention ponds.

Public Works Director Tredik said that flooding is a concern, and he does not want to create something that stays wet all the time, breeds mosquitos, attracts snakes, etc.; that something like an underdrain system would probably be needed to draw down the water over a certain period of time so that it does not sit for more than a day or two; wetlands are supposed to cycle between wet and dry. He advised that it would have to be designed and it would be a little more expensive than just plantings; that more than likely it would tie into the drainage structure in the street; design would have to take into consideration the soil and its permeability so that it dries out at the proper rate.

Dr. Kaczmarsky said that the Mickler Boulevard bioswale project was done the cheapest way possible to see if it would work; he would visit the bioswale after heavy rains and it would be full and the next day it would be gone which could have a lot to do with the existing drainage system; he never saw standing water for more than two days. Director Tredik advised that he did not want to create a maintenance nightmare. Ms. Mathis asked what happens next if the cheap way does not work. Director Tredik said that it would need to be torn out and have an underdrain put in. He suggested to look at the soils and seasonal water table and see if it is needed because every area will not have the same solution. Dr. Kaczmarsky advised that in the areas that drain, that extensive under piping would not be needed.

Chair Bandy advised that the City has not decided to go forward with bioswales or anything else at this time; that SEPAC has been thinking about it and wanted to get feedback from the residents;

that if there is standing water for more than a few days that it would not hurt to try something to see if it would help the drainage problem. Ms. Mathis said that residents are in favor of keeping the green spaces and the trees, to not have parking lots, and to do the projects correctly so that it does not create a negative impact in a different way. She thanked SEPAC for allowing the residents to speak and that she would follow things as they progress.

Susan Davis, 313 D Street, St. Augustine Beach, FL, is for native plants, not for clearing any lots or cutting down trees; spoke to several Commissioners that assured her that no paving would be done; appreciates being able to have input; keeps up with trash, etc. in the area.

Vice Chair Cloward advised that the SEPAC members are neighbors too. She said that she walks down 1st Street; that her children play in the parkettes; and that SEPAC is not trying to destroy anything. She thanked the residents for coming to share their thoughts because more engagement from the community makes us all better.

Member Candler advised that SEPAC has two available volunteer positions open if there is anyone interested in becoming a member. City Clerk Fitzgerald advised that they could call/come to City Hall, or email to receive an application. Chair Bandy advised that the application is also online at staugbch.com.

Robin Streit, 114 D Street, St. Augustine Beach, FL, has lived next to the northeast parkette for 25 years, which does flood; a lot of people use the green spaces; has concerns that the flooding will happen after flowers are planted; thanked the City for taking care of the parking issues; described an incident with a tourist asking about parking and to pick fruit from her tree; has concerns about the picture of a proposed walkway next to her house; asked to do the right thing with the parkettes. Chair Bandy advised that those were examples she got from the internet, and she is glad that Ms. Streit pointed out that a walking path might not be the best idea. Discussion ensued regarding the northeast corner parkette; that a tree was planted recently; etc.

Phil Baldwin, 215 C Street, St. Augustine Beach, FL, his property backs up to the two wild areas and across the street is also wild, which is great; it is great to see that is in favor of protecting the green space; people probably don't want parks, picnic tables, and swings; since parkettes are jointly owned by the City and the residents, who decides whether it gets made into a parking lot. City Clerk Fitzgerald advised that legally it is City land, but it is designated as common use elements and could only be developed into something that would benefit the community. Mr. Baldwin said then it could become parking. City Clerk Fitzgerald advised yes. Mr. Baldwin said then it would behoove the residents to get involved in as many green projects as possible. Public Works Director Tredik advise that there are no plans to put parking lots in the area at this time. He said that there is a parking lot at 2nd Avenue at A Street which he believes will be the last one for a while due to resistance from the residents, and it would take Commission action. Mr. Baldwin asked if there were any further plans for paid parking at the pier. Director Tredik advised that those plans are not moving forward at this time.

Chair Bandy advised that it is important that the residents come to voice their opinions at all the City meetings to make a difference. She thanked everyone for coming.

Member Krempasky said that SEPAC has a project on Mickler Boulevard, which is also on the agenda, and that SEPAC might want to use a parkette on D Street to test how the wildflowers would do. She said that she chose three very treed parkettes (northeast and southeast corners of

3rd & D Street, and the southeast corner of D Street & 4th Avenue) to spread wildflowers, leave them natural, and to put some pollinator boxes to attract butterflies and bees.

[Discussion ensued and everyone was talking at the same time, and away from the microphones, therefore nothing could be retrieved for the minutes.]

Member Krempasky advised that she could show the information on the overhead projector. A member of the audience asked how many bees there would be at a pollinator box. Dr. Kaczmarzsky advised that they would not be the stinging types of bees. Member Candler advised the bees would encourage vegetation and flowers. Member Krempasky advised that they are native wildflowers and that the pollinator boxes are only this big [used hand gestures to show the size, which was not retrievable for the record]. Foreman Large advised that there are a lot of different pollinator boxes, but that these would be for single bees and not for colonization; that the Boy Scouts make many of them, and that a lot of farms have them.

Chair Bandy asked for any public comments for the potential areas that Member Krempasky suggested for the wildflower/pollinator projects on D Street. City Clerk Fitzgerald clarified that this project would just be throwing the wildflower seeds and there would not be any planting or tilling.

[Discussion ensued and everyone was talking at the same time, and away from the microphones, therefore nothing could be retrieved for the minutes.]

Member Krempasky advised to do D Street and 4th Avenue as a best case scenario. An audience member advised that she would be fine if the wildflower project was done on both sides. Director Tredik said that the mowing would be less frequent after the wildflowers are in and would be done at the right time of year so that the flowers would come up.

Member Thomson thanked the residents for coming and said that they all seemed to be onboard with keeping the parkettes environmentally friendly; that historically D Street was the main street in Coquina Gables, and it has one of the best tree canopies in the City; that he is proud that the residents came to voice their opinions.

Chair Bandy thanked the residents, welcomed them to join any SEPAC meeting, and to fill out an application if they are interested in being a member of SEPAC. Vice Chair Cloward advised the residents to attend the Comprehensive Planning and Zoning Board meetings to ensure that things are not changed.

Chair Bandy returned to Item IV, approval of the minutes, at 6:43 p.m.

2. Research on Glass Recycling Options

Chair Bandy said that this topic was mentioned at a Commission meeting, and she asked City Clerk Fitzgerald for an update. City Clerk Fitzgerald advised that this was a request by Commissioner England; that at the February 7th Commission meeting, Mr. Bob Samuels spoke to the Commission during Public Comments and discussed the lack of glass recycling; that he provided examples of other cities using glass crushers and then using the crushed product like gravel or for decorative landscaping; that the Commission asked if SEPAC would look into potential options for recycled glass if the City started collecting it again; that Director Tredik advised the Commission at that meeting that the ability for door-to-door collection of glass would be unlikely but there could potentially be a drop-off location in the City; that there is still the question of what to do with the

glass. A glass crusher costs about \$350,000 and one option might be for the City to see if there is another nearby city that it could piggy-back off of its glass recycling program. She advised that there might also be restrictions for the uses of the glass.

Member Krempasky asked Director Tredik if he really wanted SEPAC to be involved since he has already been in communication with the City of St. Augustine regarding glass recycling. Director Tredik advised that he does not need SEPAC's involvement, but that he would have no objections to SEPAC discussing it and doing research on it; he would be coordinating with St. Augustine and that there is a possibility of them getting a glass crusher in the future which may allow for the City to partner and have some sort of drop-off location; that it is up to SEPAC whether or not to voice an opinion and that he could convey SEPAC's support to the Commission. He advised that any action or cooperative agreement with the City of St. Augustine would require an Interlocal Agreement. Member Krempasky asked Director Tredik if he would like for SEPAC to be a resource for him to do legwork. Director Tredik agreed and said that someone in Flagler Beach bought a glass crusher, and he would like to find out how it's going for them because he does not want to waste money and there is currently no market for glass and Public Works has no use for it at this time. He advised that if glass becomes financially competitive again and serves a purpose, that he would jump on the opportunity.

Vice Chair Cloward advised that she met with the City of St. Augustine's Environmental Program Coordinator, Glabra Skipp, and a large portion of the discussion was to keep the connection going; that St. Augustine is watching what happens and communicating with Flagler Beach every step of the way; they are not going to make any moves until they see what happens there; that Flagler did not do this for revenue, instead they are looking for local businesses that will buy the crushed glass at a low price or for local residents that want the glass for free. Director Tredik agreed that there may be some uses for it, but that he could not think of anything he would use crushed glass for around his own house. City Clerk Fitzgerald noted that the Vilano Beach sidewalks are made from crushed, colored glass in concrete for decorative purposes. Vice Chair Cloward agreed that SEPAC should stay out of it since Director Tredik and St. Augustine are already in communication and waiting to see what happens in Flagler Beach. Chair Bandy advised that she also reached out to Ms. Skipp and to Ms. Anne Marie Moquin of Beaches Go Green and that Jacksonville is also considering stopping its glass recycling; that Ms. Moquin advised that there is no use for glass and that they are recommending for people to stop using it. Chair Bandy suggested that SEPAC could do an educational campaign. Director Tredik advised that it may push people back to plastics. City Clerk Fitzgerald advised to educate people to reuse their glass containers instead of recycling. Director Tredik suggested to push against single-use plastics, such as switching to a water cooler which saves a lot of single-use plastic bottles. City Clerk Fitzgerald said that there is a "zero-waste movement" and to possibly start an educational campaign about it.

Chair Bandy advised that SEPAC would support any efforts to recycle glass but that she does not believe that there are any other options for them to investigate that are not already being done by other cities. She suggested to wait for Director Tredik to ask for SEPAC's involvement, to let the Commission know that he has it under control, and that SEPAC would support his efforts. Director Tredik said that if there is a move toward a partnership regarding glass, that he would present it to SEPAC for input to the Commission when they discuss an agreement.

Chair Bandy moved on to Item 3.a.

3. Reforestation and Landscaping Projects

a. Mickler Boulevard

City Clerk Fitzgerald advised that Planner Jennifer Thompson reviewed the minutes of SEPAC's last meeting and she pointed out that LDR 3.02.03.A.1, forbids the keeping, raising, or breeding of bees and that a pollinator box would be considered keeping and raising bees. Dr. Kaczmarzsky said that the intention of that LDR is for honeybees. Member Krempasky advised that SEPAC would not be raising bees, the bees would be on their own. Director Tredik suggested to clarify it and the ordinance may require an amendment that would go before the Comprehensive Planning and Zoning Board (CPZB). Member Thomson asked if this was an interpretation by Planner Thompson. City Clerk Fitzgerald advised yes, and that it was supported by Building Official Law. Member Thomson said that SEPAC has a planning question, and the expertise is being questioned, which should probably be addressed by the City Attorney before SEPAC tries to revise an ordinance; that this is a little silly and that there should be another procedure other than revising the ordinance. Director Tredik advised that it is Building Official Law's job to interpret the code. Member Thomson said that Mr. Law is a building inspector, and the zoning codes are different from building codes. Director Tredik advised that Mr. Law is the Director of the department and the Chief Building Official, and he suggested to clarify the code. Member Thomson asked if Director Tredik could draft what SEPAC is asking for. Director Tredik advised that he is not comfortable drafting it because he does not know enough about bees and pollinator boxes. Dr. Kaczmarzsky said that he would draft it. Director Tredik suggested that the draft should go to the City Attorney.

Discussion ensued regarding beehives; that some people can die from bee stings; having chickens, pigs, etc.; nuisance items; to change the rules for how many are allowed; birds and poultry; emotional support chickens; etc.

Chair Bandy advised that she submitted information for the Wildflower Foundation Grant application (Exhibit C) and received initial approval to go ahead with the full application; that she needs to know exactly what SEPAC wants to do. She advised that Foreman Large has been doing a lot of work and that they met with Jordan, from Southern Horticulture, who suggested to till the ground for the wildflowers and do hydroseeding. She contacted the Wildflower Foundation to see if they would support hydroseeding and that they were not fully onboard with it and have not seen many examples of it being used for successful propagation. Member Thomson asked if the Wildflower Foundation had any suggestions for alternative methods of planting. Chair Bandy advised that the main concern would be preparing the ground and that SEPAC talked about tilling the ground and then planting the wildflower seeds; that she and Dr. Kaczmarzsky went to Mickler Boulevard today and he suggested to put clear plastic down to kill the grass and then no tilling would be needed; she had information about the type of plastic. Director Tredik suggested to do it in stages because it is a drainage swale as well.

Discussion ensued regarding the size of the area to be done; the original discussion was for doing Pope Road to 16th Street; to scale it back for now and possibly do more later.

Director Tredik advised that the City is doing a project in Ocean Walk subdivision which may involve some right-of-way work on the southern half of Mickler Boulevard, and he suggested to start the wildflower project on the northern half of Mickler Boulevard. Chair Bandy said that she and Dr. Kaczmarzsky discussed putting the wildflowers on the northern part of Mickler Boulevard and possibly putting a butterfly garden across from the resident at 18 Mickler Boulevard, who was very receptive to the idea. Member Thomson asked if SEPAC is waiting

for the grant. Chair Bandy said that the grant application is due March 18th and that she is gathering information; that Dr. Kaczmarzsky has been very helpful and that the Florida Wildflower Foundation provided helpful information. She suggested that the next step would be to find someone, such as Alex Farr, who could draw up a plan which would need to be sent along with the grant application. Member Krempasky asked if the butterfly garden would be more than milkweed. Dr. Kaczmarzsky advised to make it as diverse and possible. Chair Bandy suggested to purchase some plants from Southern Horticulture for the butterfly garden. She asked Foreman Large for his opinion of the project.

Foreman Large advised that he has spent over 40 hours researching the project this month. He said that most of the items would be in bulk because of the size of the areas, but that the smaller areas could use local wildflower packets; that he has concerns about putting the plastic down and he asked Dr. Kaczmarzsky how wide it would need to be. Dr. Kaczmarzsky said approximately 12 feet wide. Foreman Large said that a 15 x 50 area might be too wide. He suggested putting signs up or orange construction fencing and to let people know what is being done. Discussion ensued on the best time to plant.

Chair Bandy said that the clear plastic is best for solarization as well as how warm it is. She asked for input about the timing of the project and suggested doing it in July or August to be ready for the wildflowers by September. Dr. Kaczmarzsky advised to start in April. Chair Bandy advised not to do it before SEPAC hears about the grant in mid-May. She asked what time frame is needed between the solarization and the planting of the seeds. Dr. Kaczmarzsky suggested that when the solarization is finished, to mix the seeds to germinate at different times of the year. Chair Bandy advised that the timing could be discussed further once SEPAC knows more about the grant. She said that the Florida Wildflower Foundation does not like the use of fertilizer, but that she will need to get more clarification. Director Tredik advised that the soil in the parkette is not particularly fertile since the drainage project and that fertilizer may be needed in the beginning. Chair Bandy advised that Dr. Kaczmarzsky collected soil from the area and has volunteered to do an analysis so that the information can be included in the grant application. Dr. Kaczmarzsky advised that the site should have no category 1 invasive species and only a few category 2 species and that he would identify the collected items by tomorrow.

Chair Bandy asked for Alex Farr's contact information. She said that it is important to the Florida Wildflower Foundation that the community be agreeable to the project and be involved. She said that she reached out to a couple groups and that she heard back from the Boy Scouts/Cub Scout Pack #345 and that they seem interested in helping. She asked SEPAC to think of ways to involve them in the project. Member Candler advised that she contacted St. Augustine Beach Pack 63 and they have a person that wants to make the pollinator boxes for his Eagle Scout project. Chair Bandy advised that SEPAC needs to get clarification from Planner Thompson if the pollinator boxes are allowed. Chair Bandy said that she heard that Eagle Scouts take charge of their projects, take on the costs, etc. Member Candler suggested bringing the Scout to Public Works to see the box that Foreman Large built. Foreman Large advised that they are easy to make and that he could show the Scout; that any further materials would need to be purchased from SEPAC's budget.

Member Thomson asked if SEPAC has money for the pollinator box expenses. Chair Bandy advised that SEPAC has \$1,500 for the Mickler Boulevard project and that the grant would be \$3,000, which would be a huge addition; that SEPAC would need to match 50% of the grant

and 80% of the expenses must be used towards the seeds and the plants; that she would apply for the full \$3,000 and she would also check the box on the application indicating that a lesser amount would be acceptable; that any volunteer time would be charged at \$28/per hour, per person. Member Thomson advised that if Alex Farr is not able to do the drawing, that he could draw the plan as an architect. Chair Bandy asked for Member Thomson to work on the drawing and for Dr. Kaczmarzky to choose some plants and get everything back to her to be included with the grant application. Director Tredik advised that the in-kind matching would have to be a salary person. Chair Bandy advised that volunteers would also be included. Foreman Large advised that Assistant Public Works Director Gatchell had worked up the costs per hour for the use of equipment and labor as indicated by the State which he would provide later to be used for the grant application.

Discussion ensued regarding when the drawing would be done; when is the last payment for the project; to go over the cost estimates from Assistant Director Gatchell.

Chair Bandy advised that there is no guarantee of receiving the grant, but that she believes it is a better chance than the Lowe's grant. She said that SEPAC still has \$1,500, has made some progress, and seems to have buy-in from the community. Member Krempasky asked about the timing of the final report. Chair Bandy advised that there is a webinar that provides some of those details. Member Krempasky said that she has concerns with matching the money.

Discussion ensued regarding when the \$1,500 could be spent; cannot start anything since projects underway would not be funded; that SEPAC loses the \$1,500 at the end of September, etc.

Member Krempasky advised that she wants to spend the money on this project, but she has concerns for the timing. Chair Bandy advised that she should find out about the grant by May 15th and that SEPAC would need to be ready to move on the project and spend the \$1,500 so the funds are not lost.

Chair Bandy asked Foreman Large if he needed anything further from SEPAC for the Mickler Boulevard project. Foreman Large advised that he did not need anything further at this time. Chair Bandy thanked Foreman Large for everything he has done. Vice Chair Cloward also thanked Foreman Large.

Chair Bandy moved on to Item 3.b and asked Foreman Large for his update report.

Public Works Director Tredik left the meeting at 7:58 p.m.

b. Urban Forestry and Planning Projects

Foreman Large advised that he purchased eight trees that SEPAC asked for at a cost of \$620 total. There are four Live Oak trees and four Hollies; that he purchased some Simpson Stoppers at a cost of \$189.90 that would be used on Mickler Boulevard and other areas, such as in front of the house of the resident that attended the SEPAC meeting and was interested in having a tree planted. He described how he would mark the areas, locate the pipes in the area, etc. and advised that the City is not large enough to do an "adopt-a-tree" program but could plant the trees in smaller increments. Chair Bandy said that word of mouth would get around too. Vice Chair Cloward advised that Ms. Skipp said that she would be happy to speak to SEPAC about what the City of St. Augustine has learned from their tree give-away program such as limiting the number of applicants. Member Krempasky advised that her last Rotary

Club meeting had Jessica Beach, the Chief Resiliency Officer for the City of St. Augustine, and that they received \$26.5 million from the State for their projects.

Foreman Large asked Member Krempasky if she could resend him the cost breakdown paperwork that she originally provided several months ago. Member Krempasky agreed and that she believes SEPAC has \$1,875 in the budget for trees. Chair Bandy asked Member Krempasky about the Rotary Clubs "Early Act" program which sponsors young people to do community projects. Member Krempasky advised that she was not sure if that was with the Beach Rotary Club or another chapter but that she would try to find information about it. Chair Bandy wanted to see if they could be involved with the Mickler Boulevard project, etc. Member Candler asked if SEPAC was still going to pursue a project for the Pope Road entrance to the City.

Member Thomson advised that SEPAC has discussed some issues regarding Urban Forest Management, such as the palm tree trimming. He suggested that everyone should review the management plan and work with Public Works. He asked Foreman Large for his input. Foreman Large said that he has seen many places that are correctly trimming the palm trees on the Boulevard and some that are not; that Public Works does not have the labor to do the project and he asked if SEPAC would be willing to fund it or hire a company to get it done faster than Public Works. Member Thomson asked if Public Works was managing the parkettes and if it could be split between the parkettes and the Boulevard and provide an example to a landscape contractor. Foreman Large said he is okay with that and when Public Works finishes the State Road project, it could move on to the parkettes and update SEPAC at that time. Member Candler asked if this was regarding the circle around the palm trees. Member Thomson said yes, and to protect the oak trees in accordance with the manual. He said that SEPAC wants to get the message out to not hurricane cut the palm trees and that Building Official Law was sent recommendations by SEPAC to amend the 20-year-old Land Development Regulations (LDRs) to bring them up to date. He read from that Section of the Code that discusses the licensing of tree removal/pruning businesses and suggested to add that they should also have to understand the Urban Forestry Manual. He recommended that SEPAC request that the Comprehensive Planning and Zoning Board (CPZB) start enforcing it and to add it as part of the zoning code; that they could then be reported to Code Enforcement. He suggested that it could also be sent to the commercial businesses, condos, and hotels to ensure that they comply. Member Candler agreed since a large portion of the Boulevard has condos and hotels. Member Thomson advised that he would be glad to draft a revision for that section of the code, along with the revisions that SEPAC discussed with the Commission regarding the Avenue of Palms. City Clerk Fitzgerald asked Member Thomson if he read the previous section, Section 5.01.06, which already addresses the Standards and Specifications Manual. Discussion ensued on how to get the Urban Forest Management Plan adopted into the Code.

Member Krempasky addressed Member Candler's previous questions about the Pope Road entrance project and advised that she sent photos of that area and the parkettes to Ms. Chris Hite and told her that SEPAC had a meeting with the residents. She said that she is waiting to hear back from her and asked Member Thomson if he spoke to Mimi Vreeland. Member Thomson advised that he did speak to her but did not invite her tonight because the minutes and the correspondence seemed so confusing. He said that the presentation was fabulous and explained the project very well. He said that she is local, she is involved in the

environment, and would be willing to be involved but that he does not know where it is going from here. He asked if SEPAC has approval to hire a landscape architect. Member Krempasky advised that SEPAC does not have approval to hire a landscape architect, but it does have buy-in from the community and could be presented to the Commission. Chair Bandy advised that the meeting with the public went well and that it could have gotten ugly regarding standing water. She thanked Dr. Kaczmarzsky for handling it so well. Member Candler said that having no standing water on D Street is because it is running off to 2nd Street, etc.

Chair Bandy advised that it is getting late and moved on to Item 3.c.

c. Model Green Infrastructure Plan

Chair Bandy advised that SEPAC made a lot of progress today by getting the public's buy-in.

Chair Bandy moved on to Item 4 and asked for an update report.

4. Draft Right-of-Way Ordinance

Foreman Large advised that Director Tredik and Engineer Sydney Shaffer have recently started working on a draft and should have more information in a month or two.

Chair Bandy moved on to Item 5.b and asked Vice Chair Cloward for an update report.

5. Educational Programs

a. Environmentally Friendly Landscaping Awards

Chair Bandy opted to discuss this Item immediately following approval of the minutes at 6:51 p.m.

Member Krempasky advised that she met with Ms. Lauren Trice on February 9th and that she was nice enough to do a recap of SEPAC's meeting. She said that she included it because some things that were discussed were not put on the draft such as possibly having two tiers of recognition (Exhibit B). She agreed with Ms. Trice and the Riverkeeper that this should not be a contest but a recognition of properties that fit the set of criteria; that people that are doing this are not doing it for an award but for the environment. She suggested for the Members to take the draft home and bring back their suggestions to next month's SEPAC meeting. She suggested to have a check list or simple yes/no answers. She asked for any suggestions.

Lauren Trice, Matanzas Riverkeeper, 3209 Turtle Creek Road, St. Augustine, FL, she said that she is not a resident of St. Augustine Beach. She said that a check list with the option of "I don't know", creates an educational opportunity.

Member Krempasky said that it would be beneficial if SEPAC could put together a package that can be used for other things; that it would be the easiest way to get educational information into people's hands; that it should be limited to the City for the first year because the island is too large; that the Environmental Stewardship Awards are for the whole island, but that SEPAC only has to review applications and that the Environmentally Friendly Landscape Awards would require "feet on the ground; that it has been discussed to contact Southern Horticulture for assistance. She also drafted an email that she would like to send to St. Johns County to see if SEPAC could be included in a Master Gardener's Program where they might be able to earn credits for volunteer hours and that maybe each Member could

be paired up with a Master Gardener to view the properties. Member Candler asked how people would be recognized. Member Krempasky advised that it might be cost prohibitive, but that she was thinking about having signs in their yards. Vice Chair Cloward advised that it would set an example for other residents that might not know. Member Krempasky suggested using something beachy such as sea urchin and starfish or something to indicate a premier level. Ms. Trice suggested that if they meet the requirements, then they get the sign.

Member Thomson agreed with the recognition and the yard sign. He suggested to add herbicides as well; that two months ago he asked about the type of herbicides that were used at the D Street parkettes and that Foreman Large replied today that it was the same chemical used in the brand Round-Up; that there are considerable disputes about its carcinogenic quality and there are settlements in the billions of dollars; that people want to know what is going into the storm drains. He asked if the Riverkeeper had a comment about it. Ms. Trice advised that they have content out talking about the dangers of runoff and that she believed it was in the blog post that was linked to Member Krempasky. She said that she could get more information from the Riverkeeper. Member Thomson said that he would like more information. Dr. Kaczmarzky advised that one of the additives is a surfactant that makes cell membranes more permeable to toxins in the environment. Ms. Trice said to email her if there are any further questions.

Chair Bandy asked what the next step would be. Ms. Trice said that it would be up to SEPAC how to implement it. Member Thomson said it would make a great Newsletter article announcing the awards and a wonderful way to educate and advertise it. Discussion ensued on when to announce the awards and how many properties to award. Member Candler suggested to advertise it at Arbor Day. Member Thomson agreed. Member Krempasky said that she emailed Coordinator Conlon today and asked if SEPAC should provide any materials at Arbor Day. She asked if there was anyone who could design the flyer to announce the awards. Vice Chair Cloward said that she could design the flyer. Ms. Trice said that it would be nice to announce it when the residents would have time to alter their yards to make them a candidate. Vice Chair Cloward said that she would bring something to the next meeting for review and feedback.

Chair Bandy thanked Ms. Trice and said that she and Member Krempasky have done great work. She thanked Dr. Kaczmarzky for his help.

Member Krempasky said that SEPAC added the weeding of the bioswales to the budget and she asked Director Tredik how to requisition for the work. Director Tredik advised that it would depend on the cost. Member Krempasky advised that it would cost \$30. Director Tredik advised that it should not be a problem. City Clerk Fitzgerald advised that the cost is not an issue because it would be under the requisition threshold, and it would come from SEPAC's budget. She said that the issue would be that the weeders would have to be hired under Public Works and need a City staff person to supervise them for liability purposes. Member Krempasky asked if it would be possible to have that City staff person's pay come out of SEPAC's budget as well. City Clerk Fitzgerald advised that that would be a question for the Finance Director. Director Tredik advised that if it would only be a few hours here and there, that he could probably make it work while City staff is driving around but that they could not babysit the entire time. Member Thomson asked how it would work for the volunteers building pollinator boxes and working in the parkettes. City Clerk Fitzgerald advised that it would not be as strict because they are not being paid, but they would still need City staff to

check on them since they are doing work for the City, on City property. Director Tredik asked if these people would have any liability insurance. He said there is an advantage to using a company with liability insurance so that the City does not get sued. Member Krempasky said that she would contact them to see if they have liability insurance. Member Thomson asked if there would be a different process for using volunteers vs. hiring a contractor. Director Tredik advised that he believed there would be a difference and he would have to check into it.

Chair Bandy returned to Item V.2. at 7:10 p.m.

b. Newsletter Topics

Vice Chair Cloward showed the proposed Newsletter information (Exhibit D) and said that she revised the formatting last month and asked for any comments or suggestions. She showed the upcycle glass campaign information that she pulled from the internet and asked Foreman Large to provide information for the Newsletter to highlight the work that Public Works has done regarding invasive plants; that she would like to repeat some of the educational information and would also like to show what the City has done and what the residents could do.

Foreman Large advised that Director Tredik would like to add more photos or a link/website showing the invasive plants so that people can spot and remove them, and that Director Tredik suggested to move from invasive species articles for the April Newsletter and to put something for Arbor Day. Member Krempasky advised that Arbor Day would be something for Coordinator Conlon to put in the Newsletter. Foreman Large advised that SEPAC has a front location for the Arbor Day event and more information would be better. Vice Chair Cloward asked if she should put one page together for invasive species. Foreman Large said yes. Vice Chair Cloward said that she would be happy to do it and that the one page could have images, text, and click thoughts for more information. She asked when he would need it so that he or Coordinator Conlon could review it. Foreman Large suggested to email Coordinator Conlon and then he could go over it with her. He said that the invasive species could be done again after Arbor Day. Vice Chair Cloward said that Director Tredik's email mentioned that Public Works has been doing things around the City with invasive plants and that Foreman Large could provide information so that residents can see what has been done by the City. Foreman Large advised that he would like to go over it with Director Tredik first.

Vice Chair Cloward advised that she also would include information about the Environmental Stewardship Awards, and she asked if there have been any nominations received. City Clerk Fitzgerald advised that none have been received. Vice Chair Cloward asked if the deadline should be extended. Chair Bandy said that sometimes nominations come at the deadline. City Clerk Fitzgerald advised that it was extended after the deadline had passed last year. Member Krempasky advised that she would post something on her personal Facebook page and that she would not mention SEPAC. She said that other environmental groups usually repost it and that she would follow up with those groups. City Clerk Fitzgerald advised that she would need Vice Chair Cloward to email her the information that she presented for the record.

Chair Bandy moved on to Item VI and asked Vice Chair Cloward for her comments.

VI. OTHER COMMITTEE MATTERS

Vice Chair Cloward asked to discuss improvement to the City's playgrounds such as Splash Park which is missing one of the blue steps; Ron Parker Park's wheel is gone; etc. She said that Palm Coast has an amazing water park and the City's are falling apart. Member Krempasky asked if the parks are City or St. Johns County. Foreman Large advised that Ron Parker Park is a St. Johns County park and Splash Park is owned by the County, but the City maintains it, so it is a joint effort, and advised that Assistant Director Gatchell has discussed upcoming improvements to Splash Park; that he would bring the missing step to his attention and that it could be a cost issue. Vice Chair Cloward said that she could rally parents to show support for the money and she asked if it should be on the agenda and invite the public. Member Krempasky advised that if it is brought to Public Works attention, then it might be able to be taken care of before the Commission needs to get involved. Foreman Large agreed and said that she might want to contact the County as well about Ron Parker Park.

Member Krempasky said that she and Vice Chair Cloward attended the last Commission meeting and asked Vice Chair Cloward to fill SEPAC in on what happened. Vice Chair Cloward advised that it was brought up whether SEPAC meets monthly, and that she made sure they knew that SEPAC does meet every month. Member Candler advised that they see the monthly minutes. Member Krempasky advised that she does not think they read SEPAC's minutes. Vice Chair Cloward said that it was also mentioned that the Building Department is backed up and can not send plans to SEPAC; she responded that SEPAC has only seen one plan since she has been on the Committee for a year and a half. Member Krempasky said that because Vice Chair Cloward was so tenacious, that they were able to recommend keeping 75% native species in the Code and that Building Official Law agreed. She said that he also agreed to send the landscape plans to SEPAC at the same time he sends them to CPZB. She said that if SEPAC chooses to have input on those plans, then it would need to designate one member to relay SEPAC's recommendations. She said that she thinks the Commission will be discussing it further at their March 7th meeting and she suggested for SEPAC to attend.

City Clerk Fitzgerald advised that she received an email from SurveyMonkey and that the annual fee of \$384 is due. Chair Bandy advised that she saw the interview with the new City Commissioner who talked about doing resident surveys which might lead her to push for the City to pay for SurveyMonkey. She suggested to pull the data and let it lapse. Member Thomson suggested to ask the City Commission to take over the account. City Clerk Fitzgerald said that it was something that one of the interviewees said during their interview and that the Commission has not talked about it or agreed to it. Member Krempasky said that she presented it to the Commission and that Mayor England was upset because she thought that SEPAC had control of the survey account and that she reassured her that the entire City staff could use the account. She asked if there was a way that the Finance Director could split the cost between the City and SEPAC. City Clerk Fitzgerald advised that it could be asked for and noted that after the previous Communications Coordinator left, no one else wanted to do the surveys. Member Krempasky suggested to do a Public Comment at Monday's meeting about it, and she asked Chair Bandy if she would speak to the Commission. Chair Bandy agreed and asked what she should say. Member Krempasky advised to let the Commission know that it is time to renew the SurveyMonkey and ask if they are interested in keeping it. Chair Bandy asked whether she should mention Commissioner Sweeny's interview about doing surveys. It was the consensus of SEPAC to let SurveyMonkey lapse this year and to keep the survey information.

Foreman Large advised that SEPAC's Arbor Day booth is in front near the entry sidewalk; that last year the City gave away 249 trees, and this year there are 340 trees ordered; that there will be 180 Simpson Stoppers, 80 Sweet Bay Magnolia trees, and 80 Live Oak trees. Vice Chair Cloward asked what time the Arbor Day event is. Foreman Large advised that it is scheduled for Wednesday, April 27th during the Wednesday Market from 8:00 a.m. to noon. Vice Chair Cloward asked if volunteers would be needed. Member Krempasky said that she already volunteered. Foreman Large said that he has been in contact with the Agricultural Center and that they would love to work with the City. Member Krempasky said that she is happy with the location because last year's placement was in the middle of the market and asked if Foreman Large would be putting together care information about the plants. Foreman Large said yes, and that he is working with Coordinator Conlon on it and that there would be plenty of planting and pruning information, as well as information from Director Tredik. Chair Bandy advised that she received free information from the Florida Wildflower Foundation and that she could order more.

Chair Bandy moved on to Item VII and asked for a motion to adjourn.

VII. ADJOURNMENT

Motion: to Adjourn. **Moved by** Member Thomson. **Seconded by** Member Krempasky. Motion passes unanimously.

Chair Bandy adjourned the meeting at 8:44 p.m.

Lana Bandy, Chair

ATTEST

Dariana Fitzgerald, City Clerk

COMMISSION REPORT

March 2022

TO: MAYOR/COMMISSIONERS

FROM: DANIEL P. CARSWELL, CHIEF OF POLICE

DEPARTMENT STATISTICS February 23rd - March 21st , 2022

CALLS FOR SERVICE – 1,642

OFFENSE REPORTS - 34

CITATIONS ISSUED - 90

LOCAL ORDINANCE CITATIONS - 53

DUI - 0

TRAFFIC WARNINGS - 215

TRESSPA55 WARNINGS - 11

ANIMAL COMPLAINTS - 23

ARRESTS - 5

- **ANIMAL CONTROL:**

- St. Johns County Animal Control handled 23 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES –

Tuesday, March 8th 12:00 – 5:00PM – OneBlood Blood Drive

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: MONTHLY REPORT
DATE: 3/17/2022

Finance

Finances through the end of February are reflecting 56.4% of revenue collected with 30.8% of expenses recognized. The financial audit is being finalized and the auditor will be presenting his findings at this month's meeting.

ARPA Update

Staff has compiled a list of ARPA items to be presented to the commission in May. The ARPA Survey was posted on Wednesday, March 16th. Results will be collected through April 15th, summarized and presented to the commission in May as well.

Communications and Events

Melinda has been working to put together the Arbor Day and Art & Bark in the Park events for the month of April. We hope to see everyone there!

Technology: The IT Department has no updates.

MEMORANDUM

Date: March 25, 2022
To: Max Royle, City Manager
From: Bill Tredik, P.E., Public Works Director
Subject: March 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
Bid rejected due to cost. Public Works proceeding with alternate implementation.
Construction pending.
- **Ocean Hammock Park Phase 3 - Design & Permitting**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$25,000; \$25,000 match required
Status – Design Project Complete
- **Ocean Hammock Park Phase 3A – Construction**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$60,000; \$60,000 match required
Status – Construction planned for summer 2022; Awaiting contract from FDEP.
- **Ocean Walk Drainage Improvements**
Legislative Appropriation Request
Appropriation Request Amount - \$694,000
Status – Grant Agreement executed. Design 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; funding uncertain
- **Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements**
Legislative Appropriation Request
Funding requested \$1,200,000;
Status – Project request made; In Appropriations Bill; Decision in June 2022.
- **Ocean Oaks Flood Protection**
Legislative Appropriation Request
Funding requested \$750,000;
Status – Project request made; Not in Appropriations Bill.
- **7th 8th and 9th Street Drainage**
Legislative Appropriation Request
Funding requested \$90,000;
Status – Project request made; In Appropriations Bill; 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; FDEM Review Underway
- **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; FDEM Review Underway
- **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; FDEM Review Underway

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. Public works is monitoring the number of bins rejected due to non-collectable material to determine trends in compliance.

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:

- Completion of backfilling and compaction at SW pump station wingwall
- Pouring of new SE pump station wingwall
- Completion of installation of rip-rap pump basin base
- Completion of pump station discharge pad and energy dissipaters
- Continuation of construction of downstream bulkhead west of Fiddler's Point Drive

Ocean Walk Drainage Improvements [DESIGN] – The city has entered into a contract with Matthew's Design Group to complete design and permitting of the project. Design is underway. Design work in March included:

- CAD layout of the existing drainage system for the subdivision.
- Confirmation of existing structures, swales and piping and input into CAD and stormwater model.
- Stormwater modeling and preliminary stormwater pump sizing

Construction is planned for FY 2023.

Oceanside Circle Drainage [FINAL 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 summer of 2022 after permitting is complete.

11th Street Pipe Repair [FINAL DESIGN/PERMITTING] – Final design is underway. Permit application is pending. Construction is anticipated to commence in the summer of 2022.

Parks and Recreation Improvements

Ocean Hammock Park Phase 2 [CONSTRUCTION] – 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 opened on March 3, 2022. Only one bid was received, and the price exceeded the available budget. The Public Works Department is investigating options to significantly reduce project cost, including purchasing and installing prefabricated restrooms, constructing select Phase 2 features with City staff, and utilizing other competitively procured existing government contracts for utility and masonry work. Construction would commence summer 2022.

Ocean Hammock Park Phase 3 [PRE-BID] – 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. The City is currently waiting for contracts from FDEP to initiate bidding of the project. Construction is anticipated to commence in the summer of 2022.

Lakeside Park Dock Repair [COMPLETE] –Public Works has repaired damaged structural timbers on the dock. The dock is now fully opened.

Streets / Rights of Way

2nd Street Improvements and Extension [CONSTRUCTION] – Design is 100% complete and SJRWMD and FDEP permits are in-hand. Bids have been advertised and were opened on February 23, 2022. The City Commission approved entering into a contract with D.B Civil Construction, LLC on March 7, 2022. Construction is anticipated to commence in April 2022. FPL is currently designing underground power for 2nd Street. The City is assisting in the acquiring the necessary FPL easements. Once all the required easements are in-hand, they will be recorded and sent to FPL.

Roadway Resurfacing [CONSTRUCTION PENDING] – 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

The City is investigating expanding the current year's paving east of A1A Beach Boulevard using American Rescue Plan Act (ARPA) funds. In order to use ARPA funds for paving, specific language must be included in the construction contract in regard to Equal Employment Opportunity. Existing County paving contracts – which the City intended to piggyback – do not include this federal language. Staff is coordinating with the City Attorney to ensure that a paving contract is executed that allows for utilization of federal ARPA funds.

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 May 2022.

A1A Beach Boulevard Crosswalks [CONSTRUCTION] – St. Johns County has commenced construction of flashing crosswalk indicators along A1A Beach Boulevard.

A Street Sidewalk and Drainage Improvements [PRE-CONSTRUCTION] – St. Johns County has informed the City that the contractor cannot obtain materials for the project until early May 2022. Staff is coordinating with the County to ensure that construction does not adversely impact the area during the peak beach visitation season.

PENDING ACTIVITIES AND PROJECTS

Revised March 24, 2022

1. PERFORMANCE REVIEW OF POLICE CHIEF AND THE CITY MANAGER. No information to report.
2. LAND DEVELOPMENT REGULATIONS CHANGES. An ordinance concerning changes to mixed-use districts, landscaping, plant materials, buffer requirements, fences and retaining walls, and passed the ordinance on second reading was passed on final reading by the City Commission at its 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 Commission will consider the revised draft of the strategic plan later in 2022.

In the meantime, Commissioner England and the City Manager are working on a vision plan. It may be ready for Commission review in May and could replace the strategic plan.

4. PARKING IMPROVEMENTS. The improvements would be constructing a firm surface, such as with paver blocks, brick, or asphalt, for vehicles to park on. Suggested locations for the improvements are: north side of Pope Road between A1A Beach Boulevard and the entrance to the YMCA, plaza southwest corner of 8th Street and A1A Beach Boulevard, north side of 5th Street between the Boulevard and 2nd Avenue, north side of 4th Street between the Boulevard and the beach, and the plazas on the Boulevard's west side between A and 1st Streets. At this time, the only parking project under way is for the plazas on the west side of the Boulevard between A and 1st Streets. Money to pay the costs could come from the \$3.5 million that the City has been allocated from the American Rescue Plan Act. The Public Works Director has approved the scope of work from a civil engineering consultant to do the design and permitting phase starting in March 2022 and \$15,000 will be spent for this phase. The design phase should be completed before the end of the current fiscal year in September 2022. Construction will be done in 2023.

There are no plans at this time for the Commission to consider paid parking.

5. JOINT MEETINGS:
 - a. With the County Commission. No date has yet been proposed for the meeting.
 - b. With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC). The next joint meeting could be scheduled sometime during 2022.
6. UPDATING PERSONNEL MANUAL. The entire Manual will be redrafted to correct spelling and remove redundant and/or obsolete provisions.
7. LED STREETLIGHTS. Florida Power and Light has installed LED lights along the Boulevard and Pope Road, and 16th, 11th and A Streets, and Mickler Boulevard. 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 May 2nd meeting will be asked to approve the contract with FPL for the conversion.
8. GRANTS. The City has received 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. At its March 7, 2022, meeting, the Commission accepted the Public Works Director's recommendation not to accept the only bid receive because of its high cost. The Commission authorized the Director to negotiate a lower price by reducing the scope of work. Because negotiations did not result in significant savings, the Director has proposed that prefabricated restrooms be purchased.
 - 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 is \$50,000 and 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 once it has received a signed contract from the state.
 - 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 55% 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 complained that the piping of the ditch caused flooding along the subdivision's west side. To improve the flow of water, the Public Works Director had debris cleared from the Mickler and 11th Street ditches. 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 negotiated with the Matthews Design Group of St. Augustine for the design and permitting phase of the project. 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 final 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. Because the contractor is having difficulty getting materials, according to the County Road and Bridge Department, construction won't begin until early May 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 proposal for this fee may be brought back to the Commission later in 2022.
12. **RENOVATING THE FORMER CITY HALL AND CIVIL RIGHTS MONUMENT.** On March 23, 2022, the City Commission held a workshop, the purpose of which was to discuss with citizens the renovation of the second floor of the former city hall at pier park, future uses of the building and a civil rights monument. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, made a PowerPoint presentation that described the building's history and the \$500,000 historic grant that can be spent on renovating certain features of the building, such as the upstairs windows and exterior awnings, and a smaller \$25,000 grant that can be spent on interpretative signage for the building. Ms. Stone highlighted that the building's designation as historic by the federal government enhanced its eligibility for the \$500,000 grant. The outcome of the workshop is that the building is to be used as a cultural arts center with the second floor possibly having artists' studios and a small museum. Art work outside the building, such as a new civil rights monument to replace the old one that commemorates the 1964 civil rights struggle to integrate the adjacent beach, would be created. City staff will work with Ms. Stone and the Cultural Council on such matters as the building's structural strength, building code requirements to renovate the second floor, accessibility to the second floor for the public, fund raising and seeking citizens to serve as volunteers on a citizen advisory committee. The money from the \$500,000 grant must be spent by June 2024.
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 between State Road A1A and A1A Beach Boulevard. 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. The County's Public Works Director, Mr. Greg Caldwell, has responded that the repair of Pope Road was on the County's list of projects to do. In March 2022, the Road was repaved. This project will no longer be included in this Report.
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 4, 2021, 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 31, 2021, 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 provided a report to the Commission at its March 7, 2022, meeting. The Commission had no recommendations to change the event for the next New Year's Eve.
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 2021, 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 work on the deed of the lots is still proceeding.
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:** At the City Commission's August 11, 2021, meeting, St. Augustine's Public Works Director, Reuben Franklin, March 2021, presented his city's mobility plan.
 - 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. Pedestrian Crosswalk Safety Signals. On A1A Beach Boulevard, the County Public Works Department has put flashing signals at the crosswalk between the Sea Colony subdivision and the shopping center, and at the crosswalk between the Whispering Oaks subdivision and Ocean Hammock Park. A third signal is scheduled for the crosswalk between pier park and the west side of the Boulevard.

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. That because the rules governing what the money can be spent on have been loosened by the U.S. Treasury Department will enable the City to do a number of projects, such as road paving, drainage, and parking improvements.

The City Commission will be asked at its April 4th meeting to approve an agreement with the City's auditing firm, James Moore and Associates, to do contract management for the spending of ARPA funds. At its May 2nd meeting, the Commission will review proposed projects and purchases.

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. Some of the adjoining property owners have provided the easements required by FPL.

20. TRAFFIC STUDY AT VERSAGGI DRIVE. At its March 14th continuation meeting, the City Commission reviewed the history of the City's permitting an entrance/exit driveway for Alvin's Island on the north side of Versaggi Drive. A Versaggi resident had filed a lawsuit against the driveway and a judge had requested that the City again consider the request for the driveway by the Alvin's property owner. The Commission approved that the City have a traffic engineer to do a study of the driveway and adjacent areas, as well as review how the intersection of Versaggi Drive with State Road A1A could be made safer. The City will utilize a traffic engineering firm now under contract with the County.