



## MINUTES

### 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

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I. CALL TO ORDER

Mayor Samora called the meeting to order at 6:01 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Samora asked Vice Mayor Rumrell 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 Chief Daniel Carswell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Building Official Brian Law, and Public Works Director Bill Tredik.

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

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

**Motion:** to approve the 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.

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

Mayor Samora moved to Item VI.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor Samora asked if there were any additions or deletions of the agenda. Being none, Mayor Samora moved on to Item VII.

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.

City Manager Royle noted the Mr. Halleran of James Moore and Associates is currently doing another presentation for the City of Edgewater, but should be finished by 7:00 p.m. at which time he would contact the City's IT staff and be connected to the meeting by Zoom. City Manager Royle advised that the Commission could interrupt the agenda and return to Presentations at that time.

## VII. PRESENTATIONS

### A. Interview of Ms. Nicole Miller for Position of Regular Member on the Sustainability and Environmental Planning Advisory Committee

Mayor Samora thanked Ms. Miller for applying and asked her to introduce herself and speak about her interest in SEPAC.

Ms. Miller stated that she grew in St. Augustine and graduated from Pedro Menendez High School, she received her bachelor's degree in microbiology from the University of Florida in 2016 and her master's degree in ecology with a concentration in microbiology in 2019. Her thesis focused on the microbiome of an endangered coral species throughout the Caribbean, which helped educate her on the environmental impact of climate change and mitigation of stormwater. She works for a medical device company in Jacksonville as a microbiologist and conducts environmental monitoring. She is hoping to pursue her passion in environmental science and help her community. She commented that she recently self-published a children's book on the environmental factors that create surf.

Mayor Samora asked if she had sat in on any of SEPAC's meetings. Ms. Miller replied that she has not, she discovered the Committee and that there was an opening only a couple months ago and decided to apply.

Commissioner England asked if she had spoken with any members of SEPAC and about her understanding of what the Committee does. Ms. Miller replied that she saw the opening on social media and has not spoken with any members of the Committee. She commented that she has deep roots in the community and is invested in its environmental future.

Commissioner George commented that it was nice to know the City's social media outreach was having an impact.

**Motion:** To approve Nicole Miller for the position of regular member on the Sustainability and Environmental Planning Advisory Committee. **Moved by** Vice Mayor Rumrell. **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora welcomed Ms. Miller to the Committee and advised her to get in touch with City Manager Royle for information on when the Committee meets. Commissioner George advised her to coordinate with the City Attorney on the Sunshine Law and noted that she cannot contact members of SEPAC until a public meeting.

### B. Audit Report for Fiscal Year 2021 Budget by James Moore and Associates

This item was temporarily delayed until Mr. Halleran was available. The Commission returned to this item at 6:45 p.m.

Mr. James Halleran, CPA, James Moore and Associates, attended the meeting by Zoom and presented his PowerPoint report. He clarified that this report covered the period from October 1, 2020, to September 30, 2021; that material weakness referred to possible internal controls that may prevent issues from being detected in a timely manner; and that significant deficiency referred to issues they felt worth bringing to the City's attention. He reported that there was one material weakness related to the creation of the impact fee fund, it should have been created through transfers and auto-adjustments were done to prepare that correctly. The significant deficiency was an entry in the payroll software, which caused one employee to be paid incorrectly until the error was corrected. He stated that the letter from the Florida Auditor General contained one prior year comment that was corrected and one that was repeated, the Building Permit Fund was in excess of the amount allowed by State Statute and the City will need to develop a plan to bring that total down.

Finance Director Douylliez commented that she is pleased that the reserves are back up. That has been on the audit reports for the past two years and the City has had to write a response to the Auditor General's Office to explain. The City was at 19.5% last year, close to the 20% threshold. She is glad it is now at 43.1%, since 20% is already low for a coastal city.

Mayor Samora asked if the two deficiencies have been addressed. Finance Director Douylliez stated that the audit report consultant is helping to review and address odd entries, like the impact fee fund. The payroll issue was the result of a typographical error. The pay rate should have been \$21, instead it was entered as \$20, and amounted to about \$600, which the employee has been paid since. The policy going forward will be new pay rates getting entered by the Finance Director, then reviewed by the City Clerk.

Building Official Law stated that there were some disparities on what the final number would be, so he did not want to spend too much and short the account unnecessarily. Now that he knows what the target amount is, he plans to use some of the funds to comply with a State mandate to accept digital plans, which will likely require software and hardware updates. He has also budgeted for another position, since the building code audit last year dinged them on the volume of work compared to employees conducting inspections.

Mayor Samora thank Mr. Halleran for his report.

The Commission continued the meeting from their prior stopping point on Item XII.4 at 7:07 p.m.

#### VIII. PUBLIC COMMENTS

The Mayor opened public comment.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, suggested using ARPA funds for employee bonuses to not have a recurring expense, to review drainage in Hammock Dunes Park since some of the water from there overflows to Madrid Street and Spanish Oak Court, suggested reviewing stormwater at A Street/A1A Beach Boulevard and using ARPA funding for that. He would also like to know what is going on in the recent shade meetings.

The Mayor closed public comment.

#### IX. COMMISSIONER COMMENTS

Vice Mayor Rumrell stated that he attended the ribbon cutting of the Scenic A1A American Byway designation on March 29<sup>th</sup> and brought a section of the ribbon that was cut. He noted that there are only thirty-seven scenic byways in the country, and this is the second one in Florida. He reported that the Visitor and Convention Bureau's numbers will likely be higher than last year. The VCB also received a plaque for the City from Justin Clark's Best of Central Florida, the City received the Best Local Beach award.

Commissioner England noted that St. Augustine Beach was one of Southern Living's Best Beach Towns for 2022.

Mayor Samora reported that the Tourist Development Council will have a seat opening up and suggested that anyone interested contact the TDC.

#### X. PUBLIC HEARINGS

1. Conditional Use Permit to Construct a Residence in a Commercial Land Use District at 16 5<sup>th</sup> Street (Lot 18, St. Augustine Beach Subdivision) (Presenter: Jennifer Thompson, Planner)

Planner Thompson stated that this commercial lot had been approved for conditional use permits to build a single-family residence twice in the past, in 2019 and 2020, but had been unable to

commence construction before those CUPs expired. The current owners, John Burda and Lingyi Chen, are now asking for a new CUP with a two year expiration date, instead of the one year expiration issued for the two prior CUPs.

Tommy Scott, Momentum Realty, on behalf of the owners, stated that they are asking for two years since the pandemic has created delays and supply shortages and they would like to be sure history would not repeat. He stated that Mr. Burda purchased the property in July 2021, but was not able to begin construction before the prior CUP expired in November 2021. He confirmed that this was intended to be a long-term residence for the owners and noted that the homes surrounding this lot were residential.

Planner Thompson showed an aerial map of the area (Exhibit A). She noted the vacant commercial lot to the west, the residences to the east and north, and the condominium to the south. She remarked that the two prior CUPs required a residence to be built to medium density residential regulations.

Commissioner George asked what would need to be completed before the expiration date to keep the CUP. Planner Thompson explained that the building permit application would need to be submitted and approved and construction would need to begin. Building Official Law clarified that full submittal of the building permit would be acceptable, once the permit is issued then it would fall under State regulations, which would be six months between approved inspections.

Commissioner Sweeny asked if Building Official Law had any concern with a two year expiration. He replied that given the delays in the design and construction industries, he would have no objections to a two year expiration or to development of this parcel in general.

Vice Mayor Rumrell asked if the property were sold with a two year CUP, could new owners have to reapply. Building Official Law stated that that was discussed several years ago and since the CUP is to construct a building, that the ownership is essentially irrelevant. The CUP will run with the land once a property is built anyway.

Commissioner England commented that there are two undeveloped commercial lots adjacent and if it was sold, new owners may want it for commercial use, not residential. Building Official Law stated that those lots and other adjacent lots to the east used to be owned by the same corporation before they were broken up and sold. In 2018, the two lots along A1A Beach Boulevard were approved for a mixed-use development, for a bicycle shop with apartment above, but the permits expired, and there have not been any new applications. He stated that given the parking requirements and the stormwater retention needs, those lots are almost undevelopable as a commercial property.

Mayor Samora stated that his concern is that by approving a two year expiration, it would add value to the property for a potential sale. Commissioners England and George agreed. Commissioner George commented that the market and circumstances could change in two years.

Mr. Scott stated that the reason they are asking for two years is simply because of the extensive checklist of items to complete before construction can begin. They are hoping to begin building as soon as possible and do not plan to sell. The owners intend to live on the property.

Building Official Law clarified that there is no internal mechanism to extend the CUP or waive any fees without the Commission's approval. City Attorney Taylor responded to a question and stated that the CUP could be written to not be transferable until a property has been built, but that the time limit would be his preferred method of control.

Mr. Scott commented that they would like to break ground soon, but the CUP is the main point holding them up.

Commissioner George stated that she is concerned about tying the City's hands, so to speak, and creating a precedent, but noted that this particular property did have a history from the prior approvals. She suggested 18 months as a compromise.

Mayor Samora expressed that the history of approvals and sales is what concerns him. He noted that the Commission's opinion on approving residences in the commercial district has changed and asked if the Commission had any comments on that.

Commissioner England stated that since this has been approved in the past, it makes it difficult to deny, but there are three commercial lots here that could become a business with parking.

Mr. Scott commented that since the lots were surrounded by residences, that may be a hard sell to the neighborhood, and repeated that a residence would be the best use in his opinion.

Vice Mayor Rumrell stated that he may agree to an 18 month expiration, but not two years.

Mr. Scott stated that the owners would like to build and move in as soon as possible, but it depends on how quickly Generation Homes can work with the current staffing and supply chain issues.

Attorney Taylor clarified for Commissioner George that the Commission could deny this CUP regardless of the prior approvals.

Commissioner Sweeny asked when the home to the north of this lot was issued a CUP to build. Building Official Law replied that that was a recent home, just built in the past couple years along with other homes in that area.

Mayor Samora opened public comment. There was none.

Mayor Samora stated that there were two matters to decide, first whether to keep it as commercial or to allow the residence to be built and second, if granted, what would be the time frame.

Mr. Scott stated that the current owners purchased the property in 2021 when it had a CUP to build a residence, but were not able to build within the four months before it expired. They are just asking for the time to finish that project.

Vice Mayor Rumrell made a motion to approve the CUP with a one year expiration, which Commissioner George seconded.

Mayor Samora asked about the other recommendations from the Comprehensive Planning and Zoning Board. Vice Mayor Rumrell amended his motion to include those recommendations.

Commissioner Sweeny commented that if there are legitimate delays that do not allow this project to begin within a year, then she hopes a waiver of fees could be done at that time.

**Motion:** To approve a Conditional Use Permit to construct a residence in a commercial land use district at 16 5<sup>th</sup> Street to represent what was passed by the Comprehensive Planning and Zoning Board, but with a one year expiration date. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed 4-1 with Commissioner England opposing.

2. Ordinance 22-04, Second Reading, to Amend the City's Flood Regulations (Presenter: Brian Law, Building Official)

Building Official Law stated that in 2017, the City had to adopt a new flood ordinance. He noted that next year would be our five year audit, that this is a pre-emptive change to prepare for that audit, and that these recommendations came from Rebecca Quinn, CFM, of the Florida Division of Emergency Management. He noted that there were changes to the Flood Insurance Rate Maps in December 2018, which removed many of the City's residences from the special flood hazard

area, with the exception from Sea Grove, about seven properties in Sea Colony, and the area around Pier Park.

Mayor Samora asked why several parts of section (5) were stricken. Building Official Law replied that the City does not have any unnumbered A or AO zones, or floodways, so those paragraphs do not apply.

Mayor Samora opened public comment. There was none.

Commissioner England made a motion, which was seconded by Commissioner George. City Attorney Taylor read the title of the ordinance.

**Motion:** To approve the changes to Ordinance 22-04. **Moved by** Commissioner England, **Seconded by** Commissioner George. Motion passed unanimously.

## 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

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

The Commission was notified by IT staff that Mr. Halleran was available and returned to Item VII.B at 6:45 p.m.

## XII. OLD BUSINESS

### 4. Ordinance 22-03, First Reading, to Vacate Alley between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, West of 2<sup>nd</sup> Avenue in the Chautauqua Beach Subdivision (Presenter: Jennifer Thompson, Planner)

Following the delayed presentation by the auditor, the Commission resumed Item XII.4 at 7:07 p.m.

Planner Thompson advised that the City Attorney has drafted an ordinance and showed an aerial map displaying the location of the alley (Exhibit B).

Mayor Samora said that he believed that the City Attorney incorporated the Building Department's recommendations into the ordinance.

Planner Thompson said that those were recommendations by the Public Works Director.

City Attorney Taylor advised that he added those recommendations to the beginning of the ordinance.

Mayor Samora asked if there was approval of 70% of the affected parcel owners. Planner Thompson advised that 73% approval was received.

Commissioner Sweeny said that she noticed that the ordinance specifies that if fences need to be removed, that it would be at the owner's expense and asked if they understood that. She asked if that is always the case.

Building Official Law advised that the Building Department used to permit fences and he stopped that in accordance with State law. Anyone wanting to put a fence in a vacated alley would be directed to the Public Works Director. He advised that no permitted work is allowed in a vacated alley. He said that he does not recall the City ever having to spend money to rebuild a fence.

City Attorney Taylor advised that the City is retaining a drainage easement for this alley and that Public Works may have to go in to maintain it. If they build on it knowing that the City may go back in, that they are accepting those costs to move it. Nothing permanent can be built.

Commissioner George asked for staff feedback regarding the resident concerns from the email that was received (Exhibit C).

Building Official Law advised that this was addressed at a Comprehensive Planning and Zoning Board (CPZB) meeting where he did not indicate that there would be any potential liability and that he is not a lawyer, and this would be better addressed by the City Attorney.

City Attorney Taylor advised that he would not say that there is no liability, but this is unimproved land on the back of their homes and there are no nuisances. He said that generally undeveloped land does not have a liability associated with it. The applicant wants to have access to that land so that he can buttress to help stop erosion and put his fence in correctly which will not create any liability. He advised that he does not see liability as being a concern.

Mayor Samora asked if that answered the concerns.

Commissioner George said that it fairly addresses it and that it was a trespass concern. The risk in comparison to the lack of ongoing deterioration from the lack of lateral support from other properties is the compelling issue at play. The other argument is that the applicant has burden of proof that there is no liability caused by the application being approved and she asked if there is a need for findings of fact.

City Attorney Taylor advised that he did not believe that there is a need for anything extra.

Vice Mayor Rumrell asked Director Tredik what it would take to finish the remainder of the ditch for drainage.

Public Works Director Tredik said that about 100 feet at the first two houses on the east end have been piped and there is about 300 feet left that needs to be piped tying it into 2<sup>nd</sup> Avenue on the west side. He said that pricing is hard to determine right now and that when it started it was around \$100,000 for the entire thing but prices have gone up. He said that it might be cheaper to do the first two pieces in-house, but the problem would be for staff to find the time to do it. He said that the City would likely contract with one of the County's continuing contractors based on time, materials, and their rates.

Vice Mayor Rumrell suggested to prioritize it and use some of the American Rescue Plan Act (ARPA) funds to get it completed faster. He said to either approve or deny the vacation now and move the piping higher on the list due to the residents' concerns about it.

Commissioner Sweeny agreed and would like to see it done quickly.

Director Tredik said that the City has a contract about to start paving on 2<sup>nd</sup> Street and he suggested to approach that contractor with a change order to add it to the project.

Vice Mayor Rumrell asked what the price is for a change order. Director Tredik advised that he did not have that information and would have to research it.

Commissioner England said that there is no rush to vacate this alley and she suggested to wait until after the work is done. Director Tredik advised that it depends on who you ask, but that there is no rush from Public Works standpoint.

Planner Thompson advised that the applicant is here tonight and that his concern is that down the line when properties change hands, that the 70% approval would dwindle, and the alley could not be vacated.

Commissioner Sweeny asked if those opposed want the drainage project completed first. Planner Thompson replied that it was their main concern.

Mayor Samora moved on to Public Comments. Being none, he asked the applicant if he had any comments.

Josh Patterson, 203 3<sup>rd</sup> Street, St. Augustine Beach, FL, applicant, said that Planner Thompson accurately summed up his concerns about the timing. There are some residents that are having a lateral support issue and the sooner they can access the alley to address the problem the better with rising costs. He agrees with his neighbors and would like to see the ditch completed. He said that he believes that he followed the procedure and met the rules and would like to see it happen sooner and that the ditch project may never happen.

Mayor Samora asked if the 70% approval should be added to the ordinance.

City Attorney Taylor said that it could be added to the "whereas" clauses.

Mayor Samora asked if there was any further discussion or if there is a motion.

Commissioner George made a motion with Vice Mayor Rumrell seconding. City Attorney Taylor read the title of the ordinance.

Commissioner George stated that she would like to proceed as rapidly as possible, and Commissioner Sweeny agreed.

**Motion:** To approve Ordinance 22-03 with the addition of a whereas clause to clarify that the application conforms with City Code including approval of 70% of property owners. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

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)

Finance Director Douylliez reported that the Commission tabled proposals for ARPA until May, however the first reporting deadline is April 30<sup>th</sup>. The City's auditing firm has offered to assist with the required reporting to ensure that everything is completed correctly and on time. There is a list of other services that they could be contracted for, but the only one she would recommend is the project accounting and reporting, since the City will likely be using these funds for several projects.

Commissioner Sweeny asked about the auditing contract length and if there would be a conflict of interest with them auditing their own work. Finance Director Douylliez replied that there is one more year on the auditing contract and advised that the firm cannot advise the City on specific ways to spend the funds, just advise on whether uses would be appropriate under the Federal guidelines. She also advised that projects over \$750,000 require a single audit.

Mayor Samora stated that there was little information on the project accounting and approval services. Finance Director Douylliez replied that she has not asked for more information on that yet, she was waiting for direction from the Commission. That would be an add-on with a separate engagement letter for the Commission to approve.

Vice Mayor Rumrell stated that he had emailed Finance Director Douylliez to ask questions before the meeting since he was concerned about some of the itemized costs and wanted to confirm those would not be included. He is comfortable with the firm; they have done audits for the City before and helped the City correct any deficiencies found. He believes that more oversight is necessary to make sure the City is not caught in the middle of changing requirements.



Finance Director Douylliez stated that with the changing regulations and the potential of the Federal Government taking back incorrectly reported or unspent funds, it is important to do things right.

Vice Mayor Rumrell stated that he spoke with Congressman John Rutherford over the weekend and there was concern of unspent funds being taken back.

Commissioner Sweeny commented that the concern is if the first report has no encumbrances, the funds may be at risk. Finance Director Douylliez stated that, if she were reviewing the reports, the first thing she would look at would be unfiled reports or reports with unspent funds to consider or to justify taking funds back from entities that are not using them or doing their due diligence. She stated that the rollout of information to smaller cities was lacking, and the use of the lost revenue category was stricter at the start than in the most recent guidelines.

Vice Mayor Rumrell stated that it would be better to make decision sooner rather than later.

Finance Director Douylliez advised that the staff management team has put together a list of capital purchases. She advised that the updated Master Stormwater Drainage Plan is not ready yet, so that would mean working from an older plan.

Public Works Director Tredik stated that there are equipment needs as well, there are two solid waste trucks that are near the end of use which need frequent, expensive repairs. Replacing those and other vehicles will be beneficial in the long run and will need to be replaced within a year or two anyway. He noted that ARPA requires specific contract language, and he has been working with City Attorney Taylor on making sure the contract drafts for any projects or purchases will meet those requirements.

Commissioner Sweeny asked if the April 30<sup>th</sup> report required a plan for funds or just what has been encumbered or spent. Finance Director Douylliez replied that, per conversations with the auditor, the report will not need detail at this time, but the City will need to keep documentation for future reports. She noted that there is another upcoming mandate for a \$15 per hour minimum wage by 2026. She proposed going ahead with an 8.1% increase to take the lowest paid positions to \$15 per hour now and pay for that difference with ARPA funds while they can, meanwhile banking the wage difference from general fund money into a reserve account to cover the time from when ARPA funding ends to when the mandate would have required us to be at the \$15 rate anyway.

Commissioner Sweeny asked how much that increase would be, and Finance Director Douylliez replied roughly \$300,000 per year from ARPA. The City would need to cover the standard step and merit increases going forward, as it would anyway.

Public Works Director Tredik stated that Public Works is experiencing a real problem. They have lost two employees after gas prices increased, since many of his department's employees cannot afford to live in St. Johns County, they have to drive from Putnam, Flagler, or other neighboring counties. The increase in gas prices has caused those employees to take jobs elsewhere that require less of a commute. He stated that if the employees cannot get some relief, the department will be very pressed to deliver services and the City may need to make some hard decisions if they lose any more people. If the City cannot be competitive on wages and benefits, it is a matter of when they will lose employees, not if.

Commissioner England stated that the Commission has spoken about a \$15 pay rate in the past, and she doesn't believe the Commission would be opposed to that increase.

Public Works Director Tredik noted that if only the lower steps are increased then wage compression would be a concern, you would have employees who have been with the City longer suddenly making barely more than new hires.

Commissioner George confirmed that it would need to be the same relative increase across the board, otherwise they would be ignoring the purpose behind the policy.

Finance Director Douylliez stated that the City will be at \$15 by 2026 even without changing anything now, and all employees' pay would increase at the same rate along that timeline. This would just cause that same change to happen quicker and use ARPA to pay for that faster increase.

Vice Mayor Rumrell asked if the Police Department had any similar issues. Chief Carswell replied that the County and other agencies are raising their rates as well, and that the County will soon raise their starting officer pay to \$50,000, while the City is currently at \$44,000. Once that happens, they will likely lose some officers to those other agencies. He noted that, like Public Works Director Tredik said, many of his officers are also driving from other counties.

Mayor Samora stated that this was a good discussion on potential uses of ARPA funds, but that is not what they are here to do tonight. He asked if the ARPA report due April 30<sup>th</sup> would be a monthly report. Finance Director Douylliez replied that it would be annual, but the auditor, if this agreement was approved, would be available to help answer questions on whether uses would be allowed.

Commissioner Sweeny asked about the ARPA survey. Finance Director Douylliez replied that as of today there were sixty-three respondents and increased by more than twenty over the weekend. Currently, the majority are saying to pave roads, improve the walkovers, and improve existing parking. She noted that it is still being advertised on social media and the City's website.

Commissioner George asked if the Commission should hold a special meeting to decide on some uses of these funds in time for the April 30<sup>th</sup> report. Finance Director Douylliez recommended doing so, that making some decisions would help set a dollar amount and allow staff to possibly make some orders and purchases now, since vehicles can take months to deliver.

Commissioner Sweeny would like to have a public list to help defend if there is ever a risk of the ARPA funds being taken back.

Mayor Samora stated that it is clear the City needs to move forward with, but he doesn't want to feel the need to spend the funds under pressure.

Commissioner George noted that what is decided now may not be fixed in stone, since there is another year before the next report, but that would be a question for the consultant. Finance Director Douylliez commented that as prices increase, they would have leeway to make adjustments.

Vice Mayor Rumrell clarified that the fee for the agreement with the auditors would be a total and not annual.

Commissioner England stated that she supports the additional help for staff and that the sooner the City starts working and making decisions on this list, the better.

Mayor Samora opened public comment.

Jim Leclare, 115 and 117 Whispering Oaks Circle, St. Augustine Beach, FL, supports Public Works Director Tredik's suggestion on buying equipment.

City Manager Royle stated that the survey deadline is April 15<sup>th</sup>, so he suggested a special meeting after then. The Commission discussed potential dates and decided to hold a special meeting at 9:00 a.m. on April 19<sup>th</sup> to discuss the survey results and potential uses for ARPA funds.

**Motion:** To approve the agreement for contract management with auditing firm of James Moore and Associates. **Moved by** Commissioner Sweeny, **Seconded by** Vice Mayor Rumrell. Motion passes unanimously.

### XIII. NEW BUSINESS

6. 2<sup>nd</sup> Street Extension and Widening Improvements: Request to Approve Underground Easement Agreement with Florida Power and Light (Presenter: Bill Tredik, Public Works Director)

City Manager Royle introduced Ms. Sydney Shaffer, Assistant City Engineer, and advised that she would be making her first presentation.

Assistant City Engineer Shaffer advised that the underground utility easement is in relation to the 2<sup>nd</sup> Street extension/widening improvement project. During the project development phase, the Commission directed staff to pursue the undergrounding of power lines along 2<sup>nd</sup> Street. Florida Power and Light (FPL) is currently designing those underground utilities and staff is working with them to get to those 2<sup>nd</sup> Street residents and facilitate the execution of the required easements to make the underground connections. She advised that in addition to those 2<sup>nd</sup> Street connections, FPL is requesting an underground utility easement within the 2<sup>nd</sup> Avenue roadway between 2<sup>nd</sup> and 3<sup>rd</sup> Streets which would allow undergrounding of electricity from the existing poles located along 3<sup>rd</sup> Street. A sketch and legal description of the easement has provided along with a copy of the FPL easement. She advised that the dash line shows the 10-foot section of the 2<sup>nd</sup> Avenue right-of-way. She said that it would be staff's recommendation that the Commission approve the underground utility easement agreement.

Mayor Samora asked if there were any questions from the Commission.

Commissioner England thanked Public Works and staff for getting this done because the Commission has been talking about underground utilities for some time and she is very excited about it.

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

**Motion:** to approve the underground easement agreement with Florida Power and Light. **Moved by** Commissioner George, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor Samora moved on to Item #7 and asked Public Works Director Tredik for his presentation.

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

Public Works Director Tredik advised that this contract is for an update of the Master Drainage Plan. He has been talking with Crawford, Murphy & Tilly, Inc. (CMT) and this update would tackle stormwater issues on a lot of different fronts, and it is well needed. The Commission has voiced their support and has directed staff to move ahead with it as quickly as possible. It is in the budget and a Request For Qualifications (RFQ) was done which had three responses: Gulfstream Design Group, Matthews Design Group, and CMT. At the December 6<sup>th</sup> Commission meeting, the Commission approved the scoring with CMT as the highest ranking consultant.

He stated that the most important thing is to get the Plan right because it will be with the City for at least a decade. He said that he did not want to rush the development of the scope and tried to predict what the City would need and for it to be able to evolve if needed, that that is why it is now April, and he is asking for the execution of the contract. He advised that there are several different tasks that the consultant put together such as updating the existing asset inventory, expanding, and updating the current modeling, identifying areas outside the current modeling, making sure to take into account the drainage in the southern end of the City, review the 2004 workplan products, and the 2020 vulnerability assessment projects. The next task would be to evaluate it and to review and summarize the last 18 years of progress. There have been a lot of things done that were not in the Drainage Plan or the 2004 study that need to be captured and brought into the understanding of the drainage situation in the City so that going forward we

would know what has been done. It is important to have newly confirmed, quality improved data in the GIS and to convert any verified National Geodetic Vertical Datum (NGVD) 29 data to current data. All elevations in the City used be in the 1929 NGVD which is obsolete now and everything is in the North American Vertical Datum (NAVD) 88 which has a one-foot difference in real numbers and could cause errors. He advised that the Master Plan needs to have everything updated into the NAVD 88 with consistent vertical data. He explained that the task would also look at two alternative future City capital improvement listings of infrastructure projects for stormwater treatment and attenuation considerations within that model. The next task would be to facilitate and get the public involved by outreach and a City-wide questionnaire asking what their drainage needs are. He suggested to develop two different project programs for infrastructure improvements, have City staff workshop, and then have presentations to the Commission along the way. He advised that the delivery task would have budget projections to fund programs, budget needs for capital improvement projects and additional funding, and to create material for printed and web-based content to get the message out. The updated Interconnected Channel and Pond Routing (ICPR) model should be able to have anything plugged into it. The old model is a skeleton model of the basins without refinement. The consultant would provide updates and a final report with 20 hard copies, digital copies, and an updated GIS data base. He advised that the project management has a task for oversight because there is a lot of coordination involved in this project. He said that the sixth task would need to be figured out as the project moves along for such things as additional surveys, extra field work, hiring subcontractors, etc. He advised that the work is anticipated to be completed in nine months after the execution of this contract at a lump sum cost of \$134,650 and the City would be invoiced monthly for a percentage of each task completed. He advised that the price seems fair, competitive, and reasonable. He said that most of the cost is for the topographical survey, field engineering, and the extra work that will be needed. He advised that staff recommends authorizing the execution of an engineering agreement with CMT for Master Plan Update for a lump sum fee of \$134,650. He advised that representatives from CMT are here to answer any questions.

Commissioner Sweeny asked if the agreement encompasses everything such as postage.

Director Tredik advised that postage would be a City fee but that there should not be many incidental fees. He suggested to coordinate with Event Coordinator Conlon to expand the outreach.

Commissioner George read task #7, and asked Director Tredik to elaborate on it.

Director Tredik advised that he would like to direct the question to the consultant.

Mr. Gary Sneddon, CMT Engineers, advised that during the 2004 Master Plan Update a list of projects was created to improve the infrastructure within the City and it was geared toward a skeletal system. He said that this new update would give the City two alternatives. Technology has advanced so much and it can drop down into neighborhoods, etc. and it may have up to 240 nodes looking at much more detail.

Commissioner George questioned if the 25/100 year condition was the standard used in the prior Master Plan. Mr. Sneddon advised that the 25 year was used in the prior Plan, which is what the Water Management District required. He said that the 100 year is being added because it would protect the City at the 100 year level, and it would look at what happens internally to the drainage system for a 100 year event.

Commissioner George said that that was the focus of her question and whether the scope was broad enough given the storm events increasing going forward. She asked if using the 25/100 year was an industry stand. Mr. Sneddon advised that there is much background information beyond

100 years. He said that the Vulnerability Assessment showed that once the City gets to a Category 2 hurricane, there is a lot of flooding, and a Category 1 showed the weaknesses.

Commissioner George asked what the two alternatives are. Mr. Sneddon advised that they do not know the alternatives at this point until it is determined what infrastructure improvements are needed, such as in 2004 the need for a new fire station.

Commissioner George asked if examples of two alternatives could be a project to increase volume capacity for moving water, and the other option be creating a retaining pond. Mr. Sneddon said yes and advised that CMT envisions a list of twenty items at the end of the project.

Commissioner George said that having the two alternatives are necessary when composing a Master Plan to see how one alternative might impact another. Mr. Sneddon said yes that maybe the Commission would not want to choose an alternative that has a greater impact and instead choose the one that makes the stormwater system work better.

Commissioner George asked if any modeling that is generated as a result of the two options would become City property to be referenced later on. Mr. Sneddon advised that a digital copy would be provided.

Mayor Samora said that there has been a lot of building has been done since the last Plan update and asked if it would be added. Mr. Sneddon advised yes.

Commissioner England asked how often the Master Plan should be evaluated. She said that the Vision Plan estimated it to be every two years. Vice Mayor Rumrell said that it might not need to be as often once everything is added. Mr. Sneddon advised that the original was done in 1995.

Commissioner England asked if it is dependent on growth or weather change. Mr. Sneddon advised it is dependent on technology, growth, and if the City starts to deviate from the Plan. He said that the Vulnerability Assessment showed the same thing, which only went out 50 years.

Mayor Samora asked Director Tredik asked if the RFQ showed cost estimates. Director Tredik said no, that the requirements are to pick the highest rank based on their qualifications and attempt to negotiate a scope of work and fee.

Mayor Samora said that there is already funding for some drainage projects that are in the works and he asked if that would be built into this modeling. Director Tredik advised that there is discussion of that in Task #6 such as Atlantic Oaks Circle, Magnolia Dunes, etc., which are projects the City is hoping to get funding for. The projects would be happening at the same time as this model and would need to be coordinated with CMT to be built into the Master Plan.

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

**Motion:** To approve the contract for an update of the Master Drainage Plan by Crawford, Murphy & Tilly, Inc. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on the Item XIV and asked City Attorney Taylor for his comments.

#### XIV. STAFF COMMENTS

City Attorney Taylor advised that he has accepted the position as the Deputy County Attorney and would be leaving as the City Attorney. He said that he leaves the City in good hands, and he introduced Attorney Jacob McCrae. He advised that he has enjoyed working with the City and staff that is committed to doing things the right way. He said that the Commissioners are wonderful and that he loves the dynamic that they have.

Mayor Samora congratulated Attorney Taylor and appreciates the good work he has done for the City. He welcomed Attorney McCrea.

Chief Carswell advised that the Police Department is bringing back the annual bike rodeo, Saturday, April 23<sup>rd</sup> at 9:00 a.m. They will do bike safety inspections, give away helmets, obstacle course, and more.

Public Works Director Tredik said that at the last meeting there was discussion of how high the bid was for the restrooms and utilities at Ocean Hammock Park, coming in at \$479,000. He advised that he tried to negotiate that bid and did not have much success, so he is planning to reject that bid and go with a pre-manufactured restroom (Exhibit D). He said that the building is made of four inch thick concrete, including the roof, and designed to simulate a wood and stone appearance. It would be approximately \$160,000 for the material and comes with everything already installed inside, they would just need to hook it up to the water and electricity onsite. He believes that with buying a restroom building like this and purchasing the pump station direct, the materials would be under \$200,000, then with labor it should be a total of about \$300,000 installed.

Vice Mayor Rumrell stated that the look seems to fit the park setting and Mayor Samora complimented Public Works Director Tredik on being resourceful and considering alternatives.

Building Official Law reported that Jack's Brewery will have its last State inspection next week. There are no other issues with the building, so a Certificate of Occupancy should be issued. He stated that he would support Finance Director Douylliez's suggested use of ARPA funds for employee pay increases, but that the Building Department would cover its own costs.

Public Works Director Tredik added that the pre-manufactured restroom building would be obtained through the SourceWell contracts, so it has already been competitively bid.

Commissioner England asked if there was any update on the Versaggi Drive/SR-A1A traffic study. Public Works Director Tredik replied that he should have an update at the next meeting. The County just renewed their contract with their continuing engineer on April 1<sup>st</sup>, so he will reach out to them soon.

City Manager Royle reported that the Commission asked for their assignments at the last meeting and they were as follows: Commissioner George to the Florida Beach and Shore Preservation Association and the Economic Development Committee of the St. Johns Chamber of Commerce, Mayor Samora to the Tourist Development Council, Vice Mayor Rumrell to the Visitors and Convention Bureau, former-Commissioner Torres to the Intergovernmental Committee and the Northeast Florida League of Cities, and Commissioner England to the North Florida Transportation Planning Organization. He asked if there was an organization Commissioner Sweeny would like to become involved with and stated that a decision does not need to be made tonight. He commented that he is not sure if the Intergovernmental Committee was still active.

Commissioner George asked what was involved with the Northeast Florida League of Cities. City Manager Royle replied that the City hosts a dinner meeting in October and the League meets once a month in various cities, the Commissioner would attend the meetings and maybe be a guest speaker. He stated that he used to attend the meetings as Secretary/Treasurer, but resigned due to disagreement on their Covid protection standards.

Mayor Samora asked if there was an official representative to the League of Cities. City Manager Royle replied that the League appoints a Board of Directors each year and former-Commissioner Samuels had been interested in a position, but was not appointed. Candidates would need to be nominated and then voted into position at the annual conference in Orlando.

Commissioner Sweeny stated that she would be happy to continue with former-Commissioner Torres' assignments. City Manager Royle replied that he would research whether the Intergovernmental Committee was still active.

Commissioner George noted that she was assigned to two, since they meet infrequently, and the Florida Beach and Shore Preservation Association has conferences around the State.

City Manager Royle noted that there was a South Beaches Chamber of Commerce, but he has not received any information from them. Commissioner Sweeny stated that she believes they have merged with another council.

Mayor Samora asked if there was opportunity to engage more with the League of Cities. City Manager Royle stated that there are committees, but the issue is that they meet in places like Tallahassee and Orlando that would be inconvenient.

City Manager Royle stated that if the Commission had any ideas for referendum questions they might like on the ballot in the August primary election, the deadline is June 3<sup>rd</sup>, or for the November general election, the deadline is August 5<sup>th</sup>. He noted that ballots must now be in English and Spanish. He commented that the Supervisor of Election, Vicki Oakes, felt the August primary will be well attended by voters this year, since there are a lot of candidates. He noted that Finance Director Douylliez had suggested in the past asking the voters if they would like to dedicate a portion of the millage rate for the preservation of the historic St. Augustine Beach Hotel. He asked the Commission to bring him any ideas they may have. Commissioner Sweeny noted that there are some topics that must be on a general election ballot.

Mayor Samora reminded those present that the Sustainability and Environmental Planning Advisory Committee would meet on April 7, City offices would be closed on April 15, the Comprehensive Planning and Zoning Board would meet on April 19, and the Commission would have their special meeting also on April 19, Arbor Day would be on April 27 at Pier Park, and Art and Bark in the Park would be on April 30 at Lakeside Park.

Jim Leclare, 115 and 117 Whispering Oaks Circle, St. Augustine Beach, FL, asked if there was any more information on the prefabricated restroom available. Mayor Samora advised him to reach out to Public Works Director Tredik and City Manager Royle. Mr. Leclare also asked about the Ocean Hammock Park walkway and when that would be discussed. Commissioner George replied that there was a rumor that the walkway might be removed, but that is not being considered at this time.

XV. ADJOURNMENT

Mayor asked for a motion to adjourn.

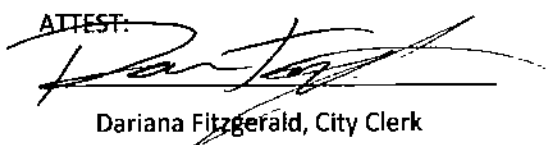
**Motion:** to adjourn. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora adjourned the meeting at 8:46 p.m.



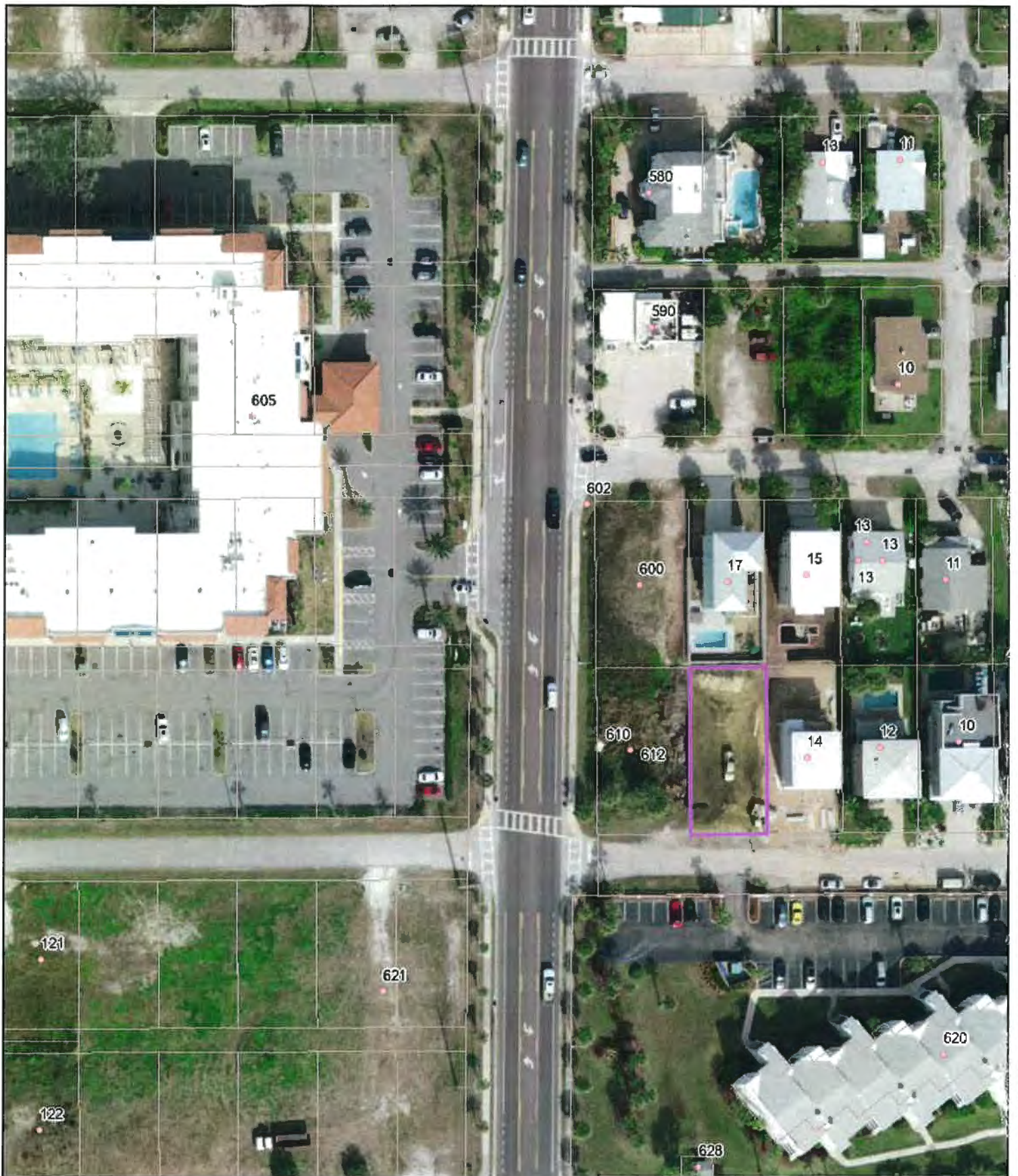
Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk





Map created with St. Johns County's iMap

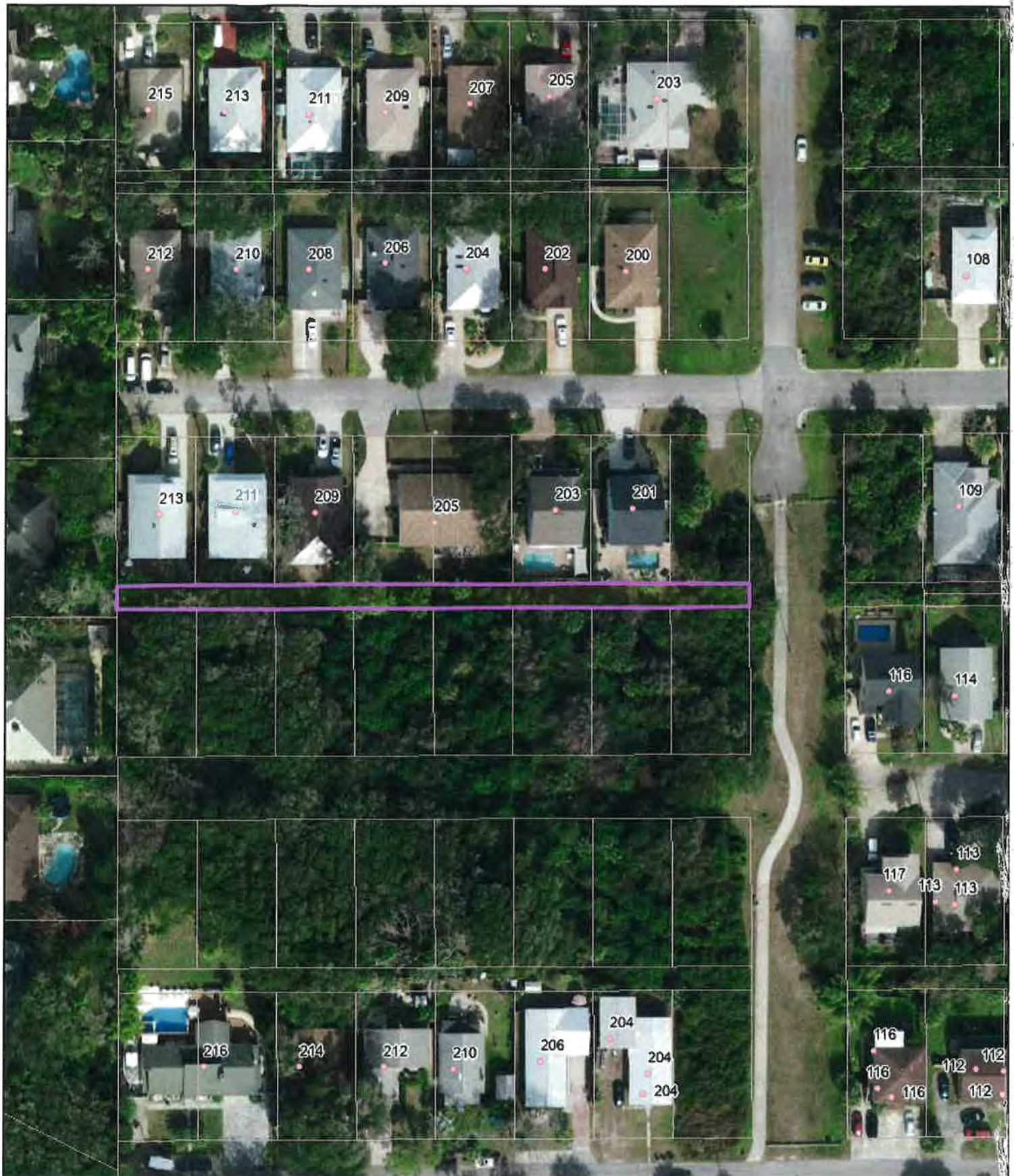
DISCLAIMER:  
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown herein.

Date Created: 4/5/2022

Exhibit A  
Date 4-4-2022







Map created with St. Johns County's iMap

**DISCLAIMER:**  
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown herein.

Date Created: 4/5/2022

Exhibit B

Date 4-4-2022





## Dariana Fitzgerald

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**From:** Jacob Dascomb <jacob.dascomb@gmail.com>  
**Sent:** Monday, March 21, 2022 11:17 AM  
**To:** Max Royle; Dariana Fitzgerald; City Attorney  
**Subject:** Vacating Alley Between 2nd and 3rd Streets -- Contingent Ordinance

**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](mailto:IT@cityofsab.org).

Good Morning,

I believe the ordinance to vacate the alley between 2nd/3rd Street is in the process of being drafted.

The Planning and Zoning Board voted on April 15 in a 5-2 decision to vacate the alley contingent on completion of the drainage project in the alley. The City Commission voted on March 7 to approve the application to vacate the alley with the clarification that approval of the application is not contingent on completing the drainage project.

I should have been at the March 7 City meeting. I was wrong to assume the City would repeat the decision of the Planning and Zoning.

I'm not familiar with the feedback process for the application approval, first reading, and second reading of an ordinance. I have sent an email to the Commissioners explaining why the alley should not be vacated until the drainage project is completed.

A copy of that email appears below. It would be great if the ordinance drafted for the first reading was contingent on completing the drainage project. However, if that is not possible, please let me know what the process moving forward will be (i.e., may I speak at the first reading of the ordinance, and if so, must the ordinance be either approved or denied and the application restarted if denied, or is there an opportunity to make a second draft of the ordinance without restarting the application).

If it's easier to explain everything by telephone, just send me an email and I can call back within an hour.

Thank you very much for your time and help,

Jacob Dascomb  
211 3rd Street.

Copy of email to Commission:

Good Morning Commissioners,

I apologize for not being at the last meeting to explain why an ordinance to vacate this alley should be contingent on completion of the drainage project.

Exhibit C-1  
Date 4-4-2022

Brief Background: the alley between 2nd and 3rd Street West of 2nd Avenue has a partially completed culvert. The culvert has been completed for the portion of the alley abutting the first two lots on 3rd Street. The remaining portion of the culvert has not been completed. There is an application to vacate the alley.

The alley should not be vacated prior to completion of the drainage project. Doing so would:

1. Increase costs for the City (taxpayers will be responsible for costs to move fences and landscaping in the vacated alley when the drainage project is completed)
2. Cause several lot owners to become responsible for maintenance of an open ditch
3. Cause several lot owners to become liable for personal injuries caused if their portion of the open ditch is not properly maintained
4. Cause several lot owners to become liable for erosion caused by the open ditch

I respectfully request the Commission only approves an ordinance to vacate the alley that is contingent on completion of the drainage project.

I understand the April 4 meeting will have a first reading of the ordinance to vacate the alley, and the ordinance may currently be in the process of being drafted. If possible, it would be great if the drafted ordinance could include the contingency.

Finally, if the Commission has authority to direct the Public Works Director to complete the drainage project using funds already allocated for drainage projects, that would be a great way to satisfy the Applicants for vacating the alley as well as the residents that stand to be responsible for an open ditch.

Thank you very much for your time on this matter,

Jacob Dascomb  
211 3rd Street





Exhibit \_\_\_\_\_  
Date 11-11-2020