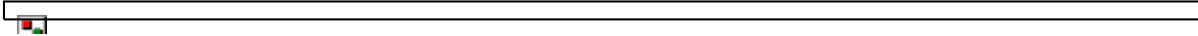




## **AGENDA**

### **REGULAR CITY COMMISSION MEETING MONDAY, JUNE 6, 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 APRIL 19, 2022, AND THE REGULAR COMMISSION MEETING ON MAY 2, 2022
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
  - A. Sons of the American Revolution Law Enforcement Commendation Award for 2022 to Police Corporal Bruce Cline
  - B. Interview of Mr. Edward Edmonds for Appointment as a Regular Member to the Sustainability and Environmental Planning Advisory Committee

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Non-Ad Valorem Assessment for Condominium Owners to Pay Fee for Collection and Disposal of Solid Waste and Resolution 22-03, to Authorize Execution of Agreement with County Tax Collector for the Collection of the Fee (Presenter: Patricia Douylliez, Finance Director)
2. Ordinance 22-05, Second Reading, to Amend the Land Development Regulations Concerning Erosion Resistant Materials and the Surfacing of Parking Areas (Presenter: Bill Tredik, Public Works Director)
3. Ordinance 22-06, Second Reading, to Amend the Land Development Regulations to Change the Wording Regarding Bees and Insects (Presenter: Brian Law, Building Official)
4. Ordinance 22-07, First Reading, to Amend the Comprehensive Plan to Adopt the Private Property Rights Element (Presenter: Brian Law, Building Official)

XI. CONSENT

(Note: Consent items can be approved by one motion and vote unless a Commissioner wants to remove an item for discussion and a separate vote)

5. Budget Resolution 22-05, to Appropriate \$12,000 from the American Rescue Plan Act Funds to Purchase Trailer for Public Works Department
6. Budget Resolution 22-06, to Appropriate \$82,600 from Building Department Reserves to Purchase Vehicle and to Purchase Equipment, Furniture, and Other Expenses to Meet New State Standards for Digital Plan Review

XII. OLD BUSINESS

7. Donation of Real Estate to the City by Marc and Jill Craddock, 116 2<sup>nd</sup> Street, for Conservation Purposes: Approval of Resolution 22-04, Which Accepts a Special Warranty Deed for Lots 1, 3 and 5, Block 31, Chautauqua Beach Subdivision (Presenter: Bill Tredik, Public Works Director)
8. American Rescue Plan Act Projects/Purchases: Request for Approval of Street Paving, Public Works Vehicles, and Providing Matching Funds for Beach Access Walkovers (Presenter: Bill Tredik, Public Works Director)
9. Undergrounding of Power Lines Along A1A Beach Boulevard: Review of Costs and Options for Funding (Presenter: Bill Tredik, Public Works Director)
10. Hammock Dunes Park: Review of a Request for Qualifications for Park Plan Consultant (Presenter: Max Royle, City Manager)

XIII. NEW BUSINESS

11. Florida Municipal Insurance Trust: Request for Nominee to Board of Trustees (Presenter: Max Royle, City Manager)
12. Fiscal Year 2023 Budget: Scheduling Special Meeting on Monday, July 25, 2022, to Review the Budget and Set the Tentative Millage (Presenter: Max Royle, City Manager)

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, June 2, 2022, at 6:00 p.m. in the Commission meeting room at City Hall.
2. **COMPREHENSIVE PLANNING AND ZONING BOARD.** The Board will hold its monthly meeting on Tuesday, June 21, 2022, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include a) review of proposed Vision Plan; b) request for approval of conditional use permit for drive-thru window for Liberty Health Sciences, 2198 State Road A1A; c) request for approval of mixed used commercial development on west side of A1A Beach Boulevard between 4<sup>th</sup> and 5<sup>th</sup> Streets; and d) request for recommendation for conditional use permit to construct residences on four commercial lots on the west side of A1A Beach Boulevard between 4<sup>th</sup> and 5<sup>th</sup> Streets.
3. **CITY HOLIDAY.** It will be Monday, July 4, 2022, Independence Day. CITY OFFICES CLOSED. There will be no household waste pickup on Monday. Residents scheduled for pickup on Monday will have service on Tuesday, July 5<sup>th</sup>. There will be no pickup of yard trash on Wednesday, July 6<sup>th</sup>.
4. **CITY COMMISSION.** The Commission will hold its next regular meeting on Monday, July 11, 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.

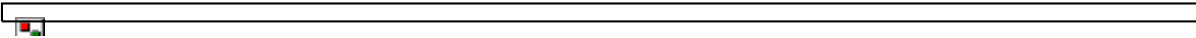
In accordance with the Americans with Disabilities act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office not later than seven days prior to the proceeding at the address provided, or telephone 904-471-2122, or email [sabadmin@cityofsab.org](mailto:sabadmin@cityofsab.org).



## MINUTES

### SPECIAL CITY COMMISSION MEETING TUESDAY, APRIL 19, 2022, AT 9:00 A.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 9:00 a.m.

#### II. PLEDGE OF ALLEGIANCE

The Commission recited 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 Jacob McCrea, Police Chief Daniel Carswell, Police Commander T.G. Harrell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Building Official Brian Law, Public Works Director Bill Tredik, Public Works Assistant Director Ken Gatchell, and IT Manager Anthony Johns.

Mayor Samora advised that this meeting is to decide what to do with the American Rescue Plan Act (ARPA) funds that the City has received and that there are a few presentations. He asked if the Commission would be locked in to any decisions for the allocation of funds that are made today.

Finance Director Douylliez advised the City is not locked into the decisions that are made today. She said that she has prepared a generic budget resolution and once any decisions are made, then she would add in the numbers, and it would be signed. As projects develop, it can be adjusted up or down. She advised that there have not been any Request for Proposals (RFPs) or contracts done and that these are just suggested uses based upon the estimates at this time. Then the money can be put to work to do an RFP, research, etc.

Mayor Samora asked if the goal for this meeting is to allocate for the entire amount.

Finance Director Douylliez advised yes, or the Commission could decide upon moving forward with the purchase of equipment and then get firmer quotes on projects. It can be framed however the Commission wants, but the City has until December of 2024 to encumber the expenses, and December 2026 to have the projects completed. She advised that there is some flexibility, but it is recommended that the City at least get started and have an initial list to present should it be requested.

Mayor Samora said that Public Comments were not on the agenda, and he asked City Manager Royle for his recommendation of where to add them. City Manager Royle suggested adding the Public Comments after Item IV.C.

Mayor Samora moved on to Item IV.A.

#### IV. DISCUSSION AND DECISIONS CONCERNING USES OF FUNDS FROM THE AMERICAN RESCUE PLAN ACT (ARPA)

##### A. Review of SurveyMonkey Results (Presenter: Melinda Conlon, Communications and Events Coordinator)

Coordinator Conlon showed a PowerPoint presentation on the survey results (Exhibit A) and discussed the highlights from the presentation. She advised that she emailed the link to the Commission yesterday and that she could also provide a hard copy of the responses. She advised that the survey was on the front page of the City's website, Facebook, Instagram, and she emailed it to her contact list of transient rentals, hotels, and businesses in the beach.

Mayor Samora asked if there were any noteworthy comments received.

Coordinator Conlon advised that there were a few emails that had similar comments on wanting the roads repaired and drainage projects. She advised that the underground utilities were higher ranking in the beginning and then dropped down below beach walkovers.

Commissioner George asked if the City was maintaining an email list. Coordinator Conlon advised yes.

Commissioner George advised that the speaker cards have a line for an email address, and she asked if Coordinator Conlon was retrieving those to be added to the City's email list. Coordinator Conlon said yes, and that she also has an email contact list for hotels, retail stores, restaurants, transient rentals, HOAs, etc.

Mayor Samora asked where parking ranked. Coordinator Conlon advised that improved parking ranked 5<sup>th</sup>. She mentioned that people wanted the parking improved but no increased parking.

Mayor Samora moved on to Item IV.B and asked Finance Director Douylliez for her presentation.

An audience member asked if Public Comments would be allowed. Mayor Samora advised that Public Comments would be done after Item C and before any decision making.

##### B. Review of Options and Costs for Adjustments to Employee Salaries (Presenter: Patricia Douylliez, Finance Director)

Finance Director Douylliez advised that the City received slightly over \$3.5 million and that one thing that is specifically addressed within the ARPA funds is employee pay. This presentation is a suggestion for increasing pay for all employees (Exhibit B). She discussed the highlights from the presentation and said that there was additional information in the packets showing what other municipalities are doing, such as giving \$1.00 raises, others are increasing to \$15.00 now to meet the minimum wage requirement, etc. She advised that she read an article that said that the State of Florida workers are some of the lowest paid and that some qualified for Supplemental Nutrition Assistance Program (SNAP) benefits. She said that bonuses have also been done throughout the State for first responders, but that other employees, such as sanitation workers, were out picking up possibly contaminated trash and are at some of the lowest paid levels. She asked for any questions.

Commissioner Sweeny asked if this would apply to both hourly and salary employees and what average percentage of an increase it would be. Finance Director Douylliez advised that it would be from 2% to 4% for salary employees and approximately 8% for lower paid employees.

Commissioner Sweeny asked if this would be in addition to an annual increase. Finance Director Douylliez advised that it would be in addition to the annual increase which would not be looked at again until budget season. She said that the annual increase is based on the economy and a step-based program of approximately 3% based on performance.

Commissioner Sweeny asked if this would take effect immediately with a mid-year adjustment. Finance Director Douylliez said yes. She advised that the \$436,000 takes into account starting it mid-year this year and two years going forward, which would inflate the budget right now, and then this portion would come from ARPA funds, leaving only the step-increase and/or the cost-of-living adjustment (COLA) to be budgeted for.

Commissioner Sweeny said she is concerned with doing it across the board and would like to see the categories of employees. She said that surrounding municipalities are significantly increasing salaries for law enforcement, and she wants to make sure that the increases that are given would aid the City with recruitment and retention of employees.

Finance Director Douylliez advised that she has looked at this many different ways. She said that it would take 8% to bring the lowest paid employees up to \$15.00 and that 8% could not be done across the board. There are a lot of categories that need to be adjusted, such as bringing good employees up to the mid-point in their step-plan, which has not happened. The City is struggling to meet what our sister city and St. Johns County are doing for pay. She said that there is a lot more work that needs to be done, but this addresses the significant inflation rate this year which hits all categories of City employees.

Commissioner Sweeny said that she is in favor of bringing employees up to \$15.00 per hour. She asked if a salary study has been done. Finance Director Douylliez advised yes; it was done in-house last March. She said that the City was close to where it needed to be for starting pay for all categories and that she adjusts the ranges annually with any COLA that the Commission offers over-and-above the employee's step increase and that becomes the new range for new hires.

Commissioner George asked how much an outside consultant would cost to do the pay study. Finance Director Douylliez advised that she has looked at it before and believes it was approximately \$10,000-\$15,000. She said that there is a city that is doing a pay study now and that they will share those results. She said that some studies were halted due to Covid and were recently started back up this year, which could take several months to do. She expects to see the results probably around July or August.

Commissioner George said that she has concerns using ARPA funds for employee salary increases because the survey did not include any reference to using the funds for that purpose and it would come across as very disingenuous among constituents for the City to add in such a large amount of ARPA funds for that purpose when they were not allowed to weigh in on it. She said that the City needs to meet the State mandate, but she cannot support using the ARPA funds for employee salaries. She said that the City has heard this type of feedback before, and that people have the impression that the City is going to do whatever it wants. She said that she prefers to honor the people's preferences and that things can be changed down the road with ARPA funds which could be rearranged during the budget cycle. She said that she did not think this should be the Commission's first action with the ARPA funds.

Finance Director Douylliez advised the Commission to keep in mind that the next presentation is regarding using ARPA funds for equipment, which was also not included in the survey. The intent of the ARPA funds was not to utilize 100% of it based upon what the residents want, but to get feedback to incorporate what they want. She said that the employee salary increases are \$436,000 out of \$3.5 million and it will cover 2 1/2 years of pay increases. No one anticipated that inflation would go this high, and she is trying to propose this so that the City is not looking at a significant raise, which she would put on top of the COLA and could amount to around 11%.

Commissioner England said that the City did a market study and adjusted the ranges for each position and the goal was to move all employees to 50%. She advised that the corporate sector is at 80%. The City's policy for salaries is complicated because they are on merit and not strictly

seniority. She said that with inflation the salary ranges would need to be adjusted and apply the COLA, which should be part of the budget process. She asked about the possibility of giving a flat bonus like other cities have done.

Finance Director Douylliez said that she has looked at bonuses and that a manager suggested that a one-time bonus is not going to impact the employees next year.

Commissioner England said that it is part of the salary policy that the City keeps the salary grades current, awards merit, and adjusts for COLA. She advised that it is the ongoing responsibility of the Commission. The ARPA funds are a one-time adjustment that can be used for many things, and she would like to keep the City's salary policy and keep the ranges current, reward performance, and pay to retain employees. She said that if the purpose of ARPA is to reward the employees that stuck in there during the pandemic, maybe a bonus would be more appropriate and a lot less money, but she is not sure about giving \$1.12 across the board.

Vice Mayor Rumrell thanked Finance Director Douylliez for her presentation. At some point the Commission is going to have to get behind what Finance Director Douylliez is saying whether it is through the millage or other sources. He said that he does not think that any constituent wants the City to pay staff more than it should, but what they do not understand is that the City does not pay enough compared to what is going on. He asked if there is a way to get the numbers to show what the step/COLA would look like with this raise so the Commission would have an idea for this budget season. Finance Director Douylliez said yes.

Vice Mayor Rumrell said at some point the City is going to have to pay its employees more because it is cheaper to retain than to hire and the City needs to take care of those that have taken care of it. He said that if we lose those employees, it would cost twice as much to hire and train again. He said that there may be another way to get to this number and he suggested to take a look at it while the City has the funding for it.

Finance Director Douylliez said that was the reason she gave the Commission the other articles where President Biden asked cities to use ARPA to take care of employees, retain employees, etc. She said that inflation is significant, and the City has lost Public Works employees and was notified yesterday of a Police Department employee that is leaving for more money. It is imperative that the City looks at this now. The timing is unfortunate that ARPA, inflation, and everything else is hitting at once and she was trying to soften the load of where the City needs to be in three years and to utilize the funding that is being offered.

Mayor Samora said that it has been a good discussion and there are some points that he likes. He said that he would be in favor of a mid-year bonus because the wage inflation is real. He said that his issue is that this is part of the operating costs going forward for the City and ARPA is a one-time lump sum. He said is it somewhat disingenuous for the City to cover the pay increase for the next 2 ½ years with ARPA funds, and then what happens after three years. He said that it will eventually hit the millage whether it is in year one or year three. He suggested that the City should keep its policies in place and use ARPA for a mid-year adjustment for those employees that were here which might help with retainage. When the City goes through the budget cycle, it could adjust everything upwards. He expects that the COLA increase will be huge this year and at that point the City could decide to use some of the ARPA funds. He advised that it would probably have to be part of the millage at some point.

Finance Director Douylliez agreed. She said that if the City does approximately \$2,000 for each of the 65 employees, it would be roughly \$130,000 from ARPA. She recommended leaving \$436,000 in a reserve account in case it is needed at some point to fund the salary increases that are inevitable. The City does not have to allocate all the money and use it until December 2024 but at least it would be saved if it is needed for salaries or some other project.

Mayor Samora asked Finance Director Douylliez for her recommendation of a dollar amount for a mid-year bonus. Finance Director Douylliez suggested \$2,000 across the board. The Police Department has asked in the past for something for the administrative staff and that she advised that it would need Commission approval and that it would affect other employees that stayed through Covid. She advised that the State is going to be giving another \$1,000 bonus to first responders and that the \$2,000 is a valid number to consider.

Commissioner Sweeny said that she shared the Mayor's concerns about using the ARPA funds for a reoccurring expense. If the City chooses to give a \$2,000 bonus and puts aside a portion of funds into a reserve account, that the apprehension would still be there to use those funds for salary increases. She said that she would support setting up a fund for recruitment and sign-on bonuses for hard to recruit positions.

Finance Director Douylliez advised that some of the other managers may have some input.

City Clerk Fitzgerald advised that on the HR side, it is cheaper to retain employees than to hire new. She said that a potential new hire must have a drug screen, a background check, and a physical which costs about \$200-\$300 per employee and if they fail, then the City has already spent that money, not to mention the uniform expenses for the Police and Public Works Departments. She advised that Public Works has a high turnover rate of employees that leave for higher pay and not just to other cities, but to places like Publix, which are less physically demanding jobs. She said that the City has access to other cities' salary surveys and unfortunately the recent surveys show the City has been below the average since before Covid. Salary increases are inevitable because the City has difficulty attracting new employees. Several years ago, when the City was more in line with the economy, it would receive several hundred applicants and now it receives maybe a dozen, which causes hiring difficulties. She said that the City may have to review the services it offers if it cannot keep employees.

Commissioner England said that is the main reason the Commissions needs to do the market surveys, adjust the salary ranges to the market, pay employees that are performing well, and move them up the range. She advised that it is part of the budget and the millage process. She said the City needs to decide what it wants to do with its one-time shot at the ARPA funds.

Commissioner George said that doing an industry specific analysis is critical because certain departments are more susceptible to these issues than others, such as Public Works.

Mayor Samora asked City Clerk Fitzgerald if she thought that a mid-year bonus would help retain employees until the next budget season. City Clerk Fitzgerald said it could help employees from immediately leaving, but it is only a one-time thing.

Vice Mayor Rumrell asked what if an employee leaves right after receiving that bonus.

Mayor Samora advised that how the bonus is executed would be part of the details that would need to be worked out and that it would be a concern.

Finance Director Douylliez said that it is more than just Public Works. The City recently struggled to find a replacement for City Clerk Fitzgerald's prior front office position. The pay range that applicants wanted was significantly higher than what the City's range is, but the City ultimately found a new employee that was skilled, had a background in government, and she was hired to the detriment of two employees that have been with the City for years and are now making less. The St. Augustine Record publishes everyone's salary once a year and we are losing people that have been with the City for years because the market is demanding more. This goes back to what Commissioner England had suggested that it is an overall review of the employees. The City has a great employee who is making less than a new hire and she does not want to risk losing them

because they are not at mid-range. She said that she advocates moving the range up and doing an analysis for the budget cycle.

Mayor Samora said wage inflation is real, the labor economy is the worst he has ever seen, and the City will continue to have to deal with it. He asked Chief Carswell for his thoughts.

Chief Carswell said that City Clerk Fitzgerald spelled it all out. He said that the bonuses would be great, but if they can make \$5,000 more a year starting out elsewhere, why would they not do that. He said that the Police Department is not receiving as many employment applications, and some are clearly not qualified and would not even be looked at. He advised that the officers that are leaving now are not following the Sheriff, some are leaving their police careers all together for higher paying careers in the private sector. They have been with the City for years, have master's degrees, and are not being bumped up with the pay that they deserve. The employees are hurting because of inflation and the City has an opportunity to do something for every employee. He said that he understands following the cycle and doing pay increases as part of the budget, but employees are leaving now, and October may be too late.

Mayor Samora said that the recommendation was to give a \$1.12 an hour increase now, but also on the table is to give a one-time, mid-year bonus of \$2,000 and adjusting pay for COLA during the budget cycle.

Commissioner Sweeny agreed that a mid-year \$2,000 bonus would be more upfront and then the Commission could address salaries during the budget cycle, which would provide more cash in employees pockets now.

Commissioner George suggested that the bonus should have a forfeiture if an employee leaves within a certain period of time.

Mayor Samora said that if the Commission decides to do the one-time bonus, that staff could sort out the details.

Commissioner England said that the reason for the bonus is to reward those employees who were with the City during the pandemic years.

Mayor Samora said that there is a lot of flexibility.

Chief Carswell said that everyone would be appreciative of a \$2,000 bonus, but the pay increases need to happen soon or there will be a problem with employee turnover.

Mayor Samora said that he experiences employee turnover problems every day and that wages have continued to increase. He asked Public Works Director Tredik for his comments.

Public Works Director Tredik advised that a bonus could be problematic in a few ways. He said that the only leverage the City has against an employee leaving after receiving a bonus is their vacation time or last paycheck. He advised that his entry level employees do not even make \$2,000 in their paycheck and it would not be an incentive for them to stay. He said that bonuses could possibly be staged over a several month period which could avoid the urge to leave in the short-term, but then the City would be faced with the dilemma of the bonuses going away and the need for a big raise in September to be able to retain them. He said that Public Works is down two employees now and when summer comes, he could lose more. Having a sign-on bonus could attract new people but could cause problems with other employees that are not making as much. He said that he is going to have to hire people above the minimum because he gets very few applicants, some never show up for the interview, others do not show up for the drug screening. He advised that it is hard to get people at the City's minimum. He said that if he hires at a higher rate, it gets challenging to retain those that are competing salary wise.

Commissioner England said that Public Works entry level employee's salary range is already adjusted. She said for a manager and that is at the top of their range, the policy is to adjust the salary range, recognize merit, and those that are at the top should take on more responsibility to have the range adjusted. She said that she cannot agree that just because the market demands the increase for the lowest level to do it for every management level.

Director Tredik said that he thinks that all levels are impacted. He said that his managers could go to a private company and possibly make \$10,000 more a year. The economy is so strong, the growth is driving it so hard, that engineers have 2-3 years of backlogs now and contractors have more work than they know what to do with, and they will pay whatever it takes to get workers. He said that most of his employees have valuable commercial driver's licenses, and the City should not ignore the middle level employees.

Commissioner England said that she does not want to ignore the middle level, but it must be done by the demands of the market and the salary ranges. She said the City needs to bring people up into the salary range where they need to be.

Director Tredik agreed and said that it is a process for the budget cycle, but to keep employees between now and September is important too. Public Works is down two people, has taken on recycling, and can barely keep up. He said that if he loses more workers, that he would have to make hard decisions such as what Public Works can and cannot continue to do, what gets contracted out, etc. He advised that he has been trying to get day labor this past week and cannot get anyone. He advised that he had to put supervisors on the back of the truck this week. He said that he needs to find a way to retain and attract workers.

Building Official Law said that his recommendation for the Building and Zoning Department is a \$2,000 bonus issued the first Monday of May to all employees of the City with a \$500 signing bonus to future employees after the completion of their probationary period. He said that if an employee leaves, that garnishing vacation time for such a small amount of money would probably not be beneficial. He reiterated that this is for all current employees that are not on probation and those on probation would receive their bonus after their probationary period.

Director Tredik agreed with Building Official Law that it needs to be for all employees and not only those that were here during Covid because it is more than just rewarding people for service it is about retaining people for the future.

IT Manager Johns advised that the managers are all unified on this topic, have discussed it during Department Head Meetings, and every department has the same issue with retention. He said that he is not worried about recruitment funds and would rather retain his personnel and that if the City does not do something to compensate for inflation that he will be losing an employee. He said that he has a long-term employee that has discussed leaving as well from a lack of adjusting the pay. He said that the Commission is talking about policy and adjusting pay but has not stuck with that. He has been with the City for 20 years and is the longest standing employee out of the department heads. Pay studies keep coming up and were done against private sectors for a full market comparison. He said that idea was dropped within 50 seconds because the private sector gets paid more than City employees do. He said training and the investment of time with employees is critical and we do not want to lose them. He said that personally he would like to see a mid-year adjustment but that the City needs to keep up with inflation. As far as the step-plan, the City has not kept up with it and that last year everyone was adjusted to step one. He has been with the City for 20-years and is under step one and he is not the exception.

City Manager Royle said that the Commission has talked a lot about the lower ranks, and he wanted to talk about the upper ranks, particularly the Police Chief, the Public Works Director, the Building Official, and the Finance Director. He said that recently he went through a City Clerk

search and that one applicant wanted \$94,000 because that is what she was making in south Florida. He said that the most qualified applicant was from a small city in Illinois, similar to this City, and that she and her husband came to St. Augustine and loved the area but could not afford to move here. He advised that the City has been fortunate that people like Director Tredik live in the City and that to replace him with someone outside of the area might not be affordable for them to move to the City or to St. Johns County. He said it would be the same to try to replace any of the other department heads and that the City has to make sure it is paying the upper management enough to be competitive, or the City would not be able to get people to move here.

Mayor Samora said that the Commission has heard loud and clear from staff and that it can expect significant increases when it comes time to adjust. He said that there is a proposal on how to use the ARPA funds in several different ways. He asked for a quick poll of a percentage rate for an increase for raising the pay scale.

Director Tredik said that based on the Consumer Price Index (CPI) of 8.5% from March to March and the unpredictability, he suggested a 10% adjustment.

Building Official Law agreed with 10%.

Chief Carswell agreed with 10%.

City Clerk Fitzgerald said that 10% is a good estimate for most employees, and up to 25% for those with specific certifications to retain them.

Commissioner Sweeny said that this is a discussion for another day, and she does not want her comments to be construed as not understanding the importance of salary, it is absolutely important for recruiting and retaining employees. She said that when the time comes, she would like to see a comprehensive employee retention plan. She said that Building Official Law does an excellent job encouraging his employees to seek certifications and to grow professionally and that she would like to see it happening across the board.

Mayor Samora said that 10% was the consensus, and his personal experience has been 10-20% this year.

Commissioner England said that salaries have been relatively stable for a long time and there is a need to address it right now with a bonus and to put money aside to seriously address what has happened over the past two years.

Mayor Samora moved on to Item IV.C and asked Finance Director Douylliez for her presentation.

C. Review of Proposed Vehicles and Projects (Presenter: Patricia Douylliez, Finance Director)

Finance Director Douylliez advised that she would discuss the overall presentation and then each Department Head would take over for their portion. She said that they have put together a list of equipment needs that take the cost out of the Capital Expenditures over the next few years as well as projects that the City has (Exhibit C). She advised that she is also looking at other things that may have been removed from the budget process over the years such as the electronic sign board which would help funnel information to residents and visitors. She pointed out that Slide #2 of the PowerPoint presentation shows the grand total of \$3,523,000 and the ARPA funds at \$3,507,979 so there would have to be reductions in some of the requests. She said that she put the presentation together with the departments listed in alphabetical order and that the IT Manager would speak first.

IT Manager Anthony Johns advised that he was asked to put together non-recurring expenses. He said that most items on the list are recurring, but some are less frequent. He discussed each item from Exhibit C, Slide #3.

Commissioner Sweeny asked if the estimates are on the high or low end. IT Manager Johns said that some items are sure estimates, such as the directional bore. He advised that he has been told that the estimate for securing Building C is accurate, but it could change because of labor, material, and construction cost increases. He said that he is confident with the accuracy of the other estimates.

Commissioner England asked how long Building C would suffice the needs of the IT Department. IT Manager Johns advised that the IT Department has a lot of compliance standards that it must keep up with, especially with the Police Department, but that he does not anticipate expanding personnel and he believes that Building C will meet the needs of the IT Department for the next five plus years.

Commissioner Sweeny asked if the digital sign is in compliance with City Codes. IT Manager Johns said that there are codes for signs, but he was not sure if the City was bound by them, and he referred the question to Building Official Law.

Building Official Law advised that he would not say that. He said that the sign would be made to conform just like every other business has to; that the Code allows for digital signs, but he did not know all the specifics at this moment. He said that the sign would be a valuable tool for the City.

IT Manager Johns said that the reason that the electronic sign is in the budget every year is because the City previously had two mobile sign boards and one was struck by lightning and the other rusted away. The new sign board would be fixed/stationary and would be able to have messages rotated around.

Mayor Samora asked if there were any more questions. Being none, he moved on to the next presenter and asked Police Chief Carswell for his presentation.

Chief Carswell said that his list is short and that he did not include anything that was not a critical need. He discussed each item from Exhibit C, Slide #4. He said that he believes that his estimates could be high.

Mayor Samora said that at some point most of these items are recurring and he asked what the replacement cycle is for the vehicles and the radar. Chief Carswell said that the rule of thumb is five years/80,000 miles for a police vehicle and that all the vehicles on the list are at or beyond that; they have become a burden and are not cost effective to keep. He said that some radars last between five and ten years and are pretty reliable and that he is only asking to replace the radars that are a decade old.

Commissioner George asked what was budgeted for this year for vehicle acquisitions. Chief Carswell said that there are two vehicles coming in about a month, which does not address the vehicles on the list.

Commissioner Sweeny asked if the vehicles are leased or owned. Chief Carswell said that they are leased to own.

Commissioner Sweeny asked if those vehicles filter down or get sold. Chief Carswell said that if they cannot be filtered down for an additional use, they would be auctioned off.

Commissioner Sweeny asked if the vehicles on the list would have been asked for during the next budget cycle. Chief Carswell said that he would still need regular patrol vehicles for the next budget cycle, but these are a critical need, and he would have liked them for the next budget cycle. He said that this seems like an easy fix for obtaining these vehicles.

Vice Mayor Rumrell said that he recently rode with the Chief and the Commander in the Chief's vehicle, and the vehicle is in dire need. He said that the vehicles trickle down from person to

person until the wheels literally fall off. He said that it is imperative that the Police Department be taken care of.

Commissioner Sweeny asked if the administrative staff is being compensated for using their own vehicles. Chief Carswell said that if they turn in their mileage they get reimbursed.

Commissioner George noted that most of the officers are allowed to take their police vehicles home. Chief Carswell advised that anything over 15 miles out of the City limits, they start paying \$20, \$40, or \$60 a month. He said that there are only a select few officers that live close enough that they do not pay.

Mayor Samora asked for any further questions. Being none, he moved on to the next presenter and asked Public Works Director Tredik for his presentation.

Public Works Director Tredik said that his list is more extensive than some others and that he broke it down into two categories, Equipment and Projects. He showed Slide #5 from Exhibit C and provided background information for each item. He said that the equipment items listed would be in the budget for the next five years. He said that the problem is that it could take 12-18 months to obtain a refuse truck. He advised that there are two truck chassis coming in July that he could possibly get by December if he is authorized to move forward now. He said that if he is not authorized to act now and must wait until September, it could possibly take until December of next year before he could obtain the two trucks that are needed. He said that he has five trucks in the fleet, two are 15 years old, one is 10 years old, and they are at the end of their service life.

Vice Mayor Rumrell asked what the cost was for the new recycling truck. Director Tredik advised it was just under \$200,000 because it was used as a demo and was discounted.

Vice Mayor Rumrell asked if there were any others like that available. Director Tredik advised that he has not found any other demo trucks at this time and that the next best thing is to look at trucks that are coming off the assembly line and get the City's name on them. He described how difficult it is to keep the City services going if more than one truck goes down.

Mayor Samora asked what would be done with the trucks that get replaced. Director Tredik said that he would recommend to surplus the trucks because they are too expensive to retain.

Director Tredik moved on and continued describing the list of equipment items. He said that by purchasing some of these items with the ARPA funds it would alleviate having to spend the money in the budget. He advised that some of the list items, such as the storm drain cleaning, would be proposed as a recurring item for the budget periodically. He said that there is one other item that is not on the list, which is a claw truck that is getting old.

Vice Mayor Rumrell asked what the cost is for a claw truck. Director Tredik said that he would estimate \$140,000.

Commissioner George asked for clarification whether the \$100,000 for storm drain cleaning was for equipment, contracting, or something else. Director Tredik advised that the \$100,000 would be for contracting because purchasing the equipment would cost about \$400,000.

Commissioner George asked if there was a schedule of priorities for the storm drains that would need to be addressed first. Director Tredik advised that there is no set schedule, but that he has noticed which ones have problems.

Commissioner George asked if Director Tredik thought it would be well suited for use of the ARPA funds due to the time restrictions. Director Tredik said that we are getting into the rainy season, and it would be good to try to do some work to clean the drains and pipes in the vulnerable areas now and use ARPA money to start the ball rolling prior to the biggest rains in the summer, otherwise it would be on the budget for next year.

Commissioner George asked where the trucks on the list would fall into the five-year capital schedule. Director Tredik said that when the recycling truck was purchased, a couple trucks were pushed back; such as truck #79 is scheduled for replacement in FY 2024.

Commissioner George asked what the life expectancy for a new truck is. Director Tredik said approximately ten years.

Commissioner George asked if the other vehicles on list had the same time frame for capital improvement projections. Director Tredik said that he has tried to get the dump truck into the budget for several years and higher priority items were needed instead. He said that the water truck was planned to be budgeted in either FY 23 or FY 24 and the pickup trucks are part of a normal replacement cycle and that three trucks would be proposed for FY 23.

Commissioner George said that the listed items would meet existing needs and probably save the City a lot of maintenance expense immediately. Director Tredik said that it takes a long time to get the equipment and the sooner we start, the better.

Commissioner England asked how Director Tredik balanced the ARPA funds for equipment needs vs. the Public Works facility needs, such as air conditioning.

Director Tredik the Public Works facility has not been thoroughly evaluated for its needs at this time. He said that with the time frame and limited money, it could be factored in somewhere else in the budget.

Vice Mayor Rumrell asked how often the water tanker is used. Assistant Public Works Director Gatchell said approximately 2-3 times a week.

Vice Mayor Rumrell asked if the City has looked into used tanker trucks that might be in good condition. Assistant Public Works Director Gatchell said that the City had purchased one from Florida Department of Transportation (FDOT) which was also swapped out for a chassis on one of the garbage trucks. He said they are patching together used equipment on top of used equipment and that is what Public Works is trying to prevent now.

Vice Mayor Rumrell suggested looking for a discounted water tanker from FDOT. He said that the refuse trucks are critical needs, as well as the 20-year old dump truck. Director Tredik said that if they are able to get the additional 6-yard truck, the plan would be to keep the old one for now to help quickly block the beach ramps with sand.

Vice Mayor Rumrell asked how many of the pickup trucks on the list are critical or could be budgeted for and how long would the \$100,000 for the storm drain cleaning last. Director Tredik said that he does not have a detailed breakdown yet. At this point it is an approximation of the main lines, but it would need to be budgeted for to keep some of the neighborhood lines functioning.

Vice Mayor Rumrell asked if St. Johns County does their own cleaning or if they contract it out. Director Tredik said that he was not sure and could check on it. He said that A1A Beach Boulevard is a pretty big job. Assistant Director Gatchell advised that the County subcontracts it out.

Vice Mayor Rumrell said that the City could possibly piggyback off of the County since all the pipes are connected. He advised that with all the hard work that has been put into stopping flooding, it is imperative as a Commission to maintain it. Assistant Director Gatchell advised that he did a quick calculation of what the City has for drainage pipes and the \$100,000 would just be a drop in the bucket. He said it could be upwards of \$800,000 for a one-time shot.

Vice Mayor Rumrell said that it would be foolish for the City to not maintain what is being done.

Public Works director Tredik moved on to the Projects portion of his presentation and showed Slide #6 from Exhibit C. He said that these are all projects that have been talked about. He said that some of the estimates might be on the high side and could possibly be brought down. He advised that the drainage and the beach walkovers were big items from the survey. He suggested that the paving could be done in stages so that replacement does not happen at the same time.

Mayor Samora asked how much paving could be done for \$200,000. Director Tredik said that asphalt prices are probably going to increase. He said that 6<sup>th</sup> Street north to 16<sup>th</sup> Street for the roads on the east side of the Boulevard could probably be done for \$200,000.

Commissioner Sweeny asked if 6<sup>th</sup> to 16<sup>th</sup> Streets were to be the next on the paving schedule. Director Tredik said yes and that he is hoping to get the contract executed soon but that he needs to make sure the contract allows for ARPA funds to be used.

Vice Mayor Rumrell suggested to look at Port & Waterway grants for the beach walkovers. Director Tredik said that a presentation was given to them several years ago but that they wanted to see a financial commitment that the City was planning to do it.

Vice Mayor Rumrell said that if the City puts in a couple hundred thousand dollars for beach walkovers that maybe the Port & Waterway would match it. He would like to put some of the ARPA funds into reserves. Director Tredik said that the \$600,000 estimate might get 5-6 potential connections improved and it could be cut back. He would hope to get additional revenue from the Port & Waterway.

Vice Mayor Rumrell said that drainage, walkovers, and paving were front and center on the survey and it would show that the Commission is listening to what the residents want.

Commissioner Sweeny agreed and would like to put a little more money into paving by doing \$200,000 in year one, and possibly another \$200,000 in year two.

Vice Mayor Rumrell said that he has talked to Chief Carswell about putting in another emergency beach access point because A Street is the first access for emergency vehicles during high tide, when there is no access from Pope Road. He suggested to talk to St. Johns County about adding another access around 15<sup>th</sup> or 16<sup>th</sup> Street to help rescue vehicles get on the beach and to possibly use ARPA funds for it.

Commissioner Sweeny said that the City has a third project that was not funded by the State for approximately \$45,000 and asked if ARPA funds could be used. Director Tredik said that the 7<sup>th</sup>, 8<sup>th</sup>, & 9<sup>th</sup> Street drainage and Magnolia Dunes/Atlantic Oaks Circle were funded. He advised that the Ocean Oaks project did not make the list and the consultant is being asked to look at it for the Master Drainage Plan update. He said that the project is not refined and would have to be developed for use of ARPA funds. He said that time would be tight but that it could be done.

Mayor Samora asked if there were any projects from the previous Master Drainage Plan update that could be done with ARPA funds. Director Tredik said that the only other project that he could think of would be the middle and southern piece of the Mickler ditch which could be done with ARPA funds, but it would have a lot of concerns from the residents. He suggested to evaluate it in the drainage study to better understand it before the City puts too much money towards it.

Commissioner England said that she had concerns with paving the dirt lot/parkette on the 8<sup>th</sup> Street for parking because the residents have objected to using the parkettes for more parking on the Boulevard and that the City wants to bring buildings forward and move parking to the back. City Manager Royle advised that the parking is not in front of a building, it is just to the north of the auto repair shop with nothing in front or behind.

Discussion ensued regarding whether people are already parking there; that it is being used by the auto repair shop; etc. Director Tredik said that it is a great objective to have parking behind the buildings. He advised that it is not a platted lot and that the parkette could not have a building constructed on it. He said that it could either be paved parking, landscaped, or left natural.

Mayor Samora said that there is a parkette for parking across the street. Director Tredik advised that it is the least impactful to the community.

Mayor Samora asked if there is a beach walkover at 8<sup>th</sup> Street. City Manager Royle said no. Director Tredik advised that that could be one of the beach walkovers from the list.

Commissioner George asked Director Tredik if he read the comments from the ARPA survey because there were some Public Works issues that she wanted to get his opinion on such as standing water on 13<sup>th</sup> Street. Director Tredik advised that he had a conversation with that property owner about the problem and that the water is not getting to the swale. He said that he has instructed the consultant to look at that particular problem for the Master Drainage Plan update. He said that it is a small project that could qualify for ARPA funds and that he would need to discuss it with the Finance Director about creating something for miscellaneous drainage projects that could be constructed with ARPA money.

Commissioner George asked if the Master Drainage Plan update has the option to be paid for with ARPA funds. Director Tredik said that it is an option that is still being explored to make sure that it qualifies with the language. He said that because it is a survey it might not have to have the same language as a construction project, and he would have to consult with the City Attorney.

Commissioner George said that another drainage issue from the survey comments is Whispering Oaks next to Publix plaza. Director Tredik said that it is a localized drainage issue in Whispering Oaks flowing from the plaza to Hammock Dunes Park and he is not clear how much is making its way to Whispering Oaks, but it can impact a few residents on the south side. He is investigating it and does not have a project developed yet.

Commissioner George said there was also a reference to a crosswalk at 8<sup>th</sup> Street which would make sense if there was going to be extra parking on the west side. Director Tredik advised that he would have to look at it because it may be needed, and he would have to coordinate it with the County.

Commissioner George said that she appreciated some of the comments from the survey about undergrounding utilities. She said that there are some upfront costs and she asked if there was an estimate of those costs and could they be covered with ARPA funds. Director Tredik advised that there is a process to undergrounding utilities. He said that he would need at least some firm direction and authorization from the Commission to commence with the engineering design on the Florida Power and Light (FPL) level, which would require a deposit and would be expensive because of the significant powerlines on the Boulevard. He said it would be time consuming and he does not know if any of the deposit could come from ARPA money because of the extensive time and the cost and that it could probably not be done in that period of time.

Commissioner George said that the deposit is for design work, and she asked how long the investment would be good for on the preliminary design work. She appreciates that he did not explore it further because of all the other projects that can be used for ARPA. Director Tredik said that he could reach out to FPL regarding what an engineering deposit may cost for the Boulevard. He said that it would be expensive to spend it on a design that may never happen.

Commissioner George said that is why she wanted to know what the life expectancy would be of the initial investment.

Commissioner England agreed because the undergrounding of utilities was ranked so high on the survey. She suggested that it could be on a referendum for the 2024 ballot and get millage dedicated to it.

Mayor Samora agreed that it was a high priority, high visibility project but without funding it is hard to spend money now.

Commissioner Sweeny asked if 4<sup>th</sup> Street was on the paving schedule. Director Tredik advised that if he is able to move forward with the paved parking on 4<sup>th</sup> Street that both could be done hand-in-hand. He said that he did not believe that 4<sup>th</sup> Street was scheduled to be paved but it could be on the expanded list. He said that paving could be done from A Street to 16<sup>th</sup> Street and pick up a lot of the older paved roads, along with other locations.

Commissioner Sweeny said that improving parks was also high on the survey, and she asked if ARPA funds could be used to hire a consultant help plan Hammock Dunes Park. Director Tredik agreed that ARPA funds could be used, and he said that it is still unclear what to do with Hammock Dunes Park and he would ask for Commission direction whether to have a study done. He said it was not planned for the upcoming budget, but it could be done with ARPA funds.

Commissioner George advised that there would be a lot of interest from the Whispering Oaks property owners. She said that there were plans done by a resident engineer showing how a parking area could be done to add 25 parking spaces that would not impact the housing area or the green space of the dunes. She said that it is absolutely a key component if the City ever wanted to add parking.

Director Tredik said that there are some old concept plans that he believed the prior Public Works Director had been involved with. He said that parking is doable and that there are wetlands that would need permitting. He said that he would need clear direction from the Commission to move forward.

Commissioner England advised that the City should be careful about how many new projects are started and the capacity to complete them. She said that there was a survey comment about keeping the sidewalks clear from encroachment from foliage, especially on A Street.

Mayor Samora opened Public Comment.

Michel Pawlowski, 109 Kings Quarry Lane, St. Augustine Beach, FL, thanked the Commission for their service to the community; that the #1 priority is public safety, #2 the Commission; he has attended many other meetings and communities are lining up to get money; suggested working with County Commissioner Henry Dean to get additional money for the beach; there is a difference between fact and fiction and he has doubts about the survey; no one asked him what he thought; how reliable is the data that was gathered; and that decisions should not be made from it.

Dwight Miller, 1107 Makarios Drive, St. Augustine Beach, FL, discussed how he traveled back and forth over the years to St. Augustine and then retired here in 2009; he loves St. Augustine Beach and is impressed with this meeting; ARPA has created an opportunity and the City is competing for the funds; he is part of an advocacy group called "CARE" which is "Community Advocates for Racial Equity"; asked if there was any input for people in need; asked about the housing compact; communities need to work together.

City Attorney McCrea said that it is important to make sure that there is a diverse pool for spending the ARPA funds and that people are rightfully concerned about pay increases and it is very important. He suggested a compromise that the Commission only fund an increase in pay for the rest of the year until the next budget because if it equals the same amount of money, it could help so that employees do not leave.

Mayor Samora moved on to item IV.D.

D. Decisions by Commission Concerning Uses of ARPA Funds

Mayor Samora complemented staff for their diverse presentations for how to allocate the ARPA funds and that the non-recurring costs could alleviate some of the burden on the budget going forward. He asked City Attorney McCrea for his recommendation how the Commission should proceed. City Attorney McCrea asked if it was the Commission's intention to allocate all the funds today.

Mayor Samora advised that it is his impression that the Commission would allocate as much as it could today to broad/generalized pools, such as the \$215,000 to the Police Department, but not to specify specific uses because those could be approved separately.

Commissioner George suggested that the Commission be guided by the requirements of the reporting that is due April 30<sup>th</sup>.

Finance Director Douylliez advised that she just attended another webinar with the Florida League of Cities, and it is her understanding that the City has one shot to take the full amount of ARPA funds and to put in under the "lost revenue" category. She said that for this year only the City would take a standard deduction and that she would direct the consultant to do that. It leaves the flexibility of how to spend the money for all the projects to be achieved, such as pay, equipment, or any operational expense at that point.

Commissioner George asked if the reporting would be one line item with the schedule attached. Finance Director Douylliez said yes, and that the schedule is not required but an addendum would need to be developed internally to go with it to support how it is being spent. She said that going forward a category would need to be chosen such as the Clean Water Act. She advised that the best option for the City is to put the \$3.5 million under the one line item and it would be substantiated via audits going forward.

Commissioner George clarified that the only requirement is to take it all and spend it within the time frame. Finance Director Douylliez said yes; that there were talks about the Federal Government taking some of the money back, but we do not know if it is true.

Vice Mayor Rumrell said that the City can submit the list with a resolution to change where it goes. Finance Director Douylliez advised that she has a blanket budget resolution that can be done. She advised that some things are more sensible at the moment, such as purchasing the two garbage trucks that are available and that they could be added to the budget resolution today to pull the \$500,000 into the budget to get the commitment letters.

Vice Mayor Rumrell said that those are the most pressing that need to happen right away.

Finance Director Douylliez advised that the Police Department vehicles are also pressing due to the delays in getting the vehicles.

Vice Mayor Rumrell asked if those need to be added to the resolution as well.

Finance Director Douylliez said that any vehicle is taking at least six months to a year to get, and some production lines are shutting down and we would have to wait for the 2023 vehicles to come out. She suggested to get those approved, and then further investigations for the project costs could be done over the next few months. She reminded the Commission that they would be seeing a proposed budget in a few months and that whatever is not approved for ARPA would be added to the budget. She suggested that if the Commission decides to go forward with pay increases/bonuses that it gets done quickly for payroll.

Commissioner George asked how many employees the City has. Finance Director Douylliez said approximately 65 employees.

Commissioner Sweeny asked how many positions are budgeted. Finance Director Douylliez advised that there are no new positions that have not been budgeted for.

Mayor Samora suggested to use the list as a framework and asked if there are any adjustments to it. He would like to see \$130,000-\$135,000 allocated as a mid-adjustment for pay increases and the remaining \$300,000 put into a contingency.

Vice Mayor Rumrell said that he would like to see the \$300,000 stay in a fund that is only for pay increases with the possibility of being allocated for other projects.

Commissioner Sweeny asked if the mid-year adjustment would be a bonus or a salary adjustment.

Mayor Samora advised that he would leave that up to staff because some departments have different concerns for their hourly vs. salary employees.

Commissioner Sweeny asked how much it would cost to raise the hourly employees to \$15.00 per hour for the rest of this year.

Commissioner George said it would be approximately \$90,000.

Commissioner Sweeny said that she could support raising the hourly employees to help recruitment and to give the employees an additional \$2,000 bonus.

Mayor Samora said that is the flexibility that he would like the Department Heads to have.

Commissioner George asked if the Department Heads would rather have direction or use their flexibility.

Building Official Law said that the Building and Zoning Department has no opposition to controlling their own under City Manager Royle's guidance.

Public Works Director Tredik agreed. He said that he is trying to prevent wage compression and it is already a compromise to have a fixed dollar amount for all employees which does make sense, and that he has no problem with the flexibility.

Commissioner Sweeny said that the school districts have already gone through this with the Governor allocating a minimum \$47,000 for beginning teacher salaries which caused compression issues. They would then put aside money to bring everyone up to a minimum and another amount was set aside to deal with the compression issues. She asked if that would be better or to give flexibility.

Public Works Director Tredik said that it would need to be addressed sometime in the near future possibly during the budget. He does not want to have dramatic wage compression, and that some employees at entry level are now making close to someone with more experience.

Finance Director Douylliez said that if there is the flexibility to increase everyone by \$1.12 an hour, then asked if the Commission's intent was to fund it through general resources. She said if it is done as a bonus, then approximately \$135,000 ARPA funds would be used. At budget time, she would have to propose a 10% increase across the board that would be funded either through any ARPA reserve funds or taxpayer funds. She said that she does not want payroll to roll back and that an hourly increase across the board would only be \$90,000 allocated now, which would raise the bar when she puts the budget together.

Mayor Samora said that the City is expecting to have a significant increase and it would put 10% of the ARPA funds into contingency to have the flexibility at budget time. He said that more information would be needed during the budget.

Commissioner George said that some of the big items that are getting covered by ARPA funds would alleviate burdens from the budget going forward. She said that the employee costs need to be sustainable.

Commissioner Sweeny said that she has concerns using the ARPA funds for permanent salary increases and she would like to see it more for bonuses. Finance Director Douylliez said that if it moves in the direction of giving bonuses, then salary increases could be proposed during budget.

Commissioner Sweeny said that she would rather use recurring funds so that the City does not find itself in a budget bind.

Commissioner England said that she liked a mid-year adjustment now along with a bonus and to retain some ARPA funds for budget purposes.

Mayor Samora asked if there were any further discussion of the other categories.

Vice Mayor Rumrell said that all the vehicles from the list total \$1.60 million. Since the vehicles are time sensitive, then that amount should be allocated now and then search for discounted vehicles to possibly save money.

Commissioner Sweeny said that she would support anything that is time sensitive and to fund it today. She said that the entire list cannot be funded and that a comprehensive discussion would be needed. She said that she would personally like to see more money go towards paving.

Vice Mayor Rumrell asked if all three pickup trucks are dire now or could they be put into the budget for FY23.

Public Works Director Tredik advised that the trucks are years 2006, 2007, and 2008 and are at the end of their useful life and would be in the budget for replacement. He said that prices will continue to rise and could be more expensive.

Vice Mayor Rumrell suggested to possibly buy the water truck from FDOT at a discount.

Commissioner Sweeny asked if the water pump is needed.

Director Tredik advised that Public Works has needed one for a long time and it has never passed the budget year after year. It can be rented but it becomes an availability issue during an emergency, and it would cost about \$1,500 a week. It would be better to own one and not have to rely on renting one.

Finance Director Douylliez advised that the list contains some smaller items, such as the \$2,000 for locking rack enclosures for IT which is an operating expense that could easily be in the budget. She said that the concrete grinder and the Scag mowers could be moved into the regular budget and removed from the list.

Director Tredik agreed and said that there may also be some adjustments that could lower the costs of some of the projects to allow for more money to go towards paving. He said that if the City can get partners for such things as the beach walkovers it could lower the costs.

Commissioner George suggested that beach access could be made a broader category such as beach access and parks and to possibly ask SEPAC about projects and parking improvements.

Mayor Samora asked City Attorney McCrea if this would be a motion to adopt as an addendum to the ARPA report.

City Attorney McCrea said that there needs to be something to move the money.

Finance Director Douylliez said yes that she would need a budget resolution amount.

Mayor Samora said that two motions would be needed. One to adopt this as the framework for the use of the ARPA funds and a resolution to spend the funds.

**Motion:** to adopt the list on page 21 of the agenda book as an addendum to ARPA report with the following changes: under pay increases to allocate \$136,000 to a mid-year increase and hold \$300,000 for a payroll contingency, to change the category of beach walkovers to general beach access, and to remove small cost projects. **Moved by** Mayor Samora, **Seconded by** Vice Mayor Rumrell.

Commissioner George asked for further discussion regarding the \$75,000 for video production improvement.

Mayor Samora advised that anything from the list would still come before the Commission as a resolution.

Commissioner George asked if the video equipment is an immediate need.

IT Manager Johns said that automatic captioning equipment could cost between \$20,000 to \$25,000. He said that YouTube is set to auto-caption, but it usually does not do it. He advised that once the loophole is closed that the Commission would see the equipment as an emergency purchase.

Commissioner Sweeny suggested to at least purchase the automatic captioning equipment to be in compliance. She said that she would also be fine with removing the digital sign.

Mayor Samora asked for roll call vote.

**COMMISSIONER SWEENEY            YES**

**COMMISSIONER ENGLAND        YES**

**MAYOR SAMORA                    YES**

**VICE MAYOR RUMRELL           YES**

**COMMISSIONER GEORGE        YES**

**Motion passed unanimously.**

Mayor Samora asked about the resolution for the vehicles.

Finance Director Douylliez advised that she could move the ARPA funds to make the vehicle purchases and place the orders to create the Purchase Orders. She advised that if the Commission decides to move forward with pay increases that it could also be done with this resolution and could be completed by the next payroll cycle. She advised that Budget Resolution 22-02 is open ended and whatever dollar amount is decided upon could be included and could be signed Friday with payroll.

**Motion:** to approve Budget Resolution 22-02 for \$500,000 to be used to purchase two 25 cubic yard refuse trucks, \$136,000 for a mid-year pay adjustment with details to be determined, \$215,000 to be allocated to the Police Department, \$100,000 for piping of the ditch in the 2<sup>nd</sup>/3<sup>rd</sup> Street alley, west of 2<sup>nd</sup> Avenue. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora said that it would total approximately \$951,000 and asked Finance Director Douylliez if the funds were available.

Finance Director Douylliez yes.

Mayor Samora thanked everyone for a very thorough discussion.

Commissioner England asked Coordinator Conlon to think about how the City communicates the decisions that have been made to the public.

Vice Mayor Rumrell said that he received a communication from St. Johns County Commissioner Henry Dean and that the County received a one-time emergency funding from the Federal Government to bring Vilano Beach and St. Augustine Beach back to their November, pre-nor'easter status with no money from the residents or the County.

City Manager Royle reminded Vice Mayor Rumrell about using Zoom.

Vice Mayor Rumrell advised that he would be out of town for the next Monday meeting and asked to be allowed to Zoom in for the meeting.

It was the consensus of the Commission to allow Vice Mayor Rumrell's excused absence and for his Zoom attendance.

Mayor Samora moved on to Item V. and asked for a motion to adjourn.

V. ADJOURNMENT

Mayor asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 11:56 a.m.

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Donald Samora, Mayor

ATTEST:

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Dariana Fitzgerald, City Clerk



## MINUTES

### REGULAR CITY COMMISSION MEETING MONDAY, MAY 2, 2022, AT 6:00 P.M.

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



#### I. CALL TO ORDER

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

#### II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

#### III. ROLL CALL

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

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

**Motion:** To excuse Vice Mayor Rumrell's absence. **Moved by** Mayor Samora. **Seconded by** Commissioner George. Motion passed unanimously.

#### IV. APPROVAL OF MINUTES OF THE COMMISSION WORKSHOP MEETING ON MARCH 23, 2022, AND THE REGULAR COMMISSION MEETING ON APRIL 4, 2022

**Motion:** To approve the minutes of the Commission workshop on March 23, 2022, and the regular Commission meeting on April 4, 2022. **Moved by** Commissioner Sweeny, **Seconded by** Commissioner England. Motion passed unanimously.

#### V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised that there is an addition of a proclamation to proclaim May 1<sup>st</sup> as Law Enforcement Appreciation Day and May as Law Enforcement Appreciation Month which would be added as Consent Item 3.E. He said there is also a typo change to Item 7 which should read Budget Resolution 22-04.

#### VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

There were no changes to the order of topics.

#### VII. PRESENTATIONS

- A. North Florida Transportation Organization's Transportation Improvement Program for Fiscal Years 2022/23 through 2026/27 by Ms. Elizabeth De Jesus, Transportation Program Manager

Ms. Elizabeth De Jesus, Transportation Program Manager, presented a PowerPoint of the five year Transportation Improvement Plan (TIP) which is part of the long-range transportation plan. She advised of a virtual public meeting on May 24, 2022, from 4:30-5:30 p.m., and that the Plan would be approved at the regular meeting on June 9, 2022, at 10:00 a.m. She described the different areas scheduled for improvements from the PowerPoint presentation and asked if there were any questions.

Mayor Samora said that this is a very extensive report of projects taking place all over north Florida and he thanked her for pointing out the projects that are more local to the City's surrounding areas.

Commissioner England said that the North Florida TPO (Transportation Planning Organization) does studies and she asked Public Works Director Tredik if there were any studies that he would want help with. Director Tredik advised that most of the City's major roads are controlled by other jurisdictions and that he would work with them on a study such as pedestrian safety on A1A Beach Boulevard or other traffic problems.

Commissioner England said that some of the projects are for bike trails and the City is very pedestrian friendly, but does not have formal bike trails. She said that it would be helpful to designate where the bicycles should be riding. Ms. De Jesus said that there are programs that help with designations. Commissioner England advised that residents need to know when they should be on the sidewalk and that the City could use help with the designation.

Commissioner George said that there was a presentation about two years ago which talked about putting a bike trail down A1A Beach Boulevard and she asked if that was still in the works. Ms. De Jesus said that the Florida Department of Transportation (FDOT) has done some projects and sometimes things change between the planning and the construction phases. She advised that the public would have an opportunity for input after the study is done. Commissioner George asked if the allocation was only for the study. Ms. De Jesus said yes and advised that sometimes more than one study is done before construction. Commissioner George said that the project is allocated \$600,000 for the year. Ms. De Jesus advised it would be \$600,000 for 2023 and \$600,000 for 2024, which would give two years to perform the studies and to come up with a concept design.

Commissioner George advised that when it is split over two years it usually means that the project is funded, and construction is starting. Ms. De Jesus advised that the handout provides information regarding the meanings.

Commissioner George asked for clarification about the State Road 206 bridge project. Ms. De Jesus said that the bridge has a part that needs to be repaired and that she would find out if the project would close the bridge at all.

Commissioner Sweeny asked if the funds are guaranteed. Ms. De Jesus advised yes.

Mayor Samora said that the two bike path study projects do not align with the River-to-Sea Loop project and that the City voted on an approved path through the City. He asked how the City can be involved in the discussions. Ms. De Jesus said that both studies have elements for public participation and are from one specific FDOT office. She said that the projects are in the same area and that FDOT would make them align. Mayor Samora asked how the City could make sure to be part of the discussion. Ms. De Jesus advised that FDOT would request input, and she could provide contact information. Mayor Samora said that both studies are \$600,000 each and it would be a shame if it took a different path.

Ms. De Jesus advised that Vilano Beach is in a list of priority projects. She said that there are two funding sources, and one is used for smaller projects, and that the Vilano Beach project is \$60 million dollars, which is listed because it helps to prepare the trail.

Commissioner George asked if the Sun Trail was in conjunction with the River-to-Sea Loop. Ms. De Jesus advised that the Sun Trail is a funding program to identify trails throughout the state that qualify to apply for the Sun Trail funding.

Mayor Samora thanked Ms. De Jesus for her presentation. He moved on to Item VIII. He encouraged the public to speak, asked everyone to fill out a speaker card, and advised that each speaker would have three minutes to speak on non-agenda items. He advised that any questions would be noted, and that staff would respond at a later time.

#### VIII. PUBLIC COMMENTS

Anthony Brown, 931 A1A Beach Blvd #202, St. Augustine Beach, FL, said that he began a petition to keep the Ocean Hammock Park walkway (Exhibit A) and that he obtained over 100 signatures in just a few days.

John David, 149 Bilbao Drive, St. Augustine, FL, wants to honor Ben LaMendola who owned La Fiesta/Fiesta Falls and passed away a month ago; asked the City for help to rename the County pavilion after him.

Michael English, 115 F Street, St. Augustine Beach, FL, (Exhibit B) asked to increase the 100 limit for transient term rentals allowed in Section 3.09.00 of the Land Development Regulations; the ordinance was passed in 2008 which established the 100 limit in medium density zones; there were 10 houses on the standby list which is down to 8 and is now frozen so that no one else can get on the list; there is about a five year waiting period to get on the list; the ordinance is outdated and he asked to evaluate it and consider expanding the limit.

Michel Pawlowski, 109 Kings Quarry Lane, St. Augustine Beach, FL, asked the Commission to consider highlighting requirements for bicycle safety and that bicycles should have lights to help prevent accidents.

Mayor Samora asked for any further Public Comments. Being none, he advised that he would like to address some of the Comments that were brought up.

Mayor Samora said that Ocean Hammock Park has some construction planned for this year that is getting public attention and he asked Director Tredik for an update. Director Tredik advised that the Phase 3 design is complete and construction of a portion of it should be starting soon, which would be the main central trail through the middle. Mayor Samora said that any modification to that design plan would be done at another public meeting. Director Tredik confirmed.

Commissioner George asked for any new information regarding the question about the location of the existing boardwalk. Director Tredik said that this discussion would need to be resolved prior to making the connection to the beach walkway which would be about midway through the trail. He said that due to limited funding, the construction would not happen any time soon and that nothing is planned for relocation at this time. Commissioner George advised that she received an email referencing a new development and they are in favor of relocating it. Director Tredik advised that he is not aware of any new development that would necessitate relocation of the boardwalk. Commissioner George advised that she would reply to the email and that the community is clear that they do not want any relocation or removal to take place. Director Tredik advised that there is a petition for no relocation and that Sea Colony wants relocation but that there have been no direction changes from the Commission at this point. He said regardless of it, the main trail and overlook would still need to be constructed and for the near-term there is no

potential relocation and that there is still time to discuss it and resolve the issue. Mayor Samora asked what the timeline is for construction of the central trail. Director Tredik said that the Phase 3 plans are done, and the engineer has been asked to create a bid spec for what the City can afford right now and would go out to bid in a few months with construction starting mid to late summer 2022.

Mayor Samora said that if anything changed it would come before the Commission and the public again. Director Tredik advised yes.

[An audience member spoke away from a microphone, and it was not able to be retrieved for the minutes.]

Mayor Samora advised that this is not a question-and-answer segment, it is the Commission talking with staff regarding some items that were brought up in Public Comments. The audience member asked if it would still be on the agenda to discuss. Mayor Samora said that the topic is not on tonight's agenda. The audience member asked about the restroom topic. Director Tredik advised that the restroom topic was a budget resolution to allocate funds to build Phase 2.

Mayor Samora asked City Manager Royle for any suggestions regarding Mr. David's tribute to Mr. LaMendola. City Manager Royle advised that he might need to speak with the County Administrator about naming the Pavilion, otherwise the Commission could decide to name something after him on City property.

Mayor Samora asked the Commission to read over Exhibit B from Mr. English.

Mayor Samora asked if the City had any bicycle regulations or requirements. Chief Carswell said that the Police Department just had a Bike Safety Rodeo this past weekend to educate parents and children about bicycle safety and that there would be another one later this summer focusing on older kids and young adults. Commissioner England asked if there was a pamphlet on bicycle safety. Chief Carswell advised that he believed that Officer Martinez had some pamphlets from the State of Florida listing the bike laws and regulations. Commissioner George asked if the pamphlets were distributed throughout the schools. Chief Carswell advised that he did not know but that he could make that happen. Commissioner Sweeny suggested a summer series on social media about bike safety using tips from the pamphlet. Chief Carswell advised that the St. Augustine Record is doing an article for bike safety awareness month coming up soon.

Mayor Samora moved on to Item IX.

#### IX. COMMISSIONER COMMENTS

Commissioner England advised that she would speak during her agenda item presentation.

Commissioner Sweeny advised that the Governor has called a special session for insurance, and she knows how important it is to the residents being in a coastal community. She encouraged the Commissioners to pass on any feedback from constituents to state legislators. She said that it is from May 23 through May 27, 2022. She commended Ms. Conlon for the Art and Bark in the Park event. Commissioner England said that the Arbor Day event was also wonderful.

Commissioner George advised that she would give her comments during Commissioner England's topic.

Mayor Samora liked the Art and Bark in the Park and he also commended Ms. Conlon for putting on a great event. He advised that he would be at the Economic Development Council breakfast this Friday and would be giving an update on the City.

Mayor Samora moved on to Item X.1 and asked Planner, Jennifer Thompson, for her presentation.

## X. PUBLIC HEARINGS

1. Ordinance 22-03, Final 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)

Planner Thompson advised that the Commission saw this request last month and a motion was made to approve the application subject to each of the conditions identified in the memo by Public Works Director Tredik which was passed unanimously. She said that this would be the final public hearing unless the Commission has any further changes. Mayor Samora asked if there have been any changes since the last presentation. Ms. Thompson advised no. Mayor Samora asked if there were any questions.

Commissioner Sweeny said that during the Commission meeting to discuss the American Rescue Plan Act (ARPA) funds that the Commission approved allocating funds to speed up the drainage project. She asked Director Tredik if there was a timeline when it would occur. Director Tredik advised that he is working with the City Attorney to build it into the contract/change order to ensure the language meets the ARPA requirements and once it is finalized, then the piping would be included in the work.

Mayor Samora asked if there was any reason to hold up the vacation of the alley based on the project moving forward. Director Tredik advised that he did not see any reason to hold it up as long as the City has rights to the easement to do the work.

Mayor Samora asked for any Public Comments. Being none, he asked the City Attorney to read the preamble. City Attorney McCrea read the preamble.

Mayor Samora asked for a motion.

**Motion:** To approve Ordinance 22-03. **Moved by** Commissioner George, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor Samora moved on to Item X.2 and asked Building Official Law for his presentation.

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

Building Official Law advised that the Commission saw this Ordinance last month and that no changes have been made. He recapped that it addresses some statutory changes that affect the flood management program such as accessory sheds and that he worked with state coordinators to draft it. He said that this is what they propose for the State of Florida and that any changes would have to go back to the State. It is in the City's best interest to do it now as opposed to during its five-year audit.

Commissioner George asked if this governs any permitting on alterations of a dune structure. She referenced Page 10, Subchapter C, Section 5 Paragraph C, which referenced the requirement of an engineering analysis. She advised that she does not want to encourage alteration of dune structures by making a mechanism for it to be permitted. Building Official Law advised that Ms. Quinn, from the State, got rid of the four exceptions which were standard flood plain management language. Commissioner George advised that she wanted to make sure that the City is not weakening any standards. Building Official Law advised that it would not and that the Land Development Code still takes precedence in the event that someone applies to alter a sand dune and it would automatically be rejected based on the Comprehensive Plan and the Land Development Code and the applicant can then elect to use the variance process.

Commissioner Sweeny pointed out a typo to change "flood damaged" to "flood damage". Building Official Law advised that the typo would be corrected.

Mayor Samora asked for any Public Comments. Being none, he asked the City Attorney to read the preamble. City Attorney McCrea read the preamble.

**Motion:** To approve Ordinance 22-04. **Moved by** Commissioner George, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora moved on to Item XI.3.

XI. CONSENT

Mayor Samora advised that he would read through the topics to entertain a possible single motion to approve everything.

3. Proclamations:

- A. To Proclaim May 1-7, 2022, as 53<sup>rd</sup> Annual Professional Municipal Clerks Week
- B. To Proclaim May 2022 as Motorcycle Awareness Month
- C. To Proclaim May 2022 as Building Safety Month
- D. To Proclaim June 2022 as Gay Pride Month
- E. To Proclaim May 2022 as Law Enforcement Appreciation Month

4. Resolution 22-02, to Declare Certain Items of City Property as Surplus and to Authorize Their Disposal

5. Approval to Schedule Public Hearing on June 6, 2022, to Levy Non-Ad Valorem Assessment for Condominiums and Town Homes

6. Budget Resolutions:

- A. 22-01, to Amend the Fiscal Year 2022 General Fund Budget to Appropriate \$60,000 from the Building Department's Restricted Fund Balance to the Protective Inspections Account to Purchase a Vehicle
- B. 22-03, to Amend the FY 22 General Fund Budget to Appropriate \$136,000 from American Rescue Plan Act Funds for Adjustments to Employee Salaries

Mayor Samora asked for a motion to approve the Consent Agenda.

Commissioner George made a motion to approve the Consent Agenda, with a second by Commissioner England.

Commissioner Sweeny asked what the procedure was for asking a question during a motion. Commissioner George advised that there could be discussion during a motion.

Commissioner Sweeny asked to discuss Budget Resolution 22-03 regarding salaries. She said that \$136,000 was allocated for the salary adjustments and that staff was given flexibility, but that she still has concerns using non-recurring funds for a recurring purpose and she is also concerned that \$45,000 has been set aside that would not be going into employee pockets but will go into a contingency fund. Finance Director Douylliez advised that the way it is structured and laid out is based on the increase of the hourly rate of \$1.12 per hour for each employee. She advised that some departments will be impacted more, and she would have that money available to move to those department to cover a deficit. Commissioner Sweeny asked if the department allocation was based on a typical 40 hour work week. Finance Director Douylliez advised yes. Commissioner England said that she thought the City was doing bonuses. Finance Director Douylliez advised that it was left up to manager discretion, and they decided to do the \$1.12 increase. She advised that since then, two employees have left, and possibly a third, and that if they had been given a bonus

then the City would have potentially paid out of pocket for them to leave. She said that management felt it was better to bring everyone up to \$15.00 an hour and give everyone an increase of \$1.12 an hour.

Commissioner Sweeny asked how much overtime Public Works employees typically have. Director Tredik advised that there is overtime during events and weekends but not a significant amount. He said that there is one worker that straddles the weekend without overtime. Finance Director Douylliez advised that it will be hurricane season soon and it would allow for the flexibility to fund for overtime for a weather event. Commissioner Sweeny said that the additional \$1.12 an hour would only add up to about \$1,000 for the rest of this fiscal year and she would have liked for more to be going to the employees. Mayor Samora advised that the Commission could always revisit those concerns. Finance Director Douylliez agreed and said that a type of hybrid could be done to recognize employees with small bonuses towards the end of the year.

Commissioner George asked if the Commission passed a resolution for the \$45,000. Finance Director Douylliez advised that it is in this Budget Resolution. She advised that she had to move the entire amount because that was what the Commission approved and that she moved it into the General Fund to fund the salaries and the balance is sitting in a reserve account for emergencies and contingencies. Mayor Samora advised that it would then be a separate agenda item at another meeting. Finance Director Douylliez said yes, that there would be a budget resolution to move it from reserves and allocate funds to each department. Commissioner George said she agreed with Commissioner Sweeny that it was a consensus from prior discussions and that going forward she would not want to rely on these one-time funds. Commissioner England agreed and said that she thought the City was doing a one-time bonus with the ARPA funds. She said that the City is losing employees and she does not understand the logic to give a \$1.12 an hour increase. Commissioner George said that it creates incentives to stay for the long-term. She advised that she saw it as emergency funding for the short-term and there could be a different allocation for certain positions that need more, and for the positions that are at risk of people leaving. She said that maybe it could be an ongoing discussion and that the Commission did grant manager discretion. Mayor Samora said that they are concerned that if someone gets a bonus and then they leave that there is no way to recover the bonus. Commissioner England said the City is giving them a bonus for their loyalty and staying through the pandemic. Finance Director Douylliez said that the people that are leaving have only been with the City for six months or less and the City can look at using the funding for those that were here during that period of time.

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

Commissioner George said that for the record there were no requests to speak on the Consent Agenda topics.

Mayor Samora moved on to Item XII.7 and he asked Director Tredik for his presentation.

## XII. OLD BUSINESS

7. Ocean Hammock Park Restrooms: Budget Resolution 22-04, to Appropriate \$300,000 from American Rescue Plan Act Funds (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik advised that only one bid came in for Phase 2 on March 3, 2022, which was very high at \$677,000 and as a result he recommended not to award the contract. He advised that he was then asked to research a less expensive way to do it and he found a prefabricated restroom, which was discussed at the last meeting along with using a St. Johns County annual contractor to complete some of the work. He advised that the total cost to do the prefabricated restroom is about \$440,000 with a possible additional \$20,000 this fiscal year for

permit fees, etc. He advised that the remaining Phase 2 work in 2023 would be done primarily by City staff and some potential contractors, which would bring the project down about \$180,000 from the bid price. He said that the restroom he would like to get has four stalls and would be unisex. He said that the City currently has \$160,000 allocated in the budget and he would like to use \$300,000 from the ARPA funds. He is working with the City Attorney on the contract language because if the City uses a County contractor it would need specific clauses. It would bring the total year funding to \$460,000 and would allow the City to move forward. He said that if it is approved, he would order the restroom and get the contract executed with the County's contractor for this summer. He recommended approval of Budget Resolution 22-04.

Mayor Samora asked what the time frame was for getting the restroom. Director Tredik advised that it is approximately ten weeks and that is another reason he wanted to order it now.

Commissioner Sweeny asked if the request for \$300,000 was on the ARPA list. Director Tredik advised that it was not and that is why he had to bring it to the Commission to get approval specifically. He said that he would have to alter the list and pull something else off which could work too. Commissioner Sweeny said that she would like to ensure that nothing is being pulled from other projects specifically the ones that received a lot of feedback from residents such as the beach walkovers, paving, etc. She said that the restrooms have a valid purpose and are an important use of the funds, and she wants to weigh where that money would come from vs. what was already discussed. Commissioner George advised that it provides restrooms in the Park, which provides beach access, and it makes that access much more feasible. She said there are no facilities there, it is a major parking source and a major pedestrian access source, so it furthers the access for the beach category as well as the parks category. Commissioner Sweeny said that she understands that the City is not legally held to what was on the list, but it is out to the public now, and that everything may not be able to be done. Director Tredik advised that he would be seeking partners, such as the Port and Waterway, for the beach walkovers which would help reduce the cost. He said that the Port and Waterway had expressed interest in the past and they wanted to make sure that the City was serious since it was not in the budget at the time. Commissioner George said that the County has been receptive to using the money from bed tax for walkover construction.

Commissioner England suggested an updated ARPA list if this passes. Director Tredik said that he would provide updates because it is critical and should be done.

Finance Director Douylliez said that the original dollar amount for pay increases was \$436,000 and only \$136,000 was used, so the other \$300,000 is now being used for the restroom and that nothing would need to be removed from the project list.

Commissioner George suggested that when individual items come before the Commission in budget resolutions to allocate ARPA funds, that a running, updated list should be provided to the Commission. Mayor Samora agreed. Finance Director Douylliez advised that the only ARPA funds that have been allocated so far is \$951,000. She advised that she would provide two lists; one for what has been approved and one for what remains to be allocated for from the original list.

Commissioner George thanked Director Tredik for thinking outside of the box and finding a great solution to save the City a lot of money.

Mayor Samora opened Public Comments and asked that each speaker please fill out a speaker card. He advised that they would have three minutes to speak and to please state their name and address for the record.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, asked if there were any of the restrooms nearby to look at; do they have any issues during hurricanes; and do they meet codes.

Director Tredik advised that he would try to find local restrooms and would post that information on the website. He said that they are prefabricated, 100% concrete, are amazingly strong, require very little maintenance, and meet all building requirements. He advised that each stall is a handicapped accessible single stall with a floor drain and a skylight. He said that he would be purchasing the four stall restroom.

Commissioner Sweeny asked if showers are being proposed. Director Tredik advised that the original concept was an attached beach shower, but that he would be getting together with the contractor to install a separate beach shower which would be about ten feet away to rinse off.

Mayor Samora asked Director Tredik to exchange information with the resident and ask the manufacturer for locations nearby.

Commissioner England suggested that it could be painted a different color. Director Tredik advised that there is a paint pallet, and he would need to know what color the Commission would like when he orders it. He advised that when you start upgrading, it adds cost. He advised that he could go with a beachier themed color.

Mayor Samora asked for any further questions or comments. Being none, he asked for a motion.

**Motion:** To approve Budget Resolution 22-04. **Moved by** Commissioner George, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor Samora moved on to Item XIII.8 and asked Ms. Longstreet for her presentation.

### XIII. NEW BUSINESS

8. Holiday Season Lighting: Request by Ms. Hester Longstreet, Planning & Zoning Board Vice Chair, to Address the Commission Concerning Solar-Powered Holiday Season Lighting

Ms. Hester Longstreet, 200 16<sup>th</sup> Street, St. Augustine Beach, FL, Comprehensive Planning & Zoning Board (CPZB), thanked the Commission for allowing her to speak today. She advised that during the holiday season she received about 70 phone calls asking where the City's holiday lights went. She said that she addressed it with the CPZB, and the members were interested in doing something solar or something else that would not use electricity from the poles. She said that in April, SEPAC was asked to speak with the CPZB to coordinate efforts and they were on board as well. She said that she Googled commercial solar holiday lights and provided photos from that search (Exhibit C). She advised that the stars and the snowflakes are roughly 32 inches and that there are other companies that Public Works might have catalogs of such things. She asked for the Commission to consider the request and she advised that both the CPZB and SEPAC are on board to help.

Commissioner Sweeny asked if all the poles on the Boulevard were owned by Florida Power and Light (FPL). Director Tredik advised that they are all owned by FPL. She said that the backup information showed that the City reached out to FPL to find out what the issue was with using the poles. She advised that she served on the Chamber Board with Mr. Jim Bush from FPL, and she reached out to him and that he advised that the memo specified illumination. She said that he advised that if the City could come up with a plan to use solar, then the City could have some flexibility with FPL.

Mayor Samora asked if staff has looked at these types of solar decorations before. Director Tredik advised that he has not done any research into large, commercial grade, solar lights before, but that he could research it. He said that he has concerns for the size from Exhibit C, because the old holiday lights are approximately six to seven feet, and that 32 inches might not meet the need.

Commissioner George suggested to restring the existing holiday lights with solar powered LED lights. Director Tredik advised that some lights have been replaced on those in the past and that he would have to research it to see what is involved to convert them. Commissioner George said depending on how they are constructed, that maybe it is possible to use volunteers to clip new string lights on the old fixtures. Assistant Public Works Director Gatchell said that it would not be clips and that he talked to one of the vendors about restringing with LEDs and he was told that they simply buy new fixtures from China. Commissioner George said that they are like an armature and asked what would make it so difficult to restring. Assistant Public Works Director Gatchell advised that tying the different links together and pointed out that one fixture has nearly forty different connections.

Commissioner Sweeny asked how much the fixtures from Exhibit C would cost. Ms. Longstreet said that it would depend on the company, such as some companies would offer discounts for purchasing multiple fixtures. She said that the smaller ones were \$30 and up to \$600-\$800.

Commissioner Sweeny asked if there was a current budget for holiday décor. Director Tredik advised that something of this magnitude would require accessing additional funds. He advised that he has a small budget to replace as necessary to keep things working and that the City purchased the rope lights for the palm trees which look very nice.

Commissioner Sweeny asked how many decorations the City has. Assistant Public Works Director Gatchell advised 72 total.

Finance Director Douylliez advised that the City receives \$20,000 Tourist Development Council (TDC) grant funds each year for holiday lighting.

Director Tredik advised that the City should make sure to purchase something with a long life span and that the salt environment is very hard on electronics. He said that whatever is purchased would probably be pricey to survive the elements.

Ms. Longstreet advised that we do not want the TDC to take away the funds if the City is not using them. She said that people enjoy the lights, they are a tradition, and the City was holding its own compared to what the City of St Augustine does with their lights. She said now the beach is not holding its own and she would like to see the beach do something special too.

Mayor Samora advised that he received a lot of calls too and questioned how to move forward because staff is already overtasked with things to do. City Manager Royle advised that staff would use the information proved and find a way to move forward. He said it was his understanding that the \$20,000 from the TDC paid for the electricity. Finance Director Douylliez said yes, and that the City uses electricity for lighting the trees and the side of old city hall, etc. and would need to spend wisely to cover everything.

City Manager Royle advised that staff would research what decorations are available and that he did not know if the existing decorations could be connected to a solar powered source.

Commissioner George asked if the City has its own outlets on the plazas or parkettes. City Manager Royle said that the City has plugs adjacent to the palm trees that are used to plug in the string lights. Commissioner George suggested that there may be some locations where the classic decorations could be used. Commissioner England said that people really like the beachy themed décor.

Commissioner Sweeny said that if the City comes up with a proposal, to run it by FPL before doing anything and that she would be happy to help.

Mayor Samora said that he is hearing a consensus for staff to put resources into bringing the City holiday decorations back.

Mayor Samora asked for any Public Comments. Being none, he moved on to Item XIII.9 and asked Finance Director Douylliez for her presentation.

9. Review of Long-Range Financial Plan (Presenter: Patricia Douylliez, Finance Director)

Finance Director Douylliez said that she does not have a formal presentation and that the graphs and charts are in the Agenda Books. She said with the economy being so volatile, she attempted to adjust where she could with expenditures/revenues to add in the additional revenues from ARPA and offsetting the expenses. She said that for the Capital Outlay Plan over the next five years she tried to remove the items that were going out as being requested from ARPA funds. She advised that this is the best educated guess that she could make at this time. She said that the City does not have any true revenue to add, and the numbers are based on ten years of data with adjustments based on economic conditions. She said that the one big item that impacted the financials was the change that the State made for the new Impact Fee Fund versus it being in the General Fund. She said that she understands the logic because when the City is balancing the budget, those numbers were inflating the revenue and it is not for the general use for expenses throughout the year and should be used for targeted projects like roads and parks. She advised that it was a challenge to balance the budget without those Impact Fee funds, but it was done this year successfully.

Finance Director Douylliez advised that FY 2022 is significantly inflated due to the projects that the City has this year, such as the weir at \$2.9 million, which revenues offset, coming either from the Impact Fee Fund or the grants that have been received.

Commissioner Sweeny asked if the taxes for revenue are based on keeping the millage rate the same each year and taking into account the increases in home values each year. Finance Director Douylliez advised yes. Commissioner Sweeny asked what percentage of homes in the City are homesteaded. Finance Director Douylliez advised that she would see if the Property Appraiser could provide that information.

Commissioner England said there has been a tremendous increase in property values over the past year and she asked if a consistent increase was used. Finance Director Douylliez advised that it is an average based on a percentage over the past ten years of data. She said that the City had a significant adjustment from the State of Florida for Communication Services taxes and that she has been budgeting lower. She said that last year there was a vendor who was not remitting their taxes and now our Communications Services taxes are increasing, which accounts for some of the change as well.

Mayor Samora said that for FY 2023 and beyond an 8.3% increase was used, however from FY 2022 to 2023 it was 20% and he asked what accounted for it. Finance Director Douylliez said that she would have go back to the formulas to answer that question.

Commissioner Sweeny asked when to expect the projection from the Property Appraiser. Finance Director Douylliez said she would have it by June 30<sup>th</sup> for the next fiscal year and it would be the last thing added before finalizing the budget and it would be adjusted again before the final presentation in September.

Commissioner George asked if the tax category was for ad valorem and other tax revenue. Finance Director Douylliez advised yes, such as utility taxes, telecommunications taxes, business tax receipts, local option gas taxes, etc. She advised that the utility taxes from FPL have been increasing as well.

Mayor Samora said that everything seems to line up at this point. Finance Director Douylliez agreed and said that there are no new revenue streams, no significant increases in expenditures, and no new expenses from other charges.

Commissioner George asked if there is a way to bolster interest income. Finance Director Douylliez advised that they are in investment accounts, which are secure but very limited. She said the accounts at Ameris and TD banks both lowered their interest rates this year due to ARPA and the CARES Act and are very restrictive and need to be invested safely. She was alerted by a banking partner that an adjustment was coming this month but that she has not found out what that is yet. Commissioner George said that it seems that if the City is running \$13 million it should show a nice interest return. Finance Director Douylliez advised that she argues that point all the time but that it is very restrictive.

Commissioner Sweeny said that the projections show that the expenditures are exceeding the revenue. Finance Director Douylliez advised that it is a budget item. She said that over the past years it has been looked at to increase the non-ad valorem, a proposal for a stormwater utilities tax, and to raise the millage to continue to maintain the level of services that the City provides and cover it with the revenues.

Commissioner Sweeny asked if the projected expenditures are assuming the same level of services and allocation of budget without taking into account any new projects, potential salary increases, etc. Finance Director Douylliez advised that it does not account for any new projects, etc.

Mayor Samora asked about the five year Capital Expenditures. Finance Director Douylliez advised that she massaged the number to try to meet what was listed for ARPA and remove those.

Commissioner George advised that it looked like she was factoring in for the overall expenditure increases over time, because the number go up. Finance Director Douylliez advised that it is based on an average of what has been seen and expenses have been increasing. She said that she did not take into account the amounts or factor this year's inflationary rate (8.4% for March) and that those numbers could be low and would be looked at during budget season.

Mayor Samora asked for Public Comments. Being none, he advised that this was an overview to try to foresee any large projects a few years ahead of time. Finance Director Douylliez said there are none that she is aware of. She advised that it is an old spreadsheet, the budget software might be able to forecast something better, and that it would be based on trends.

Mayor Samora moved on to Item XIII.10 and asked Commissioner England for her presentation.

10. Vision Plan: Review of Draft (Presenter: Commissioner Margaret England)

Commissioner England advised that the Vision Plan was done jointly by her and City Manager Royle. It is a long-term vision of what the City may be twenty years out. She said that pages 1-4 are mainly a backlog of the first Vision Plan and what was/was not done. Page 3 shows what is available in the City's 2 ½ square miles such as five public parks. She said that the purpose is to become a "Smart City"; to enhance performance, optimize resources, reduce waste and consumption. She said that she has been harping on architectural design for commercial buildings, and that in the back of the packet it shows that there is a State law that the City cannot impose requirements on one or two-family residential units but can on commercial. We have some that we need to take a look at so that we do not end up with a bunch of boxes on the street. She advised that she read an article about "Safe and Complete Streets" and that the City is already working on some, such as sidewalks, improved lighting, bicycle safety, etc. She said that the City needs a Master Plan for the parkettes to determine what to do with them, to address the residents' concerns, and to follow through with a plan for SEPAC to create something natural on a parkette. She said that Sustainability and Resiliency would need the biggest input from the Commission as well as the CPZB and SEPAC to recover from emergencies.

Commissioner England recapped the other categories from her presentation and said that this is a first draft, and that she would need input on certain things such as being aggressive with St.

Johns County about the City's visioning for Pier Park to create a more useful area. She suggested to have all the feedback by June 1<sup>st</sup>, 2022, and then come back with another draft. She advised that City Manager Royle suggested that the Vision Plan become the Strategic Plan for future staff and Commissions.

Mayor Samora said that it is an overwhelming amount of work and he commended Commissioner England and City Manager Royle for getting the first draft together. He wanted to look back at the prior Vision Plan from 2006 that this was based, and that Commissioner England helped draft. Commissioner England said that it was primarily regarding Beach Boulevard, and it did not have the additional topics. She advised that it had Pope Road and A Street as Town Centers, and extensive ideas for things such as tiled areas like Vilano Beach. She advised that we are already touching these items and need to keep them in mind to go in the right direction from what we have learned from citizen feedback.

Mayor Samora asked how long the process was in 2006 when using the consultant. Commissioner England said that there were quite a few meetings and a workshop. She advised that they decided to do a first draft and then to determine if the Commission wants to use a consultant.

Mayor Samora said that the timeline was aggressive, it is much larger in scope than what was previously done with a consultant, and he does not want to rush it, but it is needed. He said that he has a copy of the 2006 Vision Plan and that he refers to it several times a year. He said that a good starting point would be to include some of the things that were not accomplished in the 2006 version. Commissioner England said that those are included in Item V.6 on Page 3.

Commissioner Sweeny said that they have done a phenomenal job getting the ball rolling. She advised that she would like to see something included regarding marketing/branding for the character of the City to carry through for the next twenty years and incorporate it into these projects because the City is a very artsy town. Commissioner England said that Events Coordinator Conlon has worked with the Arts Council and all the events have had a theme for the flyers and it could be made more formal.

Commissioner George agreed that branding is important, and it has been talked about over the years. She said that SEPAC has enlisted a volunteer landscape architect who is also talking about branding, and he is driving the idea to use signature plants as the City's branding for the parkettes, parking lots, etc. and she suggested for Ms. Conlon to use the same plants in the logo images. She advised that she is getting feedback from SEPAC that they want more direction about the parkettes because the Commission told them to come up with plans, then there was push back from residents who thought it was going to be parking, which is not the main agenda. She said that she is glad that it is being addressed in the Vision Plan to have a Master Plan for the parkettes so that they can meet that instruction.

Mayor Samora said that he agreed 100%, it was nice to identify it as a Master Plan for parkettes. Commissioner England said that the parkettes need to be budgeted to complete a certain amount each year to improve them.

Commissioner George said that SEPAC wants to make an impact and move forward and not be told later that the parkettes are being changed to a different type of use.

Mayor Samora asked if there was any Public Comments. There were none.

Mayor Samora said that looking at the timeline and the next steps for the Vision Plan, that the scope of it is well beyond what the Commission can handle during Commission meetings. Commissioner England asked for the Commission to review the draft and provide feedback. Mayor Samora said that the next step is a community workshop in June, and the Commission can discuss the results of that. He asked Commissioner England if she wanted to spearhead the

community workshop or form a committee. Commissioner England said that she serves the Commission and the City and would do whatever the Commission wanted. She advised that Commissioner comments and ideas are needed for what is going to be supported, especially parking/shared parking, encouraging retail, and the Master Plan for the parkettes. She advised that the CPZB and SEPAC would be asked to send their comments to City Manager Royle as well so that they can develop a second draft. She said that she did not think they would be ready for a community workshop by June.

Commissioner Sweeny advised that she would like to see as much community input going into the plan as possible. She liked the idea of a theme for the parkettes but advised there might be a lot of feedback about moving the volleyball courts.

Commissioner George said that coming up with a vision for Pier Park has been bounced around. It is not broken, but she questioned whether it is being used at the best capacity.

Mayor Samora asked what you would want to see there in twenty years. He advised to submit the comments to City Manager Royle. Commissioner England advised that staff should also submit comments. She advised that Building Official Law addressed "shared parking" on page 24. She suggested that to encourage retail the City would have to address parking quickly before it loses more commercial property to conditional use permits.

Commissioner Sweeny said there are opportunities to discuss new ways of transportation for the City such as bike trails, golf carts, etc. She said that Salt Life restaurant has been innovative by using their golf cart to pick people up so that they do not have to find parking. She would like for the City to think about that for the future of transportation.

Commissioner England advised to take the next month to submit comments to be incorporated in a second draft, and possibly separate the topics for Commission meetings.

Mayor Samora suggested for the Commissioners to submit their comments to City Manager Royle by the next meeting, to compile a second draft by the July meeting, with a possible community workshop afterwards. He said that this is a big enough project that there may be the need for a committee to be formed.

Commissioner George said that some components could be action items for the future because a committee could address the big items that are sub-items of the Vision Plan. Commissioner Sweeny said that a Vision Plan should be broad in nature and to then develop the tactic that could be the Strategic Plan. Mayor Samora recommended for Commissioner Sweeny to review the 2006 Vision Plan because it is laid out that way. Commissioner George advised that it was never formally adopted but it has always been referenced.

Mayor Samora moved on to Item XIII.11 and asked City Manager Royle for his report.

11. Hammock Dunes Park: Consideration of Developing a Request for Proposals for a Park Planner (Presenter: Max Royle, City Manager)

City Manager Royle advised that from the SurveyMonkey survey regarding uses for the ARPA funds, that one of the top six responses was for park improvements. He said that the City is already working on improvements for Ocean Hammock Park and that Lakeside Park is fairly small and has been improved to its maximum. He said that Hammock Dunes Park, which is located north of the shopping center and south of Whispering Oaks subdivision on the west side of the Boulevard, is the only remaining park that the City has no plans or guidance for improvements. He advised that it is owned by the City but was originally purchased jointly by the City and St. Johns County for \$2.5 million with each paying half. The County Commission eventually deeded ownership to the City with the condition that if the City ever wanted to sell it, that the County would have the first right of refusal. Since then, the City Charter has been amended so that the selling of City park land

requires a four-fifths vote by the City Commission plus a referendum by the citizens, which is unlikely to ever be approved. He advised that it has a unique topography which can be seen on the aerial that shows its dimensions, such as the high point of 36 feet above sea level. He pointed out that there are wetlands through it as well. He advised that if the Commission is interested in doing something with the park that there are ARPA funds available. He said that the citizens have requested to improve City parks, and this is the one park that needs long-range planning for improvements. He advised that if the Commission gives approval for a Request for Proposals (RFP) for a park planner, that he would want Commission guidance on the scope of work because the land is unsuitable for certain activities without a lot of adjustments. He said that the City would need a park planner that is skilled in developing unique/topographically challenged parks to create passive recreation such as a walking trail and possibly a parking area, which would need expert advice due to the contour next to the Boulevard with a 25 foot elevation. He advised that maybe there could be parking to the south side with an easement from Regency Centers, which owns the shopping center. He said that his request would be that the Commission allow for an RFP and to limit the scope of work to passive recreation only. The park should be left as natural as possible, have a good buffer between the Whispering Oaks subdivision, the City would fence the northern boundary, etc.

Mayor Samora said that there are some residents here that may wish to speak, and he opened Public Comments.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, said what was done across the Boulevard is great; he occasionally sees deer, fox, and gopher tortoises in the park and that is why he is against making any more changes to the walkway in Ocean Hammock Park because it would be disruptive to the animals; suggested to follow City Manager Royle's advice; has picked up a lot of trash across the street; not a fan of the walking trails because of snakes and likes walkways to keep the kids from going off the path.

Bobby Crum, 301 Spanish Oak Court, St. Augustine Beach, FL, said his house backs up to the park; there are drainage issues; the rooftop water from Regency Center goes into the park; very unique with a very high dune with wetlands; Whispering Oaks has issues with water; not in favor of fencing because it is a corridor for the amazing wildlife and fencing would hinder them from movement; would volunteer to be on a committee; the park is a wise investment and to keep it preserved is important.

Mayor Samora appreciated all the great comments. He asked for any Commissioner comments.

Commissioner England advised that she and City Manager Royle talked about beach access. The southern part of the City has so many access points, but the residents farther south do not have a direct walkthrough to the beach. She said that this might be an opportunity to look at easements to connect to the walkway to give residents from State Road A1A access to the beach. She said that she would like for the planner to add that as part of the development.

Commissioner Sweeny asked how much a planner would cost. City Manager Royle said that he would not know that until after receiving the RFP responses. Mayor Samora advised that the RFP does not cost much, needs very little staff time, and would provide the Commission with needed information.

Commissioner Sweeny said that residents have asked about biking trails in that park.

[An audience member spoke away from the microphone, and nothing could be retrieved for the minutes.]

Commissioner George said that she was going to bring that up as well. She said that the Moses Creek Water Conservation area has biking/hiking trails that were developed by volunteers,

including the owners of the bike shop that used to be in the Publix plaza and they had said they would be willing to assist the City if it ever decided to develop bike trails. She said that it would accommodate the option of providing beach access to the residents of Pyrus Street, Magnolia Dunes Circle, Serenity Bay, etc. She questioned how much park planning would really be needed for something that is going to have as minimal impact as possible. She said all the City needs to know is whether to have parking and where to put it, determine the paths, etc. and she questioned if it could be done in-house before spending the money to hire a planner.

Mayor Samora said that his opinion is that because of the uniqueness and how small it is, that the need is greater for a professional planner to make sure to not disturb it and continue to enjoy the wildlife. He said that he is interested to find out how much it would cost and to narrow down the scope of what the City wants and/or does not want is important. He said it would be worth doing the RFP to at least see what comes back.

Commissioner England agreed with doing an RFP with limited scope and maybe to try contacting those volunteers to see if they are interested.

It was the consensus of the Commission to create an RFP with a scope to include:

- Consideration of wildlife and migration
- Safe pedestrian trail, and possible bike trail
- Access for residents on the south side of SR-A1A
- Parking

Commissioner George advised that at one point the owners of the old TD Bank had expressed willingness to allow access from the back side of their parking lot, but she does not know who owns it now. She said that it is important to keep the buffering for the community and any impact should be on the southern side and keep the greenway for the wildlife on the north side which is also close to Ocean Hammock Park.

Mayor Samora moved on to Item VIII.12 and asked City Manager Royle for his presentation.

12. 2022 Election: Discussion Whether City has Referenda Topics for Voters to Consider (Presenter: Max Royle, City Manager)

City Manager Royle advised that an election is coming up and that he provided information from Vicky Oakes, the Supervisor of Elections, with the timetable she needs for anything that the City wants to propose. He reminded the Commission that in 2023 the City is due to have a Charter Review Committee formed to do a ten year review of the City Charter, so 2024 might be the time to have a referendum for any Charter changes. Commissioner George said that the City would be taking up ballot space at that time and anything that is not a Charter amendment that the City wants considered as a referendum item should be done now while there is space. City Manager Royle said that the City Attorney would have to review the Charter and there may be parts that can be changed by a simple ordinance versus a referendum. He said that he and Finance Director Douylliez have talked about the former city hall/St. Augustine Beach Hotel and the possibility of two questions: 1) do you approve protecting/preserving the building, if yes; 2) do you approve taxing yourself millage for however many years to raise money to accomplish it. There is a \$500,000 grant to improve the exterior of the building but nothing yet for the interior of the building. He said that he has read reports that there could be a recession coming and the State might not have any grants for historic buildings at that time. He suggested to not ask that question in 2022 because it would need more research.

Mayor Samora asked if staff has any recommendations for a referendum at this point. City Manager Royle said he did not have any. Commissioner England suggested underground utilities.

City Manager Royle said that if the one cent sales tax passes, the City would have a revenue source to set aside a certain amount each year to underground the utilities and after two to three years there would be enough money to do it. He said that Pinellas County has done it because they have an additional sales tax called "A Penny for Pinellas" and many cities use that additional tax. He suggested to wait and see what the voters decide this November.

Commissioner Sweeny advised that it could be a risk asking for a funding item when there is already another tax, and that people may say "no" to both.

Commissioner George asked if the undergrounding of utilities would also be required to be on one of the ballots. City Attorney McCrea advised that he did not believe that it would. City Manager Royle agreed that it would not need to be on a ballot because the Commission could decide to underground utilities.

City Clerk Fitzgerald said that she believed that the City Manager forwarded to the Commission a list of new laws that the Legislature has just passed and that one of the bills was that tax related referendum items must now be on the General Election ballot as of July 1<sup>st</sup>. City Manager Royle advised that he interpreted that as asking the residents to tax themselves, which would automatically have to go on a referendum, but he did not believe it would be necessary if you ask taxpayers to approve paving streets using sales tax money. He advised that the City Attorney would need to interpret it. City Attorney McCrea advised that he would agree with that, but that he would research it.

Commissioner Sweeny asked if the City is asking the taxpayers to approve a revenue source. City Manager Royle said no, that if the voters approve the sales tax increase, then the City gets \$1.4 million.

Commissioner George said that the Commission could use the new revenue stream and would dedicate it, but it would not bind the hands of future Commissions. She said that that money would likely not be available and could be reallocated. She said that it would have to be on the General Election ballot.

Commissioner Sweeny said that she believed that there was a local infrastructure surtax option in the statute that could be levied. City Manager Royle advised that he did not believe so. Commissioner George advised that she did not believe that municipalities could levy it. City Attorney McCrea said that he would research it.

Commissioner George asked whether there is a way to create a district category of an assessment for a different purpose. City Attorney McCrea advised that he would need to get with City Manager Royle, field questions, and do research on it quickly.

Commissioner George advised that she did not want to hold off just because the sales tax item is going to be on the ballot. Mayor Samora agreed and said that it would need to go farther than just asking to approve spending the money in principal because the in-house survey showed the residents interest in undergrounding utilities.

City Manager Royle advised that if the City is going to ask the residents to approve undergrounding utilities, the City would need to provide them with good information. He said that there would be individual costs for each residence/business, easements would have to be provided, and the City is not prepared to put that on the ballot this year.

Commissioner George said, "never say never", and to consider breaking it down functionally such as presenting it with a proposal for up to a quarter of a mill to be set aside. She advised that the City would need to hire specific people to head the project, get the easements, and that the City would not be looking to break ground for at least seven years. She said that it does not mean that the City cannot get approval now for a certain amount on an annual basis to be levied later when

the City is ready. City Manager Royle advised that normally you would tell the voters that the tax would be levied for a certain amount of years and the longer it is stretched out before using the money would shorten the time to collect it before it expires.

Commissioner Sweeny asked if it is possible to be that ambiguous about the amount of the millage on a ballot question. City Attorney McCrea said that he believed that the City could be ambiguous, but that he did not recommend it because it may make voters angry.

Commissioner George said that the City could come up with a ballpark figure needed for seed money for the design, the staff, the research, etc., and put it in the millage to generate that amount. She said that staff could advise on the appropriate phasing of it to make it doable and define how much money is needed to get to a certain point. City Manager Royle said that since FPL owns it, they could possibly come speak about it.

Commissioner George advised that there are other nearby cities that have done it and the City should find out what they did to fundraise. City Manager Royle said that he did not know of a nearby community that has done it. Mayor Samora said that Pinellas County did it and he asked for the City Manager to reach out to them. City Manager Royle asked if the Commission only wants to underground utilities on the Boulevard or the neighborhoods too. Commissioner George advised that it is most important to underground utilities on the Boulevard.

Mayor Samora asked what the deadline is for getting something on the ballot. City Manager Royle said that the deadline for the November election is August 5<sup>th</sup> and that normally a referendum item is done by an ordinance which would need to have two readings. He advised that the August Commission meeting is August 1<sup>st</sup>.

Mayor Samora said that he has sensed that this is something that the Commission wants to take seriously. Commissioner George said that if it ends up that it waits until 2024 that she does not want to hear that it is not possible. She said that she would be happy to do legwork and get the answers needed but would need guidance.

Commissioner England advised that when she attended a Florida League of Cities seminar that there was a city that did the whole project, and the Florida League of Cities may have some examples of referendum questions. She also suggested checking with those cities that have done it. She said that she believes they may have started with a general question without the specific costs narrowed down. She suggested to put the amount of the tax and the revenue and itemize what it would be used for.

City Manager Royle suggested to wait to see if the voters approve the additional one cent tax and then the City would not have to go to the voters for levying an additional tax. Commissioner England said that Commissioner George was concerned about how to tie it down. City Manager Royle advised that the City Attorney would research it.

Commissioner George asked if the City Attorney was suggesting that there is a way to restrict the sales tax funds to be used for a specific project by using a referendum or some other means. City Attorney McCrea said that he is going off of conjecture right now and would like time to research it before he advises the Commission.

Mayor Samora asked if there were any Public Comments.

Michael English, 115 F Street, St. Augustine Beach, FL, he wrote a book about 30 years ago called Best Practices Benchmarking which applied to industry; the last 15 years, city and state governments have been using it; other cities have solved the same problems that this City is trying to solve; suggested to do quarterly exchanges with other cities to see how they solved a problem as well as which cities not to replicate.

Commissioner George suggested to have an update next month, that she would do some digging as well, and staff could come up with ideas. Mayor Samora advised that there is enough push from the Commission and the residents and to keep this on the radar.

Mayor Samora moved on to Item XIV.

#### XIV. STAFF COMMENTS

City Attorney McCrea advised that he has been speaking with staff this week and that he going to start having office hours so that he is more accessible during the week.

Chief Carswell advised that the Bike Rodeo went well, and 7-Eleven has been a fantastic community partner for the Police Department by supplying pizza, slushies, etc. and is a great asset to our City. Mayor Samora asked if the Police Department is fully staffed. Chief Carswell advised that one officer just left to work for Epic Behavioral.

Public Works Director Tredik advised that his department is going to be down three employees shortly and that he is encouraging people to come on board. He said that it is a struggle when the department is down. He said that there are four lots on 2<sup>nd</sup> Street that he is trying to get the easements for the underground utilities and that the western block has everything it needs now. He advised that the eastern block may get one more and that he has done a second round of mailings and would do a third round at the end of the week which may be certified/signature required. He is pushing to get it done but it is still four easements short. Commissioner England asked if there was anything new on Versaggi. Director Tredik said no and that he reached out to a consultant to get an engineering study and has not heard anything yet.

Building Official Law advised that his department issued the Certificate of Occupancy to Jack's Brewery several weeks ago. Commissioner George said that they have a good beer there called Brud-light.

Mayor Samora advised that he plans to highlight new businesses at the legislative breakfast.

City Manager Royle said that he and Director Tredik went to Flagler Beach to see the new glass crushing machine for its inaugural demonstration. He advised that he would revisit them in about three months to see how it is going. He said that Director Tredik had preliminary figures for how much glass the City might crush, its value, etc., and that the City might have more crushed glass than it could use which really has no market. He said that he noticed that Flagler Beach has no chain motels or restaurants, and they are really the Florida from the 1950s. They have a proposal for a new motel which is causing concern from the residents. He said that they also have had a dilemma with their July 4<sup>th</sup> fireworks show and may not be able to have it again. He advised that he checked with Fireworks by Santore, and the City is on their agenda for the New Year's Eve show.

Mayor Samora asked what Flagler Beach does with the crushed glass if there is no market for it. City Manager Royle said that they did not have much of a quantity at the time and were just giving a demonstration of the machine. Director Tredik advised that they had some ideas such as fill material, selling it to potential vendors, etc., and that over the next few months would determine if those ideas would work. He advised that if the City crushed all the glass coming in that it would have more than it could use. He said that if Flagler Beach is successful that it might be an option, but the question is how to collect the glass. He said that it would have to be uncontaminated and would probably need a drop-off location.

Commissioner Sweeny said that she recently had a conversation with Mr. Todd Grant from the City of St. Augustine and that they are looking into a glass program and that there might be a potential to partner with them. Director Tredik said that he spoke to Mr. Grant several months

ago and when he is ready to go that he would communicate more. City Manager Royle said that Flagler Beach's machine cost \$200,000, which is significant.

Mayor Samora said that the Commission will meet again June 6<sup>th</sup>; City offices will be closed for Memorial Day on May 30<sup>th</sup>; there is a beach cleanup May 14<sup>th</sup> and to contact Ms. Conlon to sign up; SEPAC meets May 5<sup>th</sup>; CPZB meets May 17<sup>th</sup>.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 9:03 p.m.

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Donald Samora, Mayor

ATTEST:

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Dariana Fitzgerald, City Clerk

## MEMORANDUM

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

**FROM:** Max Royle, City Manager mk

**DATE:** May 19, 2022

**SUBJECT:** Presentations

- A. Sons of the American Revolution Law Enforcement Commendation Award for 2022 to Police Corporal Bruce Cline
- B. Interview of Mr. Edward Edmonds for Appointment as a Regular Member to the Sustainability and Environmental Planning Advisory Committee

### ITEM A. AWARD

Attached as page 1 is an email from the Police Chief Carswell, in which he explains the background for the award.

### ITEM B. SEPAC MEMBER

An Ocean Walk residence, Mr. Edward Edmonds, has applied to serve as a regular member on the Sustainability and Environmental Planning Advisory Committee. His application is attached as pages 2-4. He has been invited to your June 6<sup>th</sup> meeting for the customary interview.

## Max Royle

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**From:** Daniel Carswell  
**Sent:** Monday, May 2, 2022 5:01 PM  
**To:** Max Royle  
**Subject:** Re: June Commission Meeting Presentation

The award from the Sons of American Revolution (SAR)- Law Enforcement Commendation Award is for dedicated and outstanding work in law enforcement for the 2022 year. These commendations are awarded annually by the SARs St. Augustine Chapter to police, fireman, and emergency medical staff.

Cpl. Bruce Cline will be receiving the award for his outstanding work in 2022. He was unanimously selected by staff as the SABP Officer of the Year. Cpl. Cline spends his time at work with K9 Kilo, ridding St. Johns of illegal narcotics. He works in tandem with the SJSO, SAPD, and FDLE on narcotics searches of vehicles, serving dangerous search warrants, and searching for missing persons. He serves as a shift Corporal and Field Training Officer. Cpl. Cline also gives back to his community by volunteering his time at the St. Johns County Big Cat Sanctuary, organizing the annual Kilo Presents for Pets donations during Christmas, speaking with students at St. Joseph's Academy and assisting with SABP's Cops with Clause and Halloween events.



***Daniel Carswell, Chief of Police***

**ST. AUGUSTINE BEACH POLICE DEPARTMENT**  
2300 A1A South, St. Augustine Beach, FL 32080  
(904) 471-3600



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

FOR APPOINTMENTS TO COMMITTEES NOT INVOLVED IN LAND USE

Date received by City 05.12.2012

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: EDWARD EDMONDS

Address: 28 LEE DRIVE, SAINT AUGUSTINE, 32080

Phone #: (954) 470-6747

E-Mail Address: E.EDMONDS24USA@YAHOO.COM

How long have you been a legal resident of the City of St. Augustine Beach. 4 1/2 MONTHS

I am a full-time ☒ part-time ☐ resident ☒

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

List all active professional licenses and certifications: NOT APPLICABLE

Educational background: BBA - FINANCE & BBA - MARKETING FROM THE OHIO STATE UNIVERSITY; LAW DEGREE FROM BPP UNIVERSITY LAW SCHOOL

Past work experience: 1. TWO YEAR EXPERIENCE AS AN ATTORNEY FOR BANKS AND IN PRIVATE PRACTICE, AS WELL AS A CLIENT SOLUTIONS SPECIALIST FOR A FINTECH STARTUP OF BANKING WITHIN THE FINANCE INDUSTRY.

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. NOT APPLICABLE

2. -

3. -

4. -

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

1. Beautification Advisory Committee ☐
2. Other ☒

SUSTAINABILITY & ENVIRONMENTAL  
PLANNING ADVISORY COMMITTEE  
(SOPAC) - 2 MONTHLY MEETINGS

I am available for meetings

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

List three (3) personal or professional references:

1. ANDREA IANNIELLO - PROFESSIONAL - TEL: (845) 424-4143
2. ROBERT SAWH - PERSONAL - TEL: (425) 780-2233
3. PATRICK KOWAN - PERSONAL - TEL: (917) 515-8345

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.)

As a member of this community I have a vested interest in  
keeping it in harmony with the nature and wildlife found here.  
We live in a very special place and I want to ensure that  
we maintain that for the best of our community and visitors.

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

be provided by Florida Statutes or other enabling legislation.

  
Signature

05.12.2022

Date

Please return completed application to:

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

*Thank you for your interest!*

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**M E M O R A N D U M**

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** CONDOMINIUM/TOWNHOME SOLID WASTE CHANGE  
**DATE:** 5/13/2022

---

In December, the Commission approved moving solid waste billing for condominium and townhome owners to a non-ad valorem assessment, the same way the residents are billed. Notices were mailed to the condominium owners on Friday, May 6<sup>th</sup>. We advertised the hearing in the St. Augustine Record on May 15, 2022.

The change would discontinue monthly billing to the condominium/townhome owners and add the cost of solid waste and recycling services back to the tax billing as a non-ad valorem charge. The annual cost of services will remain the same as our current residential rate:

- \$150.00 for the Collection
- \$125.00 for Disposal
- \$40.00 for Recycling

The change will go into effect with the upcoming tax year and the addresses will be added to the assessment roll that will be certified to the Tax Collector in September 2022.

I am requesting that the Commission consider and approve Resolution 22-03 – Adopting the billing change for condominium/townhome owners.

**RESOLUTION No. 22-03**

**A RESOLUTION BY THE CITY COMMISSION OF SAINT AUGUSTINE BEACH, FLORIDA,  
APPROVING THE COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR SOLID  
WASTE AND RECYCLE FROM CONDOMINIUM/TOWNHOME OWNERS BEING SERVICED  
BY THE CITY OF ST AUGUSTINE BEACH PUBLIC WORKS DEPARTMENT.**

**WHEREAS**, the City Commission of Saint Augustine Beach, Florida ("Board") by enacting Resolution 2022-03, to create a Solid Waste Non-Ad Valorem Assessment; and

**WHEREAS**, Resolution 22-03 provides for the collection of the levied assessments by the Tax Collector in accordance with Florida Statute 197.3632; and

**WHEREAS**, The City of Saint Augustine Beach has a written agreement, pursuant to Florida Statute 197.3632, attached hereto as **Exhibit "A"**, incorporated by reference and made a part hereof, with the Tax Collector for the collection of the non-ad valorem assessments pursuant to the City of Saint Augustine Beach, Florida Code Article II, Solid Waste Non-Ad Valorem Special Assessment and the reimbursement of administrative costs associated with those collections. Said reimbursement is defined in the agreement as 2% of payments received by the Tax Collector.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA**, as follows:

**Section 1.** The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

**Section 2.** The Commission hereby approves the collection of a non-ad valorem assessment for solid waste collection, disposal and recycling services from condominium/townhome owners being serviced by the City of St Augustine Beach Public Works Department.

**Section 3.** The Clerk of the Court of St. Johns County, Florida is instructed to record the original Agreement in the Public Records of St. Johns County, Florida.

**Section 4.** To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the City Commissioners.

**PASSED AND ADOPTED**, this 6<sup>th</sup> day of June 2022.

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Max Royle, City Manager

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Don Samora, Mayor

**ATTEST:**

**City Clerk, Dariana Fitzgerald**

By: \_\_\_\_\_

Clerk

**Exhibit "A" to Resolution**

**AGREEMENT**

This Agreement is entered into this 3<sup>rd</sup> day of August 2020 between the City of Saint Augustine Beach, Florida (the **City**), a political subdivision of the state of Florida, and the Tax Collector of St. Johns County, Florida (the **Tax Collector**).

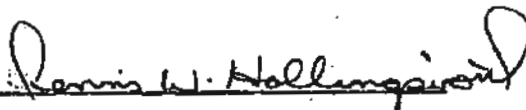
In consideration of the representations and agreements set forth below the parties agree as follows:

1. The Tax Collector shall perform such duties and tasks as may be required of him in order for the City to implement and use Section 197.3632, Florida Statutes, (Uniform method for levy, collection and enforcement of non-ad valorem assessments) in order to levy and collect the Solid Waste Non-Ad Valorem Assessment against the real property located within the City of Saint Augustine Beach, Florida created by City of Saint Augustine Beach Resolution 2020-18, as authorized by City of Saint Augustine Beach in its Code Article II. Solid Waste Non-Ad Valorem Special Assessment.
2. The City shall reimburse the Tax Collector for all necessary administrative costs incurred by him under Section 197.3632, Florida Statutes, and to include, but not be limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County will compensate the Tax Collector an amount equal to two percent (2%) of the balance collected as commission pursuant to Section 192.091(2)(b), Florida Statutes, as opted by the Tax Collector on an annual basis during the term of this Agreement.
3. The City represents that it has complied with all necessary or desired requirements of Section 197.3632(3), Florida Statutes, and that copies of the adopted resolution have been mailed to the St. Johns County Property Appraiser, the St. Johns County Tax Collector and the Florida Department of Revenue by 8/18/20. A depiction of the property subject to the levy of the MSBU referenced in this Agreement and the Resolution of the County approving these assessments are attached hereto and incorporated herein by reference as **Exhibit "A"** and **Exhibit "B"**, respectively.
4. The parties agree that the non-ad valorem assessments shall be levied using the uniform method provided for in Section 197.3632, Florida Statutes, and shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Section 197.3635, Florida Statutes.
5. The parties agree that the non-ad valorem assessments collected pursuant to Section 197.3632, Florida Statutes, shall be subject to the collection procedures provided for in Chapter 197, Florida Statutes, for ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment and issuance and sale of tax certificates and tax deeds for nonpayment.
6. The City represents that it has complied with all necessary laws and regulations of the State of Florida and the City of Saint Augustine Beach, Florida necessary for the passage of the non-ad valorem assessment referenced in this Agreement and for its collection by the Tax Collector.

7. In the event this non-ad valorem assessment or any portion thereof should be found or determined to be unlawful or unconstitutional, or if any type of refund is ordered or required to be made by the Tax Collector, the City agrees to provide the funds necessary for any such refund, and, further, to reimburse the Tax Collector for any and all necessary administration costs incurred by him for said refund. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming.

This Agreement is entered into as of the date first written above.

**TAX COLLECTOR OF ST. JOHNS COUNTY, FLORIDA**



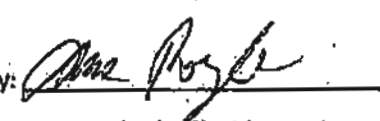
Dennis W. Hollingsworth, Tax Collector

**CITY OF SAINT AUGUSTINE BEACH**

By: 

Margaret England, Mayor

**CITY OF SAINT AUGUSTINE BEACH**

By: 

Max Royle, City Manager

(SEAL)


**ATTEST:**

**Beverly Raddatz, City Clerk**

By: 

Clerk

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager ink

**DATE:** May 19, 2022

**SUBJECT:** Ordinance 22-05, Second Reading, to Amend the Land Development Regulations Concerning Erosion Resistant Materials and the Surfacing of Parking Areas

Attached as page 1 is a memo, in which the Public Works Director explains the reasons for the Amendment.

The Comprehensive Planning and Zoning Board reviewed Ordinance 22-05 at its May 17, 2022, meeting, and recommended its approval, subject to:

- Removal of references to County Road A1A in Section 6.03.07

The Board's vote is stated in the attached memo (page 13) from Ms. Jennifer Thompson, City Planner.

Mr. Tredik will be at your meeting to explain the amendment and to answer your questions.

## MEMORANDUM

Date: May 3, 2022

To: Jennifer Thompson, Planner

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

Subject: Recommended Changes to the Land Development Code (LDC)  
Erosion Resistant Surfaces and 6.03.07 Surfacing of Parking Areas

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The City of St. Augustine Beach (the City) is a Phase II Municipal Separate Storm Sewer System (MS4) entity operating under a National Pollutant Discharge Elimination System (NPDES) MS4 permit. The NPDES program (created in 1972 by the Clean Water Act) address water pollution by regulating point sources that discharge pollutants to waters of the United States. The NPDES MS4 permit requires the City to satisfy the following six minimum control measures:

1. Public education and outreach
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site runoff control
5. Post-construction runoff control
6. Pollution prevention/Good housekeeping

Under the third minimum measure, an illicit discharge is defined as any discharge to an MS4 that is not composed entirely of storm water, except allowable discharges pursuant to an NPDES permit, including those resulting from fire fighting activities (40 CFR 122.26(b)(2)). Chapter 7 of the City Code defines an illicit discharge as:

*"A discharge to the city's storm sewer system or to waters of the United States which is not composed entirely of stormwater, unless exempted pursuant to this regulation, and/or the discharge to the city's storm sewer system or to waters of the United States and which is not in compliance with federal, state and city permits."*

Some common examples of illicit discharges include:

- Septic Tank Seepage / Illegal Sanitary Connections
- Car wash wastewater
- Per waste
- Motor oil and automotive fluids
- Laundry wastewater
- Household and yard chemicals
- Grass clippings and yard waste
- Eroded soils

### **Erosion-Resistant Surfaces**

In some locations within the City, eroded soils continue to enter the public rights-of-way. Excluding blowing beach sand, the primary source of the eroded soils to the public rights-of-way is unpaved

parking areas and other inadequately stabilized developed land surfaces. These eroded soils are considered illicit discharges and, when they enter the drainage system, increase pollution to the receiving waterway and increase maintenance costs for the City. The City is obligated under its NPDES permit to detect and remove such illicit discharges. A critical step in eliminating illicit discharges due to eroded soils is to enact LDC modifications restricting the use of surfaces subject to erosion.

The LDC currently lists compacted coquina shell and limerock as an erosion-resistant material. These two surface types are vulnerable to erosion, as evidenced in various locations within the City. Coquina shell currently erodes into public rights-of-way in multiple locations. Limerock surfaces are also vulnerable to erosion of dissolved and suspended solids, and thus can contribute to illicit discharges. The Public Works Department recommends **Erosion Resistant Materials – Types** within the LDC Definitions be modified as follows, to reduce the potential for erosion of dissolved and suspended solid illicit discharges:

1. *Minimum 1.25 inch thick asphaltic concrete surface course (SP 9.5 or SP 12.5) with minimum six (6) inch thick base course compacted to 98% of maximum density determined by AASHTO T-180.*
2. *Concrete—Minimum 6-inch thick 3,000 PSI fibermix or wire re-enforcing. Driveways serving single family or duplex residential units may be reduced to 5-inch thickness.*
3. *Interlocking permeable pavers – Manufacturers recommended installation for driveway and parking use with minimum twelve (12) inch thick compacted granite base below bedding material for stormwater infiltration. Installations within the right of way must be approved by the City Engineer.*
4. *Pavers—Manufacturers recommended for driveway and roadway use with 6-inch thick base course compacted to 98% of maximum density determined by AASHTO T-180.*
5. *Clean Crushed Stone – Approved only for secondary overflow parking not adjacent to accessible structures. Not permitted for aprons, drive aisles or parking areas adjacent to accessible structures. Gravel shall be minimum 6-inch thick compacted #57 granite or other igneous rock of equivalent strength atop a woven geotextile fabric. Sedimentary and metamorphic crushed stone or gravels are not permitted for use in areas subject to vehicular traffic.*

Igneous rocks (e.g. granite, basalt, etc.) are considerably stronger than sedimentary rocks (e.g. limestone, sandstone, etc.) and are thus less subject to pulverizing and generation of stone dust under recurring wheel loads. The use of clean crushed stone is also imperative as stone dust increases compaction and reduces the permeability.

#### **Other Changes to Definitions (Pervious Surfaces and Impervious Surface)**

Pervious Concrete and pervious asphalt are challenging to install while maintaining permeability. In addition to requiring a compacted base material (which reduces permeability) they have a tendency to clog with fine particles over time, further reducing their permeability. Due to these challenges, Public Works recommends that these materials be removed from the “Alternative Porous Paving” Definition in the LDC. Public Works also recommends language adding a review and approval of Alternative Porous Paving installations to maximize the potential for long-term functionality.

Public Works also recommends modification to the “Impervious Surface” Definition in the LDC to include compacted sedimentary and metamorphic rocks and gravel which are more subject to pulverizing and reduction of permeability over time than igneous crushed rock.

### **Section 6.03.07. Surfacing of Parking Areas**

Section 6.03.07 (C) through (F) contains obsolete language related to the past widening of County Road A1A (a.k.a. A1A Beach Boulevard). This language is not germane to the current situation and should be revised.

Recommended changes to 6.03.07 (B) would allow existing structures which are not utilizing erosion-resistant materials to remain in use as non-conforming structures provided that, within 6 months, they enact permanent sedimentation and erosion control measures which prevent eroded soils and/or suspended solids from leaving the site. This modification simplifies Section 6.03.07 and eliminates the need for the reference to the past widening of County Road A1A.

Recommended changes to paragraph 6.03.07 (C) clarify the thresholds and requirements for bringing "non-conforming" structures into compliance when improvements to the property exceed 10% of the property's value. This modification would mandate bringing a site into compliance if substantial modifications are made but allow minor site improvements to be constructed without removing the non-conforming structure. Requirements of 6.03.07 (A) would remain in force, thus erosion to the public rights of way would be prevented.

## Sec. 2.00.00. - Definitions as used in this Appendix.

Terms in the LDC shall have the following definitions.

Alternative Porous Paving—is a technique to stabilize vehicle use areas, driveways, patios, sidewalks, multi-use paths and other hardscape elements to allow for the absorption of water as part of an overall on-site management for stormwater. Examples include pervious concrete, porous asphalt, permeable interlocking pavers, concrete or plastic based pavers, porous turf, grids and geocells. Use of alternative porous pavement is subject to approval of the Public Works Department and must demonstrate permeability equal to or greater than the preconstruction condition for an anticipated functional product life of 25 years. If designed and installed to meet the required permeability and functional product life, use of Alternative Porous Paving shall not be counted as impervious surface. See also 'Impervious Surface' and 'Impervious Surface Ratio'.

### Erosion-Resistant Material—Types:

1. ~~Asphalt Type I or Type II—Minimum one and one-fourth (1 1/4) inch thick surface course with minimum six (6) inch thick base course compacted to ninety-five (95) percent.~~
2. ~~Concrete—Minimum five (5) inch thick 3,000 PSI fibermix or wire re-enforcing.~~
3. ~~Cockquina Shell and Limerock—Six (6) inch thick compacted to a minimum density of ninety-five (95) percent.~~
4. ~~Pavers—Manufacturers recommended for driveway and roadway use with five (5) inch thick base course of limerock compacted to ninety-five (95) percent.~~
1. Minimum 1.25 inch thick asphaltic concrete surface course (SP 9.5 or SP 12.5) with minimum six (6) inch thick base course compacted to 98% of maximum density determined by AASHTO T-180
2. Concrete—Minimum 6-inch thick 3,000 PSI fibermix or wire re-enforcing. Driveways serving single family or duplex residential units may be reduced to 5-inch thickness.
3. Interlocking permeable pavers – Manufacturers recommended installation for driveway and parking use with minimum twelve (12) inch thick compacted granite base below bedding material for stormwater infiltration. Installations within the right of way must be approved by the City Engineer.
4. Pavers—Manufacturers recommended for driveway and roadway use with 6-inch thick base course compacted to 98% of maximum density determined by AASHTO T-180.

5. Clean Crushed Stone – Approved only for secondary overflow parking not adjacent to accessible structures. Not permitted for aprons, drive aisles or parking areas adjacent to accessible structures. Gravel shall be minimum 6-inch thick compacted #57 granite or other igneous rock of equivalent strength atop a woven geotextile fabric. Sedimentary and metamorphic crushed stone or gravels are not permitted for use in areas subject to vehicular traffic.

Impervious Surface—Any Building, surface, concrete, pool, wet retention/detention areas, pavement or a surface that has been compacted or covered with a layer of material so that it is highly resistant to significantly reduces the rate of infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, pavement base materials, compacted sedimentary and metamorphic crushed rocks and gravel, stabilized compacted decomposed granite, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Impervious Surface Area (ISA)—The sum of all Impervious Surfaces within a portion or portions of a proposed Development site, Project or Parcel.

Impervious Surface Ratio (ISR)—The ISR shall be calculated by dividing the total Impervious Surface Area by the total area of the proposed Development Site or Project. Alternative Porous Paving shall not count toward the ISR.

#### Sec. 6.03.07. Surfacing of parking areas.

- A. Off-street parking areas, loading areas, and vehicular entrances and exits for all new and existing development shall be surfaced with "erosion-resistant material", as defined in section 2.00.00 of this Code.
- B. Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, which are not surfaced with erosion-resistant material and are located on property that does not abut on County Road A1A, may remain in use as nonconforming structures without being surfaced with erosion-resistant material as nonconforming structures, provided, within six (6) months of the adoption of this section, permanent sedimentation and erosion control measures, as approved by the Public Works Department, are implemented to prevent eroded soils and/or suspended solids from leaving the site.
- C. Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, which are not surfaced with erosion-resistant material and are located on property abutting County Road A1A, may remain in use as nonconforming structures without being surfaced with erosion-resistant material, until such time as a building permit is submitted for improvements to the property, where such improvements are estimated to cost ten percent (10%) or more than the property's value; and provided, within six (6) months of the adoption of this section, permanent sedimentation and erosion control measures, as approved by the Public Works Department, are implemented to prevent eroded soils or suspended solids from leaving the site.
- E. Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, and which are on property abutting the portion of County Road A1A located between "F" Street and Pope Road shall be surfaced with erosion-resistant material within thirty (30) days after completion of the widening of said portion of County Road A1A.
- D. Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, and which are on property abutting the portion of County Road A1A located between State Road 2 and "F" Street shall be surfaced with erosion-resistant material within thirty (30) days after completion of the widening of said portion of County Road A1A.
- E. Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, and which are on property abutting the portion of County Road A1A not described in paragraphs C and D, shall be surfaced with erosion-resistant material within thirty (30) days after completion of the widening of the portion of County Road A1A abutting such property.
- F. At the option of a property owner, any off-street parking area, loading area, and vehicular entrance and exit described in paragraphs C, D, or E, may remain in use without being surfaced with erosion-resistant material as a nonconforming structure, provided that the property owner, within the time period specified in paragraphs C, D, or E, as applicable, builds a raised and landscaped buffer or other barrier approved by the City Manager or designee that is reasonably sufficient to prevent sand and dirt from being carried off-site by stormwater to damage, obstruct, or accumulate in the public stormwater drainage system.
- G. The office of the city manager shall mail a notice to each property owner, subject to paragraphs B and C, D, and E, of the date of adoption of this section completion of the widening of any portion of County Road A1A adjacent to such owner within thirty (30) calendar three (3) days after completion thereof. For purposes of this section, "completion" shall occur upon substantial completion of construction of the widening of the paved roadway, installation of public stormwater drainage improvements, and sidewalks abutting such property.

Commented [BT1]: Mango Mangos and others. When is this triggered

Commented [BT2R1]: Need a discussion ab out all of this

- 
- H Any nonconforming parking area, loading area, and vehicular entrance and exit, allowed under paragraphs D. or F.C., shall be surfaced with erosion-resistant material in conjunction with any expansion of a building served by such parking area when the gross floor area of the building is increased by more than twenty-five (25) percent, or upon reconstruction of the principal building served by a parking area after the building has been demolished or substantially destroyed by fire or other calamity.
- I. This section imposes requirements that are additional and supplemental to the paving requirements under section 6.03.01 and other sections of this Code. This section shall not affect or delay the application or enforcement of any other sections of this Code to any premises.

**ORDINANCE NO. 22-05**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH  
AMENDING SECTION 6.03.07 OF THE LAND DEVELOPMENT  
REGULATIONS REGARDING THE SURFACING OF PARKING LOTS  
BY UPDATING AND AMENDING LANGUAGE AND SECTION 2.00.00 OF  
THE LAND DEVELOPMENT REGULATIONS BY UPDATING AND  
CLARIFYING DEFINITIONS**

**WHEREAS**, Section 6.03.07, City of St. Augustine Beach Code, maintains certain requirements for the surfacing of parking lots; and

**WHEREAS**, Section 6.03.07, City of St. Augustine Beach Code, requires businesses to be in conformity with surfacing of parking lots; and

**WHEREAS**, The City of St. Augustine Beach has defined items to be used in the section; and

**WHEREAS**, the City Commission finds that it is in the best interests of the citizens of Saint Augustine Beach, Florida to amend Section 6.03.07 to require surfacing of parking areas with “erosion-resistant material”; and

**WHEREAS**, the amendment to this section will be supplemental to the paving requirements of Section 6.03.07 and other Sections of the Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. AUGUSTINE BEACH:** That Section 6.03.07 is amended by adding language attached as **EXHIBIT “A”** and Section 2.00.00 is amended with the included definitions in **EXHIBIT “B”** made a part of this ordinance and as if set forth in full.

**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

## EXHIBIT "A"

### SURFACING OF PARKING AREAS

#### Sec. 6.03.07. Surfacing of parking areas.

- A. Off-street parking areas, loading areas, and vehicular entrances and exits for all new and existing development shall be surfaced with "erosion-resistant material", as defined in section 2.00.00 of this Code.
- B. Off-street parking areas, loading areas, and vehicular entrances and exists constructed prior to the adoption of this section, which are not surfaced with erosion-resistant material ~~and are located on property that does not abut on County Road A1A.~~ may remain in use as nonconforming structures without being surfaced with erosion-resistant material as nonconforming structures, provided, within six (6) months of the adoption of this section, permanent sedimentation and erosion control measures, as approved by the Public Works Department, are implemented to prevent eroded soils and/or suspended solids from leaving the site.
- C. Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, which are not surfaced with erosion-resistant material and are located on property abutting County Road A1A, may remain in use as nonconforming structures without being surfaced with erosion-resistant material, subject to paragraph B, until such time as a building permit is issued submitted for improvements to the property, where such improvements are estimated to cost ten percent (10%) or more than the property's value, after which the nonconforming structure shall be brought into compliance with the current code ; and provided, within six (6) months of the issuance of the building permit, adoption of this section, permanent sedimentation and erosion control measures, as approved by the Public Works Department, are implemented to prevent eroded soils or suspended solids from leaving the site.
- C. ~~Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, and which are on property abutting the portion of County Road A1A located between "F" Street and Pope Road shall be surfaced with erosion resistant material within thirty (30) days after completion of the widening of said portion of County Road A1A.~~ D. ~~Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, and which are on property abutting the portion of County Road A1A located between State Road 3 and "F" Street shall be surfaced with erosion-resistant material within thirty (30) days after completion of the widening of said portion of County Road A1A.~~
- E. ~~Off-street parking areas, loading areas, and vehicular entrances and exits constructed prior to the adoption of this section, and which are on property abutting the portion of County Road A1A not described in paragraphs C. and D. shall be surfaced with erosion resistant material within thirty (30) days after completion of the widening of the portion of County Road A1A abutting such property.~~
- F. ~~At the option of a property owner, any off street parking area, loading area, and vehicular entrance and exit, described in paragraphs C., D., or E., may remain in use without being surfaced with erosion-resistant material as a nonconforming structure, provided that the~~

~~property owner, within the time period specified in paragraphs C., D., or E., as applicable, builds a raised and landscaped buffer or other barrier approved by the City Manager or designee that is reasonably sufficient to prevent sand and dirt from being carried off-site by stormwater to damage, obstruct, or accumulate in the public stormwater drainage system.~~

- G. ~~The office of the city manager shall mail a notice to each property owner with an identified nonconforming structure, subject to paragraphs B and C C., D., and E., of the date of adoption of this section completion of the widening of any portion of County Road A1A adjacent to such owner within thirty (30) calendar three (3) days after completion thereof. Failure of the City to notice a property owner due a nonconforming structure not being identified within the 30 calendar days after adoption of this section does not relieve the property of the requirements set forth in paragraphs B and C above. If a property is identified as nonconforming, subject to paragraphs B and C, after the initial 30-day notification period, the City shall mail a notice to the property owner, after which the property owner shall implement permanent sedimentation controls, as described in paragraph B, with six (6) months of the postmark of the mailed notice.~~

~~For purposes of this section, "completion" shall occur upon substantial completion of construction of the widening of the paved roadway, installation of public stormwater drainage improvements, and sidewalks abutting such property.~~

- H. Any nonconforming parking area, loading area, and vehicular entrance and exit, allowed under paragraphs B. or ~~E. C.~~, shall be surfaced with erosion-resistant material in conjunction with any expansion of a building served by such parking area when the gross floor area of the building is increased by more than twenty-five (25) percent, or upon reconstruction of the principal building served by a parking area after the building has been demolished or substantially destroyed by fire or other calamity.
- I. This section imposes requirements that are additional and supplemental to the paving requirements under section 6.03.01 and other sections of this Code. This section shall not affect or delay the application or enforcement of any other sections of this Code to any premises.

## EXHIBIT "B"

### DEFINITIONS

#### Sec. 2.00.00. - Definitions as used in this Appendix.

Terms in the LDC shall have the following definitions.

Alternative Porous Paving—is a technique to stabilize vehicle use areas, driveways, patios, sidewalks, multi-use paths and other hardscape elements to allow for the absorption of water as part of an overall on site management for stormwater. Examples include ~~pervious concrete, porous asphalt,~~ permeable interlocking pavers, concrete or plastic based pavers, porous turf, grids and geocells. Use of alternative porous pavement is subject to approval of the Public Works Department and must demonstrate permeability equal to or greater than the preconstruction condition for an anticipated functional product life of 25 years. If designed and installed to meet the required permeability and functional product life, Use of Alternative Porous Paving shall not be counted as impervious surface. See also Impervious Surface' and 'Impervious Surface Ratio'.

...

Erosion-Resistant Material—Types:

~~1. Asphalt Type I or Type II—Minimum one and one fourth (1 1/4) inch thick surface course with minimum six (6) inch thick base course compacted to ninety five (95) percent.~~

~~2. Concrete—Minimum five (5) inch thick 3,000 PSI fibermix or wire re enforcing.~~

~~3. Coquina Shell and Limerock—Six (6) inch thick compacted to a minimum density of ninety five (95) percent.~~

~~4. Pavers—Manufacturers recommended for driveway and roadway use with five (5) inch thick base course of limerock compacted to ninety five (95) percent.~~

1. Minimum 1.25 inch thick asphaltic concrete surface course (SP 9.5 or SP 12.5) with minimum six (6) inch thick base course compacted to 98% of maximum density determined by AASHTO T-180.

2. Concrete—Minimum 6-inch thick 3,000 PSI fibermix or wire re-enforcing. Driveways serving single family or duplex residential units may be reduced to 5-inch thickness.

3. Interlocking permeable pavers – Manufacturers recommended installation for driveway and parking use with minimum twelve (12) inch thick compacted granite base below bedding material for stormwater infiltration. Installations within the right of way must be approved by the City Engineer.

4. Pavers—Manufacturers recommended for driveway and roadway use with 6-inch thick base course compacted to 98% of maximum density determined by AASHTO T-180.

5. Clean Crushed Stone – Approved only for secondary overflow parking not adjacent to accessible structures. Not permitted for aprons, drive aisles or parking areas adjacent to accessible structures. Gravel shall be minimum 6-inch thick compacted #57 granite or other igneous rock of equivalent strength atop a woven geotextile fabric. Sedimentary and metamorphic crushed stone or gravels are not permitted for use in areas subject to vehicular traffic.

...

Impervious Surface—Any Building, surface, concrete, pool, wet retention/detention areas, pavement or a surface that has been compacted or covered with a layer of material so that it is ~~highly resistant to~~ significantly reduces the rate of infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, pavement base materials, compacted sedimentary and metaphoric crushed rocks and gravel, stabilized compacted decomposed granite, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.



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: May 18, 2022  
Re: Ordinance No. 22- 05, pertaining to proposed code changes to the St. Augustine Beach Land Development Regulations, Article II, Section 2.00.00 and Article VI, Section 6.03.07

At the Comprehensive Planning and Zoning Board meeting on May 17, 2022, the Public Works Director, Bill Tredik presented proposed code changes to the St. Augustine Beach Land Development Regulations, Article II, Section 2.00.00 and Article VI, Section 6.03.07. These proposed changes relate to erosion resistant materials, impervious surfaces, and the surfacing of parking areas.

Chairperson Kevin Kincaid made a motion to recommend approval of the proposed changes, with removal of references to County Rd A1A in section 6.03.07. This change was proposed by Chairperson Kincaid to ensure that all areas of the City are treated the same. The motion was seconded by Member Gary Smith and passed by a unanimous voice vote 6-0.


Sincerely,

*Jennifer Thompson*

Planner  
Planning and Zoning Division

## MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** May 19, 2022

**SUBJECT:** Ordinance 22-06, Second Reading, to Amend Prohibited Uses in the Land Development Regulations by Relaxing the Restrictions Concerning the Keeping of Bees

### INTRODUCTION

This ordinance is the result of a request from the Sustainability and Environmental Planning Advisory Committee, which wants to put bee pollinator boxes on City property, such as Mickler Boulevard right-of-way. The Committee believes the boxes will provide resting/nesting places for bees and other insects. The boxes are not meant to be hives for honeybees to colonize and store honey.

When the City Planner, Ms. Jennifer Thompson, became aware of the Committee's Proposal, she pointed out that Section 3.02.03.A.1 of the Land Development Regulations prohibits the "keeping, breeding, or raising of bees, insects, reptiles, horses, cattle, hogs and poultry" in the City. Therefore, as the pollinator boxes could be considered as a way to raise, breed or keep bees, the Regulations would have to be amended for the boxes to be legal.

The amendment is to prohibit the keeping, breeding or raising of bees for the production of honey, and to prohibit the keeping, breeding or raising of invasive insects.

### ATTACHMENTS

Attached for you review is the following:

- a. Pages 1, the section of the minutes of SEPAC's April 7, 2022, meeting, when the Committee last discussed pollinator boxes. The topic had been discussed at several previous meetings.
- b. Pages 2-8, information that was submitted to the Planning Board for discussion at its May 17, 2022, meeting. The proposed ordinance is pages 6-7.
- c. Page 8, the memo from Ms. Thompson in which she states the Board's recommendation of the amendment that will allow the keeping, raising, etc., of non-honeybees and invasive insects.

### ACTION REQUESTED

It is that you review the recommendations and ordinance and ordinance and decide whether to pass the letter on second reading. If you do, it will have a third and final reading at your July 11<sup>th</sup> meeting.

Also, we ask that you amend the amendment to add a definition of invasive insects. This is because Ordinance 22-06 doesn't have a definition.

The Florida Invasive Species website has the following definition: "Invasive: a species that (a) is non-native to a specific geographic area, (b) was introduced by humans (intentionally or unintentionally), and (c) does or can cause environmental or economic harm or harm to humans."

**Excerpt from the minutes of SEPAC's April 7, 2022, meeting**

Member Krempasky advised that SEPAC wanted to set up pollinator boxes on Mickler Boulevard to attract bees and that City Planner, Jennifer Thompson, has interpreted that portion of the Code to be considered "beekeeping". She believes that part of the Code referred to agricultural uses, and that SEPAC is on the April 19th CPZB agenda to request a change to the Code. She said that Dr. Kaczmarzsky advised her about the European Honeybee and the Western Honeybee which are used for honey production and that there are around 315 native bees in Florida. She asked Member Miller if she would make the presentation to the Board. Member Miller advised that she would have to check her calendar. Member Krempasky advised that she has pulled together a flyer titled, "Meet the Bees of N.E. Florida", and that they do not generally sting or swarm. Member Miller advised that there are different types of bees, some swarm, others do not keep to a colony and do not respond to a threat. She said that a pollinator box does not necessarily indicate bees, it could attract butterflies, or other insects that spread pollen, and they are not beehives or being used for rearing bees. She suggested to identify that pollinator boxes as being not specific to bees, that there are non-stinging bees, and that the pollinator will not necessarily be attracting bees to that area because the bees are already there. Member Krempasky said that the boxes would just provide a habitat for them and that some bees nest on the ground. Member Miller suggested saying "the keeping or raising of bees for agricultural purposes" because there are probably bees, other than the European Honeybee, that are used for agriculture and honey production and that she could email her suggestion. City Clerk Fitzgerald advised that contact outside of a meeting is very limited. Vice Chair Cloward said that she could send her suggestion directly to the CPZB and then speak at the meeting. Member Krempasky advised what she has already submitted (Exhibit A). Member Miller suggested saying "keeping, breeding, or raising of bees used for honey production". Member Krempasky advised that she would see if she could catch it and that Dr. Kaczmarzsky asked to add "harmful insects" because we do not want to prohibit beneficial insects. Chair Bandy said that people might think that bees are harmful. Member Miller said that "harmful" could be interpreted differently and suggested to say "invasive insects" which means they are not native."



**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:** April 27, 2022  
**Re:** Proposed Code Change for Prohibited Uses, Section 3.02.03 A. 1

At the Comprehensive Planning and Zoning Meeting on April 19<sup>th</sup>, 2022, SEPAC Member Sandra Krempasky proposed a code change to the City's Land Development Regulations, section 3.02.03 A. 1. Prohibited Uses.

The Planning and Zoning Board agreed unanimously that the proposed code changes be added to the agenda for the May 17<sup>th</sup>, 2022, Planning and Zoning Board meeting, during which time the board will discuss and recommend their changes of the code to the City Commission.

Sincerely,

*Jennifer Thompson*

Planner

Planning and Zoning Division



**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:** April 7, 2022  
**Re:** Sustainability & Environmental Planning Advisory Committee Request for Code Change

On March 7<sup>th</sup>, 2022, SEPAC Member Sandra Krempasky proposed a code change to the City's Land Development Regulations, section 3.02.03 Prohibited Uses. The current code is:

*A. In addition to the uses prohibited under section 3.02.02 and Table 3.02.02, and other provisions of this Code, the following uses are prohibited:*

*1. Keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.*

The proposed change was in response to a request for bee pollinator boxes on City property by SEPAC. Attached is Member Krempasky's email request as well as section 3.023.03 A. 1 of the City's Land Development Regulations.

Sincerely,

*Jennifer Thompson*

Planner  
Planning and Zoning Division

*New Version*

**From:** Sandra Krempasky <sandra.krempasky@gmail.com>

**Sent:** Friday, April 8, 2022 11:18 AM

**To:** Max Royle <mroyle@cityofsab.org>; Brian Law <blaw@cityofsab.org>

**Cc:** Bonnie Miller <bmillier@cityofsab.org>; Dariana Fitzgerald <dfitzgerald@cityofsab.org>

**Subject:** Revised Amendment to Code

**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).

Mr. Royle and Mr. Law:

Good morning! At the SEPAC meeting last night, Member Miller suggested rewording the proposed change to the code. If it's not too late, we would like to use the wording below.

A. In addition to the uses prohibited under section 3.02.02 and Table 3.02.02, and other provisions of this Code, the following uses are prohibited:

1. Keeping, breeding, or raising of bees used for the production of honey, invasive insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.

If it's too late, perhaps I can bring the new wording to the PZB meeting or we can move it to the following month. Thank you for your consideration.

Sandra

---

**Sec. 3.02.03. Prohibited uses.**

A. In addition to the uses prohibited under section 3.02.02 and Table 3.02.02, and other provisions of this Code, the following uses are prohibited:

1. Keeping, breeding, or raising of bees used for the production of honey, invasive insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.

(Ord. No. 18-07 , § 1(Exh. 1), 5-7-18; Ord. No. 21-01 , § 4, 4-5-21)

**ORDINANCE NO. 22-06**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH  
AMENDING SECTION 3.02.03 OF THE LAND DEVELOPMENT  
REGULATIONS REGARDING PROHIBITED USES BY RELAXING  
RESTRICTIONS ON KEEPING BEES.**

**WHEREAS**, Section 3.02.03, City of St. Augustine Beach Code, restricts certain uses; and

**WHEREAS**, Section 3.02.03(A)(1), City of St. Augustine Beach Code, restricts the  
“keeping, breeding, or raising of bees...”; and

**WHEREAS**, The City of St. Augustine Beach has been given a proposal to relax the  
language as it relates to the keeping of bees; and

**WHEREAS**, this ordinance will not affect any other portion of section 3.02.03; and

**WHEREAS**, the City Commission finds that it is in the best interests of the citizens of  
Saint Augustine Beach, Florida to amend Section 3.02.03(A)(1) to only restrict the keeping,  
breeding, or raising of bees for the production of honey;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. AUGUSTINE  
BEACH:** That Section 3.02.03 is amended by adding language attached as **EXHIBIT “A”** and  
made a part of this ordinance as if set forth in full.

**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

## **EXHIBIT "A"**

### **PROHIBITED USES**

#### **Sec. 3.02.03. - Prohibited uses.**

A. In addition to the uses prohibited under section 3.02.02 and Table 3.02.02, and other provisions of this Code, the following uses are prohibited:

1. Keeping, breeding, or raising of bees used for the production of honey, invasive insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry.



**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:** May 18, 2022  
**Re:** Ordinance No. 22- 06, pertaining to pertaining proposed code change to the City of St. Augustine Beach Land Development Regulations, Article III, Section 3.02.03 A.1., changing wording regarding bees and insects.

At the Comprehensive Planning and Zoning Board meeting on May 17, 2022, the Comprehensive Planning and Zoning Board reviewed draft ordinance no. 22- 06, pertaining to a proposed code change to the City of St. Augustine Beach Land Development Regulations, Article III, Section 3.02.03 A.1, changing wording regarding bees and insects.

Board Member Hester Longstreet made the motion to accept the proposed changes to section 3.02.03 A.1 as written. Member Gary Smith seconded the motion which passed by a unanimous voice vote 6-0.

Sincerely,

*Jennifer Thompson*

Planner  
Planning and Zoning Division

**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:** May 10, 2022  
**Re:** Private Property Rights Element for the Comprehensive Plan

According to section 163.3177(6)(i)2 of the Florida State Statutes, local governments are required to adopt and include a property rights element in their comprehensive plan for any proposed plan amendment initiated after July 1, 2021. The City of St. Augustine Beach has not amended the Comprehensive plan since July 1, 2021.

In Section 163.3177(6)(i) of the Florida State Statutes, local governments may adopt their own property rights element or use the following statement of rights:

The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Attached are the proposed amendments to the City's Comprehensive Plan for the Planning and Zoning Board's review and recommendation to the City Commission.

Sincerely,

*Jennifer Thompson*

Planner  
Planning and Zoning Division



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## Property Rights Element

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### Clarification of Property Rights Element Requirements (as of July 23, 2021)

Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida ), requires a local government to adopt and include the property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021. A proposed comprehensive plan amendment is initiated on the date the amendment is first considered at a public hearing, as outlined in Section 163.3174(4), Florida Statutes, held by the local planning agency.

If the local government's local planning agency conducted a hearing on a comprehensive plan amendment on or before July 1, 2021, the local government may complete the adoption process for that comprehensive plan amendment package in accordance with the process set forth in Chapter 163, Florida Statutes. If the comprehensive plan amendment had been first considered at a local planning agency's hearing on or after July 2, 2021, then Section 163.3177(6)(i), Florida Statutes, requires the local government to also adopt the property rights element into its comprehensive plan on the date of adoption of that next proposed amendment.

As listed in Section 163.3177(6)(i), Florida Statutes, a local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Additionally, the Department has received questions around the adoption of small-scale amendments, which are 50 acres or less according to Section 163.3187(1)(a), Florida Statutes, and if the property rights element needs to be submitted for state coordinated review. The Department does not review small scale amendments; however, we encourage you to consult your legal department regarding actions that you may need to take prior to the adoption of a small-scale amendment. Property rights element related amendments may be submitted for state expedited review unless the local government is partially or entirely located within an area of critical state concern or the amendment is proposed as part of the local government's evaluation and appraisal review amendments.

### Additional Guidance Regarding Chapter 2021-195, Laws of Florida (as of August 5, 2021)

The Department is providing more clarity regarding Chapter 2021-195, Laws of Florida. Please continue reading below for guidance.

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021:

*Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes (emphasis added).*

Following the release of our prior guidance, the Department has received public input requesting further clarification regarding the term "initiated."

"Initiated" is not a "term of art" with a readily discernible definition within the land use regulatory scheme and was not defined within the legislation. In that vein, the Department will consider a proposed plan amendment to be "initiated" on the date:

- The amendment is first considered at a public hearing, as outlined in Section 163.3174(4), Florida Statutes, held by the local planning agency; or
- The local government planning authority deems complete a submitted application for a change to the comprehensive plan.


If prior to July 2, 2021, either of these events has occurred, the local planning agency may complete the adoption process for that comprehensive plan amendment package in accordance with the process set forth in Chapter 163, Florida Statutes.

We hope this information will be helpful. If you require additional information or clarity, please let us know.

## Frequently Asked Questions

1. **Question:** Can proposed amendments received by the Department of Economic Opportunity (Department) prior to July 2, 2021, be adopted and reviewed if adopted after July 1, 2021?
  - o **Answer:** Yes.
2. **Question:** Will proposed amendments received by the Department after July 1, 2021, that do not include the property rights element be returned to the local government?
  - o **Answer:** If an amendment without the property rights element as considered at a public hearing by the local planning agency prior to July 2, 2021 or the local planning authority deems a submitted application for a change to the comprehensive plan complete prior to July 2, 2021, the Department will accept the amendment for review. If neither of these events occurred prior to July 2, 2021, an amendment that does not include a property rights element will be returned to the local government without being reviewed by the Department.
3. **Question:** Does the property rights element have to be a stand-alone element instead of adding required legislative language to an existing element?
  - o **Answer:** Yes
4. **Question:** Can local governments adopt small scale amendments prior to adopting a property rights element?
  - o **Answer:** The Department does not review small scale amendments; however, we encourage you to consult your legal department regarding actions that you may need to take prior to the adoption of a small-scale amendment.
5. **Question:** Can a local government restrict property rights element language to a specific land use
  - o **Answer:** The statute states, "the following rights shall be considered in local decision-making" and does not specify a particular area of decision making.
6. **Question:** Do property rights element-related amendments have to be submitted for state coordinated review?
  - o **Answer:** Property rights element-related amendments may be submitted for state expedited review unless the local government is partially or entirely located within an area of critical state concern or the amendment is proposed as part of the local government's evaluation and appraisal review amendments.
7. **Question:** Can a local government's proposed property rights element amendment package contain additional proposed amendments?
  - o **Answer:** Yes, as long as the local government adopts the entire amendment package at their adoption hearing.
8. **Question:** Does the property rights element have to be in the form of goals, objections and policies
  - o **Answer:** No, the property rights element may be adopted exactly as written in legislation. Additionally, section 163.3177(1)(c), F.S., states that the format of the principles and guidelines in a comprehensive plan can be done at the discretion of the local government.



Select Year: 2021  [Go](#)

## The 2021 Florida Statutes

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### [Title XI](#)

#### COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

### [Chapter 163](#)

#### INTERGOVERNMENTAL PROGRAMS

### [View Entire Chapter](#)

##### **163.3177 Required and optional elements of comprehensive plan; studies and surveys.—**

(1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

(b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.

(c) The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.

(d) The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available

for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.

4. A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.

5. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).

(b) The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining

to designated areas of critical state concern shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.

(b) The comprehensive plan and its elements shall contain guidelines or policies for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

- a. The amount of land required to accommodate anticipated growth.
- b. The projected permanent and seasonal population of the area.
- c. The character of undeveloped land.
- d. The availability of water supplies, public facilities, and services.
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

h. The discouragement of urban sprawl.

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns within antiquated subdivisions.

3. The future land use plan element shall include criteria to be used to:

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

- f. Ensure the protection of natural and historic resources.
  - g. Provide for the compatibility of adjacent land uses.
  - h. Provide guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.
4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.
- 5. The future land use plan of a county may designate areas for possible future municipal incorporation.
  - 6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection.
  - 7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use.
  - 8. Future land use map amendments shall be based upon the following analyses:
    - a. An analysis of the availability of facilities and services.
    - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
    - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.
  - 9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
    - a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
      - (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
      - (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
      - (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
      - (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
      - (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.
- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
  - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - (IV) Promotes conservation of water and energy.
  - (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
  - (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
  - (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

- (I) Residential.
- (II) Commercial.
- (III) Industrial.
- (IV) Agricultural.
- (V) Recreational.
- (VI) Conservation.
- (VII) Educational.
- (VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

- (I) Historic district boundaries and designated historically significant properties.
- (II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed-use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation adopted work program.

1. Each local government's transportation element shall address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the transportation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

c. The capability to evacuate the coastal population before an impending natural disaster.

d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or

proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

4. A local government that does not own, operate, or maintain its own water supply facilities, including, but not limited to, wells, treatment facilities, and distribution infrastructure, and is served by a public water utility with a permitted allocation of greater than 300 million gallons per day is not required to amend its comprehensive plan in response to an updated regional water supply plan or to maintain a work plan if any such local government's usage of water constitutes less than 1 percent of the public water utility's total permitted allocation. However, any such local government is required to cooperate with, and provide relevant data to, any local government or utility provider that provides service within its jurisdiction, and to keep its general sanitary sewer, solid waste, potable water, and natural groundwater aquifer recharge element updated in accordance with s. 163.3191.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

- a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.
- b. Floodplains.
- c. Known sources of commercially valuable minerals.
- d. Areas known to have experienced soil erosion problems.
- e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

- a. Protects air quality.
- b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.
- c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.
- d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.

- e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.
  - f. Protects existing natural reservations identified in the recreation and open space element.
  - g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.
  - h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.
  - i. Manages hazardous waste to protect natural resources.
  - j. Protects and conserves wetlands and the natural functions of wetlands.
  - k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.
3. Current and projected needs and sources for at least a 10-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies.
- (e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.
- (f)1. A housing element consisting of principles, guidelines, standards, and strategies to be followed in:
- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
  - b. The elimination of substandard dwelling conditions.
  - c. The structural and aesthetic improvement of existing housing.
  - d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(1)(h), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities. The element may include provisions that specifically address affordable housing for persons 60 years of age or older. Real property that is conveyed to a local government for affordable housing under this sub-subparagraph shall be disposed of by the local government pursuant to s. 125.379 or s. 166.0451.
  - e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
  - f. The formulation of housing implementation programs.
  - g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

2. The principles, guidelines, standards, and strategies of the housing element must be based on data and analysis prepared on housing needs, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The data and analysis shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction.

3. The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintain, restore, and enhance the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Preserve the continued existence of viable populations of all species of wildlife and marine life.
3. Protect the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoid irreversible and irretrievable loss of coastal zone resources.
5. Use ecological planning principles and assumptions in the determination of the suitability of permitted development.
6. Limit public expenditures that subsidize development in coastal high-hazard areas.
7. Protect human life against the effects of natural disasters.
8. Direct the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.
9. Preserve historic and archaeological resources, which include the sensitive adaptive use of these resources.
10. At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The agreement must:

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

(7)(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.
2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of opportunity. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.
3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of opportunity.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

- a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.
- b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed not to be urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184. This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to s. 163.3248, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) This subsection does not confer the status of rural area of opportunity, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

History.—s. 7, ch. 75-257; s. 1, ch. 77-174; s. 1, ch. 80-154; s. 6, ch. 83-308; s. 1, ch. 85-42; s. 6, ch. 85-55; s. 1, ch. 85-309; s. 7, ch. 86-191; s. 5, ch. 92-129; s. 6, ch. 93-206; s. 898, ch. 95-147; s. 3, ch. 95-257; s. 4, ch. 95-322; s. 10, ch. 95-341; s. 10, ch. 96-320; s. 24, ch. 96-410; s. 2, ch. 96-416; s. 2, ch. 98-146; s. 4, ch. 98-176; s. 4, ch. 98-258; s. 90, ch. 99-251; s. 3, ch. 99-378; s. 40, ch. 2001-201; s. 64, ch. 2001-279; s. 24, ch. 2002-1; s. 58, ch. 2002-20; s. 70, ch. 2002-295; s. 2, ch. 2002-296; s. 904, ch. 2002-387; s. 61, ch. 2003-286; s. 2, ch. 2004-230; s. 4, ch. 2004-372; s. 2, ch. 2004-381; s. 2, ch. 2005-36; s. 1, ch. 2005-157; s. 2, ch. 2005-290; s. 10, ch. 2005-291; s. 2, ch. 2006-220; s. 57, ch. 2007-196; s. 1, ch. 2007-198; s. 2, ch. 2007-204; s. 2, ch. 2008-191; s. 10, ch. 2009-21; s. 3, ch. 2009-85; s. 3, ch. 2009-96; s. 1, ch. 2009-154; s. 43, ch. 2010-102; s. 2, ch. 2010-182; s. 4, ch. 2010-205; s. 3, ch. 2011-14; s. 12, ch. 2011-139; s. 3, ch. 2011-189; s. 4, ch. 2012-99; s. 24, ch. 2014-218; s. 2, ch. 2015-30; s. 13, ch. 2016-10; s. 31, ch. 2019-3; s. 2, ch. 2021-195.

**NOTICE OF PUBLIC  
HEARING  
PROPOSED  
AMENDMENTS TO  
THE ST.  
AUGUSTINE BEACH  
COMPREHENSIVE  
PLAN**

The City of St. Augustine Beach, Florida proposes to amend the Comprehensive Plan to include a Property Rights Element as required by Florida State Statute section 163.3177(6)(i). The Planning and Zoning Board will review the proposed amendment and make their recommendations to the City Commission at the next **Comprehensive Planning and Zoning Board meeting** which will be held on Tuesday, May 17, 2022 at 6:00 P.M. in the Commission Room, St. Augustine Beach City Hall, 2200 A1A South, St. Augustine Beach, Florida.

Persons interested may appear and be heard at the time and place specified. If any person decides to appeal any decision made by the Board with respect to any matter considered, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. One or more members of the St. Augustine Beach City Commission may attend this meeting. Persons or parties who may subject the Commissioners to ex-parte communication should limit contact with the Commissioners. For more information on any of the above agenda items, please see the meeting schedule information on the City's website, [staugbch.com](http://staugbch.com), or call the City of St. Augustine Beach Building and Zoning Department at (904) 471-8758. Persons requiring a special accommodation to participate in this proceeding should call this telephone number no later than seven (7) days prior to the meeting date and time.

**ORDINANCE NO. 22-07**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH  
AMENDING THE COMPREHENSIVE PLAN BY ADDING A NEW  
PROPERTY RIGHTS ELEMENT.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires the City of St. Augustine Beach to maintain a comprehensive plan to guide its future development and growth; and

**WHEREAS**, Section 163.3177(6)(i)1., Florida Statutes, requires the City of St. Augustine Beach comprehensive plan to include a property rights element; and

**WHEREAS**, The City of St. Augustine Beach respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, The City of St. Augustine Beach respects the rights of all people to participate in land use planning processes; and

**WHEREAS**, this ordinance will amend the comprehensive plan by adding a property rights element; and

**WHEREAS**, the City Commission finds that it is in the best interests of the citizens of Saint Augustine Beach, Florida to add a property rights element to the comprehensive plan;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. AUGUSTINE BEACH:**

**SECTION I.** The City of St. Augustine Beach comprehensive plan is amended by adding the property rights element attached as **EXHIBIT "A"** and made a part of this ordinance as if set forth in full.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this \_\_\_\_ day of \_\_\_\_\_ 2022.

This ordinance passed on transmittal (first) reading this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

This ordinance passed on adoption (second) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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](http://www.staugbch.com) on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

## **EXHIBIT “A”**

### **PROPERTY RIGHTS ELEMENT – OBJECTIVE AND POLICIES**

#### **Objective: Private Property Rights**

**L.1.8** The City of St. Augustine Beach shall provide a framework for consideration of property rights in decision-making within the City.

#### **Policy**

**L.1.8.1** The following rights shall be considered in local decision making:

The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

The right of a property owner to dispose of his or her property through sale or gift.



**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:** May 19, 2022  
**Re:** Review of proposed amendment to the City of St. Augustine Beach Comprehensive Plan to include a Property Rights Element

At the Comprehensive Planning and Zoning Board meeting on May 17, 2022, the board reviewed a proposal to amend the City of St. Augustine Beach Comprehensive Plan to include a Property Rights Element as required by Florida State Statute Section 163.3177(6)(i).

Chairperson Kevin Kincaid made a motion to recommend the changes as written to the Commission. Vice Chair Chris Pranis seconded the motion which passed unanimously by a 6-0 voice-vote.


Sincerely,

*Jennifer Thompson*

Planner  
Planning and Zoning Division

## MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** May 25, 2022

**SUBJECT:** Budget Resolution 22-05, to Appropriate \$12,000 from American Rescue Plan Act Funds to Purchase a Trailer for the Public Works Department

Attached (page 1) is a memo from the Finance Director, in which she explains the reason for Budget Resolution 22-05.

Please note that Page 3 is a summary of the ARPA money that you have to date approved to be spent and the amount remaining for future expenditures. You asked that this summary be provided to you monthly.

If you approve Budget Resolution 22-05, then a future summary will show the \$12,000 as "approved to be spent".

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**M E M O R A N D U M**

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** BUDGET RESOLUTION 22-05  
**DATE:** 5/25/2022

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The above referenced budget resolution is requested to modify the current ARPA Budget for the purchase of a Tandem Dual Wheel Trailer as listed on the attached ARPA list. The original estimate for this trailer was \$25,000, however we have been able to locate a trailer that meets our needs for \$11,479+ tags. This trailer is currently available for pick up as soon as the resolution is approved by utilizing the Florida Sheriff's Contract purchase price. Approval will allow the savings to be used for another ARPA project/equipment purchase in the future.

Please let me know if more information is needed.

**BUDGET RESOLUTION 22-05**

**CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2022  
ARPA FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2021-2022 ARPA Fund Budget as follows:

**INCREASE:** Account 320-331-510 (ARPA Funds-Revenue Other Financial Assistance) in the amount of \$12,000 which will increase the appropriation in this account to \$1,263,000.

**INCREASE:** Account 320-4100-541-6490 (ARPA Funds-R&B Other Equipment) in the amount of \$12,000 which will increase the appropriation in this account to \$12,000.

**RESOLVED AND DONE,** this 6<sup>th</sup> day of June 2022 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

\_\_\_\_\_  
Mayor – Commissioner

ATTEST:

\_\_\_\_\_  
City Manager

**ARPA Worksheet**

\$3,507,979.00

**APPROVED TO SPEND**

Approval Date	Police Department ARPA List				
	Item		Quantity	Cost Estimate	
4/19/2022	Detective's Vehicle		1	\$ 40,000.00	
4/19/2022	Administrative Vehicle		1	\$ 50,000.00	
4/19/2022	Commander Vehicle		1	\$ 50,000.00	
4/19/2022	Chief Vehicle		1	\$ 50,000.00	
4/19/2022	Vehicle Radars		3	\$ 25,000.00	\$ 215,000.00
<b>Public Works ARPA List</b>					
4/19/2022	Refuse truck 25cy	replacing 77	1	\$250,000.00	
4/19/2022	Refuse truck 25cy	replacing 79	1	\$250,000.00	\$500,000.00
<b>Other Suggestions</b>					
4/19/2022	Pipe Ditch-Vacant Alley	2nd/3rd Street-West of 2nd Ave		\$100,000.00	
5/2/2022	Ocean Hammock Park	Restroom completion-in addition to grant		\$300,000.00	\$400,000.00
<b>Pay Increases</b>					
4/19/2022	Pay Increases-FY22	Increase pay to \$15/hr minimum or bonus		\$136,000.00	\$136,000.00
<b>Total Approved</b>					<b>\$1,251,000.00</b>

**ADOPTED BY COMMISSION**

Public Works ARPA List					
Trailer 12 ton deckover 22'			1	\$25,000.00	
Dump truck	replacing 56		1	\$130,000.00	
Water tanker	replacing 71		1	\$150,000.00	
Pickup	replacing 66		1	\$30,000.00	
Pickup	replacing 67		1	\$30,000.00	
Pickup	replacing 64		1	\$30,000.00	
6" dewater pump DBA			1	\$75,000.00	
Concrete grinder			1	\$10,000.00	
Storm drain cleaning			1	\$100,000.00	
48" mower	replacing scag		1	\$10,000.00	\$590,000.00
IT ARPA List					
Directional Bore	Building C to PD-Fiber Installation to complete redundant loop through parking lot		1	\$20,000.00	
PWD Surveillance Refresh	PWD camera system is due for replacement		1	\$15,000.00	
Locking Rack Enclosures	Enclosures to secure communication equip		1	\$2,000.00	
Secure Bldg C	Block in front glass, block in W & N PTAC units, place flooring over concrete		1	\$40,000.00	
MFA Citywide	Add multifactor authentication for entire city. According to Homeland Security CISA, cyberinsurance underwriters are going to be requiring this.		1	\$40,000.00	
Video Production Impr	Cameras/Captioning equipment for city meetings; addition of wiring & technology to dals.		1	\$75,000.00	
ID Cards	ID Card equipment, cards, printers, supplies		1	\$20,000.00	
Electronic Message Board	Stationary full-matrix, full-color, led, variable message board for City Hall sign replacement		1	\$40,000.00	\$252,000.00
Other Suggestions					
Parking Improvements	North Side of 5th St Between Blvd & 2nd Ave			\$150,000.00	
Parking Improvements	N Side of 4th St Between Blvd and Beach			\$100,000.00	
Parking Improvements	Dirt Lot Paving W Side of Blvd Between A & 1st St			\$200,000.00	
Parking Improvements	Dirt Lot Paving SW Corner of Blvd & 8th St			\$180,000.00	
Beach Access Walkovers	Improvements			\$600,000.00	
Pipe Ditch-Vacant Alley	2nd/3rd Street-West of 2nd Ave			\$100,000.00	
Paving Projects	Needed paving throughout the city			\$200,000.00	\$1,530,000.00
Pay Increases					
Pay Increases-FY22-FY24				\$300,000.00	\$300,000.00

**Total Adopted****\$2,672,000.00**

## **MEMORANDUM**

**Date:** May 25, 2022  
**To:** Patricia Douylliez  
**From:** Ken Gatchell, Assistant Director  
**Subject:** Equipment Trailer

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After doing research on the Florida Sheriff's association website. I have found a dealer within Florida that has a trailer in stock that will fit the City's needs.

The company

Texas Trailers  
560 NW 13<sup>th</sup> Street  
Gainesville Fl. 32653  
352-378-4756

Please see attached quote # 7979

Ken Gatchell  
Assistant Director



Gainesville, FL 352-378-4756

5601 NW 13th Street  
Gainesville, FL 32653  
Office 352-378-4756

## Estimate

Date	Estimate #
5/18/2022	7979

<b>Name / Address</b>
City Of Saint Augustine Beach Ken Gatchell

Item	Description	Qty	Amount	Total
BIG TEX NORT...	Quote from Florida Sheriff's Contract # FSA20-EQU18.0 Heavy Equipment Contract Specification #430 - Big Tex Trailer 22PH-25+5 - Basic Trailer Delivered to the Northern District		10,989.00	10,989.00
22PH-20+5	102" x 20' + 5' Tandem Dual Wheel Pintle 23,900 # GVWR . 102" x 20' Deck + 5' Dove Tail - Tandem Dual, G.V.W.R. - 23,900#, G.A.W.R. - (Ea. Axle) 10,000#, Coupler - Pintle Type, Safety Chains - 3/8" Grd. 70 w/ Safety Latch Hook (2 each), Jacks - 12K Drop Leg Jack (Bolted On), A-Frame - W12 x 16# I-Beam, Frame - W12 x 16# I-Beam, Crossmembers- 3" Channel, Side Rails - 6" Channel w/ Rub Rail, Stake Pockets on 24" Centers, and Chain Spools, Axles - 2-10,000# Dual Wheel Electric Brakes (Oil Bath), Suspension - Multi-Leaf Slipper Spring w/ Equalizer, Tire - ST235/80 R-16 Load Range E Dual, Wheel - 16 x 6 Dual 8 Bolt, Floor - 2" Pine, Lights - LED D.O.T. Stop, Tail, Turn, & Clearance, Elec. Plug - 7-Way RV, Finish - (Prep) Steel is Cleaned to Ensure a Professional Smooth Finish, Finish - Superior Quality Finish is Applied for a Highly Decorative and Protective Finish,		250.00	250.00T
BTSP2	16" 235 Load Range E Spare		240.00	240.00T
			<b>Subtotal</b>	\$11,479.00
			<b>Sales Tax (0.0%)</b>	\$0.00
			<b>Total</b>	\$11,479.00

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**M E M O R A N D U M**

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** BUDGET RESOLUTION 22-06  
**DATE:** 5/25/2022

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The above referenced budget resolution is requested to modify the current Building Department budget in the amount of \$82,600. This adjustment will allow the Building Department to make the following purchases:

- 2022 Ford F-150 \$42,000
- 2-55" I plan tables for digital plan review \$31,000
- Building upgrades for digital plan station \$5,100
- Plan review user licensing \$1,500
- Desktop computer for large format scanner \$3,000
- Backup hardware or cloud storage for digital plans \$TBD

The bulk of the equipment will go towards moving the building department to full digital plan review to meet the new state standards. Funding for these purchases will come from the Building Department Reserve account.

Please let me know if more information is needed.

**BUDGET RESOLUTION 22-06**

**CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2022  
GENERAL FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2021-2022 General Fund Budget as follows:

**DECREASE:** Account 001-381-700 (Transfer from Building Dept Carryover) in the amount of \$82,600 which will decrease the appropriation in this account to \$180,600.

**INCREASE:** Account 001-2400-524-6410 (Prot Inspections-Vehicle) in the amount of \$42,000 which will increase the appropriation in this account to \$178,000.

**INCREASE:** Account 001-2400-524-6200 (Prot Inspections-Buildings) in the amount of \$5,100 which will increase the appropriation in this account to \$5,100.

**INCREASE:** Account 001-2400-524-6430 (Prot Inspections-Office Equipment) in the amount of \$35,500 which will increase the appropriation in this account to \$35,500.

**RESOLVED AND DONE**, this 6th day of June 2022 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

\_\_\_\_\_  
Mayor – Commissioner

ATTEST:

\_\_\_\_\_  
City Manager

## MEMORANDUM

Agenda Item # 7

Meeting Date 6-6-22

Date: May 25, 2022

To: Max Royle, City Manager

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

Subject: Resolution 22-04 – Donation of Parcels of Land for Conservation  
Block 31, Lots 1, 3 & 5 Chautaugua Beach Subdivision

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### **BACKGROUND**

The City of St. Augustine Beach is currently constructing the extension of 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue (the Project). To fund the Project, the City Commission adopted a non-ad valorem assessment (the Assessment) of the properties along the unopened portion of 2<sup>nd</sup> Street (west of 2<sup>nd</sup> Avenue). During the development of the Assessment, the property owners of Block 31 Lots 1, 3 & 5 (the Donors) requested an exemption as they proposed placing their said three lots under conservation and dedicating them to the City. The Assessment was thus approved with these lots included, with the expectation that, upon their dedication to the City, the Donors would not be subject to the Assessment. Due to the length of time required to place the lots under conservation easement, the Donors were advised to pay their tax bill, and upon conveyance of the lots to the City, the City would request the Tax Collector to issue a credit for the Assessment paid for the current tax year.

### **DISCUSSION**

Staff, the City Attorney and the Donors worked together to develop terms for the conservation easement that were agreeable to all parties. The placing of the subject lots under conservation has now been accomplished and the easement is recorded. The Donors now desire to transfer ownership of the lots to the City as discussed during the development of the Assessment. The conservation easement over the 3 lots is in favor of the Putnam Land Conservancy, Inc. (PLC), and generally requires the following:

- The property must remain in a natural condition and any uses which impair or interfere with the conservation value of the property are prohibited

Uses specifically prohibited by the conservation easement include:

- Construction or placing of buildings, roads, billboards or other advertising, utilities or other structures on or above the ground.
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials.
- Removal or destruction of native trees, shrubs, or other vegetation, unless required by government regulations.
- Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such a manner as to affect the surface.

- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- Acts or uses detrimental to such retention of land or water areas.
- Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance,

Upon transfer of ownership of the lots to the City, the City will assume the responsibilities of the conservation easement Grantor, more specifically:

- Assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from City's ownership of the Property, excluding any damage or injury to person or personal property which may occur on the property due to negligent or intentional acts by the PLC.
- Within a reasonable time after notice by the PLC, remove from the conserved area all plants that are listed as invasive or harmful in the laws of Florida and St. Johns County.

The described conservation easement does not include the recently vacated 3<sup>rd</sup> Lane right-of-way and thus does not impact the pending piping of the ditch nor future maintenance.

#### Resolution 22-04 – Dedication of Lots to the City

The Donors have now met the requirements set forth during the development of the Assessment and wish to formally dedicate the 3 lots to the City. Staff, the City Attorney and the Donors have worked together in the development of Resolution 22-04 and the Real Estate Donation Agreement (Attachment "A" to Resolution 22-04) to formally set forth the terms of the land donation. Specifically, approval of Resolution 22-04 provides the following:

- Accepts the Real Estate Donation Agreement
- Authorizes the recording of a Special Warranty Deed for the transfer of ownership

#### Real Estate Donation Agreement

The Real Estate Donation Agreement (the Agreement) sets forth the terms of the property donation, including:

- Conveyance of property by deed
- Allows Owner to treat the donation as a charitable donation
- Acknowledges the terms of the conservation easement

Additionally, the Agreement sets forth other condition, including:

- Property condition and acceptance of property "As Is."
- Title commitment and survey requirements

- Closing costs and expenses to be paid by the City (anticipated under \$1,000)
- Date of Closing within 30 days of Agreement execution
- Owner's and City's obligations in regard to the donation

The Conservation Easement to the PC is shown as Exhibit A to the Agreement

**REQUESTED ACTION**

Approve **RESOLUTION 22-04** accepting the donation of Lots 1, 3 and 5 of Block 31, Chautaugua Beach Subdivision of the Anastasia Methodist Assembly, Inc., subject to the conditions and terms set forth in the **REAL ESTATE DONATION AGREEMENT**.

**Resolution No. 22-04**

**A RESOLUTION BY THE CITY COMMISSION OF SAINT AUGUSTINE BEACH, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FOR DONATION OF PARCELS OF LAND FOR CONSERVATION PURPOSES LOCATED WITHIN THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA.**

**WHEREAS,** Marc and Jill Craddock own Lot 1, Lot 3 and Lot 5 of Block 31, Chautaugua Beach Subdivision of The Anastasia Methodist Assembly, Inc. being more fully shown on a certain Plat Book 2, Page 5, of the public records of St. Johns County, Florida and wish to donate said lots 1, 3, and 5 of Block 31 to the City of Saint Augustine Beach, Florida for conservation purposes; and

**WHEREAS,** the purpose of this Conservation Easement is to ensure that the Property will be remain in a natural condition and to prevent any use of the Property that will impair or interfere with the conservation values of the Property; and

**WHEREAS,** the primary conservation values of the property are the protection of its green infrastructure and natural resources in accordance with Section 704.06, F.S. This includes groundwater recharge, flood capacity and stormwater mitigation, protection of the surficial aquifer from saltwater intrusion, enhancing air and water quality, climate moderation, and protection of significant habitat for migratory birds; and

**WHEREAS,** the property provides urban green space for scenic enjoyment and education of the public; and

**WHEREAS,** the City of Saint Augustine Beach, Florida finds that it is in the best interest of the City to accept a Special Warranty Deed to insure the site will be preserved.

**WHEREAS,** the City shall request the Tax Collector to refund the previously paid SAB 2<sup>nd</sup> Street Extension Non-Ad Valorem Assessments associated with Lot 1, Lot 3 and Lot 5 of Block 31, Chautaugua Beach Subdivision Of The Anastasia Methodist Assembly, Inc. being more fully shown on a certain Plat Book 2, Page 5, of the public records of St. Johns County, Florida because the road extension and utility infrastructure is not necessary for these conserved properties.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA,** as follows:

**Section 1.** The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

**Section 2.** Upon acceptance of this Real Estate Donation Agreement (EXHIBIT "A") by the City Commission for the City of Saint Augustine Beach, Florida the Real Estate Donation Agreement is hereby accepted.

**Section 3.** The Clerk of the Court of St. Johns County, Florida is instructed to record the Special Warranty Deed in the Public Records of St. Johns County, Florida.

**Section 4.** To the extent that there are scriveners, typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the City Commissioners.

**PASSED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_ 2022.

**CITY OF SAINT AUGUSTINE BEACH**

**CITY OF SAINT AUGUSTINE BEACH**

By: \_\_\_\_\_

Max Royle, City Manager

By: \_\_\_\_\_

Donald Samora, Mayor

**ATTEST:**

**City Clerk, Dariana Fitzgerald**

By: \_\_\_\_\_

Clerk

**EXHIBIT "A" to RESOLUTION 22-04**

**REAL ESTATE DONATION AGREEMENT**

This Real Estate Donation Agreement ("Agreement") is made and entered into this day of \_\_\_\_\_, 2022 ("Effective Date") by and between MARC CRADDOCK and JILL CRADDOCK, his wife, ("Owner"), and the City of St. Augustine Beach, Florida, a municipal corporation organized and existing under the laws of the State of Florida ("City").

**WITNESSETH:**

**WHEREAS**, Owner is the owner of certain vacant real property located County of St. Johns, in the City limits of St. Augustine Beach, to wit,

**LOT 1, LOT 3 AND LOT 5 OF BLOCK 31, CHAUTAUGUA BEACH SUBDIVISION OF THE ANASTASIA METHODIST ASSEMBLY, INC. BEING MORE FULLY SHOWN ON A CERTAIN PLAT BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA**

(the "Land"); and

**WHEREAS**, Owner desires to donate the Land to the City with the desire that the City maintain the property; and

**WHEREAS**, as provided below, the Owner will or has obtained an appraisal of the Land (and all improvements thereon) to determine its fair market value (the "Appraised Value"); and

**WHEREAS**, Owner intends that the Appraised Value of the Land shall be treated as a charitable contribution by Owner to City; and

**WHEREAS**, Owner desires to donate the property to the City and City desires to accept the donation of the property from the Owner upon the terms and conditions set forth in this Agreement.

**WHEREAS**, City acknowledges that the Land is subject to a Conservation Easement (the "Conservation Easement") and will take the Land subject to said Conservation Easement.

**NOW THEREFORE**, in consideration of the premises hereof and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

1. **Incorporation of Recitals**: The recitals to this Agreement are incorporated herein and are true and correct.

2. **Description of Property**. The property which is to be donated and conveyed by Owner to the City pursuant to this Agreement is vacant land and shall consist of Fee simple title in and to the Land, subject all restrictions, covenants and easements of record.

3. **Donation of Subject Property:** Subject to the terms of this Agreement, Owner hereby agrees to donate and convey the Subject Property to the City, and the City agrees to acquire the Subject Property from Owner. At the time of Closing (defined below) hereunder, Owner agrees to convey title to the Real Property to City by Special Warranty Deed (the “**Deed**”) free and clear of all liens and encumbrances, except that the City shall take the property subject all covenants, restrictions and easements of record, including a Conservation Easement.

4. **Terms of Donation:**

- (a) **Conveyance by Deed.** The Owner will convey the Real Property to City by the Deed without consideration.
- (b) **Charitable Donation; Appraisal.** The City acknowledges that Owner intends to treat the donation of the Subject Property as a charitable donation for federal tax purposes, and City agrees to sign such documentation confirming the value of the Subject Property as may be reasonably requested by Owner (including, without limitation, signing the property receipt acknowledgement on IRS Form 8283) confirming the value of the gift, which obligation shall survive the conveyance of the Subject Property to the City. The value of the Land as determined by a recent appraisal is \$42,450.00; however, Owner reserves the right to amend said valuation based on further appraisals. The City makes no representation as to the extent or existence of Owner’s right to claim a charitable contribution to City hereunder. Owner will be solely responsible for compliance with the gift value substantiation requirements under the Internal Revenue Code of 1986, as amended.
- (c) **Conservation Easement.** The City is taking the Land subject to a Conservation Easement, a copy of which is attached as Exhibit “A.” The City agrees to comply with the Conservation Easement. This compliance is essential and prerequisite to the Owner’s donation of the Land to the City.

5. **Property Condition:** City hereby expressly acknowledges and agrees that City has thoroughly inspected and examined the Land to the extent deemed necessary by the City in order to enable City to evaluate the acceptance of the Land. City hereby further acknowledges and agrees that City is relying solely upon the inspection, examination, and evaluation of the Land, if any, by City and that City is accepting the Land on an “AS IS, WHERE IS” and “WITH ALL FAULTS” basis and not on any information provided or to be provided by Owner. City acknowledges that it has sufficient information regarding the Land; is relying on its own experts and not Owner or any information provided by Owner, if any; and is not looking to Owner for any additional information with respect to condition of the Land. City expressly acknowledges that, in consideration of the agreements of Owner herein, Owner makes no warranty of representation expressed or implied, or arising by operation of law, including, but in no way limited to any warranty of condition, habitability, merchantability, or fitness for a particular purpose except otherwise specified herein. It is further agreed that Owner has not warranted, and does not hereby warrant the Land and any improvements located thereon now or in the future will meet or comply with the requirements of any safety code or regulation of the state, city, or county in which the Land is located, or any other authority or jurisdiction.

6. **Title Commitment and Survey:** The Owner shall obtain a commitment for an owner's title insurance policy on ALTA Form B (a "**Commitment**") in the amount of the Appraised Value issued by a national title insurance company and/or its agents ("**Title Company**") evidencing that the Owner is vested with fee simple title to the Land, free and clear of all monetary liens and encumbrances except for ad valorem real property taxes and general assessments; but subject to restrictions, reservations, limitations, easements and conditions of record.

If the City raises an objection to Owner's title to the Land, which, if valid, would make title to the Land uninsurable, Owner shall have the right, but not the obligation, to unilaterally terminate the Agreement by giving written notice of the termination to City. Owner is not obligated to (i) remove any exception; (ii) bring any action or proceeding or bear any expense in order to convey title to the Land; or (iii) make the title marketable or insurable. Any attempt by Owner to remove such title exceptions shall not impose an obligation upon Owner to remove those exceptions. In any event, either party may cancel this Agreement if said title to the Land is uninsurable.

The City shall have the right, at its own expense, to have the Land surveyed by a surveyor licensed in the State of Florida prepared in accordance with ALTA requirements ("**Survey**"). Any such Survey shall be obtained prior to closing and shall be certified to City, Owner and the Title Company. To the extent the Survey reveals any encroachments, the City may take the Land as is or terminate the Agreement.

7. **Closing Costs and Expenses:** The Parties agree that Owner shall only be responsible for payment of real estate taxes through the date of closing and his own attorney fees. All other closing costs, expenses and fees shall be paid by the City, including but not limited to documentary stamps on deed and owners title policy.

8. **Closing:** The closing ("**Closing**") contemplated by this Agreement shall take place thirty (30) days after the City approves this Agreement ("**Closing Date**") at a title company chosen by the Owner.

9. **Owner's Obligations:** At the Closing, subject to performance by City of its obligations under this Agreement, Owner shall do the following:

- (a) Execute, acknowledge and deliver to City the Deed conveying good, insurable and marketable title to the Real Property to City, subject only to the covenants, restrictions and easement of record and (and the standard printed exceptions be contained in the Commitment received by City, except to the extent the same can be deleted by virtue of the Owner's Affidavit required of Owner or the Survey, if any, obtained by City);
- (b) Execute, acknowledge and deliver to City and the Title Company an owner's affidavit ("**Owner's Affidavit**") in sufficient form and substance so as to allow the Title Company to insure the gap at Closing and delete all standard exceptions, other than the survey exception, from the title policy to be issued pursuant to the Commitment delivered to the City;

- (c) Execute and deliver instruments satisfactory to City and the Title Company reflecting the proper power and authorization for the conveyance of the Subject Property from the Owner to City hereunder;
- (d) Deliver to City and the Title Company a FIRPTA affidavit in form and substance reasonably acceptable to both City and the Title Company;
- (e) Deliver to City all other documents as may be reasonably required by this Agreement.

10. **City's Obligations:** At the Closing, subject to performance by Owner of its obligations under this Agreement, City shall do the following:

- (a) Deliver to the Owner and title Company the appropriate authorizations and approvals to enter into and consummate this Agreement.
- (b) Execute and deliver to Owner IRS Form 8283 or other form that Owner's tax professionals may require, acknowledging receipt of the Subject Property from Owner and the date of such receipt; and
- (c) Deliver to Owner all other documents as may be reasonably required by this Agreement.

11. **Representations and Warranties:** In addition to City's representations and warranties made elsewhere herein, the City represents and warrants to Donor the following:

- (i) **Due Organization.** City is constituted as a municipal government, organized, validly existing, and in good standing under the laws of the State of Florida.
- (ii) **City's Authority, Validity of Agreements.** City has full right, power, and authority to enter into and carry out the transaction contemplated by this Agreement and to carry out its obligations hereunder. The individual(s) executing this Agreement and the instruments referenced herein on behalf of City has/have the legal power, right, and actual authority to bind City to the terms hereof and thereof. This Agreement is, and all other instruments, documents and agreements to be executed, and delivered by City in connection with this Agreement shall be, duly authorized, executed, and delivered by City and the valid, binding, and enforceable obligations of City (except as enforcement may be limited by bankruptcy, insolvency, or similar laws) and do not, and as of the Closing Date will not, result in any violation of, or conflict with, or constitute a default under, any provisions of any agreement of City or any mortgage, deed of trust, indenture, lease, security agreement, or other instrument, covenant, obligation, or agreement to which City is subject, or any judgment, law, statute, ordinance, writ, decree, order, injunction, rule, ordinance, or governmental regulation or requirement affecting City.
- (iii) the City is accepting the Land solely in reliance on its own information and/or findings and not on any information, representation or warranty provided or to be provided by the Owner, its servicers, representatives, brokers, employees, agents, or assigns.
- (iv) Neither Owner, nor its servicers, employees, representatives, brokers, agents or assigns, has made any representations or warranties, implied or express, relating to the condition of the Land or the contents thereof.

12. **Real Estate Commission/Brokers.** Owner and City acknowledge and agree that no real estate brokers have been or will be used in this transaction.

13. **Condemnation.** In the event that the Land or any portion thereof is subject to an eminent domain taking taken prior to closing either party may cancel this Agreement

14. **Casualty.** In the event of casualty loss before Closing, either party may cancel this Agreement.

15. **Remedies.** In the event of a default all parties shall have all remedies allowable at law.

16. **Notices:** Any notices required or permitted hereunder shall be in writing and shall be deemed to have been properly and timely delivered if such notice is (i) delivered by overnight courier or electronic means, in which case the notice shall be deemed delivered one (1) business day after delivery to the overnight courier or by electronic means; (ii) mailed, certified or registered mail, return receipt requested, in which case the notice shall be deemed delivered three (3) days after it is deposited in the mail and postmarked by the U.S. Postal Service. All notices must be addressed to the parties as follows:

If to Owner: Marc and Jill Craddock  
116 2nd St  
Saint Augustine,  
Florida 32080  
Telephone: (407) 718-8774  
Email: marccraddock@mac.com

With a copy to: Law Offices of John Galletta, Jr., P.L.  
1095 Anastasia Boulevard  
St. Augustine, Florida 32080  
Telephone: (904) 461-6644  
Facsimile: (407) 461-9748  
Email: johng@gallettalawservices.com

If to City: Max Royal  
City Manager  
City of St. Augustine Beach  
2200 A1A South  
St. Augustine Beach, Florida 32080  
Telephone: (904) 471-2122  
Email: [citymanager@cityofsab.org](mailto:citymanager@cityofsab.org)

With a copy to: Douglas Law Firm  
100 Southpark Blvd  
Suite 414,  
St. Augustine, FL 32086  
Telephone: (904) 671-8395

or at such other addresses, or to the attention of such other person or persons designated by Owner or City by notice given as herein provided.

17. **Miscellaneous Provisions.**

- (a) **Governing Law; Venue.** This Agreement and the legal relations between the parties hereto shall be governed by, and construed and enforced in accordance with, the laws of the State of Florida, without regard to its principles of conflicts of law. Venue for any action brought to interpret or enforce this Agreement shall, unless otherwise specifically be required hereunder, be any applicable state or federal court located in St. Johns County, Florida.
- (b) **Entire Agreement.** This Agreement, including the exhibits attached hereto, constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior agreements, understandings, letters of intent, term sheets, negotiations, and discussions, whether oral or written, of the parties, and there are no warranties, representations, or other agreements, express or implied, made to either party by the other party in connection with the subject matter hereof except as specifically set forth herein.
- (c) **Modification; Waiver.** No supplement, modification, waiver, or termination of this Agreement shall be binding unless executed in writing by the party to be bound thereby. No waiver of any provision of this Agreement shall be deemed or shall constitute a waiver of any other provision hereof (whether or not similar), nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.
- (d) **Expenses.** Subject to the provision for payment of the Closing Costs in accordance with the terms of this Agreement and of any other provision of this Agreement, whether or not the transactions contemplated by this Agreement shall be consummated, all fees and expenses incurred by any party hereto in connection with this Agreement shall be borne by such party.
- (e) **Severability.** Any provision or part of this Agreement that is invalid or unenforceable in any situation in any jurisdiction shall, as to such situation and such jurisdiction, be ineffective only to the extent of such invalidity and shall not affect the enforceability of the remaining provisions hereof or the validity or enforceability of any such provision in any other situation or in any other jurisdiction.
- (f) **Successors and Assigns.** All of the parties' rights, duties, benefits, liabilities, and obligations under this Agreement shall inure to the benefit of, and be binding upon, their respective successors. Notwithstanding the foregoing to the contrary, neither party shall have no right to assign its rights under this Agreement, without the prior written consent of the other party thereto, which may be granted or withheld in such party's sole and absolute discretion.
- (g) **Headings.** The paragraph and subparagraph headings of this Agreement are for

convenience of reference only and shall not be deemed to modify, explain, restrict, alter, or affect the meaning or interpretation of any provision hereof.

- (h) Construction. As used in this Agreement, the masculine, feminine, and neuter gender and the singular or plural shall each be construed to include the other whenever the context so requires. This Agreement shall be construed as a whole and in accordance with its fair meaning, without regard to any presumption or rule of construction causing this Agreement or any part of it to be construed against the party causing the Agreement to be written. The parties acknowledge that each has had a full and fair opportunity to review the Agreement and to have it reviewed by counsel.
- (i) Further Assurances. In addition to the actions recited herein and contemplated to be performed, executed, and/or delivered by Owner and City, Owner and City agree to perform, execute, and/or deliver or cause to be performed, executed, and/or delivered at the Closing or after the Closing any and all such further acts, instruments, deeds, and assurances as may be reasonably and required to consummate the transactions contemplated hereby provided that they are consistent with the intent of this Agreement.
- (j) Business Day. As used herein, the term "Business Day" shall mean a day that is not a Saturday, Sunday, National or State holiday, or a day on which commercial banks in the State of Florida are authorized or required by applicable law to close. In the event that the date for the performance of any covenant or obligation under this Agreement shall fall on a day that is not a Business Day, the date for performance thereof shall be extended to the next Business Day thereafter.
- (k) Time of the Essence. Time shall be of the essence with respect to all matters contemplated by this Agreement.
- (l) Termination. If either party terminates the Agreement when permitted to do so, the Parties shall have no further obligation to each other, except as to any provision that survives the termination of this Agreement.
- (m) Assignment. This Agreement and all rights and obligations hereunder shall not be assignable by the City without the prior written consent of the Owner, which consent may be given or withheld in Owner's sole and absolute discretion.
- (n) Counterparts. This Contract may be executed in several counterparts, each of which will be deemed an original but all of which will constitute only one agreement.
- (o) Waiver of Jury Trial. OWNER AND CITY HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY ANY PARTY AGAINST ANOTHER PARTY ON ANY MATTER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first above written.

**OWNER:**

**CITY:**

**CITY OF ST. AUGUSTINE BEACH**

By: \_\_\_\_\_  
Marc Craddock

By: \_\_\_\_\_

By: \_\_\_\_\_  
Jill Craddock

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**EXHIBIT A TO REAL ESTATE DONATION AGREEMENT**

**Conservation Easement**

THIS INSTRUMENT PREPARED BY AND SHOULD  
BE RETURNED TO:  
TIMOTHY KEYSER ATTORNEY AT LAW, P.A.  
(501 ATLANTIC AVENUE)  
P.O. BOX 92  
INTERLACHEN, FL 32148

### DEED OF CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 19<sup>th</sup> day of April, 2022 by JILL CRADDOCK and MARC CRADDOCK, Wife and Husband, whose address is 116 2<sup>nd</sup> Street, Saint Augustine, FL 32080 ("Grantor"), in favor of PUTNAM LAND CONSERVANCY, INC., a Florida not for profit corporation, whose address is P.O. Box 667, Interlachen, Florida 32148 ("Grantee PLC").

#### WITNESSETH:

**WHEREAS**, Grantor solely owns in fee simple certain real property in St. Johns County, Florida, more particularly described as follows (hereafter referred to as the "Property");

Lots 1, 3, and 5, Block 31, 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.

Parcel Identification Numbers: 1696150010 & 1696200050

A survey of the eased area is attached as "Exhibit A"

**WHEREAS**, Grantor, in consideration for valuable consideration provided to the Grantor including but not limited to the exemption from City assessments for local improvements, grants this perpetual Conservation Easement to Grantee PLC in accordance with Section 704.06, Florida Statutes (2020); and

**WHEREAS**, Grantor desires to preserve the Property in its natural condition in perpetuity;

**NOW THEREFORE**, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of section 704.06, Florida Statutes, (2020), Grantor hereby voluntarily grants and conveys to Grantee PLC a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Conservation Easement"). Grantor fully warrants title to said Property and will warrant and defend the same against the lawful claims of all persons whomsoever.

1. **Recitals.** The recitals herein set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.
2. **Purpose and conservation values.** The purpose of this Conservation Easement is to ensure that the Property will be remain in a natural condition and to prevent any use of the Property that will impair or interfere with the conservation values of the Property. The primary conservation values of the property are the protection of its green infrastructure and natural resources in

accordance with Section 704.06, F.S. This includes groundwater recharge, flood capacity and stormwater mitigation, protection of the surficial aquifer from saltwater intrusion, enhancing air and water quality, climate moderation, and protection of significant habitat for migratory birds. Additionally, the property provides urban green space for scenic enjoyment and education of the public. Specific conservation values of the property are documented in the "Baseline Documentation Report for the St. Augustine Beach 2<sup>nd</sup> Street Pocket Park Conservation Easement" ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant, and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. The Baseline Documentation is maintained in the offices of the Grantee PLC and is incorporated by this reference. A copy of the Baseline Documentation is available upon request. "Exhibit A" are copies of the surveys of the Property as contained within the Baseline Documentation.

3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited, unless such activity or use is required by any governmental agency or necessary for public safety. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:
  - a. Construction or placing of buildings, roads, billboards or other advertising, utilities or other structures on or above the ground.
  - b. Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive materials.
  - c. Removal or destruction of native trees, shrubs, or other vegetation, unless required by government regulations.
  - d. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such a manner as to affect the surface.
  - e. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
  - f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
  - g. Acts or uses detrimental to such retention of land or water areas.
  - h. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.
4. **Rights of Grantee.** To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:
  - a. To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement. Grantee PLC will inspect for

listed invasive plant species no more than annually and give Grantor seven days' notice of these inspections, unless there is reasonable cause to inspect more often. Inspections shall be at Grantee PLC's expense.

- b. To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein and require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with this Conservation Easement.
  - c. Grantor, or their successors in interest, shall be responsible for all reasonable costs incurred by Grantee PLC in enforcing this Conservation Easement, including, without limitation, costs of suit, attorneys' fees, including appellate attorneys' fees and expenses related to restoration of the conserved area.
5. Grantee's Liability. Grantee PLC's liability is limited as provided in Sections 704.06(10) and 768.28, F.S. Additionally, Grantee PLC shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Conservation Easement Area.
6. Grantee's Discretion. Grantee PLC may enforce the terms of this Conservation Easement at its discretion, but if Grantor or their successors in interest, breaches any term of this Conservation Easement and Grantee PLC does not exercise its rights under this Conservation Easement, Grantee PLC's forbearance shall not be construed to be a waiver by Grantee PLC of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee PLC's rights under this Conservation Easement. No delay or omission by Grantee PLC in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.
7. Grantor's Duties.
- i. Grantor, or their successors in interest, will assume all liability for any injury or damage to the person or property of third parties which may occur on the Property arising from Grantor's ownership of the Property. Neither Grantor, nor any person or entity claiming by or through Grantor, shall hold Grantee PLC liable for any damage or injury to person or personal property which may occur on the Property unless the damage or injury is caused by Grantee PLC negligent or intentional acts.
  - ii. Grantor or their successors in interest shall, within a reasonable time after notice by Grantee PLC, remove from the conserved area all plants that are listed as invasive or harmful in the laws of Florida and St. Johns County. If Grantor fails to remove such plants within a reasonable time, (a reasonable time is defined as 60 days) Grantee PLC may remove the invasive plants at Grantor's expense.
8. Taxes. When perpetual maintenance is required by the Permit, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on

or assessed by competent authority on the Conservation Easement Area, and shall furnish the Grantee PLC with satisfactory evidence of payment upon request.

9. **Enforcement.** The terms and conditions of this Conservation Easement may be enforced by the Grantee PLC by injunctive relief or other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court in St. Johns County Florida.
10. **Recordation.** Grantor shall record this Conservation Easement in timely fashion in the Official Records of St. Johns County, Florida, and deliver the original instrument to Grantee PLC. Grantee PLC may rerecord the conservation easement at any time it deems necessary to preserve its rights
11. **Terms and Restrictions.** Grantor shall insert the terms and restrictions of this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement.
12. **Successors.** The covenants, terms, conditions and restrictions of this Conservation Easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the Property.
13. **Expenses.** Grantor or their successors in interest retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Conservation Easement Area, including the maintenance of adequate comprehensive general liability insurance coverage.
14. **Severability.** If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected.
15. **Amendment.** This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto, their successors or assigns. Any such written agreement shall be recorded in the public records of St. Johns County, Florida.
16. **Written Notice.** All notices, consents, approvals, or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor in interest.
17. **Liberal Construction.** This Conservation Easement shall be liberally construed to affect the purpose of this Conservation Easement and the policy and purpose of § 704.06 of the Florida Statutes (2020). If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render is invalid.

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year first above written.

Signed, sealed and delivered

GRANTOR:

in our presence as witnesses:

Signature: Dunia Leon

Jill P. Craddock  
JILL CRADDOCK

Printed Name: Dunia Leon

Marc Craddock  
MARC CRADDOCK

Signature: Doris Adukiewicz

Printed Name: Doris Adukiewicz

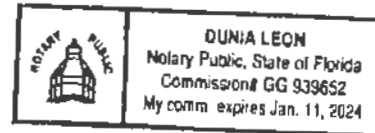
STATE OF FLORIDA)  
COUNTY OF ST. JOHNS)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19<sup>th</sup> day of April, 2022, by MARC CRADDOCK and JILL CRADDOCK.

Dunia Leon  
Signature of Notary Public

Dunia Leon  
Print, Type, or Stamp Commissioned Name of Notary Public

☐ Personally Known OR ☒ Produced Identification  
Type of Identification Produced. FL DL



ACCEPTANCE OF CONSERVATION EASEMENT

Signed, sealed and delivered  
in our presence as witnesses:

GRANTEE: Putnam Land Conservancy, Inc.

Signature: Dunia Leon  
Printed Name: Dunia Leon

BY: Willy The Loosen  
WILLY THE LOSEN  
Conservation Director and CEO

Signature: Doris Adukiewicz  
Printed Name: Doris Adukiewicz

STATE OF FLORIDA)  
COUNTY OF ST. JOHNS)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19<sup>th</sup> day  
of April, 2022, by WILLY THE LOSEN.

Dunia Leon  
Signature of Notary Public

Dunia Leon  
Print, Type, or Stamp Commissioned Name of Notary Public


☐ Personally Known OR ☒ Produced Identification  
Type of Identification Produced: FL DL





**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** May 27, 2022

**SUBJECT:** American Rescue Plan Act Projects/Purchases: Request for Approval of Street Paving, Public Works Vehicles, and Providing Matching Funds for Beach Access Walkovers

When the agenda was put together, we planned to ask you to approve ARPA funding for street paving, vehicles for the Public Works Department, and appropriating matching funds for beach access walkovers. However, as the walkovers will be the most complicated to accomplish because of environmental concerns and permitting requirements, we have narrowed our request at this time to matters concerning them.

Attached is a memo from Mr. Tredik, in which he explains the first step in the walkover project, which is to appropriate money for design and permitting work for an estimated cost of \$67,000. Budget Resolution 22-07 is attached to appropriate that amount.

Mr. Tredik will explain further and will answer any questions you have at the June 6<sup>th</sup> meeting.

## MEMORANDUM

Date: May 26, 2022  
To: Patty Douylliez, Finance Director  
From: William Tredik, P.E., Public Works Director  
Subject: Budget Resolution 22-07 Dune Walkovers – Use of ARPA Funds

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### **BACKGROUND**

The City of St. Augustine Beach conducted an online survey to gauge the preferences of its citizens in relation to the expenditure of American Rescue Plan Act (ARPA) funds. Survey participants were asked to rank various items for their prioritization in the application of ARPA funds. The following items are presented in order of their ranking:

- Repair roads
- Drainage projects
- Improve beach walkovers
- Put utilities underground
- Improve city parks and parkettes
- Improve parking
- Increase parking
- Add sidewalks
- As eco-friendly elements to the city
- Restore Old City Hall

Improving Beach Walkovers was ranked as the third highest priority on the survey.

### **Resiliency to Storm Surge**

Construction of elevated beach walkovers is a critical part of improving the city's resiliency to storm surge. Foot traffic through the dunes continually degrades the dunes – several feet in some areas – causing gaps which serve as conduits for the Atlantic Ocean to penetrate westward. This penetration of ocean waters can cause damage to public and private property and further erode the dune system. It is essential that foot traffic on the protective dunes be minimized to maintain dune height and eliminate the development of pedestrian caused gaps.

### **Environmental Concerns**

The fragile dune system provides habitat to many fauna, including the endangered Anastasia Island beach mouse; which is only found on Anastasia Island. The Florida Fish and Wildlife Conservation Commission states on their web page:

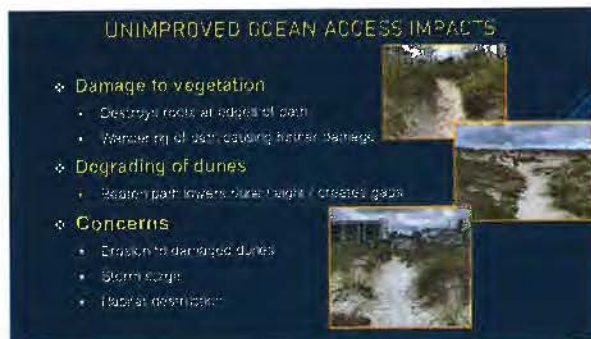
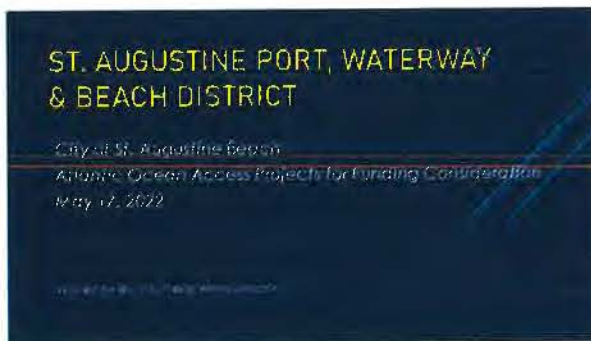
*“The main threat facing the Anastasia Island beach mouse is the continued development along beaches. Development along the beaches can cause destruction or degradation to sand dunes limiting areas of habitat for the beach mouse, and increasing fragmentation, leading to isolation of populations. Increased traffic on sand dunes is also a threat for the beach mouse, as the increased traffic damages vegetation on dunes that the beach mice depend on for food and shelter.”*

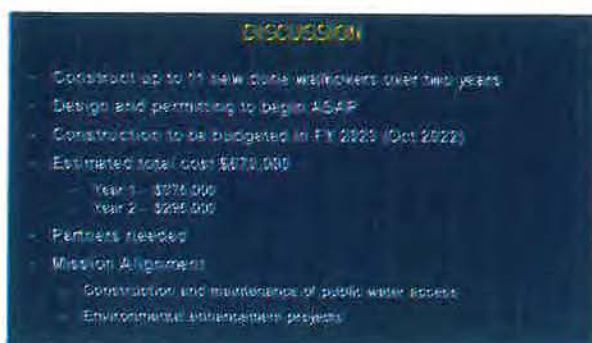
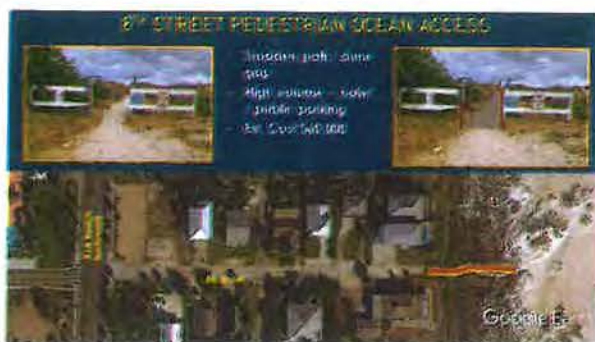
Protecting the dune system from pedestrian traffic is thus an essential part of preserving the habitat of threatened and endangered species.

On April 19, 2022 the City Commission conducted a Special Meeting to discuss the use of ARPA funds. Up to ten beach access walkways were discussed for consideration of ARPA funding at an anticipated total cost of \$600,000. The City Commission expressed support for the construction of dune walkovers, but requested staff seek partners for the project, including the St. Augustine Port, Waterway, and Beach District (the Port).

## **DISCUSSION**

At the May 17, 2022 Port meeting, staff requested funding assistance for the construction of up to eleven (11) new dune walkovers between 16<sup>th</sup> Street and A Street at an estimated total project cost of \$670,000. Shown below are the slides presented to the Port on May 17, 2022:





The Port voted unanimously to fund \$335,000 (50%) for the project. Staff recommends that the City Commission allocate \$335,000 of the City's ARPA monies to fund the remaining 50% of the project, thus matching the Port's contribution. The reduction of the City's use of ARPA funds for the project – from the initially proposed \$600,000 – will allow \$265,000 of ARPA monies to be allocated to other critical projects.

In order to commence construction of the dune walkovers in early FY 2023, design and permitting must begin as soon as possible. Staff, therefore, recommends that \$67,000 (10% of the anticipated total project cost) be brought into the current FY 2022 budget to conduct design and permitting of up to 11 dune walkovers.

### **RECOMMENDATION**

Allocate \$335,000 of ARPA funds to design, permit and construct up to 11 dune walkovers between 16<sup>th</sup> Street and A Street in St. Augustine Beach, Florida and approve Budget Resolution 22-07 bringing \$67,000 of ARPA funds into the FY 2022 budget to conduct design and permitting.

**BUDGET RESOLUTION 22-07**

**CITY OF ST. AUGUSTINE, BEACH  
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2022 ARPA FUND  
BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2021-2022 ARPA Fund Budget as follows:

**INCREASE:** Account 320-331-510 (ARPA Funds-Revenue Other Financial Assistance) in the amount of \$67,000 which will increase the appropriation in this account to \$1,330,000.

**INCREASE:** Account 320-4100-541-3140 (ARPA Funds-R&B Engineering Fees) in the amount of \$67,000 which will increase the appropriation in this account to \$77,000.

**RESOLVED AND DONE**, this 6<sup>th</sup> day of June, 2022, by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

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Mayor - Commissioner

ATTEST:

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City Manager

## **MEMORANDUM**

Date: May 27, 2022  
To: Patty Douylliez, Finance Director  
From: William Tredik, P.E., Public Works Director  
Subject: Budget Resolution 22-08: Paving – Use of ARPA Funds

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### **DISCUSSION**

The City Commission budgeted \$250,000 in FY 2022 for roadway resurfacing. Roads planned for resurfacing in FY 2022 include:

- 6<sup>th</sup> Street through 9<sup>th</sup> Street east of A1A Beach Boulevard
- Atlantic Alley
- Mickler Boulevard between 11<sup>th</sup> Street and 16<sup>th</sup> Street
- North Trident Place

Resurfacing is currently scheduled for summer 2022.

In the recent online survey, "Repair Roads" ranked as the number one citizen priority for utilization of ARPA funds. At the April 19, 2022 City Commission Special Meeting, the staff recommended use of ARPA funds for paving of an additional \$200,000 in FY 2022, which would bring the total FY 2022 paving funding to \$450,000.

Staff has evaluated street resurfacing priorities and recommends the FY 2022 paving program be expanded to include the following additional Streets east of A1A Beach Boulevard:

- 1<sup>st</sup> Lane
- 1<sup>st</sup> Street
- 2<sup>nd</sup> Lane
- 2<sup>nd</sup> Street
- 3<sup>rd</sup> Street
- 4<sup>th</sup> Street
- 5<sup>th</sup> Street

The estimated budget for the FY 2022 paving program would be increased from \$250,000 to \$450,000 by bringing \$200,000 of ARPA funds into the paving budget.

### **RECOMMENDATION**

Approve Budget Resolution 22-08 bringing \$200,000 of ARPA funds into the FY 2022 Paving budget.

**BUDGET RESOLUTION 22-08**

**CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY**

**RE: TO AMEND THE FY2022 ARPA FUND  
BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2021-2022 ARPA Fund Budget as follows:

**INCREASE:** Account 320-331-510 (ARPA Funds-Revenue Other Financial Assistance) in the amount of \$200,000 which will increase the appropriation in this account to \$1,530,000.

**INCREASE:** Account 320-4100-541-6310 (ARPA Funds-R&B Paving) in the amount of \$200,000 which will increase the appropriation in this account to \$450,000.

**RESOLVED AND DONE**, this 6<sup>th</sup> day of June, 2022, by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

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Mayor - Commissioner

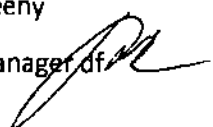
ATTEST:

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City Manager

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** May 20, 2022

**SUBJECT:** Undergrounding of Power Lines Along A1A Beach Boulevard: Review of Costs and Options for Funding

**INTRODUCTION**

At your May 2, 2022, meeting, the City Manager asked whether you had referenda topics you wanted to put on the 2022 election ballot for the City's voters to consider. Your discussion focused on one topic in particular: the undergrounding of power lines. The discussion concluded with Commissioner George's suggestion for an update at your June meeting, that she would do some investigating of the topic and that the staff could come up with ideas.

**ATTACHMENTS**

Attached for your review is the following information:

- a. Pages 1-3, the minutes of that part of your May 2<sup>nd</sup> meeting when you discussed possible referenda topics.
- b. Pages 4-9, a February 2, 2018, Paradise News article about the undergrounding of power lines in Pinellas County.
- c. Pages 10-12, information that the Public Works Director found about the costs of a 2015-19 project in the coastal city of St. Pete Beach to underground lines along a street, Pass-a-Grille Way. We obtained this information because Mayor Samora became aware of the project during a visit to St. Pete Beach when the undergrounding was being done.
- d. Pages 13-16, a September 2, 2021, article from the online newspaper Flaglerlive, about the undergrounding of power lines and that burying them isn't a guarantee that a storm won't interrupt electrical service.
- e. Pages 17-18, information from the County's Supervisor of Elections about the schedule for putting topics on the ballot for the August primary and the general election in November.

**PLEASE NOTE:**

- 1) In the event of flooding, repairs to underground lines could take longer than repairs to overhead lines because where the latter is damaged is easier to find than having to excavate a buried line to find the damaged area and make repairs.

- 2) Perhaps key for your discussion are two paragraphs on page 14 (attached). "Deciding how to make the [electric] grid more resilient begins locally. In general, the best place to locate power lines depends on what type of damage is most likely in that area. If a region is more concerned with storm surge and flooding, the best choice may be locating power lines above ground...."

"Areas with little risk of storm surge and flooding may decide that underground power lines are the best choice, if the community is willing to accept the cost...."

- 3) With sea level rise more and more a fact of life in many Florida cities, does it make sense for our City to put electric wires underground along A1A Beach Boulevard, a block from the ocean, and when a section of the Boulevard has been flooded in the past by major storms. You may remember that during one storm, the Police Department took memorable photos of the intersection of Pope Road and the Boulevard under a couple feet or more of water. The Boulevard was flooded south to 12<sup>th</sup> Street. Also, a key consideration has to be the flooding of on-ground transformers. With overhead power lines, the transformers are located on poles well above the ground.

#### MATTERS TO CONSIDER

There was a suggestion at your May 2<sup>nd</sup> meeting that on the ballot for the 2022 election the voters be asked to approve a dedicated millage to fund the undergrounding of power lines.

We suggest instead that you ask the voters at a general election in a future year whether they'll approve the millage. The reasons for this suggestion are:

1. It will take time to get accurate estimates of all the project's costs.

At this time, the estimates can be only preliminary at best. On pages 9-11, the Public Works Director lists St. Pete Beach's costs and provides an estimate from them of \$5.25 million to underground the utilities for the 1.25 miles along A1A Beach Boulevard from Pope Road to F Street. Extending the undergrounding from F Street south to the junction with the state highway "could cost as much as another \$3 to \$4 million." Possibly, because of supply difficulties and the current rate of inflation, the actual costs will be higher. Without accurate and up-to-date cost estimates, you won't know what level of millage will provide sufficient money to pay the project's costs and for how many years the millage should be levied. If you set the millage too low and/or not for the number of years needed, there won't be enough money to pay the project's costs and the City will have to rely on the General Fund for the money.

PLEASE NOTE: a) The above estimates are only for the costs to underground the power lines in the public right-of-way. Still to be determined will be the costs each property owner will have to pay to connect their building to the underground line and the costs to underground telephone and cable-TV lines. Before they vote, the residents will need to know these costs.

b) Easements from private property owners will have to be obtained for transformer pads. The Public Works Director can inform you of the difficulty and delay he has experienced to obtain the easements along 2<sup>nd</sup> Street east of 2<sup>nd</sup> Avenue for the City's current small scale undergrounding project.

2. The City needs expert advice to determine all the costs.

Because of undergrounding's significant cost, the City should hire a consultant with expertise in such a project, so that you will have an accurate estimation of the cost and will thus know what level of property tax millage to levy and for how many years the millage should be levied. It will take time to draft a Request for Proposals for such expertise, advertise it, the staff to evaluate the responses, you to hire the consultant and for the consultant to prepare the estimate.

PLEASE NOTE: The consultant can also advise the City, based on their experience, of how long the undergrounding of each section along A1A Beach Boulevard could interrupt the operations of adjacent businesses. This is crucial information because of the need to limit the disruption to the businesses, as well as to the residents along the Boulevard.

3. The City already is levying an additional property tax millage to pay the debt for land purchases.

That additional millage is 0.50 each year. The voter authorization for this millage expires in 2029. Would it improve the chances of the voters approving a new millage for the undergrounding project if the current land debt millage had expired? Otherwise, the City risks the voters saying no to the undergrounding millage.

4. There isn't sufficient time between now and the November 2022 general election to get the cost estimates and then educate the public about the undergrounding project's pros, cons, and costs.
5. The one-cent additional sales tax could provide enough money for undergrounding without the City having to levy a new millage.

On the ballot for the 2022 general election, voters in St. Johns County will be asked to approve a penny increase in the sales tax. (The current sales tax is 6.5 cents.) The County has estimated that, based on the City's population and the amount of revenue the additional one penny would provide, the City could receive up to \$1.4 million a year from the tax. Between 2023 and 2029, when the land debt millage will expire, City could collect enough sales tax money to pay the undergrounding costs. The money could be put in a special fund. To prevent future Commissions from using money from the fund for purposes other than undergrounding, the fund could be created by an ordinance that would state the fund's purpose, the amount of money each year to be put in it from the one-cent sales tax, and that only by a supermajority vote (four-fifths) could a future Commission use the money for purposes other than the undergrounding project. The City Attorney would have to advise you whether such an ordinance is legal.

6. Having the sales tax and underground project millage on the same ballot.

Is there a risk that the City's voters will say no to a sales tax increase and a new millage if both are on the same ballot in 2022?

### RECOMMENDATION

It is that you do not ask the City's voters in the 2022 November election to approve a millage to pay the costs to underground utilities. If the County's voters approve the additional one-cent sales tax, then money from it can be dedicated for the undergrounding project, thus sparing the City's property owners from having to pay another millage levy before the current millage for land purchase debt expires in 2029.

PLEASE NOTE: a) As the sales tax will also be paid by visitors, it's appropriate that they pay a share of the project's cost to make the City more attractive to visitors.

b) After October 1, 2026, money from the additional sales tax could be used to pay off the debt for land, thus making unnecessary the need for the current 0.50 mills that is now levied each year for that debt.

In the meantime, regardless of the voters' decision concerning the sales tax, you can decide to hire a consultant to get the most accurate estimates possible for the undergrounding of power lines. Money to pay the consultant can come from ARPA funds. If the additional one-cent sales tax isn't approved, you can ask the City's voters in a later election year to approve the additional millage that will provide enough money for the project. This will give the City time to educate them about the project's merits and costs, especially as the voters who live in subdivisions that already have underground lines may not be willing to pay an additional property tax for undergrounding in other areas of the City. Those subdivisions include a significant area of the City: Ocean Walk, Woodland Estates, Lake Sienna, Spanish Oaks, Island Hammock, Ocean Ridge, Raintree, Sea Oaks, Sea Grove, Villa del Ray, Serenity Bay, Magnolia Dunes, Ocean Trace, Sandpiper Village, Sea Colony, Whispering Oaks, Bermuda Run, Sea Winds, Surf Crest Village, and Anastasia Dunes/Makarios.

#### OPTION

If you are interested in undergrounding the electric wires only along A1A Beach Boulevard, you may want to consider charging only those properties adjacent to the Boulevard a non-ad valorem assessment to pay the costs. The amount of the assessment can be determined after the City has an estimate of the project's cost. This information would be provided to the property owners for a special meeting with the Commission.

#### ACTION REQUESTED

It is that you discuss the information above and whether you first want to see whether the voters County-wide approve the additional one-cent sales tax before asking the City's voters to approve a new millage to pay for the undergrounding project.

#### IN THE MEANTIME

We suggest that you schedule a workshop, perhaps in August, with FPL representatives, to discuss what it has learned about undergrounding projects in other Florida coastal cities and what the City needs to do to determine the most accurate cost estimates. City staff will also get information from other Florida coastal cities about their undergrounding projects, the costs and what the cities have learned. Meanwhile, the City Attorney can research where there is in state law any requirements for FPL to assist cities, financially or otherwise, with undergrounding projects.

**12. 2022 Election: Discussion Whether City has Referenda Topics for Voters to Consider (Presenter: Max Royle, City Manager)**

City Manager Royle advised that an election is coming up and that he provided information from Vicky Oakes, the Supervisor of Elections, with the timetable she needs for anything that the City wants to propose. He reminded the Commission that in 2023 the City is due to have a Charter Review Committee formed to do a ten year review of the City Charter, so 2024 might be the time to have a referendum for any Charter changes. Commissioner George said that the City would be taking up ballot space at that time and anything that is not a Charter amendment that the City wants considered as a referendum item should be done now while there is space. City Manager Royle said that the City Attorney would have to review the Charter and there may be parts that can be changed by a simple ordinance versus a referendum. He said that he and Finance Director Douylliez have talked about the former city hall/St. Augustine Beach Hotel and the possibility of two questions: 1) do you approve protecting/preserving the building, if yes; 2) do you approve taxing yourself millage for however many years to raise money to accomplish it. There is a \$500,000 grant to improve the exterior of the building but nothing yet for the interior of the building. He said that he has read reports that there could be a recession coming and the State might not have any grants for historic buildings at that time. He suggested to not ask that question in 2022 because it would need more research.

Mayor Samora asked if staff has any recommendations for a referendum at this point. City Manager Royle said he did not have any. Commissioner England suggested underground utilities. City Manager Royle said that if the one cent sales tax passes, the City would have a revenue source to set aside a certain amount each year to underground the utilities and after two to three years there would be enough money to do it. He said that Pinellas County has done it because they have an additional sales tax called "A Penny for Pinellas" and many cities use that additional tax. He suggested to wait and see what the voters decide this November.

Commissioner Sweeny advised that it could be a risk asking for a funding item when there is already another tax, and that people may say "no" to both.

Commissioner George asked if the undergrounding of utilities would also be required to be on one of the ballots. City Attorney McCrea advised that he did not believe that it would. City Manager Royle agreed that it would not need to be on a ballot because the Commission could decide to underground utilities.

City Clerk Fitzgerald said that she believed that the City Manager forwarded to the Commission a list of new laws that the Legislature has just passed and that one of the bills was that tax related referendum items must now be on the General Election ballot as of July 1<sup>st</sup>. City Manager Royle advised that he interpreted that as asking the residents to tax themselves, which would automatically have to go on a referendum, but he did not believe it would be necessary if you ask taxpayers to approve paving streets using sales tax money. He advised that the City Attorney would need to interpret it. City Attorney McCrea advised that he would agree with that, but that he would research it.

Commissioner Sweeny asked if the City is asking the taxpayers to approve a revenue source. City Manager Royle said no, that if the voters approve the sales tax increase, then the City gets \$1.4 million.

Commissioner George said that the Commission could use the new revenue stream and would dedicate it, but it would not bind the hands of future Commissions. She said that that money

**Excerpt from the minutes of the May 2, 2022, City Commission regular meeting**

would likely not be available and could be reallocated. She said that it would have to be on the General Election ballot.

Commissioner Sweeny said that she believed that there was a local infrastructure surtax option in the statute that could be levied. City Manager Royle advised that he did not believe so. Commissioner George advised that she did not believe that municipalities could levy it. City Attorney McCrea said that he would research it.

Commissioner George asked whether there is a way to create a district category of an assessment for a different purpose. City Attorney McCrea advised that he would need to get with City Manager Royle, field questions, and do research on it quickly.

Commissioner George advised that she did not want to hold off just because the sales tax item is going to be on the ballot. Mayor Samora agreed and said that it would need to go farther than just asking to approve spending the money in principal because the in-house survey showed the residents interest in undergrounding utilities.

City Manager Royle advised that if the City is going to ask the residents to approve undergrounding utilities, the City would need to provide them with good information. He said that there would be individual costs for each residence/business, easements would have to be provided, and the City is not prepared to put that on the ballot this year.

Commissioner George said, "never say never", and to consider breaking it down functionally such as presenting it with a proposal for up to a quarter of a mill to be set aside. She advised that the City would need to hire specific people to head the project, get the easements, and that the City would not be looking to break ground for at least seven years. She said that it does not mean that the City cannot get approval now for a certain amount on an annual basis to be levied later when the City is ready. City Manager Royle advised that normally you would tell the voters that the tax would be levied for a certain amount of years and the longer it is stretched out before using the money would shorten the time to collect it before it expires.

Commissioner Sweeny asked if it is possible to be that ambiguous about the amount of the millage on a ballot question. City Attorney McCrea said that he believed that the City could be ambiguous, but that he did not recommend it because it may make voters angry.

Commissioner George said that the City could come up with a ballpark figure needed for seed money for the design, the staff, the research, etc., and put it in the millage to generate that amount. She said that staff could advise on the appropriate phasing of it to make it doable and define how much money is needed to get to a certain point. City Manager Royle said that since FPL owns it, they could possibly come speak about it.

Commissioner George advised that there are other nearby cities that have done it and the City should find out what they did to fundraise. City Manager Royle said that he did not know of a nearby community that has done it. Mayor Samora said that Pinellas County did it and he asked for the City Manager to reach out to them. City Manager Royle asked if the Commission only wants to underground utilities on the Boulevard or the neighborhoods too. Commissioner George advised that it is most important to underground utilities on the Boulevard.

Mayor Samora asked what the deadline is for getting something on the ballot. City Manager Royle said that the deadline for the November election is August 5<sup>th</sup> and that normally a referendum item is done by an ordinance which would need to have two readings. He advised that the August Commission meeting is August 1<sup>st</sup>.

**Excerpt from the minutes of the May 2, 2022, City Commission regular meeting**

Mayor Samora said that he has sensed that this is something that the Commission wants to take seriously. Commissioner George said that if it ends up that it waits until 2024 that she does not want to hear that it is not possible. She said that she would be happy to do legwork and get the answers needed but would need guidance.

Commissioner England advised that when she attended a Florida League of Cities seminar that there was a city that did the whole project, and the Florida League of Cities may have some examples of referendum questions. She also suggested checking with those cities that have done it. She said that she believes they may have started with a general question without the specific costs narrowed down. She suggested to put the amount of the tax and the revenue and itemize what it would be used for.

City Manager Royle suggested to wait to see if the voters approve the additional one cent tax and then the City would not have to go to the voters for levying an additional tax. Commissioner England said that Commissioner George was concerned about how to tie it down. City Manager Royle advised that the City Attorney would research it.

Commissioner George asked if the City Attorney was suggesting that there is a way to restrict the sales tax funds to be used for a specific project by using a referendum or some other means. City Attorney McCrea said that he is going off of conjecture right now and would like time to research it before he advises the Commission.

Mayor Samora asked if there were any Public Comments.

Michael English, 115 F Street, St. Augustine Beach, FL, he wrote a book about 30 years ago called Best Practices Benchmarking which applied to industry; the last 15 years, city and state governments have been using it; other cities have solved the same problems that this City is trying to solve; suggested to do quarterly exchanges with other cities to see how they solved a problem as well as which cities not to replicate.

Commissioner George suggested to have an update next month, that she would do some digging as well, and staff could come up with ideas. Mayor Samora advised that there is enough push from the Commission and the residents and to keep this on the radar.

Mayor Samora moved on to Item XIV.



≡ Menu



## Pinellas County & Duke Energy Partner With Communities to Underground Electric Lines

February 2, 2018 by [Paradise News Team](#)

Following the extensive power loss during and after Hurricane Irma, many Pinellas County and Gulf Beaches communities are debating the benefits of underground lines vs. overhead lines, notes Ann Marie Varga, Duke Energy Communications Manager. She told Paradise News, "Our system includes both overhead and underground facilities, and we are in favor of underground where it makes sense."



"However, it's important to remember that there are tradeoffs. Undergrounding does not eliminate outages ... Restoration times are typically higher because damage is more difficult to locate and takes longer to repair ... Underground facilities may experience dig-ins, are not invulnerable to lightning strikes and are susceptible to flooding. There are other variables to be considered, including existing rights of way and underground infrastructure as well as replacing streets and sidewalks. It is also expensive — industry estimates range from \$500,000/mile for tap lines to \$2.5 million/mile for main distribution lines.

"We will invest \$3.4 billion in a grid modernization plan over the next 10 years to strengthen the state's energy grid, making it more resilient and secure. These enhancements will improve power quality and reliability while enabling more options for our customers.

"An important part of our plan is the start this year of a targeted underground program to move the most outage-prone overhead power lines underground. This reliability-focused program will reduce outages and momentary interruptions on these circuits and quicken overall restoration times after major events. Over a 10-year period, approximately 1,250 miles of overhead distribution lines will be placed underground.

"Today, most new construction is underground and paid for by the requesting party. We also work with municipalities to convert existing overhead lines to underground, at their cost, in accordance with the terms of our tariff. Recent Gulf Beaches projects include Gulf Blvd. in Treasure Island and Madeira Beach, and Pass-a-Grille Way in St. Pete Beach.



"Further discussion on undergrounding beyond the targeted program is warranted. Duke Energy plans to be an active part of this discussion as the communities that we serve look at potential changes following Hurricane Irma. A solution that balances cost, year-round reliability and storm hardening can be achieved by working together to solve this complex issue."

Adds Tom Lawery, Wholesale Renewable Manager, Distributed Energy Resources, "Duke Energy has taken the lead on undergrounding utilities." With Duke and Progress energy for 28 years. At the Tampa Bay Beaches Chamber Environment Panel last September (see Paradise News, October 2017 issue), Lawery emphasized the firm's commitment to an economic-driven energy policy.

### **County Interlocal Agreement**

Pinellas County has an interlocal agreement with the municipalities along Gulf Blvd. for roadway Improvements, according to Jackie Trainer, Office of Management and Budget. Included are Belleair Beach, Belleair Shore, Clearwater, Indian Rocks Beach, Indian Shores, Madeira Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach, and Treasure Island.

She told Paradise News, "The agreement signed in July 2012 provides the allocation each year since 2013 thru 2019 for each municipality based upon the lineal road frontage of Gulf Blvd. in each municipality. Total agreement is \$35 million and is funded by the Infrastructure Sales Tax (Penny for Pinellas) on a reimbursement basis. Many of the municipalities have used their allocation to help fund the undergrounding of their utilities. Each city manages their respective projects and could provide

further detail on their Gulf Blvd. Improvements projects.”

With figures on the accompanying Project Chart through Fiscal 2017 ended last Sept. 30, total allocation of \$35 million through 2019 is topped by Clearwater with \$6.08 million. This is followed by St. Pete Beach, \$5.746 million; Indian Rocks Beach, \$4.98 million; Indian Rocks, \$4.008 million; and Redington Shores, Redington Beach and North Redington Beach, total \$4.446 million.

Blake Lyon, County Development Review Services Director, added, “From my perspective on the Development Review side of the world, our efforts focus more on the regulations for unincorporated portions of Pinellas County. Where my staff may get involved is if Duke Energy or one of the local municipalities wishes to work within the County’s right-of-way. In those instances, we would help facilitate the review and issuance of Right-of-Way Utilization Permits to support the undergrounding efforts.

As an example, the County Utility Department’s Gene Crosson notes, “Several years back a project was done on a portion of Gulf Blvd. to relocate all aerial utilities underground. The project started south near Park Blvd. in Indian Shores to Walsingham Road to the north. The project reconstructed the travel lanes of Gulf Blvd. and re-installed the facilities from the air to underground. The County Utility Department worked with the Florida Dept. of Transportation (FDOT) to complete the project. The Utility Department had many utility lines that needed relocation and replacement. Somehow it became a Utility Department project funded by the FDOT.”

### **Local Undergrounding Updates**

In January, FDOT officials told the Indian Rocks Beach Commission it would commit about \$3.2 million to improve drainage issues along Gulf Blvd from Park Blvd. to Walsingham Road as a continuation of the project to underground utility wiring. FDOT design consultant John Novak told the Commission that studies showed problem areas along this route where water was not properly draining after heavy rains and storms. Mayor R.B. Johnson had raised the issue related to the pending overall utilities undergrounding project that will include a complete repaving job. Contract award is expected in May with work to start in July and completion in about a year.

Redington Shores Mayor Bert Adams, retiring this year after 12 years on the job, told Paradise News, “We did some utility undergrounding about seven years ago and now are working with Redington Beach and North Redington Beach on a major Gulf Blvd. project to underground wiring on the East side and cross-wires, which is what we can jointly afford. We have a contract with CRC, and are currently getting required easements from local property owners, and hope to start work before I leave office in March.”

Mike Helfrich, Treasure Island Public Works Director, told Paradise News, “Our city to date has been reimbursed \$2,194,413 from the County for projects associated with the Gulf Boulevard Improvement Program, from our total program share of \$3,777,236. Work accomplished for Utility Relocation consisted of undergrounding utility facilities for Duke Energy, Verizon and Brighthouse from 108th Ave to 127th Ave on Gulf Blvd. The relocation underground of the existing overhead utilities is the most significant proposed improvement of this project and the largest cost item, estimated at \$1,945,832.

"Roadway Lighting consisted of removal of approximately 80 street lights along Gulf Blvd from 104th Ave to 129th Ave and installation of 118 new LED street lights and poles at an approximately cost of \$248,581. The City is reviewing and requesting cost estimates from Duke Energy, Frontier and Spectrum for utility relocation for Gulf Blvd south of 107th Ave to the base of Blind Pass Bridge. We also will be investigating the possibility of using the funds to install irrigation and lighting for median landscaping."

Wayne Saunders, St. Pete Beach City Manager, notes that the city has worked with Duke Energy and the County in undergrounding wires as part of the ongoing major upgrading of Pass-a-Grille Way, and various areas along Gulf Blvd.

**Story by STEVE TRAIMAN**

*[Editor's Note: Special thanks to Jackie Trainer, Blake Lyon & Gene Crosson, Pinellas County; Tom Lawery & Ann Marie Varga, Duke Energy; Mayor Bert Adams, Redington Beach; Mayor R.B. Johnson, Indian Shores; Mayor Bob Minning & Mike Helfrich, Treasure Island; and Wayne Saunders, St. Pete Beach.]*

*[Steve Traiman is President of Creative Copy by Steve Traiman in St. Pete Beach, offering freelance business writing services. He can be reached via email at [traimancreativecopy@gmail.com](mailto:traimancreativecopy@gmail.com) ]*

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## Max Royle

---

**From:** Bill Tredik  
**Sent:** Friday, May 6, 2022 11:26 AM  
**To:** Max Royle  
**Cc:** Dariana Fitzgerald; Patricia Douylliez; Ken Gatchell  
**Subject:** St. Pete Beach Pass-A-Grill Way Underground Utility Cost  
**Attachments:** St Pete Conduit Install.pdf; DUKE Contract St Pete Beach.pdf

Max:

The subject St. Pete Beach project was awarded in 2015. The undergrounding portion of the project involved the following:

Length 0.8+/- miles

Verizon Relocate Cost	\$57K
Duke Energy Relocate Cost	\$738K
City conduit installation cost	\$1,287K
City cost to connect 56 properties	\$840K

Total 2015 Cost to the St. Pete Beach was \$2,922,388 . this equates to \$3,652,985 per mile  
In 2022 dollars, this would be about \$4.2 million per mile

Note that our relocation may cost more per mile based upon the type of lines being converted. See Google Map images of St. Pete Beach's lines that were replaced (immediately below), versus A1A Beach Boulevard's lines (second one below)



Also we are dealing with FPL instead of Duke energy, so I do not know how the costs would differ

How much could it cost the City of St. Augustine Beach?

Pope Road to F Street is 1.25 miles

Using the above 2022 cost per mile, undergrounding Pope Road to F Street could be in the neighborhood of \$5.25 million.

This does not consider any cost for new and/or decorative streetlights or other roadway upgrades.

Going all the way south to S.R. A1A could cost as much as another \$3.5 to \$4 million.

Bill

*William Tredik PE, Public Works Director / City Engineer*

*City of St. Augustine Beach*

*2200 A1A South*

*St. Augustine Beach, Florida 32080*

*Ph: (904) 471-1119*

*email: btredik@cityof sab.org*

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


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## Buried Power Lines Aren't Fail-Safe

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The good  
special

news: In many places, power systems failed. Nearly five days later, more than 80% of New Orleans customers were still in the dark, in sweltering heat.

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Electricity is critical for health, safety and comfort. Without it, it's hard to buy groceries, fuel your car or get cash from an ATM. Many medical devices, including power wheelchairs, ventilators and nebulizers, run on electricity. Schools can't operate without power, and kids can't attend class online without computers or electricity.

Dramatic images of damaged power lines can make people wonder whether their electricity service might be more secure if those lines were buried underground. But I've studied this question for utilities and regulators, and the answer is not straightforward. There are many ways to make power grids more

resilient, but they are all costly, require the involvement of many agencies, businesses and power customers, and may not solve the problem.

### It's impossible to completely protect the grid

Ideas for making the electricity grid more resilient to weather and disasters have to acknowledge two unpleasant realities. First, there is no way to completely protect the grid.

Above-ground lines are vulnerable to damaging winds, flying debris and falling trees. But underground lines are susceptible to damage from water incursion driven by storm surges or flooding. So, choosing the location of power lines means choosing which threat is more manageable.

Second, the public ultimately pays for maintaining the power grid, either via their electric bills or through taxes. The greatest responsibility facing utilities, their regulators and government agencies is ensuring that people receive benefits commensurate with the money they pay for their electricity service.

Deciding how to make the grid more resilient begins locally. In general, the best place to locate power lines depends on what type of damage is most likely in that area. If a region is more concerned with storm surge and flooding, the best choice may be locating power lines above ground, with regular tree trimming to keep branches from falling on power lines. Power poles made from resilient materials, such as fiberglass composites and concrete, can withstand damaging winds and flying debris better than traditional wooden poles.

Areas with little risk of storm surge and flooding may decide that underground power lines are the best choice, if the community is willing to accept the cost. No system is sustainable if customers aren't willing to pay for it. Differences in geography, population density, societal preferences and willingness to pay across a utility's service area – especially in a diverse city like New Orleans – mean that no blanket policy will work everywhere.

## 2021 Gun Laws (Updated)

Travel with your gun - free state carry laws map (2021)



## Mismanaging Retirement Withdrawals

You've accumulated a large nest egg, making the wrong withdrawal could put your retirement at risk. If you have a \$500,000 portfolio, you should read **13 Retirement Investment Blunders to Avoid**.

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### Working with regulators

When an electric utility wants to make changes to the grid, it needs approval from a regulator. This can take many forms.

**Municipal utilities** owned by individual cities make those decisions at the local government level. **Cooperative**, or customer-owned, utilities make those decisions through an executive board comprised of utility customers. **Investor-owned utilities**, which serve the majority of the U.S. population, are regulated at the **state level** by public utility commissions. Any discussion of grid resilience starts and ends with these agencies.

The situation in New Orleans is especially complex. Through a **history of bankruptcies and reorganizations**, New Orleans is the only U.S. city that regulates an investor-owned utility when a state regulator performs the same function.

This means that power company **Entergy's** operations inside of New Orleans are regulated by the New Orleans City Council, while the company's actions elsewhere across the state are overseen by the Louisiana Public Service Commission. As a result, Entergy can have distinct rates, standards for service and regulatory objectives inside and outside of New Orleans. This system allows the New Orleans City Council to focus on issues that are important to the city, but it also makes the regulatory environment more complex.

### The trouble with transmission

The electric transmission system has several sections. High-voltage transmission lines move power over long distances from generating plants to areas of high demand, such as cities. From there, distribution networks deliver electricity to neighborhoods and individual homes or buildings.

Hurricane Ida collapsed a transmission tower carrying high-voltage power lines in Jefferson Parish, Louisiana, which is immediately west of New Orleans. This caused all eight transmission lines that supply power to the city and surrounding parishes to fail.

Hardening the transmission grid is more challenging than protecting distribution lines. Voltage is like the **pressure that pushes water through a hose**, so a high-voltage transmission line handles an intense flow, like a fire hose. Power is "stepped down" to lower voltages when it enters the distribution system, so the power moving through a distribution line is analogous to water flowing through a garden hose.

## 2021 Gun Laws (Updated)

Travel with your gun - free state carry laws map (2021)



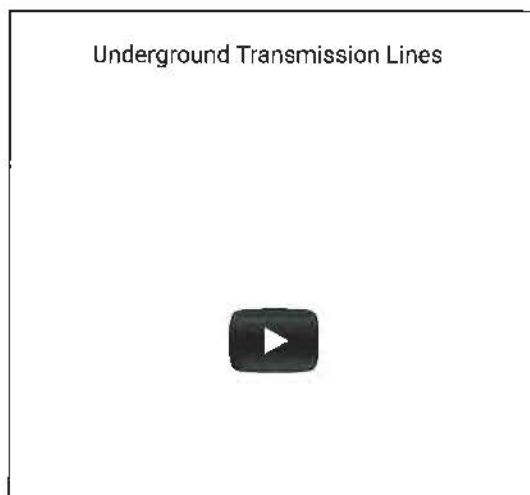
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Burying transmission lines is technically feasible, and may be practical over short distances. But all power lines lose some of the electricity they carry as heat – and if this heat builds up, it ultimately restricts the line's ability to carry power over longer distances. Air effectively dissipates heat from above-ground lines, but buried lines are more vulnerable to heating.



Relocating transmission lines or building extra lines as backups may be the only options for strengthening the system in many places. But building new high-voltage power lines is challenging.

Many people are concerned about possible health risks from exposure to electromagnetic fields, which emanate from high-voltage lines. Regulatory agencies struggle with finding acceptable sites and allocating the costs of these projects.

Investment in the U.S. transmission system has increased over the past 15 years, but more is needed. The Grid Deployment Authority proposed in the bipartisan Infrastructure Investment and Jobs Act would address some of the challenges of transmission line siting, but other hurdles will remain.

### Managing expectations

Whatever steps utilities take to harden the grid, there still are circumstances when the power will go out – especially during climate-driven disasters like wildfires and tropical storms. It's easier to talk about making the power grid more resilient soon after disasters, but the conversation needs to continue after power is restored. In my view, the only way to solve this challenge is by finding ways for utilities,

## 2021 Gun Laws (Updated)

Travel with your gun - free state carry laws map (2021)

**Max Royle**

**From:** Vicky Oakes <voakes@votesjc.gov>  
**Sent:** Friday, February 4, 2022 10:12 AM  
**To:** David Migut; Isabelle Lopez; Dariana Fitzgerald; City Attorney  
**Cc:** Wayne Fusco; Max Royle; slee@citystaug.com; Erika Ward; Hunter S. Conrad  
**Subject:** Deadlines to place items on the 2022 Election ballots

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Good morning all

Each election year, I provide you with deadlines for placing any items on the Primary and General Election Ballots. By deadline, I mean specifically signed ordinance or resolution on my desk by the deadline dates.

For 2022 as you know, we have the August 23<sup>rd</sup> Primary and November 8<sup>th</sup> General Elections. So here are the deadlines for each should you be considering placing any referenda items on the ballot for your prospective jurisdiction:

June 3, 2022      deadline for the August Primary

August 5, 2022      deadline for the November General Election

Please communicate with us in advance with any potential items you are considering placing on the ballot. These days our ballot layouts are done in advance of each election, and we need to make sure adequate space can be allocated. There's also potential cost increases that may need to be considered should your specific item cause an additional ballot page which may increase the cost of an entire election (printing ballots, additional postage, etc).

**An additional reminder:** Now that St. Johns county is required to provide our ballots in English and Spanish, any ballot language you provide to us **MUST** be provided to us in **BOTH** languages.

Feel free to contact me should you have any questions.

Respectfully



Vicky C. Oakes  
Supervisor of Elections

Vicky C. Oakes  
St. Johns County Supervisor of Elections  
4455 Avenue A Suite 101  
St. Augustine, FL 32095  
(O) 904.823.2238

## Max Royle

---

**From:** Vicky Oakes <voakes@votesjc.gov>  
**Sent:** Monday, April 4, 2022 12:45 PM  
**To:** Max Royle  
**Subject:** RE: Space on Ballot

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Good morning Max,

At this moment, the Primary ballot is completely open. Normally a one page ballot which your referenda could easily be added to. With Judges races on the Primary ballot and 3 school board races, I can tell you all voters will be participating in the primary.

For the General Election, if your commission wants to place an item on the ballot, it will probably run over to a 2<sup>nd</sup> ballot card for each of your voters (VBM, Early & election day) so that will easily double the cost of your ballots and your election. You will also be responsible for additional postage for VBM ballots, sample ballots and be responsible for your own advertising. Too early to give you any additional cost at this time.

Vicky

**From:** Max Royle <mroyle@cityofsab.org>  
**Sent:** Monday, April 4, 2022 11:45 AM  
**To:** Vicky Oakes <voakes@votesjc.gov>  
**Subject:** Space on Ballot

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Vicky,

Does the ballot for both the primary and general election this year appear at this point to be, or likely will be, full? I ask in case the City Commission wants to add one or two questions to be decided by the city's voters.

Max  
\*\*\* Under Florida Law, FS 119, email addresses are public record. If you do not want your email address released in response to a public records request, do not send emails to this entity. Instead, please contact this office by phone or in writing.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** May 19, 2022

**SUBJECT:** Hammock Dunes Park: Review of a Request for Qualifications for Park Plan Consultant

INTRODUCTION

Hammock Dunes Park is the 6.1-acre vacant tract on the west side of A1A Beach Boulevard between the Whispering Oaks subdivision and the Anastasia Shopping Plaza. The Park at this time isn't being used because there is no public access to it and no improved trails in it.

At your May 2, 2022, meeting, the City Manager proposed that you consider having a Request for Proposals prepared for a consultant to develop a plan that would make the Park available to the public.

The proposal was made for two reasons:

- Because the Park has such unique topography and natural features, the plan needs to be prepared by someone experienced with planning access and recreational uses of such a property; and
- Because residents in response to a Survey Monkey questionnaire that was posted in April, asking them their preferences for the spending of American Rescue Plan Act funds, replied that improving City Parks was sixth on their list of 10 possible uses.

Attached for your review are the following:

- a. Pages 1-2, the minutes of that part of your May 2<sup>nd</sup> meeting when you discussed the Request for Proposals.
- b. Pages 3-5, a draft of the revised and comments from the Public Works Director. It includes the suggestions that you made at your May 2<sup>nd</sup> meeting.

ACTION REQUESTED

It is that you review the revised draft, make changes to it if you want, and then authorize that it be advertised. American Rescue Plan Act money can be used to pay the consultant.

Once the plan for Hammock Dunes Park has been prepared and approved by you, it can be used as the basis for applying for grants to develop the amenities proposed in the plan.

11. Hammock Dunes Park: Consideration of Developing a Request for Proposals for a Park Planner (Presenter: Max Royle, City Manager)

City Manager Royle advised that from the SurveyMonkey survey regarding uses for the ARPA funds, that one of the top six responses was for park improvements. He said that the City is already working on improvements for Ocean Hammock Park and that Lakeside Park is fairly small and has been improved to its maximum. He said that Hammock Dunes Park, which is located north of the shopping center and south of Whispering Oaks subdivision on the west side of the Boulevard, is the only remaining park that the City has no plans or guidance for improvements. He advised that it is owned by the City but was originally purchased jointly by the City and St. Johns County for \$2.5 million with each paying half. The County Commission eventually deeded ownership to the City with the condition that if the City ever wanted to sell it, that the County would have the first right of refusal. Since then, the City Charter has been amended so that the selling of City park land requires a four-fifths vote by the City Commission plus a referendum by the citizens, which is unlikely to ever be approved. He advised that it has a unique topography which can be seen on the aerial that shows its dimensions, such as the high point of 36 feet above sea level. He pointed out that there are wetlands through it as well. He advised that if the Commission is interested in doing something with the park that there are ARPA funds available. He said that the citizens have requested to improve City parks, and this is the one park that needs long-range planning for improvements. He advised that if the Commission gives approval for a Request for Proposals (RFP) for a park planner, that he would want Commission guidance on the scope of work because the land is unsuitable for certain activities without a lot of adjustments. He said that the City would need a park planner that is skilled in developing unique/topographically challenged parks to create passive recreation such as a walking trail and possibly a parking area which would need expert advice due to the contour next to the Boulevard with a 25 foot elevation. He advised that maybe there could be parking to the south side with an easement from Regency Centers which owns the shopping center. He said that his request would be that the Commission allow for an RFP and to limit the scope of work to passive recreation only. The park should be left as natural as possible, have a good buffer between the Whispering Oaks subdivision, the City would fence the northern boundary, etc.

Mayor Samora said that there are some residents here that may wish to speak, and he opened Public Comments.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, said what was done across the Boulevard is great; he occasionally sees deer, fox, and gopher tortoises in the park and that is why he is against making any more changes to the walkway in Ocean Hammock Park because it would be disruptive to the animals; suggested to follow City Manager Royle's advice; has picked up a lot of trash across the street; not a fan of the walking trails because of snakes and likes walkways to keep the kids from going off the path.

Bobby Crum, 301 Spanish Oak Court, St. Augustine Beach, FL, said his house backs up to the park; there are drainage issues; the rooftop water from Regency Center goes into the park; very unique with a very high dune with wetlands; Whispering Oaks has issues with water; not in favor of fencing because it is a corridor for the amazing wildlife and fencing would hinder them from movement; would volunteer to be on a committee; the park is a wise investment and to keep it preserved is important.

Mayor Samora appreciated all the great comments. He asked for any Commissioner comments.

**Excerpt from the minutes of the May 2, 2022, City Commission regular meeting.**

Commissioner England advised that she and City Manager Royle talked about beach access. The southern part of the City has so many access points, but the residents farther south do not have a direct walkthrough to the beach. She said that this might be an opportunity to look at easements to connect to the walkway to give residents from SR-A1A access to the beach. She said that she would like for the planner to add that as part of the development.

Commissioner Sweeny asked how much a planner would cost. City Manager Royle said that he would not know that until after receiving the RFP responses. Mayor Samora advised that the RFP does not cost much, needs very little staff time, and would provide the Commission with needed information.

Commissioner Sweeny said that residents have asked about biking trails in that park.

[An audience member spoke away from the microphone, and nothing could be retrieved for the minutes.]

Commissioner George said that she was going to bring that up as well. She said that the Moses Creek Water Conservation area has biking/hiking trails that were developed by volunteers, including the owners of the bike shop that used to be in the Publix plaza and they had said they would be willing to assist the City if it ever decided to develop bike trails. She said that it would accommodate the option of providing beach access to the residents of Pyrus Street, Magnolia Dunes Circle, Serenity Bay, etc. She questioned how much park planning would really be needed for something that is going to have as minimal impact as possible. She said all the City needs to know is whether to have parking and where to put it, determine the paths, etc. and she questioned if it could be done in-house before spending the money to hire a planner.

Mayor Samora said that his opinion is that because of the uniqueness and how small it is, that the need is greater for a professional planner to make sure to not disturb it and continue to enjoy the wildlife. He said that he is interested to find out how much it would cost and to narrow down the scope of what the City wants and/or does not want is important. He said it would be worth doing the RFP to at least see what comes back.

Commissioner England agreed with doing an RFP with limited scope and maybe to try contacting those volunteers to see if they are interested.

It was the consensus of the Commission to create an RFP with a scope to include:

- Consideration of wildlife and migration
- Safe pedestrian trail, and possible bike trail
- Access for residents on the south side of SR-A1A
- Parking

Commissioner George advised that at one point the owners of the old TD Bank had expressed willingness to allow access from the back side of their parking lot, but she does not know who owns it now. She said that it is important to keep the buffering for the community and any impact should be on the southern side and keep the greenway for the wildlife on the north side which is also close to Ocean Hammock Park.

Mayor Samora moved on to Item VIII.12 and asked City Manager Royle for his presentation.

## HAMMOCK DUNES PARK MASTER PLAN

The City of St. Augustine Beach, Florida, is requesting statements of interest and qualifications from firms or individuals licensed to do park planning in the State of Florida.

The work will consist of developing a master plan for the City-owned Hammock Dunes Park, which currently is vacant and not accessible to the public.

### A. Features of the Park

- a. 6.1 acres in area
- b. Topography: wetlands and high, remnant dunes (see Exhibit A)
- c. Location: bordered on the north by a private, single-family home subdivision; on the south by a shopping center; on the east by a three-lane highway, A1A Beach Boulevard; and on the west by a now-closed bank building that is on a state highway (see Exhibit A).

### B. Goals of the Master Plan

The overriding goal is the creation of a master plan that protects the Park's natural features, i.e., its wetlands and dunes, while providing public accessibility without harming the natural features and the habitat they provide.

1. Accessibility: a. to design a trail system for pedestrians and bicyclists that will feature a boardwalk made of composite materials that will make the trail accessible for the handicapped and will have bridges, if necessary, over the wetlands; b. to provide access for the public to the Park on the east side from A1A Beach Boulevard and from the west by means of an easement across private property.
2. Preservation: to design a trail system that will preserve the Park's natural features.
3. Protection: to protect wildlife corridors by positioning the boardwalk and bridges in locations that won't interfere with the migration of wildlife through the Park.
4. Privacy: to position the boardwalk and bridges well away from the residential subdivision on the Park's north side.
5. Scenic overlook: to provide recommendations as to whether a scenic overlook, handicapped accessible, can be located on one of the remnant dunes. If an overlook is feasible, to design a walkway for access to it.
6. Vehicular access and parking: to provide limited parking for vehicles.
7. Permits: to inform the City of any permits that must be obtained from regulatory agencies for the boardwalk, parking area, driveway connection and any other facilities. Analysis of required permits shall include all potential short-term and long-term costs associated with wetland

mitigation and management as well as threatened and endangered species protection and habitat management.

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8. Environmental analysis of the site, including:

- a. Delineation and assessment of wetlands, including all short-term and long-term costs wetland mitigation and/or monitoring costs associated with the proposed site improvements.
- b. Assessment of property for exotic and invasive species, including recommendations and costs associated with future management of the site.
- c. Presence of, or habitat supporting, threatened or endangered species, including evaluation of any adverse impacts associated with proposed site improvements. All short-term and long-term City costs associated with mitigation and/or management of threatened or endangered species shall be evaluated.

7.

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9. Preliminary Drainage Analysis of the site, including:

- a. Development of an accurate drainage basin map for the site, including any interconnection with the residential subdivision to the north, the shopping center to the south, A1A Beach Boulevard to the east and the commercial property and S.R. A1A to the west.
- b. Preliminary evaluation of flood stages for the 25-year and 100-year 24-hour rainfall event, including impacts to adjacent properties.
- c. Recommendations for drainage improvements to the site to mitigate impacts to adjacent properties, including segregation of the site's drainage from adjacent properties and the potential development of a positive outfall from the site to a publicly operated drainage system.

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8.10. Safety: As the City Commission wants the trail system available for use by both pedestrians and bicyclists, the plan needs to address how wide the boardwalk and bridges need to be for the safety of both types of users and especially for handicapped users.

9.11. Costs: to provide an estimate of the costs to implement the plan proposed by the firm or individual and how that estimate was determined. The City acknowledges that what the planner provides is only an estimate.

10.12. Public input: to describe how many meetings with the public the planner believes are necessary for the preparation of the plan.

NOTE: The City suggests the following meetings as the minimum required for the planner: 1) preliminary meeting with City Commission to receive final guidance on the scope of work; 2) one joint meeting with the residents of the adjacent subdivision Whispering Oaks, the Planning Board and the Sustainability and Environmental Planning Advisory Committee; 3) one meeting to present the proposed master plan to the City Commission; and 4), if necessary, a second meeting with the City Commission to present the final draft of the plan.

#### REQUIRED INFORMATION

Interested firms or individuals are invited to submit the following to the City:

- a. Brief history of the firm or resume of the individual, including all sub-consultants to be utilized on the development of the plan.
- b. Detailed qualifications
- c. Detailed descriptions of similar park plans done in the last five (5) years and contact information of the individual representing the client for which the plan was done.
- ~~d. Schedule of hourly charges of the persons who will prepare the master plan.~~
- e.d. Any other pertinent information that will help the City evaluate the ability of the firm or individual to prepare the plan.

#### SUBMISSION OF RESPONSES

Interested firms or individuals are to submit twelve (12) copies of their responses to the above request for information no later than XXXXXXX to CITY MANAGER'S NAME AND ADDRESS HERE.

Questions concerning the Park and this Request for Proposals may addressed to the City Manager.

**Commented [BT1]:** Don't think we can ask for hourly rates in the RFQ. For projects where the anticipated construction cost exceeds \$325,000 or the anticipated design cost exceeds \$35,000, Florida Statutes state "The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under subsection (5)."

In my experience this has been interpreted to mean we cannot ask for hourly costs as those can be used to estimate project costs.

**MEMORANDUM**

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

**FROM:** Max Royle, City Manager 

**DATE:** May 25, 2022

**SUBJECT:** Florida Municipal Insurance Trust: Request for Nominee to Board of Trustees

The City is a member of the Florida League's Florida Municipal Insurance Trust (FMIT). Through it, the City has employee health insurance, as well as workers compensation, property, and liability insurance.

FMIT has a Board of Trustees composed of elected officials from member cities. From time to time, the Trust asks the cities to nominate one of their elected officials to serve on the Board. When Andrea Samuels was a City Commissioner several years ago, she served as a Trustee.

The Board of Trustees meets quarterly, each time in a different city. The costs for travel, meals, and hotel lodging to attend the meetings are paid for by the Trust.

Recently, we were notified by the Trust that there are two vacancies on the Board. Attached is a memo from FMIT and a Trust Nomination Form.

We are bringing the vacancies to your attention, in case one of you wants to be nominated for one. If so, please indicate this at the June 6<sup>th</sup> meeting. The Commission will have to approve your nomination.

Nominations to fill the current vacancies must be received by the Trust no later than Wednesday, June 8<sup>th</sup>.

DATE: May 25, 2022

TO: Members  
Florida Municipal Insurance Trust

FROM: The Administrator

RE: Trustee Nominations

The Florida Municipal Insurance Trust (FMIT) is a pooled self-insurance program, whose membership consists of local government entities. The FMIT's Board of Trustees oversees the FMIT's operations. The purpose of this letter is to solicit nominations for election to the Board.

The FMIT's governing documents provide the Board, at least annually, shall solicit nominations for Trustee candidates from governmental entities that are members that participate in the Trust and such nominees shall constitute the basis for election to the Board. Subject to other requirements, Trustees may serve for a period of two (2) consecutive 3-year terms. Currently, three (3) trustee seats are eligible for 2nd term re-election, and **two (2) trustee seats are vacant and open for 1st term election.** Following the solicitation of nominations, all Trustees are selected by majority vote of the Board.

The FMIT's governing documents further provide that the Board of Trustees shall be composed of no more than fifteen (15) Trustees, all of whom shall be elected municipal officials of municipalities that participate as members of the Trust. No Trustee may be selected or continue to serve as a Trustee after becoming an owner, officer, employee or agent of a business entity having a contractual relationship or otherwise doing business with the Trust. A Trustee shall relinquish his/her office or may be removed when he/she no longer serves as an elected or appointed official of the member from which he/she was selected, or when the governmental entity from which he/she was selected ceases to participate as a member of the Trust.

***As nominations must come from members of the Trust, your letter of nomination should reflect that your governmental entity's governing body has endorsed the nominee. In addition, please include a resume or a biographical sketch reflecting the nominee's background and qualifications to serve.***

Should you wish to submit a nomination to the Board, please complete the enclosed nomination form, and return it, along with a letter of nomination by your governing body and a resume, to Melissa Solis, Trust Services Manager, no later than **Wednesday, June 8, 2022.** Thank you.

## TRUSTEE NOMINATION

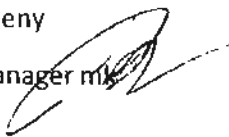
**NOTE: NOMINATIONS MUST BE RECEIVED NO LATER THAN WEDNESDAY, JUNE 8, 2022.**

Agency: \_\_\_\_\_

## Protecting the **Communities** We Call Home

# MEMORANDUM

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

**FROM:** Max Royle, City Manager 

**DATE:** May 17, 2022

**SUBJECT:** Fiscal Year 2023 Budget: Scheduling Special Meeting on Monday, July 25, 2022, to Review the Budget and Set the Tentative Millage (Presenter: Max Royle, City Manager)

Close to the end of every July, you have scheduled a special meeting to review the budget for the upcoming fiscal year, which will begin on October 1<sup>st</sup>, and to set the tentative property tax millage. The millage must be sent to the Property Appraiser in early August, who puts it on the notice that is sent to owners of property in the City. The notice also includes the date of your first public hearing on the millage and budget adoption ordinances. That date is usually the second Monday in September, because the first Monday is Labor Day.

Though it may seem early to ask you to decide a date for a special meeting in late July, we are bringing the topic to you now because you won't meet for your July regular meeting until nearly the middle of that month. Perhaps some of you know at this time that you'll be away the last Monday in July. If so, you'll need to decide now another day before the end of July for the special meeting.

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING  
JUNE 6, 2022**

**CODE ENFORCEMENT/BUILDING/ZONING**

Please see pages 1-22.

**COMPREHENSIVE PLANNING AND ZONING BOARD**

The minutes of the Board's April 19, 2022, meeting are attached as pages 23-47.

**SUSTAINABILITY AND ENVIRONMENTAL ADVISORY PLANNING COMMITTEE**

Because it lacked a quorum, the Committee did not meet in May.

**POLICE DEPARTMENT**

Please see page 48.

**FINANCE DEPARTMENT**

Please see page 49.

**PUBLIC WORKS DEPARTMENT**

Please see pages S0-S4.

**CITY MANAGER**

**1. Complaints**

**A. Loose Trash**

The complaint concerned loose trash on Madrid Street in the Sevilla Gardens subdivision. The complaint was forwarded to the Public Works Director and the Code Enforcement Officer.

**B. Removal of Fence**

An out-of-state property owner of a vacation rental said an adjacent property owner had removed a section of the vacation rental's fence. The complaint was forwarded to the Code Enforcement Officer to investigate.

**C. Parking on 1<sup>st</sup> Street**

A resident has asked that more No Parking signs be posted along 1<sup>st</sup> Street, west of the Boulevard. The Public Works Director will coordinate the location of the signs with the Police Department.

**2. Major Projects**

## A. Road/Sidewalk Improvements

### 1) Opening 2nd Street West of 2<sup>nd</sup> Avenue

Consideration of opening this section of 2<sup>nd</sup> 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 2<sup>nd</sup> Street east of 2<sup>nd</sup> 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 FP&L's underground line and above ground transformers. Letters sent to each owner of lots in the 100 and 200 block of 2<sup>nd</sup> Street and most agreed to provide the easement. The Commission discussed the owners' responses at its December 6<sup>th</sup> 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 soon and construction should begin in June.

### 2) Sidewalk and Drainage Improvements for A Street

Over a year ago, a resident suggested that a sidewalk is needed on A Street between the beach and the Boulevard because of vehicle traffic and the number of pedestrians and bicyclists along that section of A Street. Added to the sidewalk project was underground drainage to solve the flooding problem along the street's north side. As A Street is owned and maintained by the County, then-Vice Mayor Don Samora and City and County staff worked with A Street residents to develop the scope of work. After a number of meetings, the County staff agreed to a five-foot wide sidewalk and a two-foot wide gutter. The City Commission then approved the project. Work was supposed to start in the spring of 2022, but because the contractor has experienced delays in getting materials, the project will not begin until November 2022.

### 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 1<sup>st</sup> 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

has selected a consultant from the County's list of civil engineering consultants. The consultant is now doing the design work. Money for the improved parking area will come from American Rescue Plan Act funds.

Other possible areas for parking improvements will be the north side of 4<sup>th</sup> Street between the Boulevard and the beach, the north side of 5<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue, and the plaza at the southwest corner of the Boulevard and 8<sup>th</sup> Streets.

Concerning parking along Pope Road: At its August 11<sup>th</sup> meeting: As Pope Road is owned and maintained by the County, it may include the parking project in a five-year plan.

There is no discussion at this time concerning paid parking anywhere in the City.

### 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. He showed a photo of the restrooms to the Commission at its April 4<sup>th</sup> and May 2<sup>nd</sup> meetings. The Commission approved the restrooms. They should be in place until the fall of 2022.

Also, to implement the management plan, the City has applied for funding from a state grant and for 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 design and permitting work for the interior park improvements (observation deck, picnic pavilion and trails) has been done. Construction should begin in the summer 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 the summer of 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. At its May 2, 2022, meeting, the City Commission approved the City Manager writing a Request for Qualifications for a park planner to prepare a plan for improvements to Hammock Dunes Park. The Manager will present a draft of the Request for Qualifications at the Commission's June 6<sup>th</sup> meeting.

## D. Changes to Land Development Regulations

At its May 2<sup>nd</sup> meeting, the City Commission approved on final reading an ordinance to amend the City's flood regulations. At its June 6<sup>th</sup> meeting, the Commission will consider two new amendments: a) to change the definition of erosion-resistant materials and changes regarding the surfacing of parking areas; and b) changes to wording regarding the raising of bees and insects in the City.

## 3. Finance and Budget

### A. Fiscal Year 2022 Budget

April 30, 2022, marked end of the seventh month of Fiscal Year 2022, which began on October 1, 2021, and will end on September 30, 2022. As of April 30<sup>th</sup>, the City for its General Fund had received \$6,252,670 and spent \$4,441,308. The surplus of revenues over expenditures at the end of the seventh month was \$1,811,362. Also, as of the end of April, the City had received \$3,522,838 from its major revenue source, property taxes. A year earlier, at the end of April 2021, the amount received from property taxes was \$3,354,874, or \$167,964 less. In terms of percentages, the City by the end of April had received 64.7% of the revenue projected to be received for the entire fiscal year and had spent 46.0% 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.

### B. Preparations for the Fiscal Year 2023 Budget

FY 2023 will begin on October 1, 2022, and end on September 30, 2023. In May and June, the Finance Director will compile proposed expenditures from various departments and will make revenue estimates. The proposed budget will be submitted to the Commission in late July, when the Commission will set the tentative property tax millage for FY 23. The millage for FY 22 is 2.45, or \$2.45 for every \$1,000 of a property's assessed value.

### 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 may be brought back to the Commission for another review in 2023.

### D. Additional One-Cent Sales Tax

The County Commission will ask the voters at the November 8, 2022, general election whether they'll approve the additional sales tax. Before November, City staff will ask the City Commission to discuss the projects they would spend the money on, should the voters approve the tax.

## 4. Miscellaneous

### A. Permits for Upcoming Events

In late April and in May, the City Manager approved the following permits: a. Art and Bark in Lakeside Park, April 30<sup>th</sup>; b. A1A Beach Boulevard Cleanup, May 14<sup>th</sup>; c. Neighborhood Party on Willow Drive, May 14<sup>th</sup>; d. Harvest Full Moon Luau, September 10, 2022.

### B. Strategic Plan

The Strategic Plan may be replaced by the Vision Plan, which was prepared by Commissioner England during her term as Mayor. Commissioner England, who developed the draft of the Vision Plan, presented it to the Commission at its May 2, 2022, meeting. The draft will be reviewed by the Sustainability and Environmental Protection Advisory Committee and the Comprehensive Planning and Zoning Boards at their respective meetings in June 2022.

### C. Workshops

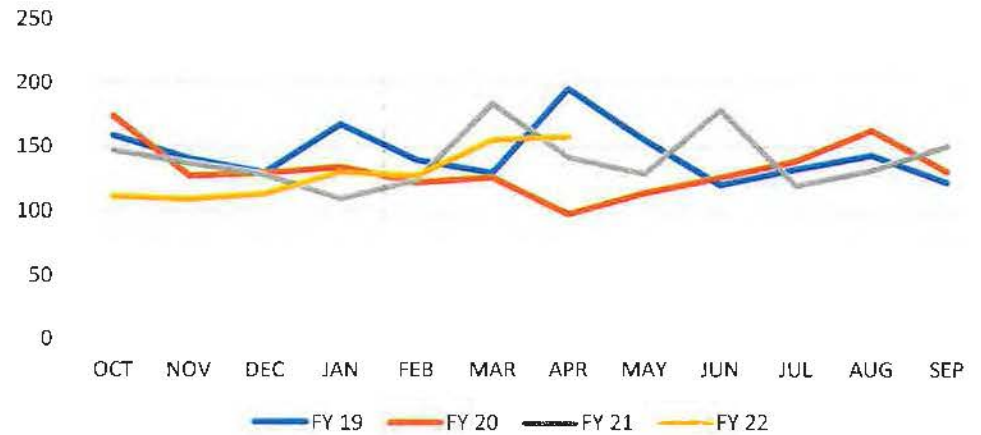
On Wednesday, March 23<sup>rd</sup>, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City has received \$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. Ms. Stone presented a report about the history of the former city hall and using the \$500,000 for exterior improvements to the building, such as the second floor windows and other features. The deadline for using the money from the historic grant is June 2024. Ms. Stone reported in late April that no restoration work will be started until the Governor has approved the state's budget for its next fiscal year, which will begin on July 1, 2022.

# 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	155
APR	195	98	142	158
MAY	155	114	129	
JUN	120	126	179	
JUL	132	139	120	
AUG	143	163	132	
SEP	122	131	151	
<b>TOTAL</b>	<b>1729</b>	<b>1583</b>	<b>1683</b>	<b>903</b>

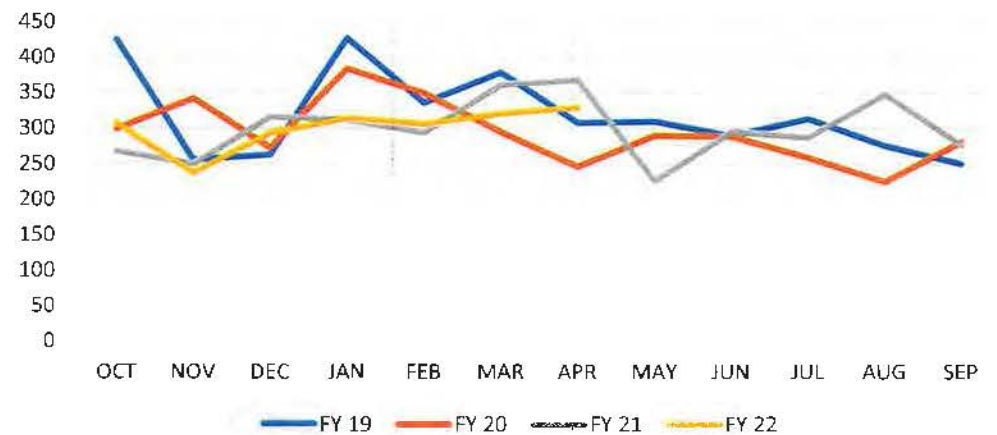
## # OF PERMITS ISSUED



## # 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	319
APR	306	246	367	328
MAY	308	289	226	
JUN	288	288	295	
JUL	312	259	287	
AUG	275	225	347	
SEP	250	281	277	
<b>TOTAL</b>	<b>3817</b>	<b>3524</b>	<b>3596</b>	<b>2100</b>

## # OF INSPECTIONS PERFORMED

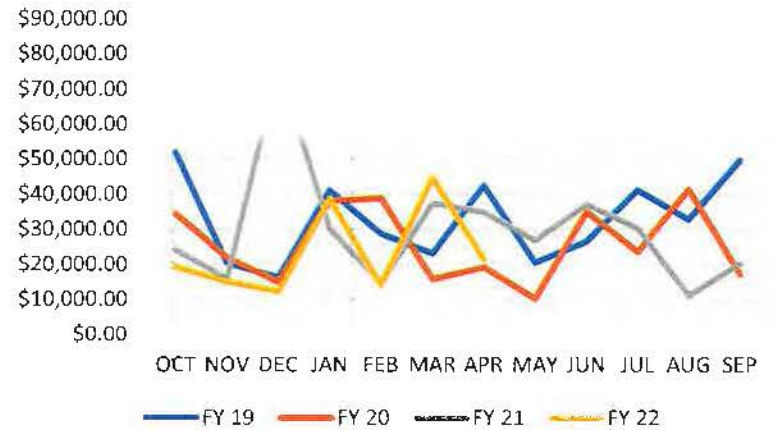


# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22
OCT	\$51,655.01	\$34,277.62	\$24,139.90	\$19,160.96
NOV	\$20,192.42	\$21,844.58	\$15,910.52	\$14,923.51
DEC	\$16,104.22	\$14,818.54	\$76,639.68	\$12,110.85
JAN	\$40,915.31	\$37,993.58	\$30,011.51	\$38,549.15
FEB	\$28,526.70	\$38,761.13	\$14,706.76	\$13,916.49
MAR	\$22,978.53	\$15,666.80	\$37,447.22	\$44,664.15
APR	\$42,292.91	\$19,092.61	\$34,884.49	\$21,386.72
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	
<b>TOTAL</b>	<b>\$392,880.82</b>	<b>\$309,768.58</b>	<b>\$359,577.12</b>	<b>\$164,711.83</b>

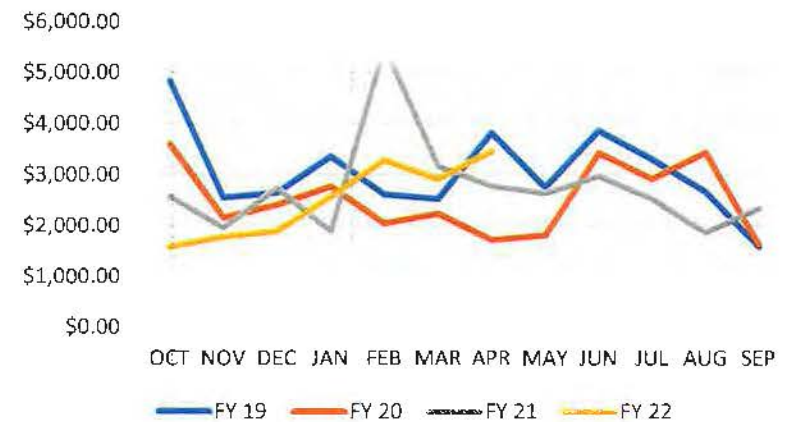
## BUILDING PERMIT FEE GRAPH



## 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	\$2,908.99
APR	\$3,801.26	\$1,716.00	\$2,784.79	\$3,452.30
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	
<b>TOTAL</b>	<b>\$36,360.23</b>	<b>\$30,124.61</b>	<b>\$32,994.08</b>	<b>\$17,425.21</b>

## MECHANICAL PERMIT FEE REPORT

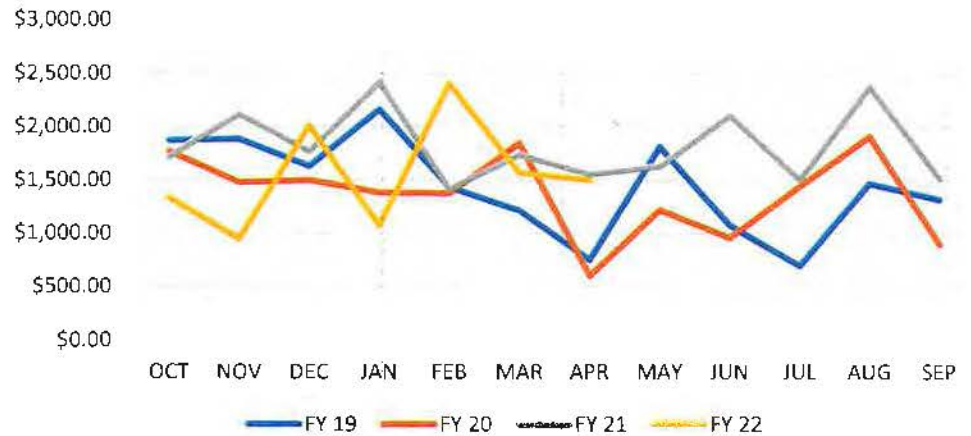


# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## 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	\$1,565.00
APR	\$743.00	\$600.00	\$1,553.00	\$1,495.00
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	
<b>TOTAL</b>	<b>\$17,208.61</b>	<b>\$16,351.00</b>	<b>\$21,863.00</b>	<b>\$10,805.00</b>

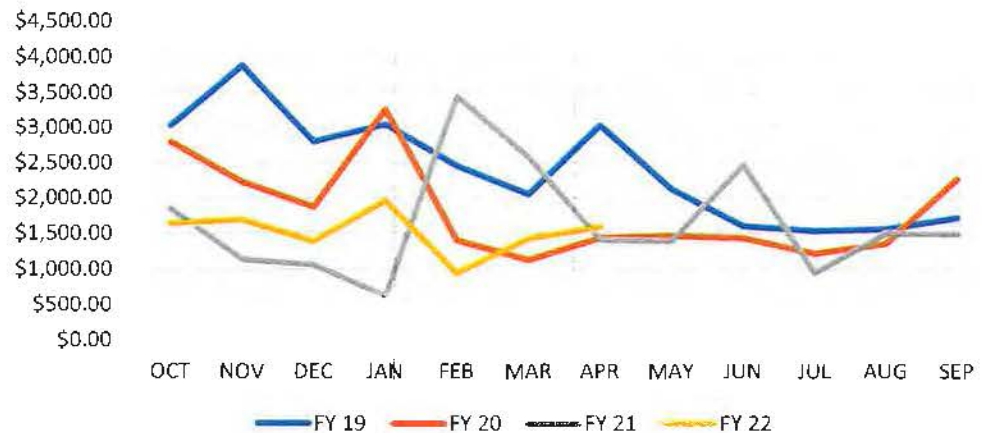
## ELECTRICAL PERMIT FEE REPORT



## 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	\$1,420.00
APR	\$3,015.00	\$1,430.00	\$1,411.00	\$1,585.00
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	
<b>TOTAL</b>	<b>\$28,671.96</b>	<b>\$21,817.00</b>	<b>\$19,912.00</b>	<b>\$10,597.00</b>

## PLUMBING PERMIT FEE REPORT

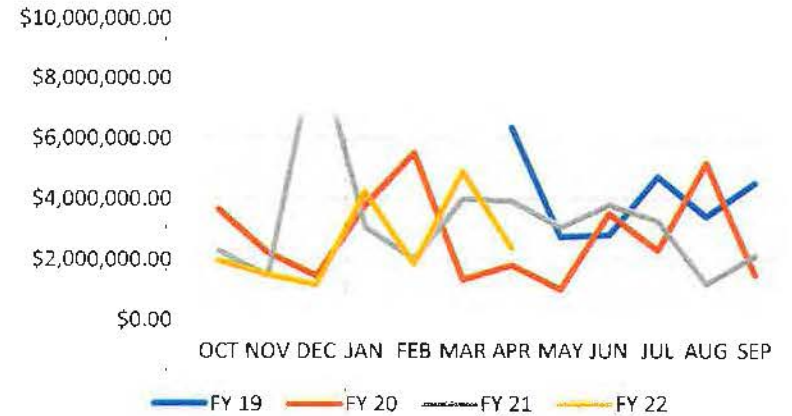


**CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT**

**ALTERATION COST**

	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>
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	\$4,906,297.30
APR	\$6,338,617.35	\$1,803,157.19	\$3,939,394.49	\$2,392,827.18
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	
<b>TOTAL</b>	<b>\$24,475,751.90</b>	<b>\$33,259,014.00</b>	<b>\$39,436,637.57</b>	<b>\$18,003,024.94</b>

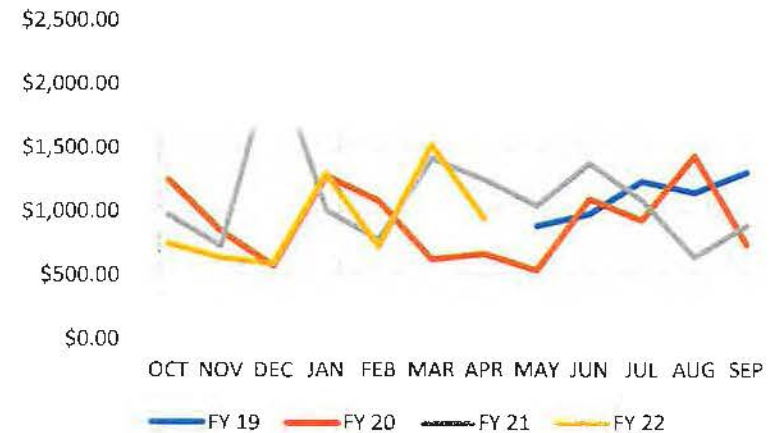
**ALTERATION COST**



**STATE SURCHARGE PERMIT FEE REPORT**

	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>
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	\$1,521.83
APR		\$666.54	\$1,250.09	\$943.11
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	
<b>TOTAL</b>	<b>\$5,529.34</b>	<b>\$11,046.74</b>	<b>\$13,417.08</b>	<b>\$6,451.41</b>

**STATE SURCHARGE PERMIT FEE REPORT**



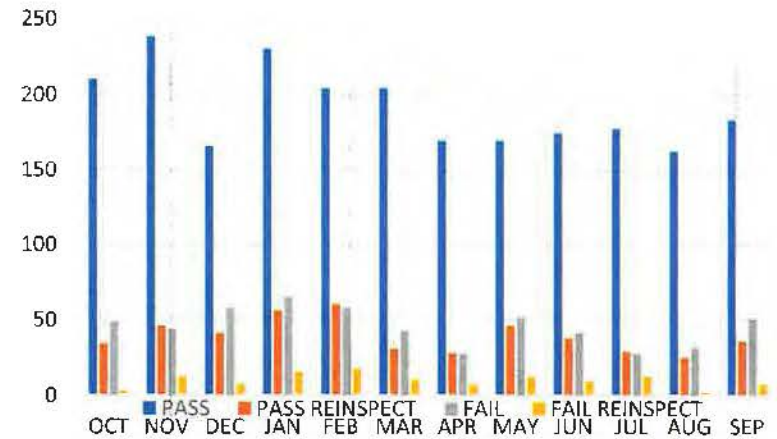
# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## 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
<b>TOTAL</b>	<b>2285</b>	<b>470</b>	<b>550</b>	<b>113</b>

RESULTS DO NOT INCLUDE CANCELED/PERFORMED INSPECTIONS

## FY 20 INSPECTION RESULTS

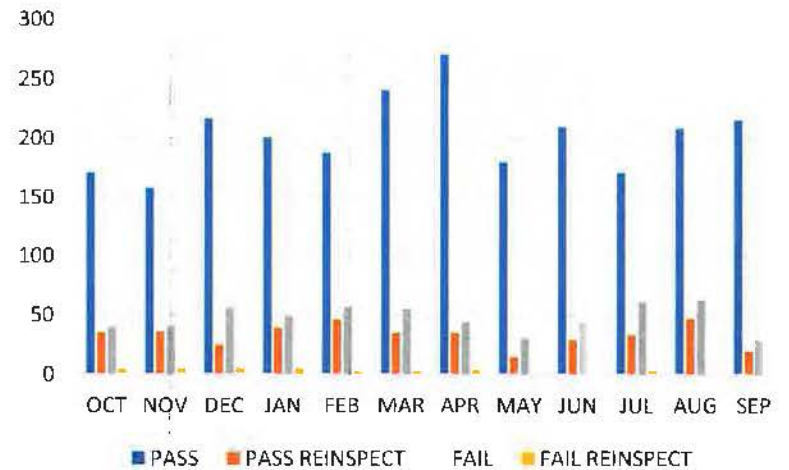


## FY 21 INSPECTION RESULTS

	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
<b>TOTAL</b>	<b>2421</b>	<b>395</b>	<b>571</b>	<b>44</b>

RESULTS DO NOT INCLUDE CANCELLED/PERFORMED INSPECTIONS

## FY 21 INSPECTION RESULTS



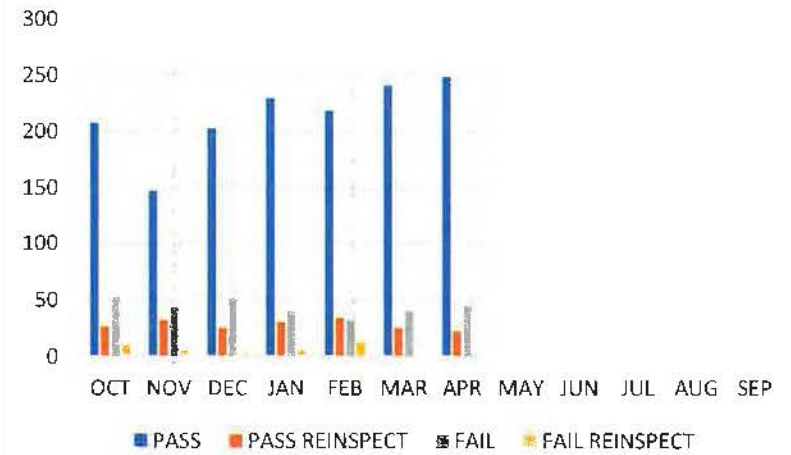
# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## 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	240	25	40	1
APR	248	22	45	1
MAY				
JUN				
JUL				
AUG				
SEP				
TOTAL	1491	194	307	39

RESULTS DO NOT INCLUDE CANCELED/PERFORMED INSPECTIONS

## FY 22 INSPECTION RESULTS

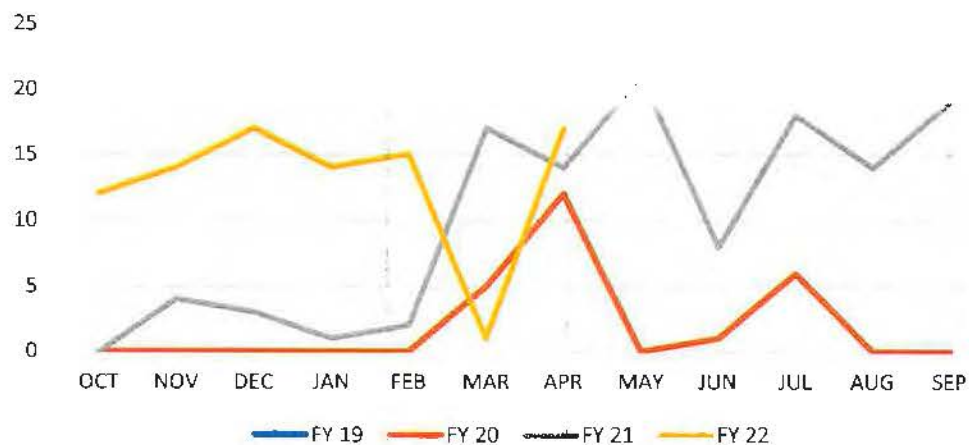


# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

## # OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER

	FY 19	FY 20	FY 21	FY 22
OCT		0	0	12
NOV		0	4	14
DEC		0	3	17
JAN		0	1	14
FEB		0	2	15
MAR		5	17	1
APR		12	14	17
MAY		0	21	
JUN		1	8	
JUL		6	18	
AUG		0	14	
SEP		0	19	
<b>TOTAL</b>	<b>0</b>	<b>24</b>	<b>121</b>	<b>90</b>

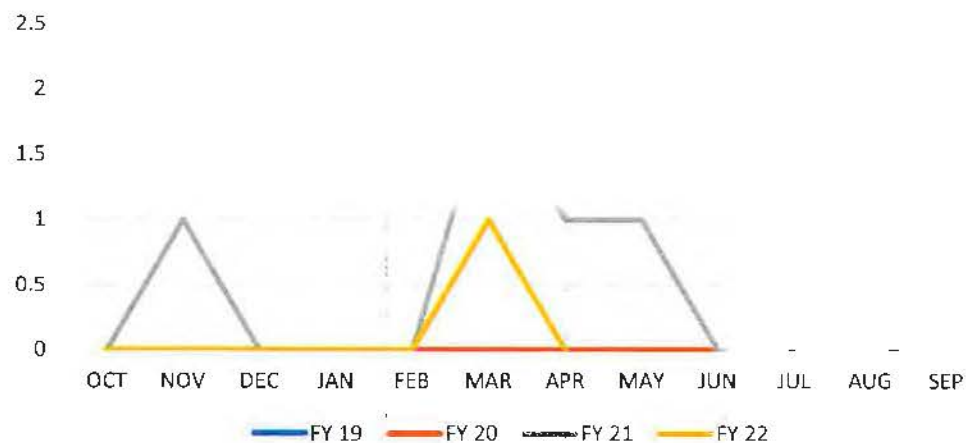
## # OF INSPECTIONS PERFORMED BY PRIVATE PROVIDER



## # 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	1
APR	0	0	1	0
MAY	0	0	1	
JUN	0	0	0	
JUL	0	0	0	
AUG	0	0	0	
SEP	0	0	0	
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>1</b>

## # OF PLAN REVIEWS PERFORMED BY PRIVATE PROVIDER

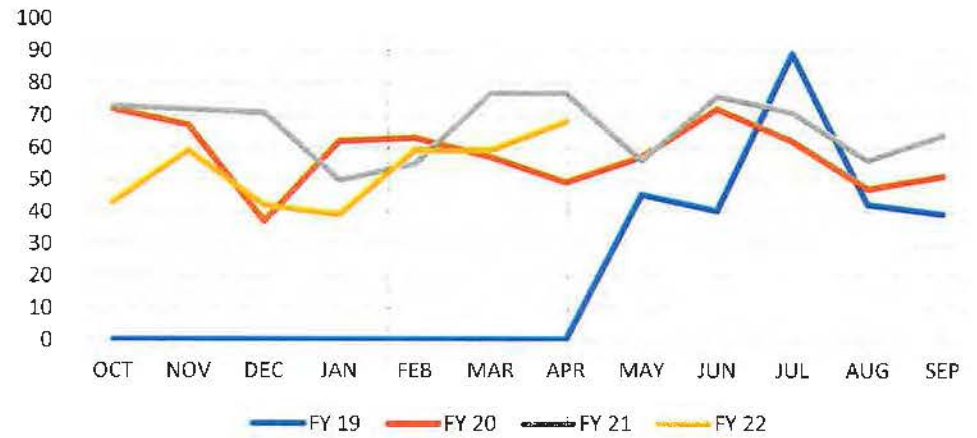


# CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

# 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	59
APR	0	49	77	68
MAY	45	57	56	
JUN	40	72	76	
JUL	89	62	71	
AUG	42	47	56	
SEP	39	51	64	
<b>TOTAL</b>	<b>255</b>	<b>696</b>	<b>798</b>	<b>369</b>

# OF PLAN REVIEW ACTIVITIES



## 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	APPROVED
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	BONNIE M	4/19/2022	APPROVED
5170	1718500045	507 F ST	ZONING	Z-VARIANCE	BONNIE M	4/19/2022	APPROVED
5205	1705200010	2-B F ST	ZONING	Z-VARIANCE	BONNIE M	4/19/2022	APPROVED
5470	1724911150	386 OCEAN FOREST DR	ZONING	Z-TREE REMOVAL	BONNIE M	5/18/2022	APPROVED
5558	1692400000	4TH AND 5TH STREETS	ZONING	Z-COND USE		6/21/2022	OPEN
5559	1692400000	4TH AND 5TH STREETS	ZONING	Z-MIXED USE		6/21/2022	OPEN

Application Id Range: First to Last      Range of Building Codes: ZONING      to ZONING  
 Activity Date Range: 09/13/21 to 06/22/22      Activity Type Range: Z-APPEAL      to Z-VARIANCE

Inspector Id Range: First      to Last  
 Included Activity Types: Both

Sent Letter: Y

# 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
2598	7 6TH ST	P2100089	SFR-D	1/28/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
2956	31 VERSAGGI DR	P2002022	SFR-D	1/26/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3070	115 D ST	P2100133	SFR-D	2/4/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3101	121 5TH STREET	P2100710	SFR-D	6/3/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3102	125 5TH STREET	P2100725	SFR-D	6/4/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3103	129 5TH STREET	P2100711	SFR-D	6/3/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3176	129 14TH ST	P2101217	SFR-D	9/24/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3319	736 OCEAN PALM WAY	P2100390	SFR-D	3/26/2021		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
3693	370 OCEAN FOREST DR	P2100618	SFR-D	5/18/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3734	108 7TH ST	P2100660	SFR-D	5/27/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3747	529 RIDGEWAY RD	P2100925	SFR-D	7/15/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4104	2580 A1A S	P2101186	SFR-D	9/10/2021		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4186	13 13TH LN	P2200376	SFR-D	1/24/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4332	2472 A1A S	P2200573	SFR-D	2/22/2022		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
4657	135 13TH ST	P2200427	SFR-D	1/20/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4723	282 RIDGEWAY RD	P2200346	SFR-D	1/3/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4734	23 OCEAN PINES DR	P2200462	SFR-D	1/28/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4828	106 F ST	P2200648	SFR-D	3/31/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4852	800 TIDES END DR	P2200394	SFR-D	1/11/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4983	3 LISBON ST	P2200629	SFR-D	3/2/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5016	103 WHISPERING OAKS CIR	P2200667	SFR-D	3/10/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5058	1 LISBON ST	P2200704	SFR-D	2/17/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5123	316 B ST	P2200699	SFR-D	3/18/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5181	103 E STREET	P2200987	SFR-D	5/9/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5193	937 DEER HAMMOCK CIR	P2200808	SFR-D	4/6/2022		NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

Application Id Range: First to Last

Issue Date Range: 10/01/18 to 05/23/22

Expiration Date Range: First to 09/21/24

Applied For: Y Open: Y

Application Date Range: First to 05/23/22

Use Type Range: First to Last

Hold: Y

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: Y

Work Type Range: SFR-A to SFR-D

User Code Range: RES to RES

Denied: Y

Void: Y

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

## COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Certificate Type 1	Description	User Code 1
2141	3930 A1A SOUTH	P2001353	COM ADDITION	8/7/2020		BUILDING ADDITION - SHELL CONSTRUCTION 4987 SQUARE FEET 6 UNITS	COM
4891	3930 A1A SOUTH	P2200457	COM BUILD OUT	1/27/2022		COMMERCIAL BUILDING ALT.-- BUILD OUT UNIT 4	COM
5363	3920 A1A S	P2200978	COM BUILD OUT	5/10/2022		COMMERCIAL BUILDING ALT.-- BUILD-OUT	COM

Application Id Range: First to Last

Issue Date Range: 10/01/18 to 05/23/22

Expiration Date Range: First to 09/21/24

Applied For: Y Open: Y

Application Date Range: First to 05/23/22

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	Issue Date	Description
2754	1144 OVERDALE RD	TREE	10/16/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2802	3900 A1A SOUTH	TREE	11/2/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2803	1200 MAKARIOS DR	TREE	10/29/2020	RESIDENTIAL-TREE REMOVAL INSPECTION
2900	685 POPE RD	TREE	11/16/2020	19 INCH OAK TREE AND 18 IN MAGNOLIA
3167	115 14TH ST	TREE	1/15/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3460	407 OCEAN DR	TREE	5/19/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3465	703 POPE RD	TREE	3/23/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3481	24 DEANNA DR	TREE	3/23/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3775	117 BAY BRIDGE DR	TREE	6/17/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3786	1 SEA OAKS DR	TREE	5/21/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
3827	45 OCEAN CT	TREE	6/15/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4016	208 10TH ST	TREE	6/30/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4097	413 OCEAN DR	TREE	7/21/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4098	415 OCEAN DR	TREE	7/21/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4364	4 DEANNA DR	TREE	9/16/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4404	215 C ST	TREE	9/22/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4490	109 B ST	TREE	10/11/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4501	24 DEANNA DR	TREE	10/13/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4558	126 MICKLER BLVD	TREE	10/27/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4577	0 SEA COLONY PARKWAY	TREE	11/2/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4663	129 14TH ST	TREE	11/23/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4693	129 14TH ST	TREE	11/30/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4741	28 LEE DR	TREE	12/8/2021	RESIDENTIAL-TREE REMOVAL INSPECTION
4937	28 MAGNOLIA DUNES CIR	TREE	2/4/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
4943	208 4TH ST	TREE	1/28/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5078	201 7TH ST	TREE	2/23/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5103	505 D ST	TREE	3/1/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5137	605 A St	TREE	3/10/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5184	508 E ST	TREE	3/17/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5365	981 SALTWATER CIR	TREE	4/19/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5477	34 MAGNOLIA DUNES CIR	TREE	5/3/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
5571	3 Sea Oaks Drive	TREE	5/20/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
<b>Totals</b>				

Application Id Range: First to Last

Issue Date Range: 10/01/20 to 05/23/22

Expiration Date Range: First to 09/21/24

Applied For: Y Open: Y

Application Date Range: First to 05/23/22

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 05/23/22

Activity Type Range: T-TREE REMOVAL to T-TREE REMOVAL

Inspector Id Range: First to Last

'SENT LETTER': Y Open With No Date: N

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Range: First to Last	Use Type Range: First to Last	Open: Y
Violation Date Range: 10/01/21 to 05/23/22	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	

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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		

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Ordinance Id	Description
CC 6.02.03	Sec. 6.02.03. - Rights-of-way.

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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)

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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:		

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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.

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Violation Id: V2200003	Prop Loc: 135 13TH ST
------------------------	-----------------------

Viol Date: 10/06/21 Status: Completed Status Date: 11/02/21  
Comp Name: Tim & Sally Shirley Comp Phone:  
Comp Email: timothyshirley2619@comcast.net

Ordinance Id Description

Description: Recieved a complaint from a Tim and Sally Shirley about an unpermitted shed that resulted in a fire at the residence of 135 13th St.

Created	Modified	Note
11/02/21	11/02/21	Permit for demolition of shed and house has been paid for and issued 10/26/2021 (P2200095)
10/07/21	10/07/21	Received e-mail from Mr. Law stating his intentions to demolish his existing residence including the shed in subject. (see attached)
10/06/21	10/06/21	Mr. Law responded by contacting Mr. Timmons by work cell phone. Mr. Law stated that he is planning on demolishing all existing structures due to extensive fire damage, including the shed in question.
10/06/21	10/06/21	Mr. Timmons sent an e-mail requesting to open a dialog about the unpermitted shed and the actions that must take place for the removal of said shed. (see attached)

Violation Id: V2200004 Prop Loc: 510 A ST  
Viol Date: 10/18/21 Status: Completed Status Date: 11/12/21  
Comp Name: IRA, BILLIE JEANETTE MEDLEY Comp Phone: (904)599-1429 Comp Email:

Ordinance Id Description

CC 7.01.01 Sec. 7.01.01. - Accessory Sturctures General standards and requirements.

Description: Shed in front setback.

Created	Modified	Note
11/12/21	11/12/21	Shed has been removed. Closing case
10/19/21	10/19/21	Spoke with owner of 510 A st. the shed company has authorized a full refund as long as the shed is returned within a certain time. Mrs. Clermont will let me know then the deadline for the refund is and what steps they intend to take afterwards.
10/18/21	10/18/21	Received complaint from Ira, Billie Jeanette Medley residing at 512 A st. about a shed located in the front setback of address 510 A st. Spoke with homeowner, Carol Anne Clermont of 510 A st. informed Mrs. Clermont of the violation. Mrs. Clermont was told by shed installers that everything was code, and is researching her right to apply for a variance.

Violation Id: V2200005 Prop Loc: 12 WILLOW DR  
Viol Date: 10/19/21 Status: Completed Status Date: 11/15/21  
Comp Name: ISOBEL FERNANDEZ Comp Phone: (720)341-5725 Comp Email:

Ordinance Id Description

6.07.06 Sec. 6.07.06. - Care of premises.

Description: Received written complaint from Isobel Fernandez at 5 willow Dr. about the care of premises at 12 Willow Dr.

Created	Modified	Note
11/15/21	11/15/21	Spoke with owner (Zara Younossi). Plans to remodel after purchase of the house has slowed due to health concerns. property has been mowed and cleaned up. Mrs. Younossi contact information: 1(415) 583-4265
10/19/21	11/03/21	Complaint was received on 10/14/2021 Building Inspector investigated a claim that the pool had open access and the safety of the public required immediate attention. Inspector found the pool was secured by a screen porch. Inspector Brown left his business card. Mr. Timmons investigated the property on 10/19/2021 and left a notice on the door to contact code enforcement.

Violation Id: V2200006      Prop Loc: 8 BEACH ST  
Viol Date: 11/09/21      Status: 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: Completed      Status Date: 04/07/22      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
04/07/22	04/07/22	Appropriate permits have been pulled

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 personnel doing work at the residence. They stated that the work being done included; replacing windows, plumbing work in the bathroom, and like for like vanity replacement. The crew works for Blackstar Group LLC. Mr. Dickens (owner of Blackstar Group) has been contacted and informed that a Stop Work order has been placed until permits have been pulled. --Permit was issued 1-12-2022

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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

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Ordinance Id      Description

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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)

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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

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Ordinance Id      Description

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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)

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Violation Id: V2200015      Prop Loc: 42 JOBIL DR  
Viol Date: 02/25/22      Status: Completed      Status Date: 04/11/22      Comp Name: GLENN BROWN  
Comp Phone:      Comp Email: GBROWN@CITYOFSAB.ORG

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Ordinance Id      Description

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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>
04/11/22	04/11/22	Permit has been issued
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  
Viol Date: 03/03/22      Status: Completed      Status Date: 03/17/22      Comp Name:  
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  
Viol Date: 03/04/22      Status: Completed      Status Date: 03/15/22      Comp Name: Meg O'Connell  
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

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Violation Id: V2200019      Prop Loc: 15 2ND SI  
Viol Date: 03/08/22      Status: Open      Comp Name: GLENN BROWN      Comp Phone:  
Comp Email:

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Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

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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 receives a water bill, so the residence must be on septic.
03/08/22	03/08/22	Building Inspector Glenn Brown reported a commercial dumpster in front 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.

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Violation Id: V2200020      Prop Loc: 860 A1A BEACH BLVD  
Viol Date: 04/06/22      Status: Completed      Status Date: 04/06/22      Comp Name:  
Comp Phone:      Comp Email:

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Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

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Description: Mechanical work being done without permits

Created	Modified	Note
04/06/22	04/06/22	upon inspection of north east deck stop work order, Code Enforcement found mechanical work being done without permit. W.W.GAY shortly after pulled the appropriate permits and paid the fees accordingly.

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Violation Id: V2200021      Prop Loc: 14 C ST  
Viol Date: 04/11/22      Status: Open      Comp Name: Glenn Brown      Comp Phone:  
Comp Email:

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Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

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Description: Second story deck construction without permits.

Created	Modified	Note
04/11/22	04/11/22	Mr. Brown noticed construction on a cantilevered second story deck without permits. Mr. Timmons posted a "Stop work Order" until permits have been pulled.

Violation Id: V2200022      Prop Loc: 43 ATLANTIC OAKS CIR  
Viol Date: 04/21/22      Status: Open      Comp Name:      Comp Phone:  
Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Window replacement, change to kitchen floor plan. No permits

Created	Modified	Note
04/21/22	04/21/22	Placed stop work order 4/20/2022. Owner came into the office and received appropriate paperwork. (Building, plumbing, possible electric)

Violation Id: V2200023      Prop Loc:  
Viol Date: 04/26/22      Status: Open      Comp Name:      Comp Phone:  
Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Report of construction without permits. Upon arrival, work being done was installation of pavers.

work included renewing the stairs in front of 609 Bowers. Permit is needed for the stair work.

Created	Modified	Note
04/26/22	04/26/22	Resident called Code Enforcement about work being done without a permit at 609 Bowers Ln. The work being done is taking place on the Home Owners Associations property involving the stairs leading to 609 Bowers. Code Enforcement spoke with the owner of 609 Bowers. Ron LaDucer is the current homeowner. rsladucer@gmail.com

Violation Id: V2200024      Prop Loc: 31 VERSAGGI DR  
Viol Date: 05/04/22      Status: Completed      Status Date: 05/11/22  
Comp Name: THERESE MARSHALL      Comp Phone: (703)944-9249      Comp Email:

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Multiple Complaints stating the condition of the lot under construction is in degradation.  
-Pool not fenced  
-Port-a-potty unserviced  
-Dumpster and trash overflowing

Created	Modified	Note
05/11/22	05/11/22	Dumpster and Port-a-potty has been emptied
05/04/22	05/04/22	Spoke with Mr. Josh Hogan, the General Contractor of the property. He agreed to fix the issues with the lot as soon as possible.

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Violation Id: V2200025	Prop Loc: 702 16TH ST		
Viol Date: 05/06/22	Status: Open	Comp Name:	Comp Phone:
Comp Email:			

Ordinance Id	Description
IRRIGATION	Article V. -Water Conservation Ordinance for Landscape Irrigation

Description: Irrigation is flooding sidewalks and street

Created	Modified	Note
05/11/22	05/11/22	Spoke with owner about the methods of compliance. will check back to ensure action has been taken
05/06/22	05/06/22	Left a door notice to contact Code Enforcement to bring properties irrigation into compliance

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## **MINUTES**

### **PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING**

**TUESDAY, APRIL 19, 2022, 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**

Chairperson Chris Pranis called the meeting to order at 6:01 p.m.

#### **II. PLEDGE OF ALLEGIANCE**

#### **III. ROLL CALL**

BOARD MEMBERS PRESENT: Chairperson Chris Pranis, Vice-Chairperson Hester Longstreet, Victor Sarris, Conner Dowling, Senior Alternate Hulsey Bray, Junior Alternate Gary Smith.

BOARD MEMBERS ABSENT: Kevin Kincaid, Larry Einheuser, Scott Babbitt.

STAFF PRESENT: Building Official Brian Law, City Attorney Jacob McCrea, Planner Jennifer Thompson, Recording Secretary Bonnie Miller.

#### **IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF MARCH 15, 2022**

**Motion:** to approve the minutes of the March 15, 2022 meeting. **Moved** by Hester Longstreet, **seconded** by Victor Sarris, **passed 6-0** by unanimous voice-vote.

#### **V. PUBLIC COMMENT**

There was no public comment pertaining to anything not on the agenda.

#### **VI. NEW BUSINESS**

- A. Land Use Variance File No. VAR 2022-02, for reduction of east side yard setback requirement of 10 feet, per Seagrove Planned Unit Development (PUD) Ordinance No. 01-15, to 5.5 feet, for proposed new construction of a screen enclosure over an existing concrete patio on Lot 125, Seagrove Unit 6, at 400 High Tide Drive, Robert T. and Deborah B. Hedrick, Applicants

Jennifer Thompson: This first agenda item is for a variance for reduction of the east side yard setback of 10 feet, per the Seagrove PUD ordinance, to 5.5 feet, for proposed new construction of a screen enclosure at 400 High Tide Drive. The Board has seen quite a few of these in the past. In December 2021, the Board approved a variance for a reduced side yard setback from 10 feet to 5 feet at 467 High Tide Drive. In 2020 there were three other similar variances that were approved. The property owners and applicants, Robert and Deborah Hedrick, have a representative here to speak on their behalf.

Bobby Crum, 301 Spanish Oak Court, St. Augustine Beach, Florida, 32080: I am the son-in-law of the applicants, who are in Virginia. What they want to do is pretty simple, as they just want to have a screen enclosure over their patio which is in line with the same distance of the house to the side property line, so it won't protrude at all. It is my understanding that the Seagrove Homeowner's Association (HOA) has already approved this, and all the neighbors are in favor of it. As has been previously stated, there have been multiple previous occurrences of similar variances that have been approved.

Hester Longstreet: Is there a hardship? I am reading in the application what is supposed to be a hardship, but it is not.

Conner Dowling: I think the hardship would be the rules of the HOA, in this case.

Chris Pranis: And the HOA is okay with the proposed variance.

Hester Longstreet: Right, but the application does not really say that there is a hardship, and that is one of the things the Board is supposed to look at.

Chris Pranis: Any other questions for the applicant? Is there any public comment? With the HOA approval and based on approvals of similar variances the Board has granted in the past, I do not really foresee any issue with this going forward.

**Motion:** to approve Land Use Variance File No. VAR 2022-02 for reduction of the 10-foot side yard setback requirement to 5.5 feet for a screen enclosure at 400 High Tide Drive. **Moved** by Victor Sarris, **seconded** by Hulsey Bray, **passed 6-0** by unanimous voice-vote.

B. Land Use Variance File No. 2022-03, for reduction of front yard setback requirement of 25 feet to 15 feet and reduction of the rear yard setback requirement of 20 feet to 12 feet, per setback requirements in Section 6.01.03 of the City's Land Development Regulations (LDRs); to exceed the maximum allowable impervious surface ratio (ISR) of 40% for low density residential land use districts per Section 6.01.02 of the City's LDRs, by 240 square feet for a circular driveway; and to exceed the maximum width of 18 feet for residential driveways in City rights-of-way per Section 6.02.03.D of the City's LDRs, for proposed new construction of a single-family residence on the west 80.54 feet of Lot 4 and the east 25 feet of Lot 5, Block 69, Coquina Gables Subdivision, at 507 F Street, David Kfoury, Agent for 904 Ventures LLC, Applicant

Jennifer Thompson: Before I present the next agenda item, I apologize, I meant to introduce the new City Attorney, Jacob McCrea, who works for Douglas Law Firm, as did Lex Taylor, the previous City Attorney.

Jacob McCrea: Thank-you, good evening. I appreciate being here and look forward to working with everyone.

Jennifer Thompson: The variance application in this next agenda item requests a few different things for the property at 507 F Street. The first request is for a reduced front yard setback from the required 25 feet to 15 feet, and there is also a request for a reduced rear yard setback from the required 20 feet to 12 feet. Additionally, the applicant is requesting an increase in driveway width. Currently, per City Code, the maximum width allowed for residential driveways in City rights-of-way is 18 feet, with 5-foot flares on each side. The applicant is asking for a circular driveway which would have two access points that each have a width of 14 feet. The last item the applicant is requesting is an increase in the ISR from the maximum 40% allowed in low density residential land use districts to 43.65%, for an additional 240 square feet of ISR coverage. In the past, specifically, in 1994, two properties just to the east, at 505 and 503 F Street, were both granted variances. A variance was granted for 503 F Street for reduction of the front setback to 15 feet, as well as reduction of the rear setback to 10 feet, and 505 F Street was granted a variance for reduction of the front setback to 15 feet and reduction of the rear setback to 12 feet. As far as the requested variance for the driveway, the only similar variance I could find was one granted for a duplex property at 106 2<sup>nd</sup> Street. This variance allowed for a 24-foot-wide driveway in the City right-of-way, however, the property owner was required to utilize permeable pavers for the driveway and was not allowed to exceed the maximum ISR coverage for the property. This applicant is asking to exceed the maximum ISR coverage for an increase in driveway width for the proposed circular driveway.

Hester Longstreet: Public Works did have a problem with the increased driveway width and ISR coverage in the right-of-way.

David Kfoury, 339 Arricola Avenue, St. Augustine, Florida, 32080, applicant: Just to try to give the Board some background, Zak Adams of Entire Inc. and I are business partners, we have 904 Ventures LLC, and build spec homes. Typically, Zak and I build houses on the west side of A1A Beach Boulevard, but Zak has done several custom builds, which are usually three-story homes with a lot more square footage, on the east side of the Boulevard. For this property at 507 F Street, we can be flexible, as we do not necessarily need everything we are asking for in this variance application. I think the site plan is laid out in a nice way and the circular driveway is good for safety concerns, because if this lot does not have a circular driveway, cars will be backing up right onto F Street, so a circular driveway is beneficial there. However, if we do not get this, it's fine. Also, if we need to put in permeable pavers for the driveway, as opposed to using regular concrete shown on the site plan now, to get it under that ISR threshold, we are fine with doing that. We just want to build a one-story home here, and the hardship is really that this lot has 105 feet of frontage along F Street but is only 55 feet deep. The house next door at 505 F Street was built in 2005 as a two-story house on a smaller lot, so we are asking to build

less on a larger lot. The overall goal is to lessen the impact on the neighborhood, fit in with the low density residential zoning, and just kind of mesh with the existing homes that are there. Also, we built 506 F Street, which is on a 75-foot-by-100-foot lot, back in 2014, and that house is 2400 square feet. It's been sold a few times, most recently, I think it sold for \$850,000, so the City's collecting some really good tax revenue on these homes. Zak and I have a buyer queue, and the people lined up to live in this particular home are just two adults and one child, so there won't be too much of an impact on the community.

Conner Dowling: You mentioned flexibility, and specifically, I'd like to talk about ISR and the circular driveway. From where I sit, I think it would be pretty hard to approve a variance for an increase in ISR, because of the precedent that would be set and the importance of that, but I think the request for the setback reductions are totally in line with everything happening with the other lots on the south side of F Street. The proposed reduced setbacks match what is existing. I don't think the setback reductions are anything egregious, from what I am seeing, but the circular driveway and the ISR coverage could be revised to be compliant with current code. A circular driveway could be achieved with gravel or some other kind of permeable material, or it could be reduced in size and width.

David Kfoury: That's a good point. Instead of the circular driveway, I thought about possibly putting in a parking pad made of permeable pavers just along the front of the house, so there is room for an extra car. That would get us under the allowable ISR threshold, and there wouldn't be one big concrete circular driveway.

Conner Dowling: The Public Works Director had some comments about that specifically, and as a Board, I think it would be hard for us to overlook his points, as they make sense.

David Kfoury: The lots on the south side of F Street are laid out differently from other lots in the City, as they are all rectangles, and other lots point vertically toward the streets, so that's basically the hardship. This won't be brought before the Board many more times as there are only two or three vacant lots left on the south side of F Street. As for the ISR, I think we could just do a permeable paver parking pad, so we don't set a precedent to exceed the ISR threshold. Also, too, if the Board wants to deed restrict it to a one-story house, we're fine with that. As I said, we're looking to build a small house on a fairly large lot. Much larger structures have been built on much smaller lots, so this will fit in nicely.

Chris Pranis: We will now take public comment.

Giles Look, 502 F Street, St. Augustine Beach, Florida, 32080: Originally, I was pretty concerned about this, but if they agree to stick to the one-story house they are going for, it will fit in with the neighborhood. I am a little concerned about the requested 15-foot front setback as a safety concern, as I live at the corner of 5<sup>th</sup> Avenue and F Street, and cars fly through the stop signs at this intersection, and you see police cars sitting there all the time. I worry about kids coming out onto these streets, but I like what they are trying to do with the design in keeping it as only a one-story home. I worry about variances and allowing other developers and investors to come in and snag up the little houses to tear them down to build big box homes and destroy the quality of our neighborhood.

Bill Glaeser, 508 F Street, St. Augustine Beach, Florida, 32080: I am against this variance as I think setbacks are there for a reason, such as visibility, uniformity, and mainly, safety. I wasn't here when the other variances on the neighboring properties were granted in the 1990s. I've been here since 2005 and would bet that Atlantic Oaks Circle was nothing like it is now back in the 1990s. We had to fight City Hall pretty hard about five years ago to get a couple of speed bumps there, we wanted three, and they would only give us two, so now people just speed up, slow down a little, and speed up again, and we've had a number of close calls there. As Mr. Kfoury said, he and his partner built the house next door to me at 506 F Street, and it's really large, and doesn't really fit with the neighborhood, but the people who originally bought it put a fortune into it. They put all the paving out front, put in a big pool, and paved the whole back yard. They moved about a year and a half after living there because one of their children almost got hit by a car out front. I've had my fence hit twice and Giles had his car slammed into once, even though it was parked well back in his driveway. When we asked for the speed bumps, they put one of those monitors on the pole right out in front of my house, and that's how they determined that the speeds and the car counts were both very high. There are 150 units on Atlantic Oaks Circle, and there are trucks and trailers, and on that street, I don't think a truck and a car can pass each other without going two feet onto the dirt on either side. You can go over there and look at it and see the tracks. Honestly, if I was buying in Coquina Gables and I knew back in 2005 what I know now, I would have bought anywhere except on that block. I have real concerns about safety, and that is my two cents.

Mary White, 509 F Street, St. Augustine Beach, Florida, 32080: I live directly next door to this project, on the west side. They have one parcel, but it is two lots, one lot and part of another lot that makes it 105 feet across and 50 feet deep.

Brian Law: It is not uncommon for lots to be split up over the years or for someone, for example, to sell off 20 feet of one lot and 40 feet of another. This is usually done without the government knowing. We would not be aware of it until a development application comes in. Then, if the lot were deemed nonconforming by a private property sale, we would deny any kind of building permit. If you look up this property on the St. Johns County Property Appraiser's website, the legal description says it is the west 80.54 feet of Lot 4 and the east twenty-five feet of Lot 5, Block 69, Coquina Gables Subdivision, and it is all under one parcel identification number. What the City has to be careful about in approving or not approving a building permit for construction is that someone does not sell off 20 feet later, because you could permit a conforming building right now, but a future sale of part of the property could create a nonconforming structure. The applicants are not giving any indication that they would do this, but these are concerns that we share, as it happens all the time. As it is now, this is a legally conforming lot registered with the St. Johns County Property Appraiser under one parcel identification number, and we will consider it as one lot as far as development goes.

Mary White: I am not against the project. My concern is that F Street is very narrow, and you have to go into probably two feet of the right-of-way to pass one of those big trucks with your car. Therefore, I also think that the setback from the front should still remain at the original 25 feet back off the lot line. They can do whatever they want at the back,

but in the front, adjacent to the street, they should adhere to the original 25-foot setback. Susan Horowitz, 412 F Street, St. Augustine Beach, Florida, 32080: I think this part of F Street is unique for the alphabet streets. As the previous speakers mentioned, a lot of traffic comes off Coquina Boulevard, which comes off A1A South, and this traffic then goes on to F Street, to go down to Atlantic Oaks Circle. I walk my dog in this area all the time, and a lot of other people walk their dogs in this area too. Especially at night, it gets really crazy with the way the cars drive. So, I am concerned about the front setback as well, as it is already a pretty narrow street. If anything, we should be widening the street, not narrowing it. I know reducing the front setback does not technically narrow the street, but I think having anything that is closer to the street is potentially problematic.

David Kfoury: Definitely, I respect your concerns. The site plan submitted with the variance application shows the proposed house is actually 16 feet off the front lot line, and there is another 10 feet from the front lot line to the paved area of F Street, so the house is technically 26 feet back from the paved area of F Street. As I said earlier, you will only have to do this a few more times, as there are only two or three vacant lots left as you travel east toward the beach. The way it is right now, the house we want to build is technically 25-26 feet from the paved area of the street, so it is about as far back as we can put it. You cannot build a house that is only 10 feet deep, so there has to be some leeway there. We understand the traffic concerns, as St. Augustine definitely has a growing problem, and traffic on the neighboring streets will not be lessening anytime soon. We thought the circular driveway was a good way to compensate for that, but then again, it kind of pokes out a little bit, so if you want us to omit the circular driveway and just go with permeable pavers into the garage, we are fine with that. One thing, however, is that without the circular driveway, cars will still be backing out onto the street.

Hulsey Bray: You're going to have 12 feet from the back of the house to the property line, and the lot is 55 feet deep?

David Kfoury: Correct. If you look at the house next door at 505 F Street, it has the same 12-foot rear setbacks. There are a ton of lots on all the numbered and lettered streets in the City, but only the south side of F Street has this very unique circumstance.

Victor Sarris: Along that south side of F Street, are there any other circular driveways? Or how are other people in that area meeting the challenge of their driveways?

David Kfoury: That is a great question. My partner, Zak, thinks there is a circular driveway at 510 F Street, so let me see if I can find it and pull it up on the aerial imagery from the County's website. Unfortunately, you cannot really see the circular driveway because it's covered up by trees on the aerial imagery. It should be addressed at some point to maybe put in a stop sign at the junction of Coquina Boulevard and F Street, or a sign telling people to slow down or that there are more speed bumps ahead or something like that, to help alleviate some of the concerns from residents about the amount and speed of traffic.

Gary Smith: I was out there today, and it is a very narrow road. As I was parked across from the lot, basically, the cars that were trying to pass me pretty much had a hard time

doing so. That is the concern I have right there just with the road itself. As for the 25-foot setback from the road, what about the other houses on F Street, do we know if they pretty much have the same front setbacks from the street?

Hester Longstreet: If you look, you can tell it is not normal, like it is on A Street, where you can basically see that every house within the sightline going down the street is the same distance back off the road. Unfortunately, F Street is not like that. The houses are built kind of wonky, which is probably the result of whoever was on this Board at the time.

Conner Dowling: Just based on the shape of these lots, it makes sense that the houses were built the way they are on the south side of F Street. I mean, there is nothing else you can really do unless you have zero rear yard setbacks, which is illogical, because there are other properties behind these lots. The speed and safety concerns are huge and important, but I personally do not see this project positively or negatively affecting that, as it is for a one-story single-family home. There are duplexes on these lots, and a multi-family residence that is exacerbating the situation just down the street. I think what we're really supposed to be talking about with the circular driveway is the apron and the code that says you are allowed to have no more than 18-feet of street frontage. Maybe the most responsible way to mitigate safety issues is really a design concern, but the proposed setbacks essentially align with the rest of the homes on the south side of F Street.

Victor Sarris: Yeah, I tend to agree. If you look at the 55-foot-deep lot and what they're trying to do with the setbacks, it is pretty much in alignment with what else is there on the south side of F Street. I don't see any other way you could build a home. I think the safety concerns are bit of a challenge, but whether the circular driveway improves the safety of that street or not, I don't know if this is something that is up to this Board.

Gary Smith: A parking pad sounds to me like it would be even more unsafe, as you would be backing up off the pad onto a narrow and very busy road.

Victor Sarris: Some of this is incumbent upon the individual backing up onto or traveling down that street at any given time to practice precaution.

Hester Longstreet: There are a lot of people driving down that street who don't live on it. I've been down that street a number of times, and it's crazy. I was there yesterday and today looking at the lot and, on both days, there was a lot of traffic going past me.

Chris Pranis: I do not think the safety issue is something on the Board's table for us to fix or address. We have to look at the way the code is stated. I really do not have much of a problem with the setback variances, but I do have a problem with exceeding the driveway width and the maximum allowable ISR.

Hester Longstreet: Is it possible to do a circular driveway with 9-foot widths on each side?

Conner Dowling: That would be sort of a single car width on both sides of the circular driveway, and yes, I think this could be done.

Hulsey Bray: There are definitely products and methods available to where they can have a driveway and meet the ISR. Whether that is in their budget, that is not for us to say, but there is definitely a way that they can meet the IRS and have a driveway.

Brian Law: If they choose to have multiple entrance points to the driveway, we will add them up. So, that is where the 9-foot width for each access point of the circular driveway comes from. Now, we would allow the 5-foot flares on both sides of the 9-foot-wide access points to protect the street, because if not, when they pull on and off the street, they will break the city's asphalt over time. Anything other than 18 feet total would need a variance, as that is the intent of the code, to limit the paving of the entire right-of-way, which was occurring throughout the City. I believe this code changed in 2018, at the former Public Works Director's recommendation.

Hester Longstreet: As the safety factor, it seems to me that would actually be ideal if you could do the circular driveway with a 9-foot-wide driveway on either side.

Gary Smith: It would certainly be safer than backing straight out, or from a parking pad, directly onto F Street.

Mr. McCrea: I would just request the Board to put it on the record, at some point, for the purposes of what the Board is granting in this situation, what the hardship is.

Hester Longstreet: I do not agree with the request to exceed the allowable ISR coverage. We already have issues with drainage.

Victor Sarris: David, you can get to where you need to be with a pervious type of material? It is a budget consideration.

David Kfoury: Yes, we can come in under the ISR threshold. I would like to add that as St. Augustine Beach has rapidly changed in the last 10 years, many more crosswalks and numerous safety protocols have been put in up along A1A Beach Boulevard, so one line of thinking might be to add a sign, light, or other sort of safety measure at this junction.

Chris Pranis: I think everyone is in agreement with the setbacks. Is everybody in agreement with not changing or exceeding the allowable ISR?

Board Members: Yes, by unanimous oral consensus.

Chris Pranis: What about allowing the driveway to exceed the maximum 18-foot width?

Hester Longstreet: I would like to see that either side of a circular driveway does not exceed 9 feet in width. That would look good and actually be a good safety issue, instead of having cars backing right out onto the street from one driveway. There were kids riding bicycles and it was very scary today seeing all that was going on with all the traffic.

Zak Adams, 335 Arricola Avenue, St. Augustine, Florida, 32080: The reason I wanted to have a wider circular driveway on each side is because when you pull in and out, you kill

the road, as has been said. That is why I am looking for a bigger driveway apron. We build houses on 50-foot wide lots that are allowed to have 18-foot-wide driveways plus 5-foot flares on either side. This lot is 105-feet wide, and I am asking for a wider apron for safety. We are going to put palm trees in for protection, as one of my buddies had a car hit his house, and I just think it would be a better layout with a wider apron.

Victor Sarris: Zak, right now, you are allowed to have 18 feet with 5-foot flares. What are you suggesting the total width of the circular driveway be?

Zak Adams: A circular driveway with two 12-foot-wide aprons with 5-foot flares on the sides is perfect and ideal, but I'm willing to shave it all down to meet the ISR requirements.

Victor Sarris: Could you accept two 9-foot-wide driveways with 5-foot flares on the sides?

Zak Adams: Yes, I am okay with that.

Chris Pranis: Any other comments before we put a motion together? I'll take a stab at it.

**Motion:** to approve Land Use Variance File No. VAR 2022-03 for reduction of the front yard setback requirement of 25 feet to 15 feet and reduction of the rear yard setback requirement of 20 feet to 12 feet for new construction of a single-family residence at 507 F Street, based on the hardship of the lot size and configuration; motion includes denial of the requests to exceed the maximum allowable ISR coverage and the maximum width for residential driveways per City Code. **Moved** by Chris Pranis, **seconded** by Conner Dowling, **passed 6-0** by unanimous voice vote.

C. Land Use Variance File No. 2022-04, for reduction of the rear yard setback requirement of 20 feet, per Section 6.01.03 of the City's Land Development Regulations, to 7.5 feet, for a proposed new construction of an attached garage with a second-story addition to an existing single-family residence located on Lot B, Block 38, Coquina Gables Subdivision, at 2-B F Street, Scott Patrou, Agent for Caneel Capital Group LLC, Tyler and Sasha Averdick, Applicants

Jennifer Thompson: This next agenda item is a variance application for 2-B F Street, which is highlighted on the map on the overhead, for reduction of the rear yard setback requirement of 20 feet to 7.5 feet, for a new attached garage with second-story living space above. In 1998, a variance was approved for this property to reduce the required rear setback at that time from 10 feet to 7.5 feet, to construct a detached one-story garage. At the time of construction, however, the garage was built beyond what the variance allowed, and as it sits right now, it is 4.2 feet from the rear property line and 7 feet from the north side property line. On the north side, the setback should be 7.5 feet. Last year, in March 2021, a similar variance was requested for reduction of the rear yard setback from the 7.5-foot setback granted in the 1998 variance to the 4.2-foot rear setback the garage actually has. Essentially, the applicants were asking for a variance to bring the nonconforming garage into conformance with the variance that had been granted in 1998. The purpose of that was so they could build the second-story addition

over the garage. This variance was denied due to lack of a hardship. The applicants are now asking for this new variance to tear down the existing garage and rebuild it in compliance with the 7.5-foot rear setback approved in 1998. Staff has received a couple of letters from neighbors, the Ringwood's, and Rich O'Brien (EXHIBIT A), which are up on the overhead.

Chris Pranis: My memory is foggy sometimes, but didn't we discuss, when this came up before, that if they took the garage down or if it were taken down by mother nature, they would have to abide by the current code if they were going to rebuild?

Jennifer Thompson: That is the protocol for any nonconforming structure. If it is substantially damaged or torn down, it cannot be rebuilt to what had been there before.

Chris Pranis: Okay, I just wanted to make that clear.

Victor Sarris: Just so I am clear, what is considered the rear and side yards for this lot?

Jennifer Thompson: For oceanfront lots, the ocean or east side is considered the front, the west side is considered the rear, and the north and south sides are considered the side yards for setback purposes.

Victor Sarris: Just for clarification, what was the final verdict on the variance that came before the Board last year for this same property?

Jennifer Thompson: The variance was denied due to lack of hardship. The applicants requested that the nonconforming garage be accepted as a conforming structure. Additionally, the original variance only allowed for a one-story garage, and because they wanted to build a second-story over the garage, they needed to ask for an addendum to this variance, as the garage was not built in conformance with the 1998 variance.

Conner Dowling: What is the current required rear yard setback for that lot?

Jennifer Thompson: The current required rear setback is 20 feet.

Chris Pranis: Are the applicants present?

Scott Patrou, 460 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, agent for applicants: I am here on behalf of the applicants, or I am technically the applicant here on behalf of the homeowners. I'd like to go through just a couple of things. I think the history of this property is very important, so I'd like to do a quick overview. In 1998, when the original variance was approved for the garage, the setbacks were 10 feet. The homeowner at that point applied for and was granted a variance to build a detached one-story garage with a rear yard setback reduction from 10 feet to 7.5 feet. Subsequently, the garage was built out of conformity, which is why you see it lying where it is now, with only a 4.2-foot setback off the rear, or west, property line, and only a 7-foot side yard setback on the north side. So, at that time, the garage was built out of conformity in two

locations. Twenty years later, my clients purchased the property, and at that time, they were not aware of any of this. I know that's not the Board's problem, but they inherited this issue. Last year, they applied for a variance and came before the Board to try to add a bedroom. The hardship for this lot is created in a couple of different ways, one of which is the fact that the alleyway to the north was vacated, so the access to the lot is through an easement on the lot next door to the south. The other hardship is that this lot is seaward of the Coastal Construction Control Line (CCCL), which actually imposes quite a few restrictions on where and how you can build. Particularly, it doesn't allow them to convert the garage as it sits now into habitable living space. Their situation is such that they have three children, and they're just trying to get an extra bedroom. When they applied for the variance last year and came before the Board, they basically said, "Hey, look, this is what we have. We're trying to find a way to work around what we have and are asking the Board to approve the building as it is laid out at this time," with the garage having a rear setback of 4.2 feet and a north side setback of 7 feet, and they were asking to be able to build on top of this. I've watched the video of this meeting and the determination to deny the variance based on lack of hardship seems to be a misrepresentation based on what was stated in the video. One of the big complaints Mr. Kincaid, the Board's chairperson, had at the time was that the applicants just basically applied for the variance asking, "Hey, what can we do here?" That discussion went back and forth a little, and the action taken by the Board was to deny it at that time. In regard to whether the garage could be rebuilt as it is if it were torn down, it could not be rebuilt as it is, as it was not built in conformity with the variance that was granted to allow it. The garage could be rebuilt in accordance with the existing 1998 variance because that variance will run with the land, so it would allow the current homeowners to build a one-story, detached garage with a reduced rear yard setback of 7.5 feet. The current homeowners are actually locals to St. Augustine Beach, they live here, and Mr. Averdick owns and runs a business here. This property is a beach house that he is trying to create for his family, and he does not even have a short-term rental license for it, so this is not somebody coming in and trying to sling people through the property. He is trying to build it out for his family to utilize. It's cool because his business is right at the end of the street, in a building that I used to occupy, so this creates a really neat environment for him and his family. Focusing on what we're asking for now, after the variance applied for last year was denied, the current homeowners decided to finish renovating the house as it stands with all the restrictions on what they can do, because if they go in excess of the 50% improvement rule, now all of a sudden, they've got to bring the entire structure up to current code per the CCCL, the Department of Environmental Protection (DEP), and all that stuff, which changes dramatically what they can do with the primary structure. If they do not want to start from scratch, this really limits what they can do, and takes away the opportunity for them to add that fourth bedroom for their third child. After getting that rejection on the variance they applied for last year, they've gone back to the drawing board and said, "Look, we realize we've inherited this issue of having this non-conforming structure. What if we tear it down and build it back in conformity with all the new building codes?" They would be able to do that because they've already had extensive conversations with the architect as well as Mr. Law and understand any new construction must comply with current City Code, Florida Building Code (FBC), and DEP regulations. So,

they are now asking for this new variance to rebuild this garage under the setbacks given in that original 1998 variance and asking for additional living space for a bedroom over it. What I would like to jump to next is just a couple of diagrams to give you a little bit more explanation of what the homeowners are trying to do. I know you have these in your packets, so this is just a recap. The dotted line represents the existing structure as it stands, and the proposed new structure will be built to fit within the 7.5-foot rear and north side setback lines. The second piece that I think is a really big element of this is how the design of the second floor has been created. We understand that one of the concerns that neighbors may have is that there may be interference to their views of potentially having access or sight to the ocean. Maybe by adding this floor, it is going to create some sort of impediment to their current views of the ocean. The homeowners have been very cautious and careful and neighborly, in my opinion, to design the second floor that goes over the garage to actually be built below the existing roofline. It is all the way over into the 7.5-foot setback lines, and still stays below the roofline of the existing house. So, this is not an attempt to build up to the 35-foot maximum building height and throw a party deck up there. The proposed design of the second floor addition over the garage consists of a bedroom, a closet, and a bathroom. That is what the request is. The new roofline over the garage will still be below the existing roofline of the house. Another thing I would like to point out is the location of this garage as it relates to other properties. One of the comments at the meeting last year talked about the impact of this property to the property directly to the north. The addition over the garage would be going up a little bit behind this driveway. It is not pushing in on somebody's bedroom window. If you look at some of the surrounding houses, there is no angle I can see that is going to directly be impacted by this roofline going up approximately 10 or 12 feet. The house directly behind it, to the west, will not have its current view to the ocean impeded, as the proposed addition over the garage will be below the roofline of the existing house.

Chris Pranis: Is the existing garage attached to the house, or is it freestanding?

Scott Patrou: That's a great question. Mr. Law and I actually had conversations about this because there are concepts and constructs beyond my expertise as to what is considered attached and not attached. I guess you can build structures that are touching but are technically independent of each other because they have their own support system. However, I believe the existing garage is attached.

Conner Dowling: The roofs connect, but there is like a breezeway that separates the garage.

Brian Law: Right now, the garage has four separate walls, but it is attached to the breezeway. If this variance is granted, the addition will have to be substantially structurally independent, due to the renovation that is currently occurring. That may seem like a lot, but you see it every time you drive out of this town and see a townhome. Each townhome is structurally independent, and has its own support, so in the loss of one, you do not lose another. This is a tricky scenario because this addition, if allowed, would have to be built on a deep pile foundation, have a completely independent roofline, and designed with a one-inch expansion joint around the building, so in the event of a

storm or other disaster in which the main structure suffers a casualty, the new garage and addition above should be able to withstand it and remain.

Victor Sarris: So, what has been established is that a variance was granted in 1998 to allow the rear setback to be reduced to 7.5 feet for a one-story garage. However, we know that the garage was actually built with a rear yard setback of 4.2 feet. The 4.2-foot rear setback is now off the table, as the applicants are asking with this new variance to build a new garage with second-story living space above it with a 7.5-foot rear yard setback. The view that is there from neighboring properties will not be obscured because the new structure will be lower than the existing main structure of the house. So, there is no real challenge there as far as the neighbors to the west, and what you're trying to achieve is basically a new two-story structure built with 7.5-foot rear and side setbacks.

Scott Patrou: Yes. It could also be phrased as the ability to build a second floor over the garage, which was granted a variance in 1998 to reduce the rear setback to 7.5 feet.

Victor Sarris: Yes, but with the understanding that the existing garage structure will be torn down.

Scott Patrou: That's correct. The existing garage will be completely removed, and an entire new garage and room over it will conform to all the new building codes and the 7.5-foot rear yard setback granted for the garage per the 1998 variance.

Brian Law: The effort of the last variance application, which was presented to the Board last year by Mr. Whitehouse, I believe, as the agent and attorney for the applicants, asked the Board to essentially consider making the existing garage structure conforming. I recommended the Board not do that, but instead leave the garage as it is and deem it nonconforming. The applicants are now asking to remove the existing garage to build a new garage with a second-floor above it with the 7.5-foot rear setback granted per the 1998 variance.

Chris Pranis: Does the 1998 variance carry with the property?

Jacob McCrea: It should specifically be in the variance order that the variance runs with the land, but even if it is not explicitly stated in the variance, based on precedent, the variance is going to run with the land.

Chris Pranis: The variance application that came before the Board last year asked that the 1998 variance be modified to make the existing garage conforming with the 4.2-foot rear setback it was actually built at.

Scott Patrou: Yes, and that was part of the Board's consternation at the time, that if the variance was approved for the garage to have a 4.2-foot rear setback, this may create a precedent for owners of non-conforming buildings to just come and get a variance and all of a sudden, you have a secondary structure built two feet off the property line. The request for this new variance, I think, is a demonstration of this family's desire to be here. They are basically saying they will go as far as to tear the nonconforming garage down

and build it back the way it was supposed to be built. Remember too, they could also just tear the existing garage and house down, the whole thing, and build a 35-foot high giant block house like other people on the street have done. That is not what they are trying to do. They are trying to keep it in line with everything that is there, rebuild the garage to the 7.5-foot rear yard setback granted by the variance in 1998, and put second-story living space over it. We would be fine with the limiting statement in a variance stating that any structure added, or any height added to the new garage cannot exceed the height of the existing home or something like that, if that would make the Board more comfortable.

Hester Longstreet: The only access to that room over the garage will be from the inside of the house, and there will be no outside stairs trying to go through to it?

Scott Patrou: That's correct, the only access will be from inside the house.

Hester Longstreet: We're talking about tearing down a two-car garage and rebuilding it as a one-car garage. Correct?

Scott Patrou: I think, technically, it would still fit under the purview of a two-car garage because there is that breezeway that was discussed earlier. So, the rebuild of the new garage would eliminate that breezeway to slide the new garage over to fit within the 7.5-foot rear setback. I do not think there would actually be a big width change in the garage itself. It may be nominal, whether you call it a two-car, or a one-car, garage.

Chris Pranis: Do we have public comment?

Betty Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080: I live next door, and you should have received a letter from me. It was not mentioned as one of the letters submitted from neighbors, so did you get that letter, from Betty and John Carvellas?

Jennifer Thompson: I am sorry, when did you send it, or where did you send it to?

Betty Carvellas: I sent it via email to Max Royle and I received an email back from him that said he had shared it.

Brian Law: Do you have a copy with you?

Betty Carvellas: I have it on my phone (**EXHIBIT B**). I am sorry. I could try resending it from my phone when I am done speaking. Mr. Royle told me that he had shared it, so I did not do anything else with it.

Brian Law: If you could send it to Ms. Thompson's provided email, I'll go print it, so the Board has it. That is the best we can do, as we never received that letter.

Betty Carvellas: Oh, I am sorry about that. I can tell you essentially what I said. At the end of the letter, I thanked you all, as my husband and I both served on town boards. It's never easy, and it takes up a lot of time. I appreciate the time and effort you put in. I

understand about the 1998 variance, but it was also my understanding that in 1998, the required rear setback was 10 feet, and it's now 20 feet. That garage is right up against our property, 4.2 feet off the rear property line. You can practically reach through our fence and touch it, but it's just kind of there, and doesn't really present a problem. It's not much higher than our fence, really, but pushing the new garage and addition back to 7.5 feet is really only about 3 feet more. We do have a big backyard. We're not concerned about the sightline, as we haven't been able to see the ocean because of the dunes for a long time anyway, but it's just the idea of it looming over our backyard and being quite close to us in general. I'm assuming the new setback requirement of 20 feet versus 10 feet was based on best land-use practices, as that's a big difference. Granting a variance to go from 20 feet to 7.5 feet is allowing a 12.5-foot reduction in the rear setback, which will put the new garage and second-story addition quite close to our house. I understand that if there's a hurricane and the existing garage is destroyed, it would now have to be rebuilt according to current code, but I don't know how that works if the garage is torn down. If they're going to tear it down, does it have to meet the 20-foot rear setback requirement, or could it be torn down and rebuilt with a 7.5-foot rear setback per the 1998 variance?

John Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080: I believe it's been said that the 1998 variance granted for a rear setback reduction to 7.5 feet for a one-story garage wasn't followed. Near the end of the previous discussion from the attorney, it sort of morphed into a variance for any building. So, indeed, what is now being proposed is a little different, and the variance request is now for a two-story addition. It is not going to block our view, or be a huge thing, but I do remember the discussion from last year. Someone asked if the existing garage was torn down, because it's so far out of the variance, at 4.2 feet from the rear property line, instead of 7.5 feet, as granted by the variance, would have to be rebuilt with a 7.5-foot rear setback? I believe I said it would be unfair to make the owners tear it down after all these years. So, the question becomes this, that if they voluntarily tear it down, after spending the last 15 months rebuilding it, I think they should have to meet the current standards, because they are voluntarily tearing it down. You may disagree, and if you do, life goes on, but there is a purpose to these rules and regulations. I have an 80-year-old building. I'm sure if I want to make a change to it, I will have to comply with current rules and regulations. I understand that, and I think the new standards are there for a reason, especially given the changes in the environment, climate, and growth of the area. So, I would just ask you to consider that.

Chris Pranis: Thank you. Any other public comment? Okay, public comment is closed. I have a question for either the City Attorney or Mr. Law. In this situation, what is going to take precedence, the 7.5-foot rear setback reduction granted by the 1998 variance, or the current setback regulations for building a structure?

Brian Law: Last year, I informed this Board that we would take no code enforcement action against a 22-year-old nonconforming structure. The City allowed it to be built, whether right or wrong. Was there a change in surveying techniques that became more accurate over time? It's unknown. As far as we understand the variance, it was granted for a one-story, unattached garage. Whether the setbacks were 10 feet or not at the time, keep in mind, as we just saw for the last variance request, these are parallel lots, as the

front setback faces the ocean, and the rear setback is to the west, so it gets a little confusing. Having said that, we will take no action against this building being left as it exists as a nonconforming structure. If the Board decides to grant this variance, it will be granting a new variance. The variance from 1998 will go away, and the existing garage with its 4.2-foot rear setback will become redundant and irrelevant. The applicants are asking for a new two-story addition with a garage on the first floor and a bedroom, closet and bathroom above it, so, if this variance is granted, the existing garage will be torn down, and rebuilt as a new building that will shift 2.5 feet to the east and a tad to the south, to bring it into conformance with the 7.5-foot side yard setback requirement.

Chris Pranis: If the Board doesn't approve the variance and the existing garage is taken down, a new garage would have to meet the current regulations.

Brian Law: If they decide to remove the entire facility, then they would have to build to the current regulations or apply for a variance.

Scott Patrou: If the variance is denied, then the existing structure can remain for the time being, meaning that there's no obligation on the part of the owners to tear down this nonconforming structure. They have seen, however, that this structure is a problem, and have offered to voluntarily take on the cost of tearing it down and building it back with the 7.5-foot rear yard setback granted by the 1998 variance. They are basically saying they will go through all that expense because there are so many more extensive building codes they will have to comply with to just add this extra bedroom. If it's denied, then there's not a big push for them to tear down the existing garage, so this nonconforming structure will still be there 4.2 feet away from the lot next door. As Mr. Law said earlier, the variance process was created to address these issues with these odd-shaped lots. A variance for another odd lot was presented earlier, as it seems F Street is full of lots in odd orientations that don't have access, so easements have to be created to get to them.

Victor Sarris: We mentioned this lot is odd, specifically because of how you have to get to it from that easement. As that presents a challenge, I think there is some consideration that needs to be given as to what the alternatives are here.

Conner Dowling: If you go up and down St. Augustine Beach, the beachfront lots are a mishmash. I went and kind of reviewed all of them today, and this condition isn't abnormal or odd, it's kind of typical. There are two, sometimes three, buildings on what would be this type of beachfront lot, and there may be access from alleyways, or access through easements, like this one, to get through to the main street. There are other examples of two-story buildings that are not within the current setbacks, for sure. It runs the gamut, basically, as far as what the conditions are for these lots. So, to me at least, it seems very specific to each individual case and sort of what they're addressing and asking for. It seems like the previous variance granted in 1998 almost doesn't matter at this point. I'm curious as to what you all remember about the variance turned down by the Board last year. I'm assuming the owners were asking to build a second-story over their existing garage, and the variance was denied based on not having a hardship, so the only difference between that and this is that we're switching it back to the original 7.5-foot

rear setback granted by the 1998 variance. Based on this new proposal, the applicants show something I think is reasonable to ask for. I think something lower than the roofline is a reasonable request. They are not asking to build something giant and big.

Chris Pranis: I believe last year's variance was to add a second-story over the garage, by first requesting the garage with its 4.2-foot rear setback be deemed conforming.

Hester Longstreet: They wanted to build the room addition over the garage, but the Board said no because the garage was supposed to be built with a 7.5-foot rear setback and it was actually built with a 4.2-foot rear setback.

Scott Patrou: Obviously, there's a pretty substantial cost differential between those two options. So, the natural progression was to ask for the first variance last year because in having to rebuild the whole thing, it's now also subject to the new building codes, so there will have to be pilings that have to go into the ground for a whole separate structure.

Victor Sarris: I think, to your point, is that we certainly don't want to go along and just set a precedent that we can do these things without careful consideration of the specific lot conditions. In this instance, I see the challenges and alternatives that are being presented here, and I don't see this as a far reach or request, in my opinion.

Conner Dowling: I appreciate Mr. and Ms. Carvellas for coming, as they arguably have one of the most affected properties, along with the property next door to the south. From an architectural standpoint, this is really more like a side setback, it's not really a rear setback. I mean, it is for this particular property, but the proposed garage and second story addition will really be built next to the Carvellas' side yard. To assume the current 20-foot rear yard setback requirement should be upheld is technically correct, but the applicants' lot does not have the same orientation as the Carvellas' lot, as their backyard is next to the Carvellas' side yard, and their front yard faces the beach. On paper, it sounds like a lot going from 20 feet to 7.5 feet, but in my mind, that's not the case.

Chris Pranis: We also have to keep in mind that this will set a precedent at this point.

Jacob McCrea: In terms of setting a precedent, with each variance case, you may set a precedent that new applicants may use to discuss prior variances that have been granted to try to bolster their point, but the Board is under no obligation, whenever a variance comes before them, to ever consider any other variance granted at a similar location or anything like that. It's a de novo, or fresh review, so besides setting legal precedents, it's more a concern for public interaction than anything the Board is bound to.

Hulsey Bray: Why do you need a second bedroom on the top of the garage? What's the hardship there?

Scott Patrou: I think the hardship, as Mr. Sarris alluded to earlier, is the access issue as to where the garage has to be oriented, as this is the only way to get to it because at one time there was an alleyway for access to this lot, but that alleyway has since been vacated. The hardship has to be more specific to the reason for the variance, because of the

existing structure and the inability to modify it as a result of the implications and the CCCL restrictions, which limit the ability to add to it without tearing the whole thing down, and then the owners could rebuild it up to 35 feet in height. Instead of doing that, they said they will tear down the entire existing garage and rebuild it in conformity with the variance granted in 1998, because it pretty much has to be there because that's the only access point from the easement standpoint due to the orientation of the lot.

Hulsey Bray: Correct me if I'm wrong, the conformity is for a one-story garage.

Scott Patrou: Correct.

Hulsey Bray: Okay, so why do they need the bedroom above the garage? Is this their primary residence?

Scott Patrou: It is not currently their primary residence.

Conner Dowling: Is it a rental property?

Scott Patrou: It's not, and the owners do not even own a rental or short-term rental license or permit, so it's not like they have another license or permit on another property that they can try to transfer over to this property or something like that.

Victor Sarris: Those are good points. Some of the considerations are what the alternatives would be.

Brian Law: I would not permit living areas on the first floor of a new structure because of the DEP reference monument of approximately 17.4 feet. That's why the first floor would have to remain either storage, parking, or access with some provisions under the new definitions of allowable use which do not permit habitable spaces.

Scott Patrou: This further adds to the hardship because they can't remodel the existing garage to make it become a bedroom, as it's not permitted.

Victor Sarris: This is a unique situation. I feel we've taken the precedent issue off the table by establishing this is not something we would have to defend at a later date, because of the uniqueness of the lot. I think we have to look at, certainly, the considerations of the neighbors. I don't live there, so I can't say this wouldn't bother me, but I do see consideration with the fact that it is pretty much the same footprint, and while it is higher, it is farther away. There should be some consideration for the uniqueness of this lot.

Chris Pranis: What's the general consensus?

Hulsey Bray: I don't think there's a hardship for the apartment above the garage. They don't live in the house.

Conner Dowling: It's a bedroom, not an apartment.

Hulsey Bray: There's no need and no hardship for a bedroom.

Brian Law: It's really not the Board's purview as to why they need a bedroom. The Board is here to review and consider the application based on the facts presented.

Hester Longstreet: Well, we do have to look at the hardship. What's listed on the application as a hardship says it is due to the constraints on the existing lot because of the lot configuration and access. It's still going to be a problem with lot configuration and access, and they'll still need the easement for access onto F Street, as they don't have an alleyway to use. So, I don't see that as a legitimate hardship.

Hulsey Bray: By the fact that the easement is needed for access, if they're adding another bedroom, that's another vehicle. Is there room for another vehicle in the parking area?

Scott Patrou: If they're able to have the garage, they'll have two parking places inside the garage. Again, this is for family use. I don't even think they have any kids that are of driving age. They have three young children around middle school age, I believe.

Conner Dowling: Reducing the height of the second-story under the existing roofline is probably the biggest thing for me, as in the long term, if this family is investing in this house to upkeep it, adding this will keep it at its current scale for, hopefully, a good number of years or a few decades. If this house isn't allowed to grow based on what the value of a beachfront property is, it will be torn down and a giant house maxed out to all the limits will inevitably be built and none of us will get to say anything about that. I feel what is being proposed is reasonable based on what has been presented and shown.

Scott Patrou: I would also point out too that this Board, although it was back in 1998, made a finding that there was a hardship because that prior easement was granted. So, as to the establishment of a hardship, the Board already created a precedent in this particular case, understanding that precedent is related, based on the City Attorney's comments, for this specific house. A hardship was previously established by the Board in 1998, and to a certain degree, it has been reestablished based on tonight's discussion.

Victor Sarris: I kind of see it's somewhat of a stretch to define a hardship here. I do think the uniqueness of this lot and the access to it and what they want to do, along with the fact that we're not setting a precedent on binding this to future vague hardships, gives us an opportunity to help the situation out, so this is something I would consider approving.

Chris Pranis: So, the one thing that maybe we can discuss is that the Board seems to want to set in the motion that the new structure is not to exceed the height of the main structure of the home. Is everybody okay with that?

Hester Longstreet: Yes, let's see if we can figure out how the variance can be granted to allow the existing garage to be torn down and rebuilt as a new garage, according to DEP

requirements and with the existing variance allowing a rear yard setback of 7.5 feet and having a low roofline that will not exceed the height of the existing house.

Chris Pranis: All right. So, let me try to make this motion stating the Board approves this variance to reduce the rear setback to 7.5 feet for a new structure. However, the roofline of the new structure is not to exceed the height of the existing home at 2-B F Street.

Hester Longstreet: I think I'd also like the motion to say that the access would only come from the inside of the house.

Brian Law: I understand what you're saying. The motion could simply be that the variance is approved as requested in accordance with the submittal documents which clearly show the elevation of the garage and second-story addition above as lower than the house and access to second-story addition through the existing western boundary of the house.

Chris Pranis: So, do we need to define that the new garage with the addition above will not exceed the height of the structure, or just go with submitted documents?

Jacob McCrea: I would subject any approval based on the submittal documents, which are part of the application, as that's better than the vague language of "not to exceed the structure." The application provides drawing and plans that need to be followed.

Hester Longstreet: So, they will be able to use no other plans except for the ones that we are agreeing on right now?

Brian Law: When the permit documents and plans are submitted, they would first go to zoning for review to ensure a one-hundred-percent match in dimensions and architectural features. Some things, such as a different type of siding, if this is even shown here, or a different window size, would be allowed, but the garage and second-story addition above would have to be exactly the way it is proposed.

Scott Patrou: I'd like to get some clarification on that, as this design was prepared for this meeting. It has not been finalized, so it hasn't been scaled. There are certain pieces that will fall in line perfectly and we can ensure it doesn't exceed the height and things like that, but I don't want to pigeon-hole my clients by saying the bathroom must be right here and the door must be right there. I'd like to find a way to articulate this motion so it gives some flexibility within the discussion, such as by saying the roofline is not to exceed the roofline of the house and there will be no exterior access to the second floor.

Chris Pranis: Does the submission of documents pigeonhole the exact way something must be built?

Brian Law: No, I would never turn down a plan for an interior change, and the reason why is because what would stop them from building it, coming back three months later, and doing an interior renovation? But the phrase that could be used in the motion could be a structural description as illustrated by the attached documents, which will be

recorded with the St. Johns County Clerk of the Court if the Board sees fit to grant this, so it will become part of the history of the property.

Jacob McCrea: That's the language I would recommend.

**Motion:** to approve Land Use Variance File No. VAR 2022-04 for a rear yard setback reduction from 20 feet to 7.5 feet for proposed new construction of a two-story addition consisting of a garage on the first floor and conditioned living area on the second floor based on the illustrated structural documents submitted in the application. **Moved by** Chris Pranis, **seconded by** Conner Dowling, **passed 6-0**, by unanimous voice-vote.

D: Presentation of proposed amendment to Section 3.02.03.A of the City's Land Development Regulations by the City's Sustainability and Environmental Planning Advisory Committee (SEPAC)

Jennifer Thompson: This next item was put on tonight's agenda after I read the minutes of a SEPAC meeting. There was a request by SEPAC to put bee pollinator boxes on City property, and I noted this because it goes against Section 3.02.0.2.A of the LDRs, which prohibits the keeping, breeding, or raising of bees, insects, reptiles, pigs, horses, cattle, goats, hogs, or poultry. SEPAC members are here to explain their proposed code changes to this section of the LDRs and have also provided some materials (**EXHIBIT C**).

Sandra Krempasky, 7 C Street, Apartment A, St. Augustine Beach, Florida, 32080: I'm a member of SEPAC, and we're currently working with the City's Public Works Department on a project on Mickler Boulevard. We have the funds for this project in our budget and are also currently waiting to find out if we're getting a grant through the Florida Wildflower Foundation. The project plans include the use of wildflowers to attract birds, butterflies, and native bees. In addition to the wildflowers, we had planned to use pollinator boxes, one of which I've brought to display, to provide habitat for native bees. We were informed at SEPAC's March meeting that the Planning and Zoning Department would prohibit the use of the pollinator boxes as a violation of Section 3.02.03.A of the LDRs. As we feel the current code is for the restriction of beekeeping for the production of honey as it is included with other agricultural uses, we were encouraged to ask for a code change. So, we are here to ask you directly to support a change to the code to be more specific to the prohibition of non-native honeybees and not to prohibit the building of a habitat for native Florida bees. There are about 300 bees native to Florida that do not produce honey. The use of the pollinator boxes is to provide some form of habitat for bees so that they can cross-pollinate with flowers. This is not a honey-producing project.

Chris Pranis: What exactly is the hesitation by the City to allow bees that produce honey?

Sandra Krempasky: Initially, I don't think the City wanted any kind of agricultural use of bees on any of the residential properties. I don't know why the City is saying, specifically, that SEPAC can't put any of the bee pollinator boxes on City property, as it's my understanding the City can probably do whatever it wants on its own property. I think the code was meant to prevent people from raising chickens in their yards or having a pet

pig, or to try to limit the raising of bees in people's backyards. We just want to amend the code to prohibit the use of bees for the production of honey, and we also want to change what it says about insects, as we need insects, they are very beneficial, for example, they feed birds. So, we want to amend the code to only prohibit invasive insects. Usually, invasive in this case means exotic, or something not native to Florida or this area. Hester Longstreet: I think it's a great idea to have the boxes for pollination. It's something that we really do need, and I agree changing the wording to just prohibit the raising of bees for the production of honey is a good way to change it.

Chris Pranis: Do we need to make a recommendation to the Commission on this?

Brian Law: At this point, you do not. What you have to do is to decide if you want the proposed code change in an ordinance format. Keep in mind the Planning and Zoning Board now does the first reading for ordinances, so the Board needs to make a decision as a collective. Do you want this to be an ordinance or do you not? Ultimately, the Commission will have the final two readings and make the final decisions, but to even get to that point, they need the Board's recommendation to create the ordinance. If the Board is okay with the language presented by SEPAC, Ms. Miller or Ms. Thompson and the City Attorney will have an ordinance ready for the Board's review at its next meeting. If the Board wants something changed in the language, now is the time to discuss this. As to Ms. Krempasky's comment that the City can do what it wants on its own property, I do not agree with that, as I hold the City to the same standard, if not a higher one with more attention drawn to it, that I would for a private sector, to make sure the City is following the same code its residents follow. As to why bees are prohibited, most likely, that code is probably very long and very old, so you have to look at other facts. We support the bees and understand their value, but I work for the government, so I play defense a lot. We have to recognize if the City is liable for putting up these cute boxes. Let's say a mean bee moves in and stings somebody. It's a City-funded bee box, so imagine the one-in-a-million scenario where somebody has a reaction to a bee sting and is hurt. But if you wish to support the proposed code change, staff is more than happy to have a draft ordinance ready for the Board's at next month's meeting.

Sandra Krempasky: Most of the native bees are really small, and they're solitary. They don't swarm like honeybees do, but they do sting. From what I've read, it's akin to a mosquito bite because these bees are so small. The bees are actually going to live in those little hollow greens in the pollinator box, so they are not big bees. Not all bees like this kind of thing, a lot of them like to nest on the ground and some of them like to be in trees. I don't think the City would be liable if there were bees in trees on City-owned property and someone got stung, but I see Mr. Law's point.

Gary Smith: Let's say the City planted flowers on City property and a bee came out of the flowers and stung someone, would the City be liable for that?

Brian Law: Obviously, I cannot speak to that. We're just giving you all the options at this point and are more than happy to draft an ordinance for the Board's review next month.

Chris Pranis: It is the City's option to put bee pollinator boxes on City property. As it's not spelled out the City has to do this, it's really up to the City itself and the residents.

Brian Law: Exactly. I don't recall if this is part of the Mickler Boulevard development project, which includes putting benches along Mickler Boulevard.

Sandra Krempasky: No, benches are off the table. Residents made it very clear that they do not want any place where people gather. This is going to be a pedestrian and bike path, eventually. We just want to put something that is easy for the City bank to maintain. We are planning to have several wildflower beds along Mickler Boulevard, and this is one of the easiest and least expensive ways to provide pollination for them.

Brian Law: I would ask that if you decide to move forward with this, the first reading of the ordinance will be at the Board's May meeting, and in June and July, it will go before the Commission for review and a final decision. I would ask that the Commission be given the general location of the flower beds and the pollinator bee boxes, just so they see this in regard to the intent of the code change. That way, everything is out in the open.

Sandra Krempasky: By that point, we will know whether or not we received the grant from the Florida Wildflower Foundation. SEPAC does have some money in our budget to do this project, but altogether the cost would be about twice as much as we have to spend, so we would like to take advantage of the grant money, if possible.

Chris Pranis: What about just creating an educational program for the residents to do it themselves on their own properties instead of City property?

Sandra Krempasky: We hope that will work too. SEPAC member Lana Bandy and I have both joined the Florida Wildflower Foundation. They provide a lot of materials, which we will have at Arbor Day next week on April 27 at the Farmer's Market, where we will also be giving away trees. The whole point is to try and do an educational piece.

Hester Longstreet: I like the new wording. Does anyone have a problem with it? Okay, so then, I think we are going to tell you to go ahead and bring an ordinance back to us.

Brian Law: Okay. I would like to have a majority consensus for the record so we can put it in the staff memo you will see next month with the new ordinance. The memo and ordinance will both then be forwarded to the Commission.

Chris Pranis: So, do we have to make a motion or just a recommendation?

Jacob McCrea: I think it should be a recommendation.

Chris Pranis: Okay, all in favor of staff and the City Attorney preparing an ordinance with the code change proposed by SEPAC?

Board Members: Unanimous oral consensus given by all six Board members present to recommend staff and the City Attorney proceed with the drafting of an ordinance for the code change to Section 3.02.03 of the LDRs as proposed by SEPAC.

Brian Law: Thank you. You will see it next month.

E. Discussion between the City's Comprehensive Planning and Zoning Board and the City's Sustainability and Environmental Planning Advisory Committee (SEPAC) regarding possible solar alternatives to holiday lights/decorations

Jennifer Thompson: Ms. Longstreet requested the discussion of possible future use of solar-powered holiday lights be added to this agenda, and that representatives from SEPAC attend the meeting to include SEPAC's input and ideas on this subject.

Lana Bandy, 150 Whispering Oaks Circle, St. Augustine Beach, Florida, 32080: I am the chairperson for SEPAC, and we talked about this very briefly at SEPAC's last meeting. None of us are experts at holiday decorations or solar energy use, but we definitely would recommend looking into that opportunity, as we are all for solar and holiday decorations.

Hester Longstreet: I spoke to the City's new mayor, and he is actually all on board with it and said he would bring it up to the rest of the Commission. I am hoping we would be able to have a memo for the City Commission at their next meeting that the Planning and Zoning Board and SEPAC have gotten together and like the idea of solar alternatives to the City's holiday lights and decorations, and then go on to find possible solar alternatives.

Chris Pranis: Can the Board request this be put on the Commission's next meeting agenda?

Brian Law: Only if there is a Board member there to speak to the Commission about this.

Hester Longstreet: All right, I will be there.

Brian Law: This really needs to go through the City Manager, as I have no control over the Commission agendas. However, Ms. Miller or Ms. Thompson can create memos to the City Manager on each of the items discussed with SEPAC tonight. The memos will illustrate the discussions between this Board and SEPAC and will be forwarded to the City Manager with Ms. Longstreet as the presenter of the agenda items at the next Commission meeting. I think we are good on that as long as we know the Board and SEPAC's intentions, and a SEPAC member may also want to be present when all of this goes before the Commission.

Sandra Krempasky: I watched the Board's last meeting when the holiday lighting was previously discussed, and sent City Manager Max Royle an email, just as a citizen and not as a SEPAC member, and he said he is going to work with Florida Power and Light (FP&L) to get some of the answers. One of the questions we had at SEPAC's last meeting was what the problem was and why the City cannot use the FP&L poles, or electricity, for the

City's holiday lighting. If the City can get permission to use the poles for the holiday lighting, but not any electricity, maybe we could use our own solar power on them.

Hester Longstreet: I know for sure FP&L does not want the City using its electricity, but I'm not sure if the City could use the poles but not use any electricity.

Gary Smith: With solar, we might just need permission from FP&L to put holiday lights on their poles. A couple of selling points are that it is free energy, it reduces greenhouse gases, it's low carbon, it's environmentally-friendly, and St. Augustine Beach would probably be on the leading edge of promoting this type of holiday lighting.

Chris Pranis: In our notes from last month, it was stated that FP&L said we were not able to use the electricity, but they would allow things if they were not lighted on the poles. So, if we had a solar solution, we would have to see if FP&L would be okay with that.

Gary Smith: I drove up and down A1A Beach Boulevard today and the capability of using solar on the poles is great, as there are no palm trees in the way and nothing blocking the sunlight. I tried to envision where the City had our holiday lights on the poles before, and from what I could remember, I think they would all be in direct sunlight.

Hester Longstreet: Okay, we will find out from Mr. Royle if he has any answers back from FP&L, and also, we will find out if this can be added to the Commission's next agenda.

Lana Bandy: Thanks for involving SEPAC. We are happy to open all communication and we will work closely with everyone on this. Thanks for inviting and involving us.

## **VII. OLD BUSINESS**

There was no old business.

## **VIII. BOARD COMMENT**

There was no further Board comment or discussion.

## **IX. ADJOURNMENT**

The meeting was adjourned at 8:06 p.m.

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Chris Pranis, Chairperson

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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.)

## **COMMISSION REPORT**

**May 2022**

**TO:** MAYOR/COMMISSIONERS

**FROM:** DANIEL P. CARSWELL, CHIEF OF POLICE

### **DEPARTMENT STATISTICS April 21<sup>st</sup> - May 24<sup>th</sup> , 2022**

**CALLS FOR SERVICE – 1747**

**OFFENSE REPORTS -58**

**CITATIONS ISSUED - 123**

**LOCAL ORDINANCE CITATIONS - 85**

**DUI - 2**

**TRAFFIC WARNINGS - 186**

**TRESSPASS WARNINGS - 26**

**ANIMAL COMPLAINTS - 33**

**ARRESTS - 24**

- **ANIMAL CONTROL:**

- St. Johns County Animal Control handled 33 complaints in St. Augustine Beach area.

### **MONTHLY ACTIVITIES –**

Blood Drive – Tuesday, May 10<sup>th</sup>

Lawn Mowing – Wednesday, May 11<sup>th</sup>

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## M E M O R A N D U M

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**TO:** MAX ROYLE, CITY MANAGER  
**FROM:** PATTY DOUYLLIEZ, FINANCE DIRECTOR  
**SUBJECT:** MONTHLY REPORT  
**DATE:** 5/13/2022

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### **Finance**

Finances through the end of April are reflecting 64.7% of revenue collected with 46.0% of expenses recognized. At this time the city has received 96% of the budgeted Ad Valorem taxes for the year. Other revenue is trending as expected. The new budget software is being updated to reflect year-to-date numbers through the end of April, then additional work can be made on the FY23 budget.

### **Communications and Events**

Melinda has been working hard over the past few months to present several successful events for the city. THANKS Melinda! The next big event will be the luau in September. Will keep you posted as things progress.

**Technology:** The IT Department has no updates.

## MEMORANDUM

Date: May 27, 2022  
To: Max Royle, City Manager  
From: William Tredik, P.E., Public Works Director  
Subject: Public Works Monthly Report  
May 2022

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### **Funding Opportunities**

Public Works is managing the following active grants:

- **Mizell Pond Weir and Stormwater Pump Station**  
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**  
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**  
Florida Recreation Development Assistance Program  
Grant amount - \$106,500; \$35,500 match required  
Status – The Grant Agreement has been executed. SJRWMD permit received  
Public Works proceeding with restroom purchase. Construction pending.
- **Ocean Hammock Park Phase 3**  
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/Pope Road 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
- **Dune Walkovers**  
St. Augustine Port, Waterway and Beach District  
Grant amount \$335,000; \$335,000 match required  
Status – Grant approved the District Board on May 17, 2022

Additionally, Public Works has applied for the following grants:

- **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.
- **7<sup>th</sup> 8<sup>th</sup> and 9<sup>th</sup> 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
- **7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> 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

### **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 is approximately 75% complete. Work completed in the last month includes:

- Installation of backup generator and pump control panel
- Completion of downstream bulkhead west of Fiddler's Point Drive
- Completion of slide gates and gate access walkway
- Commencement of work to increase elevation of western pond berm
- Delivery of pumps to the site (anticipated on 5/31/2022)

**Ocean Walk Drainage Improvements [DESIGN] –**Design is underway. Work conducted in the last month included:

- Neighborhood drainage design
- Geotechnical investigation
- Pump Station design

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. Permit application is pending, and bidding is planned for Summer 2022.

**11<sup>th</sup> Street Pipe Repair [FINAL DESIGN/PERMITTING] –** Final design is underway. Permit application is pending, and bidding is planned for Summer 2022.

**C.R. A1A / Pope Road Storm Surge Protection [DESIGN] –** The project will prevent storm surge from Salt Run from entering the City at Pope Road. Staff is finalizing the fee and scope for CMT to design and permit the project.

### **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). A St. Johns County annual contractor will install to install select project components in summer 2022 with the prefabricated restroom to be installed in early Fall.

**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. Bid Document preparation is underway and the City will bid the project as soon as the FDEP grant agreement is fully executed. Construction is anticipated to commence in the summer of 2022.

### **Streets / Rights of Way**

**2<sup>nd</sup> Street Improvements and Extension [CONSTRUCTION]** – the City has entered into a contract with D.B Civil Construction, for construction of the project. The contract has been modified to allow ARPA funds to be used to fund the completion of the 3<sup>rd</sup> Lane ditch piping project, which will be incorporated into the project via change order. Construction will commence in June 2022. FPL is currently designing underground power for 2<sup>nd</sup> 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 Summer 2022. Roads currently in the FY 2022 resurfacing program are:

- 6th Street through 9th Street east of A1A Beach Boulevard
- Atlantic Alley
- Mickler Boulevard between 11th Street and 16th Street
- North Trident Place

The has requested the Commission allocate \$200,000 of ARPA funds to expand the FY2022 Paving program. If approved, this will add the following streets east of A1A Beach Boulevard to the FY 2022 paving list:

- 1st Lane
- 1st Street
- 2nd Lane
- 2nd Street
- 3rd Street
- 4th Street
- 5th Street

Paving is planned for Summer 2022.

**LED Streetlight Conversion** - FPL has installed the Phase 1 LED conversion (arterial and collector roadways). The City Commission approved, as Phase 2, the conversion of an additional 79 lights in December 2021. Phase 2 lights have now been installed and Phase 3 lights – as well as additional lights for poorly lit areas – will be presented to the City commission at an upcoming meeting

**A Street Sidewalk and Drainage Improvements [PRE-CONSTRUCTION]** – St. Johns County informed the City that the contractor could not obtain materials for the project until early May 2022. As work will take as much as 30 days, construction was postponed until November 2022 to avoid impacts during the busy summer beach season. Construction will commence in November 2022.

## PENDING ACTIVITIES AND PROJECTS

1. **PERFORMANCE REVIEW OF POLICE CHIEF AND THE CITY MANAGER.** No information to report.
2. **LAND DEVELOPMENT REGULATIONS CHANGES.** At its May 2, 2022, meeting the City Commission passed on final reading an ordinance to amend the City's flood regulations. The Commission at its June 6<sup>th</sup> meeting will consider two more amendments to the Regulations: a) to change the definition of erosion-resistant material and the resurfacing of parking areas; and b) to change the wording regarding the keeping of bees and insects. The latter is the result of a proposal from the Sustainability and Environmental Planning Advisory Committee to put non-honeybee pollinator boxes along Mickler Boulevard.
3. **UPDATING STRATEGIC PLAN.** Commissioner England during her recent term as Mayor worked with the City Manager on developing a Vision Plan. Because of the goals and projects stated in it, it could take the place of the strategic plan. Commissioner England presented the Plan at the Commission's May 2<sup>nd</sup> meeting. The Plan will be reviewed in June by the Sustainability and Environmental Protection Advisory Committee and the Comprehensive Planning and Zoning Board.
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 8<sup>th</sup> Street and A1A Beach Boulevard, north side of 5<sup>th</sup> Street between the Boulevard and 2<sup>nd</sup> Avenue, north side of 4<sup>th</sup> Street between the Boulevard and the beach, and the plazas on the Boulevard's west side between A and 1<sup>st</sup> Streets.

At this time, the only parking project under way is for the plazas on the west side of the Boulevard between A and 1<sup>st</sup> 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 approved the scope of work from a civil engineering consultant to do the design and permitting phase starting in March 2022 and \$15,000 was spent for this phase. The design phase should be completed before the end of the current fiscal year in September 2022.

There are no plans at this time for the Commission to consider paid parking.

### S. 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 16<sup>th</sup>, 11<sup>th</sup> 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 July 11<sup>th</sup> meeting will be asked to approve the contract with FP&L 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 is an estimated between \$400,000 and \$500,000. This is Phase 2. 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 will purchase prefabricated restrooms for a cost of \$135,000. There'll be additional costs to provide electrical service and water/sewer service. The Director estimates that the project's total cost will be between \$100,000 and \$200,000 under the initial bid.

b. Coastal Partnership Initiative: The Public Works Director has applied for a 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 applied for an adaption/resilience plan grant for \$150,000 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. However, the City didn't receive 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 70% complete and will likely be finished in August 2022.

e. Hazard Mitigation Grant. At its December 6<sup>th</sup> 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 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> 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 16<sup>th</sup> 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 11<sup>th</sup> 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 1<sup>st</sup> meeting, the Commission approved the contract with Matthews. In March 2021, the City was notified that its request to the Florida Legislature to appropriate \$694,000 for Ocean Walk drainage improvements was approved and in late May 2021 the City was notified that the appropriation had survived the Governor's veto. The grant agreement has been executed and a contract has been signed with the Matthews Design Group of St. Augustine for the design and permitting phase of the project. Preliminary design is nearing completion. The Public Works Director plans to hold a public meeting concerning the consultant's design.

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. According to the County Road and Bridge Department, construction won't begin until November 2022 because the contractor is having difficulty getting materials.

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 has hired 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 will be brought back to the Commission in 2023.

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. Artwork 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 begin in the spring of 2023.

14. NEW YEAR'S EVE FIREWORKS SHOW. At the City Commission's March 7, 2022, the City's Events and Communications Coordinator, Ms. Conlon, provided a report to the Commission about the December 31, 2021, fireworks show, which featured just the fireworks: no bands, food vendors, kids zone, etc. The Commission had no recommendations to change the event for the next New Year's Eve.

15. PROPOSAL TO DEED THREE LOTS FOR CONSERVATION. The lots are located along the north side of the unbuilt part of 2<sup>nd</sup> Street, west of 2<sup>nd</sup> 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. The agreement may be presented to the Commission at its June 6<sup>th</sup> meeting.

16. 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.

17. 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.

At its April 4, 2022, meeting, the City Commission approved an agreement with the City's auditing firm, James Moore and Associates, to do contract management for the spending of ARPA funds. On April 19<sup>th</sup>, the Commission held a special meeting to discuss uses of ARPA funds and authorized that \$951,000 be appropriated for two new sanitation trucks at \$250,000 each, new police vehicles and radar units, the piping of a ditch in an alley between 2<sup>nd</sup> and 3<sup>rd</sup> Streets with the remainder of the appropriation to be used for adjustments to employee salaries. The staff will ask the Commission during the upcoming months to appropriate ARPA funds for other purchases and projects, such as road paving, public parking improvements and new beach access walkovers.

Concerning beach access walkovers: The Public Works Director asked the St. Augustine Port, Waterway and Beach Commission at its May 17, 2022, meeting, for an appropriation to buy half the costs to construct new walkovers at 11 access points to the beach. The Port Commission approved a match of \$335,000, or a 50% match, for the walkovers. The City's match will come from ARPA funds.

Concerning park planning: At its May 2, 2022, meeting, the Commission considered having a Request for Qualifications prepared for a planner to develop a master plan for Hammock Dunes Park, which is located north of the shopping center. The planner could be paid with ARPA funds. The Commission asked that the Request for Qualifications include the following: consideration of wildlife corridors in the

Park, a pedestrian/bicycle trail, access to State Road A1A and a parking area or lot. The Commission will review a draft of the Request for Qualifications at its June 6<sup>th</sup> meeting.

**18. UNDERGROUNDING OF UTILITIES.** At its May 2, 2022, meeting, the City Commission reviewed a request from the City Manager for referenda topics for the 2022 primary or general election. One possible referendum topic discussed was the undergrounding of utility lines. The Commission will review information concerning this topic at its June 6<sup>th</sup> meeting.

In the meantime, the City Commission has directed that the utilities be put underground along a new street, which 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue. Easements have been obtained from the owners of the lots along 2<sup>nd</sup> Street west of 2<sup>nd</sup> Avenue for FP&L to put its equipment on their property. The Public Works Director is working to obtain easements for all the lots along 2<sup>nd</sup> Street east of 2<sup>nd</sup> Avenue, for FP&L to put its equipment on their property. Three property owners haven't yet agreed to provide an easement. The Public Works Director will speak to the Commission about this at its June 6<sup>th</sup> meeting.

**19. TRAFFIC STUDY AT VERSAGGI DRIVE.** At its March 14<sup>th</sup> 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.

**20. HOLIDAY LIGHTING ON A1A BEACH BOULEVARD.** For years, the City each November would put up holiday decorations on poles along the Boulevard that are owned by Florida Power and Light. In 2020, FP&L informed the City that the company would no longer allow the lights on its poles.

At the City Commission's May 2, 2022, meeting, a resident asked if FP&L would allow solar-powered decorations on its poles. City staff forwarded this request to FP&L. No response has been received from the company.