



## MINUTES

### 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

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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.

Vice Mayor Rumrell attended virtually via Zoom. Mayor Samora advised that, for the record, Vice Mayor Rumrell will be able to participate in voting.

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, and Public Works Director Bill Tredik.

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

IV. APPROVAL OF MINUTES OF THE SPECIAL COMMISSION MEETING ON APRIL 19, 2022, AND THE REGULAR COMMISSION MEETING ON MAY 2, 2022

**Motion:** To approve the minutes of the special Commission meeting on April 19, 2022, and the regular Commission meeting on May 2, 2022. **Moved by** Commissioner England, **Seconded by** Commissioner George. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised of one addition and noted the handout from the Public Works Director that was also emailed to the Commissioners. Mayor Samora advised that it would be added under New Business as Item #13.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

None.

VII. PRESENTATIONS

- A. Sons of the American Revolution Law Enforcement Commendation Award for 2022 to Police Corporal Bruce Cline

Mr. Paul Sapp, Public Service & Heroism Chairman, Sons of the American Revolution, described that the award is presented to those who have served with distinction and devotion in the field of law enforcement. Corporal Cline is awarded the medal in recognition for his leadership, professional skill, and excellence of character.

Chief Carswell recognized Corporal Cline's amazing police work, volunteer work, and for being a great representation of the police department.

Mayor Samora thanked Corporal Cline on behalf of the City for being an upstanding example.

B. Interview of Mr. Edward Edmonds for Appointment as a Regular Member to the Sustainability and Environmental Planning Advisory Committee

Mr. Edward Edmonds, 28 Lee Drive, St. Augustine Beach, FL, stated that he grew up in Africa and then attended Ohio State University with a degree in finance/marketing. He then obtained a law degree while in London where he worked for many years in the financial services industry and moved back to the US in 2019 settling in St. Augustine Beach, which is where his wife is from. He would like to ensure that St. Augustine Beach stays the pristine paradise that he fell in love with and that volunteering for SEPAC would be a way to represent his community.

Commissioner England asked Mr. Edmonds what his primary interest is in SEPAC. Mr. Edmonds said that it would probably be the beautification projects. He said that he attended a SEPAC meeting regarding Mickler Boulevard and that is how he found out about the opening. He said that he would be open to a wide array of things and that he has the skills from working as an attorney as well as the financial technology industry and could bring a fresh set of eyes to the Committee.

Commissioner England advised that the Commission has discussed improving some of the parkettes with native flowers, etc. and would appreciate his interest in these projects. Mr. Edmonds said that part of the project was to make St. Augustine Beach a Monarch butterfly city and he is very interested in that and keeping St. Augustine Beach beautiful. Commissioner England thanked him for applying.

Commissioner George thanked Mr. Edmonds for applying and commended his credentials.

**Motion:** To approve Mr. Edward Edmonds as a regular member to the Sustainability and Environmental Planning Advisory Committee. **Moved by** Commissioner George, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor Samora welcomed Mr. Edmonds to SEPAC. Commissioner George asked Mr. Edmonds to get with the City Manager and the City Attorney regarding the Sunshine Law and said that the Commissioners are here to support SEPAC.

Mayor Samora moved on to Item VIII. He advised the public that they would have 3 minutes to speak on items that are not on the agenda, to state their name/address for the record, and to please fill out a speaker card.

VIII. PUBLIC COMMENTS

Michael English, 115 F Street, St. Augustine Beach, FL, spoke at the last Commission meeting regarding the 100 medium-density vacation rentals; the possibility of getting a permit is very unlikely; it should be studied and evaluated again and increased up to 200 in medium-density; there is a black market going on and old permits are transferring to other properties; it deserves more consideration, should be on a future agenda, with a study done for recommendation to the Commission; provided a handout [Exhibit A].

Mayor Samora asked for any further Public Comments. Being none, he moved on to Item IX.

## IX. COMMISSIONER COMMENTS

Vice Mayor Rumrell advised that the City was funded again from Tallahassee for flooding projects, and he thanked Mr. Kevin Sweeny and Commissioner Sweeny for fighting hard for the City along with the North Florida Delegation. He received an update from Greg Coldwell regarding the crosswalk lights, the LED lights have been ordered, and the design is underway for the raised crosswalk at the Pier. The lights should be up at 11<sup>th</sup> & 16<sup>th</sup> Street within 45-60 days with the raised crosswalk close to that schedule.

Mayor Samora advised that there is an opening on the Tourist Development Council (TDC) because a current member has termed out, which will be done at their next meeting.

Mayor Samora asked for any other Commissioner comments. Being none, he moved on to Item X.1 and asked Finance Director Douylliez for her presentation.

## 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)

Finance Director Douylliez advised that from past discussions, this is simply a billing methodology change for condo/townhome owners. A notice was mailed out the first week in May and it was advertised in the newspaper. She said that it will allow payments to be made via annual non-ad valorem tax versus mailing monthly invoices to each homeowner or association. She said that she has received a lot of comments from the Homeowners' Associations (HOAs), and they have indicated that it will be easier for them. The fee remains the same as regular residential for trash/recycling services. She advised that the agreement with the Tax Collector will not change because it is not establishing a separate billing non-ad valorem cycle, it will roll into the regular residential. She requested to approve the resolution to make that change.

Mayor Samora asked if the net effect would be zero. Finance Director Douylliez said yes.

Mayor Samora said he spoke to some people who said they were billed through their HOA. Finance Director Douylliez advised that there were some small condos complexes that were billed individually.

Commissioner George asked if the condo/townhome owners were being billed the same amount. Finance Director Douylliez advised yes. Commissioner George said now the City is paying the County a 2% fee. Finance Director Douylliez yes. Commissioner George said that in reality there is a net impact of 2% or is it offset by staff time. Finance Director Douylliez said that it is offset by staff time. Commissioner George asked what the total amount is. Finance Director Douylliez advised that there were roughly 220 notifications mailed out, X \$315 and 2% of that. She said that it includes staff time, paper products, postage, etc., so there is an offset. Commissioner George said approximately \$60,000 total, or \$1,200 which is a significant offset from staff time, cost, and expenses.

Commissioner England said that one of the things the City did when it revised the solid waste collection was to "right-size" the customers and she asked if the condo buildings are collected from one place or multiple places. Finance Director Douylliez advised multiple places. She said Makarios is labeled as a townhome community therefore the City picks up from each individual home, and they were not charged any more or less. Commissioner England said that the ordinance said that if there were more than six units, then they were encouraged to have a private pickup, and now you say that the City goes individually. Finance Director Douylliez said that the City always had and continued that service to the few that were unable to obtain the private services.

She said that she spoke with the haulers, and they were unwilling to come into the City and pickup from residential homes because it is not cost effective for them and certain condos do not have room for and/or want an un-aesthetically pleasing dumpster, so the City made the allowance for them to keep City services. Commissioner England said that the purpose to revise the ordinance and right-size the customer was to reduce the City and resident's cost. She asked when the City's cost for picking up solid waste would be recalculated. Finance Director Douylliez advised that she could begin looking, figure out what the tonnage is, and do an analysis for budget season in August.

Mayor Samora asked if there would there be another opportunity to set the non-ad valorem this year after the cost recalculation. Finance Director Douylliez advised that the City set the pricing as a range, and it can be changed as late as August and then certify the tax roll in September. Mayor Samora said that it is important to get the information prior to that to be able to make any adjustments needed. He asked if the City was at the top of the range. Finance Director Douylliez advised that it is not at the top of the range, it is at \$315 with \$330 being the maximum.

Commissioner Sweeny asked if the collections pay for the cost or is it subsidizing the pickup. Finance Director Douylliez said that as of last August when it went to \$315, the full cost was being passed on to the residents. She said that an analysis has not been done yet for this year and with rising fuel cost, the economy, etc., it may not benefit to reduce it any.

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

**Motion:** To approve Resolution 22-03. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item X.2 and asked Director Tredik for his presentation.

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)

Public Works Director Tredik provided background information and advised that the City is a Phase II Municipal Separate Storm Sewer System (MS4), which operates under a National Pollutant Discharge and Elimination System (NPDES) that was created in 1972 with the Clean Water Act. He said that part of the City's permit as an MS4, is that there must be a minimum of 6 control measures, which he read from Page 1 of the material provided in the Agenda Books. He advised that #3, Illicit discharge, is any discharge to an MS4 that is not composed entirely of stormwater except for what is allowable in the code. He read that part from the City's Land Development Code (LDC) and advised that illicit discharge is something that must be detected and to try to remove it from the receiving water bodies. He read the examples of illicit discharge from Page 1 of the provided Agenda Book material. He said that some locations have shell/unpaved parking lots that are washing into the roadways as well as eroded soils which clog the sewers. He advised that the City contracted recently with the City of St. Augustine to sweep the Boulevard and that it is currently sweeping up 2-3 cubic yards of sand/soil per month. The City's LDCs currently list erosion resistant materials, such as compacted shell/coquina and lime rock which are actually vulnerable to erosion and can potentially cause pollution downstream. He advised that the first reading recommended to the Comprehensive Planning and Zoning Board (CPZB) to change some of the erosion resistant items from the list, which he read from the LDC. He is recommending five erosion resistant materials, which he read from Page 2 of the provided Agenda Book information. He said this was originally conceived to try to stop the sedimentation buildup on A1A Beach Boulevard, but the CPZB asked to remove the reference to the Boulevard and use a standard across the City. He showed a PowerPoint presentation from Section 6.03.07, Surfacing of Parking Areas, and he read Section 6.03.07.B regarding off-street parking areas. He

advised that if the ordinance is approved, that he would reach out to those properties that have parking areas made from shell/limestone, would work with them to find a way to reduce or eliminate runoff, and would not immediately require paving. He said that each site would be a little different, such as some might need a sediment trap. He advised that the next section would need further discussion because he set it at 10% and it might need to be adjusted higher because the goal is to bring all buildings into compliance. It is important to have something in place to trigger bringing it up to code and if not, they still have to meet Section 6.03.07.B to have erosion measures in place. He said one other change recommended is to Section 6.03.07.G in that the City would notice those nonconforming structures within thirty calendar days subject to paragraphs B and C and that if there happens to be one that is not caught in the first survey, it does not alleviate them of the obligation to meet the code.

Vice Mayor Rumrell asked if someone is not in compliance would it become a Code Enforcement issue. Director Tredik said yes that it probably would become a Code Enforcement issue and that he would inform them of the noncompliant system. Vice Mayor Rumrell suggested for that to be added to the ordinance.

Mayor Samora asked what the Code Enforcement mechanism is for enforcement. Building Official Law said that if an owner refuses compliance after many attempts by the Public Works Department that he would give possibly six months to one year for implementation. Code Enforcement would only be sent out after certified, hand delivered, and postal service letters and then it would become a Code Enforcement case and would be given thirty days for compliance. He said that material shortages/supply issues would be taken into consideration and would be enforced by the Code Enforcement Officer.

Mayor Samora asked what the teeth behind Code Enforcement are. Building Official Law advised that the Code Enforcement Board has the ability to levy a fine not to exceed \$250 a day and relies heavily on the City Attorney to help them through it. We have had several properties fined over the years for other reasons, most have come to a reasonable solution, and have come into compliance. He said that the Board's only mechanism is to levy a fine and then they can discuss a reduction of the fine upon completion of the project. City Attorney McCrea said usually it would be negotiated down when they come into compliance and if worse comes to worse the Board could issue a lien against the property and attach all the fines up to that point.

Mayor Samora asked if the enforcement side should be specifically referenced in this ordinance somewhere. City Attorney McCrea said that he feels like it should be. Commissioner George said that she believes that it is already built into the Code but there is no harm in adding the extra language. City Attorney McCrea concurred with Commissioner George. Director Tredik agreed and said that his goal is not to fine people.

Commissioner Sweeny asked how many properties are currently out of compliance. Director Tredik said that he did not have a number, but he knows of a few properties along the Boulevard that have issues. He said that if this ordinance is approved that he would have an inventory.

Commissioner Sweeny questioned whether the materials would be available within six months. Director Tredik said that he did not believe that it would take six months for those types of materials. He said that he would work with the property owners because the goal is to try to reduce the amount of sand.

Commissioner Sweeny asked how the City determines the property value. Director Tredik said that he would use the assessed value of the land and that the 10% may be low. Commissioner Sweeny asked if the assessed value was on the structure, or if it included the land as well, because that would change the 10% significantly. Director Tredik advised that he would ask for guidance from the Commission.

Mayor Samora asked Building Official Law for his comments. Building Official Law said that in the event of a natural disaster, he would evaluate buildings using the FEMA Substantial Estimator Program that provides three methods to determine only the house value because the property is still there: 1. Default to use the Property Appraiser valuation which breaks apart the structure value and the land value; 2. Accept a private appraisal; 3. Use the City's fee schedule. He recommended considering the entire valuation of the land and the building.

Commissioner George said that it is currently not defined in the Code anywhere. Building Official Law said that the new Flood Ordinance is a stand-alone document which uses fair market value and got away from using an outdated system that undervalued the buildings.

Director Tredik agreed that it makes sense to use the entire value. He said that if it is undeveloped, it would not trigger that paragraph until it is developed and if it is a new build, it would be done to the current code anyway. He said that sometimes the parking lot is the problem and not the building.

Vice Mayor Rumrell asked how much City owned property would be affected. Director Tredik advised that City owned property would still be affected if there is building improvement done that triggers the 10%, or whatever the percentage is, and would still be required to reduce the runoff. He advised that there might be some City parking lots that are not compliant right now.

Mayor Samora asked if the City owned lot at the corner of A Street and A1A Beach Boulevard, which is currently not improved, would only have six months to comply. Director Tredik said yes, six months to bring it into some sedimentation erosion control plan which could be just an apron. He said that the problem with that location is that cars track sand into the road, but it is a parking lot that the City is planning to pave which will solve the problem. He said that if the Commission feels that the six month time frame is inadequate that it could be extended. He said that his long-term goal is to solve the problem and the time frames could always be adjusted.

Commissioner England asked what brought this to the City's attention. Director Tredik advised that the City has had issues with sand in the right-of-way for a while and now he knows the actual volume that is being swept up. Commissioner England asked if he had any information about how much is going into the storm system from the residential areas. Director Tredik said that he did not think it is as high for residential areas especially for newly built houses because they are careful to enforce the sill fence requirements, etc. He said that there are a few curbs and gutters that are more vulnerable to clogging. Commissioner England asked if he felt that he could identify all the affected properties within thirty days. Director Tredik said yes. Commissioner England said that there is a timeline from the date the ordinance is signed to six months for properties to come into compliance. She said that if a temporary fix is used, then there needs to be a deadline that it would need to come into full compliance. Director Tredik said that it would not be temporary. He said that if there was a property where no improvement is being done and they just have a problem with sand washing into the street, then he would work with them to put something in place to catch the sand. Commissioner England said she did not see anything in the ordinance that allowed for doing that as opposed to changing the material. Director Tredik read Section 6.03.07.B and advised that it would allow for it. Commissioner England said that if the materials are not changed then the City would need to make sure that whatever is used is being maintained. Director Tredik agreed that they would be inspected. Commissioner England suggested that after the six month period from any improvements, that the City should be very specific on property value and use the term "assessed value" or "fair market value". She said to be very consistent with how the City applies the ordinance to everyone. Director Tredik advised that he has the capability of doing it and guessed that there is about a dozen or more properties that are the issue. Commissioner England said that since this is an environmental issue, that in addition to fines, there should be a way for the City to be able to do the permanent erosion control work and

present the bill to the owner or assess a lien against the property for the cost incurred to the City. Director Tredik advised that he would have to consult with the City Attorney because he has concerns about the City working on private property. He said that the goal is not to fine people, but it does trigger action and maybe a contractor could do the work and the owner would have to pay for it.

Commissioner George asked if this was the last reading. Director Tredik advised that there would be another reading after this. Commissioner George advised that she is extremely concerned about unintended consequences. She said that it seems like a trade-off of the concern for sediment runoff and sacrificing permeability. She asked how to determine if the sand in the street is from runoff and was not blown there. She said this is for everybody and she knows of a lot of houses that only have gravel. She would like to see the expert data on the materials to convince her that this has a higher negative impact on the stormwater system than it does the beneficial impact of allowing the rain to percolate back into the aquifer on site. She asked how a property owner would ever prove that their ten year old paved driveway meets the new base requirements, especially if there is a possibility of selective enforcement. She said that if this ordinance, or a version of it passes, there needs to be a mechanism to grandfather property owners. Director Tredik advised that they are grandfathered in as non-conforming structures and the ordinance is designed so that new construction is built to the requirements.

Commissioner George has concerns of how to prove which properties are leeching sediment. She liked the original idea of it being for the Boulevard but would still want more clarification on some of the issues such as the substrate, which is a major concern. Director Tredik said he understands those concerns and said that something could probably be written into that paragraph to make that existing portion of impervious surface area be allowed to be nonconforming and the area subject to erosion would need to be remedied. He said that he would consult the City Attorney for the wording.

Commissioner George asked what is so wrong with having a sand/dirt parking area because the County has the Pope Road lot and there is also Ron Parker Park and Ocean Hammock Park along with a lot of homeowners who only have parking in the right-of-way which is mostly gravel. She said that the ordinance says that gravel is only an option for secondary, overflow parking and it is not clear what adjacent means. Director Tredik said that it would be directly abutting. Commissioner George said that many lots have skinny driveways and to maintain their impervious surface ratios they have a gravel parking area immediately adjacent that is eight feet from their front door. She does not want to lose the benefits of pervious surface options for property owners and for environmental concerns. Director Tredik advised that he would be comfortable going back to focusing on the Boulevard which is where the worst of the problem is, and any residential issues could be addressed separate from this. He asked for direction from the Commission.

Commissioner George asked for greater specificity from Exhibit A, Paragraph B, regarding the permanent sedimentation and erosion control measures as being those that are "approved by the Public Works Department" to specify what those control options would be. Director Tredik said that he left it vague so that he would be able to work with the owners without having a strict list of guidelines to follow because the goal is to keep the sediment out of the street. He said that if what is propose works, then Public Works would approve it.

Commissioner George said that it is always dicey when discretionary decision making is given to an individual staff member regarding development, but it happens all the time. She said that when writing an ordinance, you should consider potential conflicts, such as if one owner is being asked to do more than their neighbor. Building Official Law advised that there is a process in place where the Building Official's decision can be appealed which would go to the Comprehensive Planning and Zoning Board (CPZB) under the Adjustment and Appeals Board and it would be considered

the same mechanism for an appeal of another Director. He said it would go before the CPZB to weigh the Code before launching any Code Enforcement measures.

Director Tredik advised that you would need to have the first approval and if the City wants to have maximum flexibility, that someone needs to make that initial decision. He said that he could make sure that the appeal process is referenced in ordinance.

Commissioner George said that she agrees that 10% seems a little low but it all comes down to definition. Director Tredik advised that if the Commission wants a new number that it could be changed for the next reading.

Commissioner George asked if there has been any notice to businesses yet about the draft ordinance. City Manager Royle advised that no notice has been done.

Commissioner England said that she had concerns whether the Commissioners would be ready to do a third and final reading next month. She suggested to get an idea of how many properties are affected and it is a lot of work for Director Tredik to inventory the properties and get something in place within six months.

Commissioner George said that she appreciates Director Tredik trying to improve things for the City, but she still has concerns for the unintended consequences. She asked if there was anything that was at immediate risk with this designation for illicit discharge. Director Tredik advised that he did not think so but that the current code allows for them to use shell and lime rock, which is an issue. He would prefer to at least be able to move forward with eliminating the shell and limestone and be able to enforce crushed granite instead which would mean a change to the definition of what is considered "erosion resistant".

Mayor Samora asked Director Tredik to bring it back next month. He said that about half of his concerns were already covered by the other Commissioners. He said that he has other concerns and would not be ready to move forward until they identify how many properties would be affected. He advised that he drove around and found that there are residential driveways affected, so the unintended consequences are real for such a broad scope ordinance. He asked for a head count of how many properties are going to be affected and that if the problem is mostly along the Boulevard, to identify those properties and work with them or to have a more targeted ordinance. He said that permanent erosion control measures could be site specific and may need a design process such as the A Street parking lot which cost the City \$45,000 for the design alone. Director Tredik advised that he did not think that design would be needed in most cases and would be basic changes to catch sediments. He said that design would be necessary if there is an addition to a building with major changes or building a new parking lot which would trigger Water Management District thresholds. He said that putting in a device to catch sediment would not require Water Management District permitting.

Mayor Samora said that he has concerns for the material costs with 6 to 12 inches of crushed granite, etc.

Commissioner George asked if there is a way to fabricate the draft and proceed with a definition regarding the crushed stone, eliminate the limestone, and keep working on the other section of the draft or would it need to restart the public notice. City Attorney McCrea said it would restart the notice because you are now having a completely different ordinance. He said that based on everything that has been said, he would need clarification whether the ordinance should be tailored for the entire City or the Boulevard.

Mayor Samora said that it should be tailored where the issues are, it did not seem to be coming from the residential neighborhoods and that the Commission needs more definition where the problem areas are. Commissioner George said that maybe it is more commercial. Director Tredik



said that he likes the idea of focusing on the Boulevard and that it would never be at 100% and that is why he left the "approval clause" in the ordinance to get it the best it can be. He said that the City is required to do this and to capture illicit discharges. He suggested starting with a certain area and try to solve each problem area one by one.

Mayor Samora said to start with an inventory of the problem areas and how many properties are affected.

Commissioner Sweeny asked if it would need to be two separate ordinances because the changes to the impervious materials should be across the board and then to focus on the illicit discharge on the Boulevard. Director Tredik advised that he would have to consult with the City Attorney because he did not want to create a bunch of non-conforming entities and that they were done together to bring things that are non-conforming into conformance or to grandfather them in. He said that changing the definition would just create new non-conforming without addressing how to deal with them.

City Attorney McCrea advised that it would help to first identify the problem areas then discussion on the subject would be clearer. Commissioner George suggested a quick fix for any new development would be a simple ordinance specific to new developments and the Commission could continue to work on the rest of it.

Commissioner England suggested to take a hard look at what is required for new construction so that they do not have to change it to be in compliance in six months. Director Tredik suggested possibly changing the erosion resistant materials as of the date of this ordinance, that anything after would require the new materials, and change the ordinance in the future to have a pathway for conformance down the road.

City Attorney McCrea said that going forward this ordinance would kick in but if a property owner has done something up to the date that the ordinance passes, then they are exempt. Director Tredik agreed and said something for new construction to use the crushed granite instead of the limestone. City Attorney McCrea said that would be easy to state in an ordinance and a safety valve for people who are already engaged in construction.

Vice Mayor Rumrell said that he would not want this to apply to the restaurants that have dirt parking lots because it would probably change their parking requirements for seating. Building Official Law agreed. He said that dirt parking lots are not required to be striped, but once they are paved, they have to follow the Code and be nine feet wide, twenty feet deep, and have a handicapped parking space which is even wider. He would recommend at the next available CPZB meeting to propose a change to the erosion-resistant materials definition to eliminate lime rock and potentially require an apron. He said that in 2018 they removed the requirement for a paved driveway which had some unintended consequences where people have had to justify the parking requirements based on the bedrooms of the house. The intent was to limit the amount of hardscape in a yard. He recommended not only to change the definition but to have a separate ordinance to eliminate the lime rock and then whatever other recommendations the Public Works Director has for erosion-resistant materials and that the City should be requiring a five foot apron in the right-of-way which protects the edge of the asphalt. He said that overall, you would lose parking spots and it has been discussed with Jack's BBQ.

Director Tredik advised that this ordinance would only be triggered if there are major site improvements made and, at some point, there has to be a threshold to bring a property into current code compliance. He said that the City needs the ability down the road to have rebuilt sites meet current code.

Commissioner George said that if it was just to require an apron and to remove limestone that she would not have a problem with the six month or 10%. She would not want to restrict the use

of the property by the government. She said ironically the Commission will be looking to include the private property rights of owners as a new element in the Comprehensive Plan.

Mayor Samora opened Public Comments. Being none, he closed Public Comments.

Mayor Samora asked the City Attorney what the Commission's options are for the ordinance. City Attorney McCrea advised that procedurally, it is not ready for a vote, and he advised to instruct the City Attorney and Director Tredik to research the suggestions, questions, comments, and concerns and prepare a series of ordinances or revisit this ordinance and resubmit.

Mayor Samora asked if Director Tredik felt he had clear direction to move forward. Director Tredik said that this is going to be a process and if it goes back to CPZB, we can resolve some of the pressing issues. He asked if there is a general consensus to focus on the Boulevard first because he would like to not have to go back to CPZB again.

Commissioner Sweeny said that if Director Tredik feels confident that the results of his survey of the problem areas will be focused on the Boulevard.

Director Tredik advised that he had enough information to move forward and take it back to the CPZB.

Mayor Samora moved on to Item X.3 and asked Building Official Law for his report.

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)

Building Official Law advised that this was presented by the SEPAC members two months ago and the CPZB saw fit to push it into an ordinance format and approved it 6-0 as written. This is the second reading and the City Manager asked that a simple definition be included.

Commissioner England said that Mickler Boulevard is one of the main pedestrian/bike pathways and has concerns putting pollinator boxes there.

Building Official Law said that when this started the Planning Division was concerned because they read the minutes and saw "bee boxes". **[SEPAC Vice Chair, Sandra Krempasky, showed an example pollinator box to the Commission [Exhibit B]].** Building Official Law said that his recommendation was that when the landscaping development of Mickler Boulevard occurs that it would come before the Commission because they would be using City funds and at that point SEPAC should indicate on the development plan where the pollinator boxes will be going. He advised to keep in mind that this Code change is for the entire City and the Commission could just approve the pollinator boxes with the development of the landscaping. If it passes as written, there could be unforeseeable consequences. For instance, there are 72 lots in the Ridge and there could wind up being 72 bee boxes that are not for the production of honey. He believed there is some merit to this code change and his department researched the surrounding jurisdictions. St. Johns County prohibits the raising of bees anywhere but agricultural zoned areas and the City of St. Augustine does not address it at all.

Commissioner England asked who would approve the placement of a pollinator box on City or public property. She has concerns for public walkways having tons of bees around. Building Official Law advised that when the development of the landscape occurs that it would be a Public Works, SEPAC, and Commission issue because most likely City funds would be used or possibly the grant that SEPAC applied for. Vice Chair Krempasky replied from audience that SEPAC did not receive the grant. Building Official Law advised that the Tree and Landscape Fund is available which would require a recommendation from the Public Works Director and final approval by the Commission.

Commissioner England advise that she does not have a problem with the change, but how it is implemented with the walkways, etc. Building Official Law advised that if there is development of

City property using City funds, the Commission would have the final decision and that he would recommend it with the placement of the pollinator boxes.

Commissioner George said that she is fine with the language but wondered if it would be simpler to just make the City as an exception from the ordinance. Building Official Law advised that he has an issue with any government being an exception to their own rules and that government should be held to a higher standard.

Commissioner Sweeny asked why the City restricts raising of bees. Building Official Law advised because it could allow bee farms for the production of honey, which is an agricultural concept, but that the City does have to recognize the need for bees. Commissioner Sweeny said that there is a bee crisis and if this change can help, then she is fine with it.

Mayor Samora opened Public Comments. Being none, he closed Public Comments and asked the City Attorney to read the preamble. City Attorney McCrea read the preamble.

**Motion:** To approve Ordinance 22-06. **Moved by** Commissioner George, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora moved on to Item X.4 and asked Building Official Law for his presentation.

4. Ordinance 22-07, First Reading, to Amend the Comprehensive Plan to Adopt the Private Property Rights Element (Presenter: Brian Law, Building Official)

Building Official Law advised that the City redid its Comprehensive Plan several years with Fleet and Associates and he has been in contact with Ms. Janice Fleet for guidance. He said that this is probably the first time the City has ever amended its own Comprehensive Plan. He advised that last year there was a change that required governments to do this but that it did not affect the City because it had already approved the Comprehensive Plan. This is bringing the City in to accordance with the State law ahead of schedule and is word for word out of the State Statutes.

Mayor Samora said that he did not see anything wrong with the amendment the way it is written, and he likes that it is being added in. Building Official Law advised that today he would need an order to transmit.

Commissioner George asked if there are limits to how frequently the City can amend the Comprehensive Plan. Building Official Law said how hard do I work the staff.

Mayor Samora opened Public Comments. Being none, he closed Public Comments and asked the City Attorney to read the preamble. City Attorney McCrea read the preamble.

**Motion:** To approve Ordinance 22-07 and to direct transmission of it. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XI.

## 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

**Motion:** To approve the Consent Agenda. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner England. Motion passed unanimously.

Mayor Samora asked if there should be Public Comment on Consent agenda items. City Attorney McCrea said that he did not think so and he asked City Manager Royle. City Manager Royle advised no. Commissioner George advised that she did not have any request to speak.

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

## **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)

Public Works Director Tredik showed a PowerPoint presentation regarding the donation of parcels of land for conservation [Exhibit C]. He read the background information from the PowerPoint and said that there is now a notice to proceed on the paving for this Wednesday and should start the project in June and complete it by the end of this calendar year. He said that there were 16 originally platted lots, and it was the owners' desire to place 3 lots into conservation and dedicate them to the City. He advised that the assessment proceeded, and everyone was taxed because the donation had not happened yet. They are asking for reimbursement because it was the understanding that they would not have to pay the non-ad valorem assessment and the City would request reimbursement from the tax collector. He proceeded with the PowerPoint presentation and showed the background information regarding conservation easements and land trusts as well as an aerial photo of where the three lots are located on the north side of 2<sup>nd</sup> Street, west of 2<sup>nd</sup> Avenue, and adjacent to the bike path. He advised that the three lots have many large oaks and that is probably one of the reasons the owners wanted to conserve them. He continued with the PowerPoint, listed the involved parties, and said that they created an endowment so that Putnam Land Conservancy has money to enforce the terms of their easement and that several of them are here and would speak after his presentation. He continued with the PowerPoint describing the purpose and process of the conservation easement and he said that it is now at the stage in the process to donate the property to the City. He said that the easement must stay in a natural condition with a list of prohibited items and that the City would assume responsibility for the easement to include reacting to and maintaining public safety issues. He moved on to the Items for Approval portion of the PowerPoint and he said that he has looked at the site and has no concerns for accepting it "as-is". He ended his presentation with the request to approve Resolution 22-04, subject to the conditions set forth in the Real Estate Donation Agreement.

Commissioner Sweeny said that the background information about the conservation easement specifically prohibited placing utilities or other structures above the ground and asked if that would affect the undergrounding of the powerlines that are planned there. Director Tredik advised that the underground powerlines would be across the street.

Commissioner Sweeny said there was a cap set for the assessment and by removing these three properties then they would no longer be factored into that assessment and so the City would have to pick up that \$75,000. Director Tredik said that the City would pay any difference either through impact fees or ARPA funds.

Mayor Samora thanked the donors and asked if there were any who wanted to speak.

Willy The Losen, 129 E. Cowpen Lake Pt. Road, Hawthorne, FL, President, Putnam Land Conservancy, said that they are the organization that holds the conservation easement and if it is

approved, they would be partners in conservation with the City and an asset to the City. He said that it gives peace of mind knowing that in the future the area would always be a nature preserve.

City Attorney McCrea asked what is in place to check on the property. Mr. The Losen advised that typically they do an annual monitoring with a team of qualified ecologists looking for any violations of the easement, such as invasive species, and would notify the City. He provided copies of a newsletter that the Conservancy publishes annually for anyone that is interested in learning more about the Putnam Land Conservancy [Exhibit D].

Marc Craddock, 116 2<sup>nd</sup> Street, St. Augustine Beach, FL, said that this has been a long project and is a great example of a collaboration between private citizens, a non-profit, and the City that he hopes would inspire others. He thanked City Manager Royle, Director Tredik, and the City Attorney who all put a lot of work into this. He said that Director Tredik did a great job explaining things and that he did not have much more to add. He said that he lives on the other side of the bike path and that Ms. Regine de Toledo donated two properties to him and his wife so that he could take those two properties and one of his own and put them into conservation. He said that he has a visual and personal benefit and that green space, the protection of animals, and the environment are important to him. He said that Regine has no benefit plus she donated her tax deductions. He said that this is a large gift; that he probably could have made an economic benefit by selling the properties but coming together on this was better for the environment. He said that he did a lot of the legwork, but that the true hero is Regine. He thanked the Commission for considering this and that there was a lot of work and support from the City.

Regine de Toledo, 309 St. George Street, St. Augustine, FL, said that they are super excited about this process. She purchased the two lots when they were only \$10,000 each and that the most recent appraisal was approximately \$850,000. She said that when it becomes a conservation easement it drops to \$43,000. If we consider the environmental benefit, then the matrix shifts quite a lot. She said that she has lived here a long time and has seen the entire St. Johns County change over time. Everyone wants to do something, but who is going to do something. She said that the Commission is tied up with other things and this was an opportunity that came up for individuals. She said that she did not know Marc and Jill Craddock before this. When they started exploring the possibilities and thought that the best way to conserve the property was to involve a non-profit organization such as Putnam Land Conservancy. She said that the Conservancy is great, the City will not have anything to worry about, and they saw the value with this little park. She said that they cannot do it by themselves, they need the City, and she thanked the Commission for being openminded and seeing it as being valuable.

Mayor Samora thanked Ms. de Toledo for her very generous donation.

City Manager Royle said that from his perspective this all began in 1992 when Regine and Ms. Jeannie Fitzpatrick came to the Commission asking to preserve trees on that corner of 2<sup>nd</sup> Avenue, now 2<sup>nd</sup> Street, and 30 years later it is done.

Mayor Samora said that once it is done, it will be done forever. He said that it is a beautiful piece of property, and the City will be a good steward of it for future generations to be able to enjoy it.

Mayor Samora opened Public Comment. Being none, he closed Public Comment.

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

Commissioner Sweeny thanked the property owners for their generous donation and said that she talked with Mr. Craddock, and she is very excited.

Mayor Samora moved on to Item XII.8 and asked Public Works Director Tredik for his presentation.

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)

Public Works Director Tredik said that the recent online survey identified nine items and that repairing roads was the number one priority and improving beach walkovers was the number three priority. He showed a PowerPoint presentation [Exhibit E] and said that the beach walkover slide is the same one he used for his presentation to the Port and Waterway. He described the color code for the condition of each walkover and said that the red indicates that there is either no walkover or it has been buried and is not serving any purpose. He moved on and described the dune walkover benefits of storm surge resiliency, environmental protection, and pedestrian benefits. He said that on April 19<sup>th</sup>, the Commission discussed using \$600,000 from American Rescue Plan Act funds and asked the City staff to seek partners. He presented it on May 17<sup>th</sup> to the Port and Waterway and they approved \$335,000 in assistance for up to eleven walkovers between 16<sup>th</sup> and A Street. He advised that after he found eleven walkovers, he revised the estimate to \$670,000 and the Port and Waterway agreed to cover half of that new figure which represents the \$335,000. He said that he would like to start design and permitting this summer and launch into construction in Fiscal Year 2023. He advised that the current budget has \$250,000 budgeted for paving and he expects to start paving this summer from 6<sup>th</sup> to 9<sup>th</sup> Streets east of the Boulevard, Atlantic Alley, Mickler Boulevard between 11<sup>th</sup> to 16<sup>th</sup> Streets, which has been delayed due to a County project, and North Trident Place. He advised that he is proposing additional paving for FY 2022 for 1<sup>st</sup> Lane to 5<sup>th</sup> Street all east of the Boulevard for an estimated \$200,000. He said that he is requesting tonight to approve the following: to allocate \$335,000 of ARPA funds to design, permit, and construct up eleven dune walkovers; to approve Budget Resolution 22-07 for \$67,000 of ARPA funds for FY 2022 budget for dune walkover design and permitting; to approve Budget Resolution 22-08 to bring \$200,000 of ARPA funds into the FY 2022 budget for the additional paving.

Vice Mayor Rumrell said that it was talked about in past Commission meetings to try to make 16<sup>th</sup> Street a drivable ramp for emergency access and asked if it could still be considered. Director Tredik advised that the plan is to make it an eight foot wide path with a stronger standard so that police all-terrain vehicles can access it. He said that there used to be an access at 3<sup>rd</sup> Street which the Police Department said that they no longer need for vehicles and that it would be made into a standard walkway.

Commissioner Sweeny thanked Director Tredik for seeking funds for the beach walkovers.

Mayor Samora commended Director Tredik for a great job finding grants and other funding. He said that the budget resolutions are in line with what the Commission has talked about for the use of the ARPA funds.

**Motion:** To approve Budget Resolutions 22-07 and 22-08. **Moved by Mayor Samora, Seconded by Commissioner England.** Motion passed unanimously.

Mayor Samora asked if the paving would start in the summer. Director Tredik said that he is trying to expedite it, but scheduling has been challenging and he thinks it might be by August.

Mayor Samora moved on to Item XII.9 and asked Director Tredik for his presentation.

9. Undergrounding of Power Lines Along A1A Beach Boulevard: Review of Costs and Options for Funding (Presenter: Bill Tredik, Public Works Director)

Director Tredik said that the City Manager had previously asked the Commission for topics that it would want to put on the ballot and that there are several attachments that are in the agenda books for the Commission to review. He found cost information and it reinforces that it is

expensive to do the undergrounding, such as the case with St. Pete Beach at around \$2.922 million which converts to about \$3.6 in today's dollars. He said that using these estimates it would be around \$5 million to do from Pope Road to F Street which does not consider the cost of the FPL poles for street lighting. He said there was discussion whether this item should be on a referendum, and it is staff's recommendation that the Commission should not ask the voters to approve the millage to pay the cost to underground utilities. He said that if the County voters approve the one cent sales tax, then it could be dedicated for a portion of the undergrounding project, and it would spare the City property owners from having to pay another millage levy before the current millage for the land purchase expires in 2029.

Mayor Samora advised that this came up again because the Commission had to decide whether it wanted to put this on the ballot as a referendum and that other prior Commissions have expressed interest in undergrounding utilities. He said that this is some of the first "real" information that this Commission has seen. He advised that the Commission needs to decide whether it wants to put this as a referendum on the ballot, to consider the staff recommendation to use ARPA funds to hire a consultant, and whether to have a workshop with FPL in August.

Vice Mayor Rumrell advised that looking at those high numbers reiterates how expensive it is. He said that long-term it is something that the City should look at, but in the short-term he does not believe the City would be able to budget it for quite some time unless there is FEMA money or other monies available. He said that with Director Tredik's example of the power lines, the streetlights, etc., that there is a lot more to it. He said that the Commission can continue to discuss it now that it has some hard numbers, but that it would be difficult to move forward on anything without some substantial help.

Commissioner George said that she was very vocal about not dropping it and she is grateful to staff for bringing all the information. She said that she has considered all the pros and cons and that she is now onboard with waiting and to not request it on the ballot. Realistically it would have to be flushed out more to put something on the ballot, but this is a good starting point, and she encouraged the Commission to continue considering moving forward. She loved the idea that if the sales tax passes, then the City should commit those funds for a period of time and use the ARPA funds to hire a consultant and start the legwork because it is a seven year project. She said that a great partner for communities that are undergrounding has been Jacksonville Electric Authority (JEA) and the City would be dealing with Florida Power and Light (FPL). She said that Atlantic Beach is currently looking at this same proposal and they hosted a workshop with their community in March, she has had correspondence with the Atlantic Beach Mayor, and that they would be talking again this week. She said that Ortega Point in Jacksonville was just completed in January 2022 and in 2017, Scenic Jacksonville, proposed a 30 year project to underground thousands of miles with approximately 3% linear miles every year. The Jacksonville Commission has been pretty consistent making that transition happen and the City has a lot of other communities to look to. She said that JEA has a close relationship with the Jacksonville Commission which is different from what the City has with FPL and the City needs to express the interest and have the money. She said that she supports staff's recommendation for now and encouraged the Commission to keep it on the near horizon. She said that if the sales tax does not pass, then the Commission would need to consider whether it still wants to use ARPA funds and whether to make it a referendum item for 2024 because it would take a year or two to obtain the data for referendum purposes.

Commissioner Sweeny said that she echoed other comments that have been made and that she supports staff's recommendation not to put it on the ballot. She said that in lieu of waiting to see if the sales tax gets approved, she would support at least moving forward with a workshop with FPL to gather more information to help determine whether to move forward with a consultant.

She thanked staff for gathering all the information and said that it has been very helpful for the Commission.

Commissioner England said that she would also agree not to put it on the ballot this year. She advised that she would like to instruct staff to bring it back the first quarter of 2023 to see if there is any new information and to keep it rolling every six months.

Commissioner George said that it is an easy default to say that underground utilities are going to mean longer outages because they are hard to get to. She said that the research that she has done shows that there are fewer outages. She said that Jacksonville is doing a targeted look at where and why outages are happening and that certain types of outages are more suitable for being underground. She said that this type of hard data would be worth getting.

Mayor Samora said that he is getting a clear consensus to not do the referendum and he asked whether or not to move forward with a consultant and/or a workshop. City Attorney McCrea recommend having the FPL workshop first because there is a Florida Statute, the Public Utilities Storm Protection Plan, and that FPL implements some of the undergrounding and they add it to the monthly fees. He said that he would be interested to hear what they can and cannot contribute before hiring a consultant.

Commissioner Sweeny agreed and said that she would like to have the workshop first.

It was the consensus of the Commission to have City Manager Royle contact FPL to schedule the workshop meeting and to postpone the consultant until after the workshop.

Mayor Samora moved on to Item XII.10 and asked City Manager Royle for his presentation.

10. Hammock Dunes Park: Review of a Request for Qualifications for Park Plan Consultant (Presenter: Max Royle, City Manager)

City Manager Royle advised that he received an email from a resident who suggested to not do anything with Hammock Dunes Park which is something the Commission may want to seriously consider. He advised that it is a small Park with only 6.1 acres and Ocean Hammock Park is right across the street that is currently being improved and has public access. He said that if the Commission decides to develop Hammock Dunes Park for public use that it is not conducive to having active recreation, such as a playground, but rather for walking and enjoying nature. Because of its uniqueness he had suggested at the last meeting to consider a consultant to provide the best expert advice and to encourage the consultant to keep it a walking trail environment. He said that the Park would not have picnic tables and possibly no restrooms since there are restrooms across the street. He would want the park planner to address access to the Park from both the State highway and the Boulevard. He asked whether the Commission would want to move forward with advertising for a Request for Qualifications (RFQ).

Mayor Samora said that City Manager Royle did a good job capturing what the Commission was looking for in the RFQ.

Vice Mayor Rumrell suggested to discuss it with the County Park Planner first to see if they may be able help. City Manager Royle advised that he would contact the County.

Commissioner George said that the RFQ would give the City an idea of how much the cost would be.

Commissioner Sweeny asked the planner would meet with the residents to ask for their input. City Manager Royle said yes that there would be one or two public meetings.



Mayor Samora asked if the City has any obligation from a park management plan such as that with Ocean Hammock Park. City Manager Royle said no; that this park is to remain a park with the County having first right of refusal.

Mayor Samora asked if the Commission was interested in doing the RFQ.

Commissioner Sweeny said that she would be interested to see the responses especially after hearing some resident requests to do nothing with the Park. She said that she wants to be cognizant of the wildlife and it is the most compelling argument for her. She also would like to consider providing beach access through that property.

Commissioner George agrees with Commissioner Sweeny to preserve as much as possible and maybe modest parking on the east side and giving some solidity to it for future Commissions to preserve it as well.

Commissioner England advised that a trail was part of the development of the Park in the Vision Plan, and she believes that providing access to the residents from the west side is important.

It was the consensus of the Commission for City Manager Royle to move forward with the RFQ.

Mayor Samora opened Public Comments.

Lee Geanuleas, 233 N. Forest Dune Drive, St. Augustine Beach, FL, Sea Colony Homeowners' Association Board member; has a strong interest in the Park with a design that minimizes intensity; would like to see parking just on the south side of the Park; the City's RFQ says to position walkways away from residential subdivisions on the northside; he quoted the City Manager from the City's May 2<sup>nd</sup> meeting, "the Park should have a good buffer between Whispering Oaks subdivision and the City would fence the north boundary", and he applauded the City Manager's concern for their privacy; relocating the Ocean Hammock Park boardwalk would accomplish the same privacy issue for the Sea Colony residents; there is a commitment of \$500,000 from the Sea Colony residents to help with moving the boardwalk; does not want beach access removed and wanted the Boulevard starting point to stay the same.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, he contacted Representative Cyndi Stevenson to ask to slow the speed limit on A1A South between Ace Hardware and Publix in an effort to help wildlife safely cross; keep the Park green; help with access for those residents on the west side; picks up a lot of trash in Ocean Hammock Park; disagreed with moving the Ocean Hammock Park boardwalk.

Lana Bandy, 150 Whispering Oaks Circle, St. Augustine Beach, FL, asked to leave Hammock Dunes Park as is; it is the last bit of wildlife habitat and open land in the City; she has not noticed any concerns for a connection from the residents from A1A South to the Boulevard or the boardwalk; people can access it by walking through Publix plaza; the plaza businesses probably benefit from the foot traffic; costly to build the path for just a few people; opposed to disturbing the area for parking and biking trails.

Mayor Samora closed Public Comment and asked Chief Carswell if had any safety concerns. Chief Carswell said that he does not foresee a large amount of foot traffic in the area for concern.

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

### **XIII. NEW BUSINESS**

11. Florida Municipal Insurance Trust: Request for Nominee to Board of Trustees (Presenter: Max Royle, City Manager)

The Commissioners expressed no interest at this time due to existing commitments.

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

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)

City Manager Royle advised that this is a meeting that the Commission usually holds in July because the Property Appraiser needs the tentative millage in early August.

It was the consensus of the Commission to schedule July 25, 2022, at 6:00 p.m. for the budget review meeting to set the tentative millage.

Mayor Samora moved on to Item XIII.13 and asked Public Works Director Tredik for his presentation.

13. Request for Approval for Up to Three Months of Leave without Pay for Public Works Maintenance Worker

Public Works Director Tredik advised that he has a staff member that has had some medical concerns and has not been able to work [Exhibit F]. He said that he has already granted the maximum of thirty days of unpaid leave that a manager can authorize, but the employee needs more time, and he is an employee that Public Works would like to have return to work. He is requesting an additional two months in conjunction to the thirty days that has already been approved. He advised that it would be unpaid leave, the employee would have to pay for his medical premiums, and would not accrue any vacation or sick time.

Commissioner George said that she does not have a problem supporting it.

Commissioner Sweeny asked if the Commission is to approve the three months now. Director Tredik advised that the leave through June 4<sup>th</sup> can be approved by the City Manager, which represents the first thirty days, then Commission approval is needed for the additional leave through August 4<sup>th</sup>.

**Motion:** To approve unpaid leave of absence through August 4, 2022. **Moved by** Mayor Samora, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item XIV.

#### XIV. STAFF COMMENTS

City Attorney McCrea advised that he wanted to make everyone aware of an appeal in the Florida Supreme Court regarding local governments regulating gun laws and that he would continue to monitor it.

City Clerk Fitzgerald advised that the City has hired three new Public Works employees with an uptick in applicants since the pay rate increase to \$15 per hour. She said that the City did lose another police officer and is now down two officers.

Director Tredik advised that they are closing in on the completion of the weir project with about 80% completed. The pumps are in and are expected to be installed in a few weeks. He suggested having a ribbon cutting event afterwards. He advised that the budget talks might include asking for a project coordinator to help keep up with the projects.

Mayor Samora recapped the upcoming meetings/events: CPZB is June 21<sup>st</sup> at 6:00 p.m.; City offices will be closed for July 4<sup>th</sup> holiday; and the next Commission meeting will be July 11<sup>th</sup> at 6:00 p.m.

#### XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

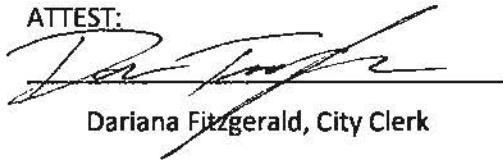
**Motion:** to adjourn. **Moved by** Commissioner George, **Seconded by** Commissioner Sweeny.  
Motion passed unanimously.

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



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk

Date: June 6, 2022

Subject: **F/U to May Proposal asking City Manager Evaluate and Propose in 60 Days the Expansion (Above 100) and Improve Administration over City Ordinance 3.09 for Vacation Rentals**

During the May meeting I spoke 3 minutes & handed out 4-page handout to read and asked the commission later to vote on having city manager evaluate and make proposals to commission within 60 days to expand (above 100) & improve administration over city ordinance 3.09 vacation (transient) rentals.

In May I reported that:

- (1) **There were eight (8) frozen on a waiting list to obtain a permit but because the oldest waiting is 4 years there is little chance for citizens to ever get a permit.**
- (2) **The city manager didn't know list is frozen at eight.**
- (3) **100 medium density residential permits seem not enough given past residential growth SA Beach.**
- (4) **There is a compelling argument that the list of 100 be expanded to 125 to 200 range. Since 2008 there has been enough growth in tourism to call for expansion. Yet just how much of an expansion needs study.**
- (5) **So, it was proposed that the commission have the city manager study this and make proposals in 60 days.**

Since then, the May list of 160 commercial and medium density properties has been examined with these first observations: (1) there are only 60 commercial properties, which seems low; (2) two individuals own 10% of medium residential permits; (3) as

Exhibit A-1  
Date 6-6-2022

of May there were actually 104 permits instead of 100 authorized by city ordinance 3.09.

**Justification still exists for commission to have city manager study and make improvement proposals back to them within 60 days.**

*Michael J. English*

**Michael J. English**

115 F Street, Saint Augustine, FL 32080

Phone: 972 523 1204

Email: m.j.english@att.net

Exhibit A-2  
Date 6-6-2022



insight  
CITIZEN SCIENCE

Use the free app to  
help identify and  
track pollinators!



PWH1-C

Nature's  
Way  
**BETTY  
GARDEN**

# Pollinator House

Increase plant health naturally!

← LEARN MORE ABOUT GENTLE HELPER BEES →

Exhibit

B

Date

6-6-2022





# CITY OF ST. AUGUSTINE BEACH

*Regular City Commission Meeting  
Monday June 6, 2022*

## *Item 7*

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

*William Tredik, P.E. Public Works Director*

1

## 2<sup>ND</sup> STREET EXTENSION TIMELINE

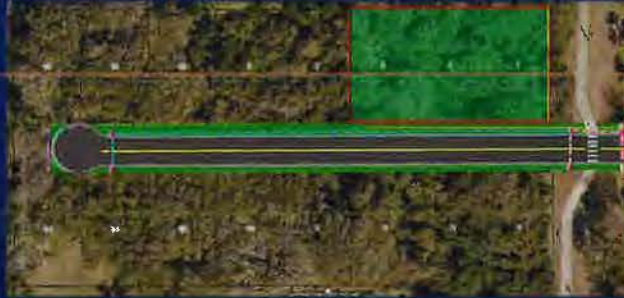
December 2020	Resolution 20-21 approved
February 2021	Design contract approved
June 2021	Special Assessment approved
February 2022	Advertise for bids
March 2022	Award construction bid
June 2022	Construction begins
December 2022	Anticipated project completion

2

Exhibit C-1  
Date 6-6-2022 1

## NON-AD VALOREM ASSESSMENT

- 16 originally platted undeveloped lots west of 2<sup>nd</sup> Avenue
- Owners desired to place 3 lots into conservation and dedicate land to the City



- Requested exemption from non-ad valorem assessment

3

## CONSERVATION EASEMENTS AND LAND TRUSTS

### Conservation Easement

- Agreement between landowner and easement holder (Land Trust)
- Limits property's uses
- Perpetual

### Land Trust

- Non-profit organizations that preserve land important to the community
- Helped protect 2.7 million acres of property nationwide
- Work in partnership with private and governmental agencies
- Monitor and enforce conservation easements

4

Exhibit C-2

Date 6-6-2022



## LOCATION OF LOTS UNDER CONSERVATION EASEMENT



5

## ADJACENT TO WALKING / BIKE PATH



6

Exhibit C-3

Date 6-6-2022

## NATURAL VEGETATION TO BE PRESERVED

Large oaks and  
habitat on property  
to be preserved



7

## INVOLVED PARTIES

Person	Involvement
Regine deToledo	Property donor Endowment donor
Marc Craddock	City resident Property donor Endowment donor
Josh Patterson	City resident Endowment donor
Willy The Losen	President, Putnam Land Conservancy

8

Exhibit C-4  
Date 6-6-2022



## PURPOSE AND PROCESS OF CONSERVATION EASEMENT

### Purpose

- Maintain natural condition
- Green infrastructure / urban greenspace
- Habitat protection
- Air/water quality improvements
- Public enjoyment

### Process

- Regine de Toledo donated lots to Craddocks
- Land appraised value \$840K
- Conservation easement negotiated and executed
- \$17K endowment established
- Donate property to City
- Recommend refund of Year 1 non-ad valorem assessment

9

## CONSERVATION EASEMENT PARAMETERS

- Property must remain in natural condition
- Prohibited items
  - Building or placement of any structure
  - Dumping, placing fill, trash or other items
  - Removal or destruction of native vegetation
  - Excavation
  - Surface uses inconsistent with easement
  - Activities detrimental to drainage, water conservation, erosion control and habitat
- City would assume responsibility for the conservation easement

10

Exhibit C-5  
Date 6-6-2022

## ITEMS FOR APPROVAL

- Resolution 22-04
  - Authorize non-ad valorem refund request to Tax Collector
  - Accept the Real Estate Donation Agreement
  - Authorize the recording of a Special Warranty Deed
- Real Estate Donation Agreement
  - Sets forth donation terms
    - Conveyance by deed; Charitable donation allowed
    - Acknowledges terms of conservation easement
  - Sets other conditions
    - City acceptance "As-Is"
    - Title requirements
    - Closing costs to be paid by City
    - Date of closing

11

## ACTIONS REQUESTED

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 set forth in the Real Estate Donation Agreement.

12

Exhibit

C-6

Date

6-6-2022



Conserving land and water for people and wildlife...one parcel at a time...

# Putnam Land Conservancy

NOVEMBER 2021

## ***Preservation of African American History***

The Historical Society of Interlachen (HSI) owns the historic Lincoln Lane School, a one-room wood-frame structure built in 1938 in western Putnam County. It was a school for African American students in grades one through eight. When the school closed in 1956, it marked the end of segregation in Putnam County.

PLC deeded a small adjacent parcel to meet the matching-funds requirement for a State of Florida grant to HSI to restore the building for public purposes.

HSI President, Carolyn Barnett, and HSI members Ernestine Smith and Carolyn Jenkins receive the deed to the donated parcel from PLC President Timothy Xcyser.



## **PLC Conservation Easement on Lake County Ranchland**

Working ranchland is now part of the PLC conservation portfolio. In 2021 PLC accepted a conservation easement on a cattle ranch owned by the Richard F. Jeppesen Trust near Howey-In-The-Hills in Lake County. The easement permanently protects 90 acres from development in rapidly growing Central Florida, while allowing continued unmanagement as a ranch.

The property has pastures, wetlands, and mixed forests, as well as barns and improvements for the ranching operation. A baseline survey was compiled to document conservation values. Thanks to Alachua Conservation Trust for negotiation assistance,

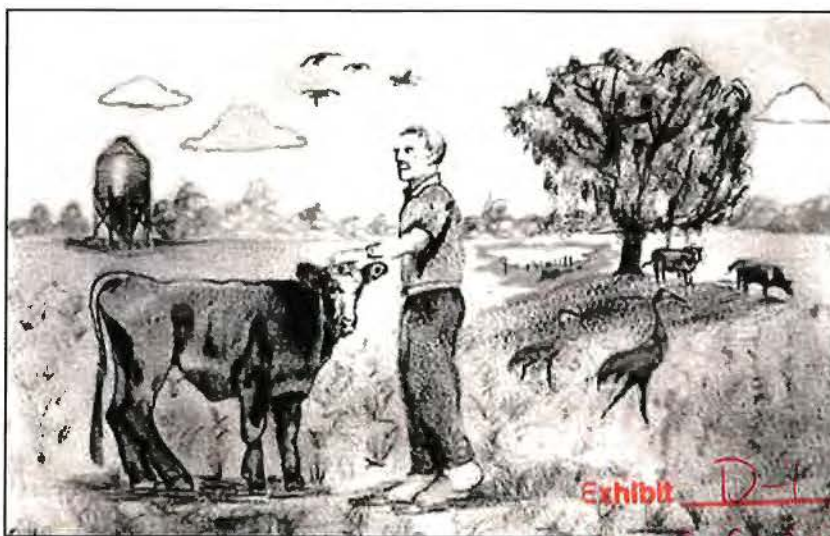


Illustration: R. Jeppesen Cattle Company by Bjorn Harradine // Photo above: Elton Jeppesen

## **inside this issue**

- PLC Small Lots Program...2
- Conservation Certificate Program...2
- Florida Wildlife Corridor / Ocklawaha...2
- Endangered Species Efforts...3
- Other News / Who We Are...2-4

## **Conservation Easements: A Tool for Land Conservation**

A conservation easement is a voluntary legal agreement between a landowner and a land trust, such as PLC, that permanently protects the conservation values of land by limiting future development. An easement allows the owner to use their land for agreed-upon purposes, and to occupy, sell, or pass the land to heirs. If an easement meets IRS criteria, it can provide credits for estate and income taxes as well as reduced property taxes.

PLC's role is to monitor and enforce the easement in perpetuity, with an endowment set up to cover costs. By entering into an easement agreement, the landowner prevents future owners from significantly altering the

conservation values of the cherished landscape. PLC has protected almost 300 acres of privately owned land with conservation easements. If you are interested in learning more, please contact PLC to discuss this option for protecting your property for future generations.



## Vital Links for The Florida Wildlife Corridor

PLC is unique in providing small parcel owners a way to conserve land for future generations. Few land trusts accept ownership or easements on small parcels as PLC does. This enables PLC to create neighborhood conservation areas and fill gaps in the Florida Wildlife Corridor, such as the Lakeside Hills gap between the Etoniah and Bellmore State Forests at the Putnam/Clay County line near George's Lake.

PLC has a strategic focus to acquire parcels in Lakeside Hills by donations and through delinquent tax certificates. The challenge in Lakeside Hills is that there are hundreds of small parcels; nevertheless, PLC is acting to protect this important corridor, one parcel at a time.

## PLC Supports Ocklawaha River Restoration

PLC strongly endorses the removal of the Rodman Dam, draining of Rodman Reservoir, and restoration of the historic Ocklawaha River, which forms the southern boundary of Putnam County. This has been a signature conservation issue for north-central Florida since the Cross Florida Barge Canal was decommissioned in 1971.

In 2020, PLC joined the Free the Ocklawaha River Coalition for Everyone (FORCE). PLC board members Bob Virstein and Alan Hodges provided scientific and economic analysis as evidence in support of dam removal and river restoration, and CEO Willy the Losen provided comments on behalf of PLC at a special meeting at the St. Johns River Water Management District.

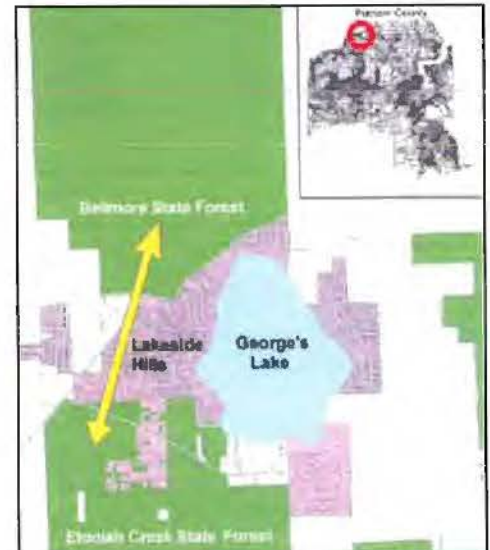


PLC recently launched a first-of-its-kind pilot program for small-lot easements focused on nature recreation and conservation. The program tackles the Lakeside Hills gap in the Florida Wildlife Corridor, shown in green on the map at right. Lakeside Hills properties purchased by a PLC supporter are now being resold with conservation easements donated to PLC.

The new landowners will be able to use their property for camping and nature-based recreation, enjoying nearby Etoniah and Bellmore State Forests as well as fishing, boating, and swimming on George's Lake. The low-priced properties allow people of modest means from nearby urban centers to have a nature getaway, while participating in protection of the Florida Wildlife Corridor.

## PLC Launches Small Lots Pilot Easement Program at George's Lake

*The small properties allow  
people of modest means to  
have a nature getaway...*



## PLC's Conservation Certificate Program Shines

PLC's **Conservation Certificate Program** continues to experience growth and expansion. In 2021, the program acquired four parcels of conservation land at county auction, including three parcels located within the Etoniah State Forest expansion area within the Florida Wildlife Corridor, and a fourth parcel that expands the George Butler Conservation Easement. Repeated generous funding from donor Jason Wiles, owner of 7G Environmental Compliance LLC, enables the Conservation Certificate Program to expand its investment and generate increased interest revenue to PLC.

## Neighborhood Conservation Partnerships

PLC will hold the conservation easement for **St. Augustine Beach Pucket Park** adjacent to the city's walking trail. This project is a win-win-win-win: the City gets a nature park, the neighborhood retains greenspace, PLC ensures the land is conserved, and concerned neighbors who donated the property receive a substantial tax deduction. Meanwhile, PLC is partnering with residents of **Sabal Park Neighborhood** in Marion County to acquire additional properties, doubling the area that PLC has conserved in the neighborhood. The residents want to preserve the natural wooded upland character of the subdivision from development pressure.



## Mondex Buyout a Distinct Possibility

PLC is proposing that 400 acres of the defunct **Mondex Subdivision** be included within the Florida Forever Boundary (in red on map at left), enabling PLC to apply for funding to acquire the remaining properties in Mondex subdivision that are so important for corridor completion. Mondex is a central gap in the Florida Wildlife Corridor and consists of intact plant communities that have never been developed or converted to pine plantations, providing high quality habitat for local and wide-ranging species such as Florida black bear. The predominant plant communities in the area are mesic flatwoods, wet flatwoods, floodplain swamp and hydric hammock. The Mondex project is akin to putting Humpty Dumpty back together again by acquiring hundreds of small properties. Mondex has now been 75% protected by PLC and our conservation allies.

Exhibit D-2  
Date 6-6-2022



# Atlantic White Cedar Area a "Botanical Jewel" of Putnam County

PLC's Atlantic White Cedar project will preserve a seepage stream tributary of the Ocklawaha River, one of the most botanically diverse natural areas in Florida. It is one of only two stands of Atlantic white cedar (*Chamaecyparis thyoides*) known in peninsular Florida, which is at the southern edge of this tree's range. The property has nine listed plant species, including anglepod (*Gonolobus suberosus*), Chapman's sedge (*Carex chapmanii*), Florida spiny pod (*Matelea floridana*), Florida willow (*Salix floridana*), gopherwood buckthorn (*Sideroxylon lycioides*), large-leaved grass-of-Parnassus (*Parnassia grandifolia*), needle palm (*Rhapidophyllum hystrix*), southern rein-orchid (*Platanthera flava*), and variable-leaf Indian plantain (*Arnoglossum diversifolium*), as well as species at the southern extent of their range, such as tulip poplar (*Liriodendron tulipifera*), hazel alder (*Alnus serrulata*), and fairy-wand (*Chamaelirium luteum*). Even better news: there are no introduced plants or major disturbances in this pristine area!

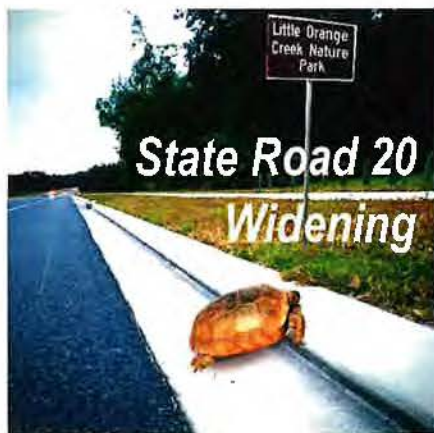


## Endangered Plants: Warea Site Update

Since the habitat at the PLC property in the Silver Springs Shores (Marion County) was enhanced, the critically endangered clasping warea (*Warea amplexifolia*) is now covering three times as much area on the property. In 2020, PLC crews spread *Warea* seed that has become established in areas of newly opened canopy. Imperiled sand skinks (*Plestiodon reynoldsi*) are also documented on the property.



The project is a PLC collaboration with the Warea Working Group and Florida Native Plant Society to protect the site from rapid development in the area, where building lots are scraped clean. It is critical to preserve as many lots as possible in this area where each lot costs \$10,000-\$15,000. If you'd like to donate toward purchasing Warea Area lots, please make a designated contribution to PLC.



PLC assisted in the reduced-impact design of the widened State Road 20 between Hawthorne and Interlachen. PLC collaborated with Alachua Conservation Trust, UF Professor Francis E. Putz, LSU Professor William Platt, and retired UF Emeritus Biologist Richard Franz to make recommendations to reduce impacts on Fowler's Prairie and on wildlife. This resulted in FDOT bridging a 300-foot segment over the prairie to restore historic water flows to a rare pitcher plant bog. FDOT also built sloped curbs along the 12-mile section to prevent wildlife such as gopher tortoises and other reptiles, amphibians, and small mammals from being trapped as they move from uplands to breeding ponds or feeding grounds.

## Caney Branch Old Growth Cypress Forest

Caney Branch flows from the uplands of Jefferson County south across the Cody Escarpment to form the headwaters of the Wacissa River and springs complexes. Much of this ecologically significant drainage is in private ownership. In 2020, a crowd-funded project acquired a 12-acre tract to form the Caney Branch Preserve, proving that a small group of caring individuals can save land and wildlife!

The tract is a pre-settlement old-growth ecosystem, with towering cypress and tupelo trees. Numerous imperiled species are documented from the tract. Caney Branch Preserve was transferred to PLC in September 2021. Apalachee Audubon Society will partner with PLC to bring education to the site, which will hopefully be the first of many small-scale PLC projects in the panhandle.







Putnam Land Conservancy  
P.O. Box 667  
Interlachen, FL 32148



*Conserving land and water for  
people and wildlife...one parcel at a time.*

**DONATE at [www.putnamlandconservancy.org/join-support](http://www.putnamlandconservancy.org/join-support)**

THE PUTNAM LAND CONSERVANCY'S CHARITABLE SOLICITATION NUMBER IS CH22956. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE OF FLORIDA. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE OF FLORIDA.

Exhibit D-4

Date 6-6-2022

## Putnam Land Conservancy – Our Values and Principles

Established in 2006, Putnam Land Conservancy is a regional, 501(c)(3) nonprofit Florida land trust dedicated to working cooperatively with land owners and public and private conservation partners to preserve our important natural areas and open spaces for future generations. We secure land through gifts and bequests, direct purchase, bargain sale, and conservation easements. PLC also promotes stewardship of land through action and education to restore and maintain ecosystem integrity. By these means, we enable land owners to safeguard in perpetuity the places

that define the special character of our region, contributing to its environmental and economic vitality. PLC has adopted the Half Earth Plan as a guiding principle to protect half of planet earth for nature, an idea championed in the book by biologist E.O. Wilson to conserve half of the planet's land for ecosystem services and biodiversity necessary to support life on Earth. PLC receives no government funding for general operating support. We rely on contributions from private individuals, corporations, and foundations. Donations are tax deductible.

## Contact Us

Contact us at 386-336-5400

Email [plc@putnamlandconservancy.org](mailto:plc@putnamlandconservancy.org)

[www.facebook.com/putnamland](https://www.facebook.com/putnamland)

[www.putnamlandconservancy.org](http://www.putnamlandconservancy.org)

[@putnam\\_land\\_conservancy](https://www.instagram.com/putnam_land_conservancy)

## DONATE at

[www.putnamlandconservancy.org/](http://www.putnamlandconservancy.org/)

[join-support](http://www.putnamlandconservancy.org/join-support)



PLC board members, April 2021, left to right: Lisa Modola, Claude Brown, Timothy Keyser, Alan Hodges, David Wiles, Robert Virmstein, Robert Blount (Not pictured: Palmer Kinser, Laurie Douglass)

## PLC Board of Directors and Staff

**President** Timothy Keyser

**Vice President** Alan Hodges

**Secretary** Palmer Kinser

**Treasurer** Robert Blount

**Past President** Robert Virmstein

**Director** Claude Brown

**Director** Lisa Modola

**Director** David Wiles

**Director** Laurie Douglass

**Conservation CEO** Willy the Losen

**Administrative Assistant** Karin Weinrich

**Conservation Assistant** Bjørn Parramoure

**Office Assistant** Loretta Parrish

**Office Assistant** Amber Snell

**Office Assistant** Kylie Hall

**Media Volunteer** Susan Marynowski

## PLC Business Partners

**7G Environmental Compliance LLC**

Jason Wiles, President/CEO, 850-304-2610  
2016 Delta Blvd, Suite 201, Tallahassee FL 32303  
<http://7g-enviro.com/>

**Keyser and Sharbaugh, PA**

Attorneys at Law, 386-684-4673  
501 Atlantic Avenue, Interlachen FL 32148





## CITY OF ST. AUGUSTINE BEACH

*Regular City Commission Meeting  
Monday June 6, 2022*

*Item 8  
Use of American Rescue Plan Act Funds (ARPA)  
Dune Walkovers & Paving*

*William Tredik, P.E. Public Works Director*

1

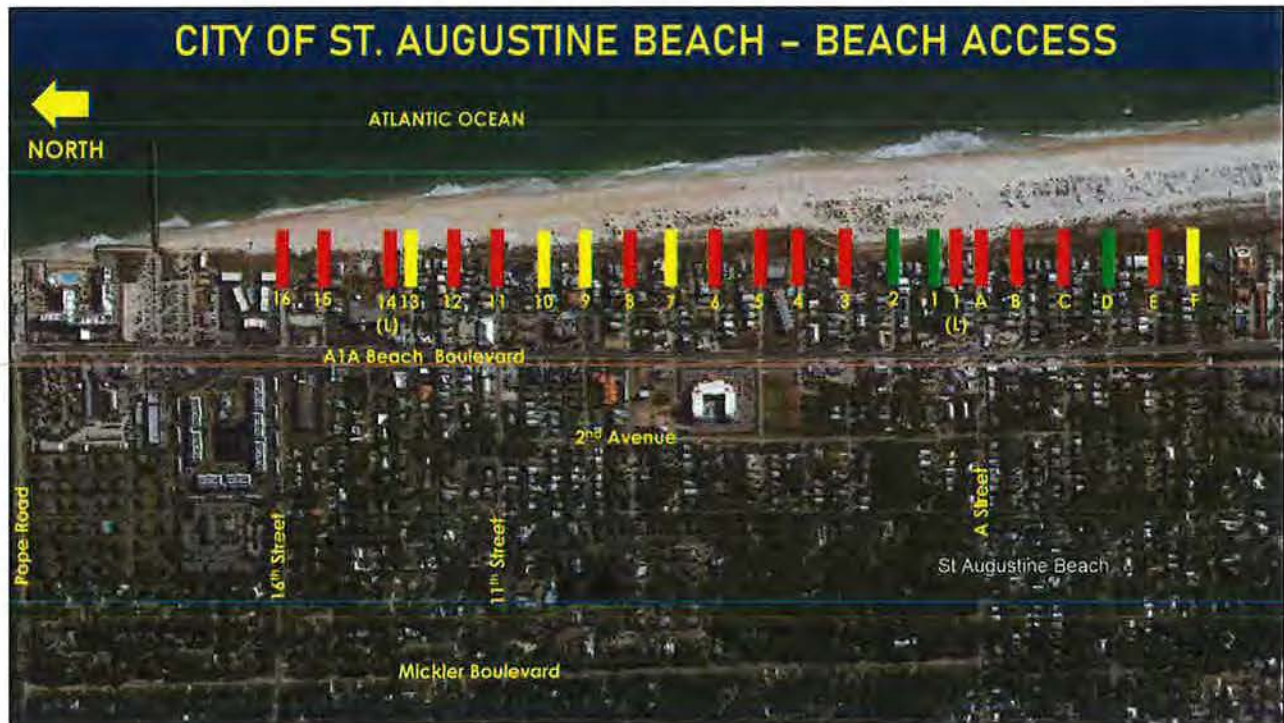
## USE OF ARPA FUNDS – ONLINE SURVEY PRIORITIES

1. Repair roads
2. Drainage projects
3. Improve beach walkovers
4. Put utilities underground
5. Improve city parks and parkettes
6. Improve parking
7. Add sidewalks
8. Add eco-friendly elements to the city
9. Restore old City Hall

2

Exhibit E-1

Date 6-6-2022



3

## DUNE WALKOVER BENEFITS

- Storm surge resiliency
  - Foot traffic degrades dunes
  - Creates gaps and low areas
  - Wandering off path further degrades dune system
- Environmental protection
  - Habitat protection (Anastasia Island beach mouse)
- Pedestrian
  - Easier and more convenient access
  - Accessible pathways to beach

4

Exhibit E-2Date 6-6-2022



## DUNE WALKOVER BACKGROUND

- April 19, 2022 – City Commission discussed using \$600,000 of ARPA funds to pay for dune walkovers. The City Commission requested staff pursue partners.
- May 17, 2022 – St. Augustine Port, Waterway & Beach District approved \$335,000 in assistance for up to 11 dune walkovers between 16<sup>th</sup> Street and A Street

### Next Steps

- Commence design and permitting
- Construction to begin in FY 2023

5

## FY 2022 PAVING

- \$250,000 in FY 2022 budget
  - 6<sup>th</sup> through 9<sup>th</sup> Streets (east of Beach Blvd.)
  - Atlantic alley
  - Mickler Blvd. (11<sup>th</sup> St. to 16<sup>th</sup> St.)
  - North trident Place
- Proposed additional FY 2022 paving
  - 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 (all east of Beach Blvd.)
  - Estimated additional cost \$200,000

6

Exhibit E-3  
Date 6-6-2022

## ACTIONS REQUESTED

- 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.
- Approve budget Resolution 22-07 bring \$67,000 of ARPA funds into the FY 2022 budget for dune Walkover design and permitting
- Approve Budget Resolution 22-08 bringing \$200,000 of ARPA funds into the FY 2022 budget for additional paving

## MEMORANDUM

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

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

**DATE:** June 3, 2022

**SUBJECT:** Request for Approval for Up to Three Months of Leave Without Pay for Public Works Maintenance Worker

Attached is a memo from Bill Tredik, which provides an explanation for the requested leave and was forwarded to you on June 2<sup>nd</sup>.

We ask that the request be added to the June 6<sup>th</sup> agenda under New Business.

Exhibit F-1  
Date 6-6-2022

Over



## MEMORANDUM

Date: June 1, 2022  
To: Dariana Fitzgerald, City Clerk  
From: William Tredik, Public Works Director  
Subject: Recommendation of Leave Without Pay – Brian Sousa

---

The City of St. Augustine Beach hired Mr. Brian Sousa as a Service Worker I. His first day of work was December 2, 2021 and he is currently within his six month probationary period. Though Mr. Sousa's work has met minimum standards, in late April, he began using sick leave as shown below:

4/22/22 (8 hours); 4/29/22 (8 hours); 5/2/22 (8 hours); 5/4/22(8 hours)

Mr. Sousa has not reported to work since May 2, 2022, and has had the following correspondence with the City during his absence:

Fri. April 29, 2022	Sousa called in and reported he was not feeling well.
Tue. May 3, 2022	Sousa texted a supervisor (Tom Large) stating he was going to the hospital.
Wed. May 4, 2022	Sousa texted Large that he was still in the hospital and may need surgery. Large responded that he should call the assistant public works director (Ken Gatchell).
Fri. May 5, 2022	Large texted Sousa asking for an update
Mon. May 9, 2022	Large texted Sousa asking for an update and advised to contact Gatchell.
Mon. May 9, 2022	Sousa called in to Public Works and informed Gatchell that he was still in hospital, had not yet had surgery, and may be released.
Fri. May 13, 2022	Sousa texted a coworker stating he just go out of the hospital and couldn't wait until having surgery

Between May 9<sup>th</sup> and May 19<sup>th</sup>, Sousa did not call the Public Works Department to report his condition nor when he would be able to return to work. The public works director (William Tredik) attempted to contact Sousa at his cell phone number on May 19, 2022 and left a voice message for him to call Public Works. Tredik reached Sousa via telephone on May 20, 2022 and requested Sousa provide evidence of his inability to report to work. Due to his medical condition, Sousa expressed a preference to be placed on leave without pay. At 5:30 PM on May 24, Mr. Sousa emailed photos of his hospital discharge papers and doctor's note which Mr. Tredik forwarded to the Human Resource Director (Dariana Fitzgerald) the next morning. Mr. Sousa has since not checked in with Public Works regarding his condition nor when he will be able to return to work.

Due to his circumstances of his absence it is recommended that the following actions be taken:

- Leave without pay be approved through June 4, 2022 per XI.22.A.1. of the Personnel Manual. Per XI.22.B.6, Mr. Sousa will not earn sick leave, annual leave or holiday leave during the leave without pay.
- Per XI.22.B.7 of the Personnel Manual, the City continues to pay Mr. Sousa's medical insurance through June 4, 2022. Mr. Sousa may continue to pay the premium for his insurance for an additional two (2) months, after which Mr. Sosa would have to select COBRA.
- If requested by Mr. Sousa, the City will request the City Commission approve a leave of absence for up to three (3) months per section XI.22.B.12.
- Mr. Sousa's probationary period be extended three (3) months.

Exhibit F-2  
Date 6-6-2022