



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, SEPTEMBER 12, 2022, AT 6:00 P.M.

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

I. CALL TO ORDER

Mayor Samora called the meeting to order at 6:15 p.m.

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF THE SPECIAL BUDGET MEETING ON JULY 25, 2022, THE REGULAR COMMISSION MEETING ON AUGUST 1, 2022, AND THE FPL WORKSHOP ON AUGUST 2, 2022

Motion: To approve the minutes of the special budget meeting on July 25, 2022, the regular Commission meeting on August 1, 2022, and the FPL workshop on August 2, 2022. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised that there was one deletion of Item 5, which was not prepared for presentation this month and will be on the October agenda.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor Samora suggested moving Item XII.10 after Item IX.3 to accommodate audience members and moving Commissioner Comments to just before Staff Comments.

Motion: to make the discussed changes to the agenda. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

VII. PRESENTATIONS

There were no presentations.

VIII. PUBLIC COMMENTS

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, said that Florida Department of Transportation said they did not see a need to lower the 45 mph speed limit on A1A South behind Publix, but people are already slowing down approaching the red light and it is the last of the green space; said that he took pictures of deer on the beach.

Ed Pritchett, 1121 Overdale Road, St. Augustine Beach, FL, said that Sea Grove needs help with speeding and that he has asked for speed bumps; needs to have a certain percentage of people that want them; does not understand why you cannot do them on your own; asked for police but has not seen any; ten cars went through the stop sign; warnings do not mean anything.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, asked for any update on traffic safety for the four new homes on Madrid Street; no sign has been put up yet to limit parking; still have \$300,000 from ARPA that could be used for mid-year pay adjustments; the beach restoration is June 30th to December 30th, 2023, which is turtle season; beach access could be limited during the restoration north of Sea Colony; agenda items tonight might be a conflict of interest.

Mayor Samora closed Public Comments. He asked staff to follow up on those items brought up in Public Comments. Public Works Director Tredik advised that he has reached out to St. Johns County regarding a traffic study/light, but it has not progressed yet. Mayor Samora asked the City Manager about the beach restoration and advised that a lot goes into the scheduling of it that is above the City's authority. City Manager Royle said that he believes this restoration is fully funded by the Federal Government, which means that no Tourist Development Council (TDC) or County money is being used. He advised that there have been beach restorations done in the past during sea turtle season and they monitor the nests and move them if necessary to a more hospitable location because they are very aware that they need to protect the sea turtles. The location was not determined by the City, but it would include Ocean Hammock Park. Mayor Samora said that he did not believe the City could do much about the timing, but it would take place prior to next hurricane season, which is desperately needed.

Mayor Samora moved on to Item IX.1. and asked Building Official Law for his report.

IX. PUBLIC HEARINGS

1. Ordinance 22-08, Final Reading, to Amend the Land Development Regulations to Increase the Number of Transient Rental Licenses from 100 to 123 (Presenter: Brian Law, Building Official)

Vice Mayor Rumrell and Commissioner George recused themselves and left the room at 6:27 p.m. [Form 8B attached as Exhibit A].

Mayor Samora said that he would like to give the opportunity for Public Comment again on this item and asked the City Attorney for his recommendation. City Attorney McCrea agreed that Public Comment should be given but to restrict the time on repeat comments. Mayor Samora asked if it could be limited to those that did not speak last time. City Attorney McCrea said yes because they already had their opportunity. Mayor Samora asked the City Attorney to explain voting on this topic. City Attorney McCrea advised that the only way to pass anything with this motion is by a unanimous vote by the three remaining Commissioners. He said that if it does not pass, then it would take another motion to put it back on the agenda for a rehearing or it falls off today.

Building Official Law advised that this is a continuation of the final reading for Ordinance 22-08 and that this shall serve as a correction and not an amendment to the existing Land Development Code, which regulates 100 transient rentals in medium and medium low density and that this correction would take it to 123, which represents the twenty percent from the latest data according to the Property Appraiser. He advised that the "whereas" clauses are very specific as to the Commission's intent of the twenty percent rule.

Commissioner England thanked the residents that expressed their opinions both for and against it and that all their opinions are taken into consideration.

Mayor Samora opened Public Comments.

Nicole Miller, 214 12th Street, Unit B, St. Augustine Beach, FL, was born and has lived here the majority of her life; supports the increase in transient rentals; rents are increasing nationally; limiting rentals will not fix it and would only decrease tax and revenue back into the City; tax revenue is needed to maintain the beaches and it is a vacation destination; tax revenue can be used to maintain boardwalks, make safer crosswalks, and more environmentally stable beaches; Florida is a free enterprise state supporting property rights; she wants to encourage entrepreneurs.

Lee Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, the City of St. Augustine has said there is a horrible impact from short-term rentals; 50% of Flagler Model Land Company are short-term rentals, which is not a neighborhood; cities can exist without residents because all they really care about is property taxes; neighborhoods are important to the health of the City; asked to use caution when increasing the limit of short-term rentals; does not want to see it happen at the beach.

Nick Binder 232 Big Magnolia Court, St. Augustine Beach, FL, agreed with the previous speaker; referenced an article in The Record about being a resort or a community; the 100 limit was set when there were about 65 short-term rentals; suggested that Code Enforcement follow the recycle trucks from F Street to 16th Street to take action against the illegal short-term rentals; is against increasing it.

Lorraine Kulas, 203 4th Street, St. Augustine Beach, FL, is against the increase because she likes to "live" in St. Augustine Beach; there are neighbors that want to sell their homes because they do not want to live here anymore because of the short-term rentals; community is really important and we help each other; lives next to the Marriott, which is not full, so there are plenty of places for the tourists to stay that still pay the bed taxes.

Mayor Samora closed Public Comments and asked for Commissioner discussion. He said that a resident came before the Commission asking for the increase and it went through the first two hearings with very little public comments. He thanked everyone that emailed, wrote, and came to express their comments.

Commissioner England said that Planning and Zoning recommend not approving it due to lack of information from the Police Department and now we have that information and she asked Chief Carswell for his comments such as the 9-1-1 calls, noise, etc. Chief Carswell said that the 9-1-1-calls could be for anything such as law enforcement, emergency, medical, etc., which is very difficult to breakdown, so he researched the most common five or six calls they respond to. He said the majority were for parking and noise and for the most part it indicates that there is not a big problem and that only a few residences make up the majority of these calls.

Commissioner Sweeny asked if he was able to identify if there were certain properties that received multiple complaints and if so, what would the action be. Chief Carswell said that he believed the City has a user fee for problem residences and that they could be fined after a certain amount of calls. Commissioner Sweeny questioned whether a few properties were giving this a bad name. Building Official Law advised that the City Code authorizes the City Manager to remove a Business Tax Receipt (BTR). He said that he tried to come up with another way of doing it but the City Attorney at that time advised not to do it because it left too much open to subjectiveness. He said that the biggest complaint for Code Enforcement is illegal transient rentals. He advised that if there was a BTR removal requested that it would go before the Code Enforcement Board.

Commissioner England said for the record that Chief Carswell gave the Commission a chart that showed a period of 640 days that had a total of 185 calls that included noise, parking, etc. and that the majority were 9-1-1 calls, which could be anything. Chief Carswell said these are the types of calls from problem residences. Commissioner England said that the number of noise disturbances were twenty-six, other disturbances were seventeen, and parking had thirty-three. Chief Carswell said yes. Commissioner England said that that gives the audience some factual information about the number of calls from the Police Department.

Mayor Samora said that he asked at the last meeting how people could report calls. Building Official Law said that he rolled out a Resident Self-Service Portal on the City's website, which has preselected items and one is for Code Enforcement. He said that with the new State laws, that any complaints made cannot be anonymous.

Commissioner England said that there has been a lot of comparison to the City of St. Augustine, which does not have an ordinance that is grandfathered, and that they do not have as much control as the City does. She said that the State has preempted home rule and if the City does not keep the ordinance relevant with its intent that there could be more legal challenges to that grandfathered rule. She said that the twenty percent is a balanced approach for a beach town's medium/medium-low density, which is very reasonable and that there are other residents that have been on the waiting list. She said that there has been an increase in the number of homes and the Commission has been asked to consider increasing the number of licenses. She said that the City Clerk has advised that the license runs with the land and with the owner and that there is barely any turnover and that is why the Commission has considered this very small increase while still keeping the balance in the revenue received and protecting the low density and the neighborhoods. She said that some people have said that they do not want more transient rentals, but that the Commission must consider this balance and protect the grandfathered ordinance.

City Attorney McCrea advised that it is not an increase per say, it is a correction to the original intent, which is important.

Commissioner Sweeny said that she understands that it is a correction, and she agrees with it in concept to stick with the intended twenty percent. She said that she values the idea of preserving the neighborhoods, but she also understands the flip side of things and she has received emails supporting the increase. She has talked with staff and there is a waiting list, and they receive calls every day asking about it with very little movement on that waiting list, so she understands the need for clarification of the intent of the ordinance. She said that this is not an easy decision; she hears the concerns, but she wants to make sure that the Commission is preserving the community. If it does move forward, she would like further discussion for how to increase enforcement. She said that she also hears complaints about the transient rental recycling and suggested that the homes should post notices indicating what can and cannot be recycled, which is a small thing that could increase the efficiency and performance and limit the disruption to the permanent residents.

Mayor Samora said that both Commissioners bring up very valid points on both sides of it. He said that there has been some support for the increase but more against it. He advised that the Commission must make a decision and he asked for a motion.

Motion: To approve Ordinance 22-08. **Moved by** Commissioner England, **Seconded by** Mayor Samora.

Mayor Samora asked for the City Attorney to read the preamble. City Attorney McCrea read the preamble for Ordinance 22-08. Mayor Samora asked for a roll call vote.

Mayor Samora

No

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| Commissioner Sweeny | No |
| Commissioner England | Yes |

Motion fails 2-1.

Vice Mayor Rumrell and Commissioner George returned to the room at 6:54 p.m.

2. Request to Vacate Alley between 1st and 2nd Streets, West, of 2nd Avenue, Block 32, Chautauqua Beach Subdivision, Danielle Gustafson, Agent for Paul Crage (Presenter: Brian Law, Building Official)

Building Official Law advised that there is one correction in that James Whitehouse is the Agent for Ms. Gustafson. He said that the Planning and Zoning Board reviewed and recommended approval of this vacation. He said that they do require the same standard easement as normal and reserve the right for drainage and utility at the discretion of the Public Works Director. He advised that they contacted several agencies, and no other agency has had an issue but that Florida Power and Light (FPL) would need a small portion for utilities. He showed an aerial map [Exhibit B] depicting the alley in question.

Vice Mayor Rumrell said that FPL stated in their memos that the motion needs to have some access granted, which he believed to be standard. Building Official Law said that the standard language was changed about a year ago and would always reserve the right to utilize the easements if needed. He said that vacating the alley turns over approximately 7 ½ feet on each side to the citizens, which can be used in any future development calculations but that nothing permanent can be built.

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

Motion: To approve the request to vacate the alley between 1st and 2nd Streets, West of 2nd Avenue, Block 32, Chautauqua Beach Subdivision, and direct staff to draft an ordinance. **Moved by Commissioner Sweeny, Seconded by Vice Mayor Rumrell. Motion passed unanimously.**

3. Ordinance 22-12, Public Hearing and Second Reading, to Change Sections 18-51 and 18-52 on the City Code Regarding Procedures for Vacating Streets, Alleys, and Easements (Presenter: Brian Law, Building Official)

Building Official Law advised that City Planner Jennifer Thompson had searched the standard forms that the City uses, which referenced an ordinance. He said that sometime between 2015-2016 that the original ordinance that allowed seventy-five percent of the residents to petition for an alley vacation was indirectly eliminated and no one knows how it happened. It is very possible that the sitting Director at that time copied the section of Code for another change before it had been updated and it just replaced it. He recommended to correct this deficiency and restore it back to the normal procedure.

City Attorney McCrea advised that he recalled that the 2015 ordinance was correct. Building Official Law said that another one came in an inadvertently removed 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 for Ordinance 22-12.

Motion: To approve Ordinance 22-12. **Moved by Vice Mayor Rumrell, Seconded by Commissioner England. Motion passed unanimously.**

The Commission moved to Item XII.10 at 7:00 p.m.

X. 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)

4. Resolution 22-11, to Approve and Adopt the St. Johns County Local Mitigation Strategy Plan, as Amended to Include a Historical Flooding Analysis to Meet the Requirements of the National Flood Insurance Program's Community Rating System

The Commission returned to this item at 7:47 p.m. after Item XII.10.

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

XI. OLD BUSINESS

5. LED Streetlight Conversion: Approval of Phase 3 Contract with Florida Power and Light (Presenter: Bill Tredik, Public Works Director)

This item was removed from the agenda.

6. Undergrounding of Utility Lines along A1A Beach Boulevard: Review of Proposed Request for Qualifications for a Consultant (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik presented a PowerPoint [Exhibit D] and showed the timeline for where the City is today with the project. Staff presented a cost estimate based on St. Pete Beach's project cost per mile and adjusted for inflation, which estimated the City's cost to be between \$8.75 million and \$9.25 million for A1A Beach Boulevard from Pope Road to State Road A1A. He advised that there were some things that were not included in the FPL estimate such as site restoration, customer meter conversions (which can get pretty expensive and he will discuss that later); street lighting, etc. as outlined on slide 3 [Exhibit D-2]. He said that the Holly Hill project was the most similar in size to what the City is proposing, as shown on the comparison on slide 4 [Exhibit D-2]. He moved on to the next slide that showed before and after photos from Holly Hill and he said that they went with the less expensive concrete light poles. He moved on to slide 6 [Exhibit D-3], which described some of the challenges that Holly Hill has had since their project began in 2013 and their total cost is forecasted to be between \$12 to \$12.5 million when it is done. He said that it is important for the City to choose someone that is qualified, that has done this before, and has a proven track record. He said that he believed that Holly Hill is about one-third done with their project after nine years.

Commissioner George asked when Holly Hill actually broke ground. Director Tredik said that he did not have that information but that he could get it. He said that he believes it was sometime in 2018 or 2019 when they started to break ground. Commissioner George said that she thought it was around a seven year estimate to obtain the easements, the designing, etc.

Director Tredik said that he believed that this would be a \$9-\$10 million dollar project for the City, which would take approximately 5-7 years and it would need to be reliably funded. He advised that a draft Request for Qualifications (RFQ) is in the Commission packet, and that it could be put out this week if the Commission gives direction to do so. He advised not to do the RFQ unless the City is certain that it wants to go through with it, because to change our mind could jeopardize getting submittals in the future. He said that some designs could be upwards of \$100,000 and that the City's initial investment would be at least \$30,000 to get the ball rolling. He said that it is important to not do the RFQ just to see what response we get.

Commissioner England asked where the RFQ came from. Director Tredik said that he downloaded about four from DemandStar and that it is a compilation of those to get the best of all. Commissioner England suggested to discuss where the City would get funding before it does an RFQ. Director Tredik said that he is hesitant to do an RFQ until the City is sure that it wants to

move forward with at least a feasibility study. He said that funding is the absolute prudent first step.

Commissioner Sweeny asked if there is an expiration date on a feasibility study. Director Tredik said that a feasibility study should be good for a couple years but that it might need to be updated because it would involve some cost estimation to help develop the scope of the projects.

Mayor Samora asked what should come first, the feasibility study or trying to develop a plan for funding. Commissioner England asked if there would be grants or loans available, or should a referendum be used. Director Tredik said that it is all part of the feasibility study, which would give the City good guidance but that there is a cost for it.

Commissioner George said that the one consultant said that there are grants out there, but it does not mean that the City would get one. She said there is also the possibility of the one-cent sales tax revenue, which could be just over \$1 million a year for the City. She questioned Holly Hill's use of a CRA assessment. Director Tredik advised that he did not know the details of it but that he has worked with a couple of CRAs in the past and it is his understanding that it would be on the property owners that are benefiting from the modification. Commissioner George questioned whether they were able to borrow and bond against the CRA revenue coming in. Commissioner England advised that she has asked the City Manager in the past if the City qualifies for a CRA and that he indicated no. City Manager Royle said that the City does not have blighted areas. Director Tredik said that the City does not meet the economic requirements to do it.

Commissioner England asked about the Federal Infrastructure Bill. Director Tredik said that it is very early in it and that he does not have a good answer yet. He said it is possible along with mitigation grants, which usually require a match of at least twenty-five percent. He said that there may be other grants that he is not aware of that could be explored and that a feasibility study would give some guidance with that. He said that there are funding opportunities, and it would just be a question of moving forward and getting an engineer on board and see where it leads.

Mayor Samora asked how much the RFQ bids might be. Director Tredik said that it could be around \$30,000 to start. Vice Mayor Rumrell agreed with Director Tredik and said that if the City does an RFQ and then pulls out, the City could lose some good bidders for future projects. He said that until the City has a funding mechanism in place that he does not feel comfortable doing an RFQ and spending \$20,000-30,000 for a project that the City does not have the funding for.

Commissioner George questioned whether to wait until November to see what happens with the one-cent referendum but said that a consultant would have details for other funding options. She said that she would like to proceed because there is value in knowing what the consultant could bring to the table to navigate the other grant options.

Mayor Samora said that he struggles with waiting to try to find a funding mechanism when you do not know how much money you need. Director Tredik said that the St. Pete Beach and the Holly Hill projects were roughly the same cost per mile, which is what he used to develop his cost estimate and that it is fairly close to what the City's estimated cost would be. He said that inflation is a huge unknown, which could drive prices higher but that he is comfortable with his ballpark estimate.

Commissioner England said that she would be more comfortable with a broad picture of some of the grants that the project might be eligible for, especially the Federal Infrastructure Bill, which might be a good source of funds. She said that from back when she started that the City's budget has gone from \$9 million to \$14 million this year. She is not sure if the City should tie up some revenue that would normally go to the General Fund because the City may need it for something else. Commissioner George said that it would only be for a period of time. Finance Director Douylliez advised that the feasibility study is not in the budget. Director Tredik said that the

Commission talked about using ARPA Funds for it at some point. Finance Director Douylliez said that some funds would still have to be allocated from the ARPA Reserves for a feasibility study.

Mayor Samora opened Public Comments.

Marc Craddock, 116 2nd Street, St. Augustine Beach, FL, thanked Mayor Samora for completing the land donation today; the existing portion of 2nd Street had been proceeding with underground utilities, but there are a few holdouts for the easements because there is a cost to the owners for undergrounding that could be up to \$5,000; it is unfair to unevenly distribute the costs to owners on streets where undergrounding is happening; needs to be consideration by the Commission to cover some or all of the cost; there is also a tariff cost from FPL; asked the Commission to follow through with undergrounding the existing portion on 2nd Street.

Lana Bandy, 150 Whispering Oaks Circle, St. Augustine Beach, FL, did some research of site restoration in Deland, Florida, that covered some utility boxes with artwork [Exhibit E] and that this might be a good way to cover them; SEPAC would be happy to help with a project like this or to help landscape those areas.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, underground utilities are a great idea depending on the cost; wants to keep what we have and not disrupt the area; the parkettes are great; some people may not have the resources to convert to underground.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, attended the FPL meeting, which quoted about \$17,000 for their initial evaluation; Director Tredik did an excellent job; the one-cent sales tax vote should be done before the RFQ; would like to hear about Vice Mayor Rumrell's involvement with the Amphitheater last week.

Mayor Samora said that he could go either way on this and that there were a lot of good points made. He said that because Director Tredik has such high confidence in his estimate that he is leaning towards the Vice Mayor's suggestion to have more discussions or with Commissioner George's suggestion to wait until after November's outcome for the one-cent vote.

Vice Mayor Rumrell agreed and said that he is comfortable with waiting for the one-cent sales tax vote, which might eliminate one of the fund sources. He said that it may be too premature at this point.

It was the consensus of the Commission to hold off on this topic for now.

Mayor Samora moved on to Item XI.7.

7. Proposed Vision Plan: Scheduling Workshop in October with Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (Presenter: Max Royle, City Manager)

City Manager Royle said that Commissioner England devised a Vision Plan, the Commission reviewed it, and asked that it be forwarded to Planning and Zoning and SEPAC. He advised that he received only a few responses from each Board, and that the Commission might want to consider a workshop to determine more details for the Vision Plan or the Commission may want to move forward with it at a future meeting.

Mayor Samora asked the Commissioners their thoughts about having a workshop with the other Boards and said that it should be the next relevant step.

Commissioner George advised that she would defer to Commissioner England and whether she wanted to have the workshop while she was still an active Commissioner. Commissioner England said that she would have time to update the draft if more comments are received and that she could answer any questions. She said that one of the comments was that there is too much

parking in the Vision Plan and that she did not understand where that was coming from because there are several statements that say the City would not use the green space or parkettes for parking. She said that a workshop would be a good idea to gather more specific areas that could be updated and that she is available. Mayor Samora advised that he would like to extend the courtesy of having a workshop while Commissioner England is still a sitting Commissioner because she has put in the work for it and the incoming Commissioner would also be invited to participate.

City Manager Royle discussed the potential October dates for the workshop and said that the Commission Room would not be available during early voting from October 20th through November 10th.

Discussion ensued regarding potential dates for the workshop meeting; to ask that everyone attend in person and not Zoom in; the sound system is not good for the workshop and that people could either speak at the podium or use a hand microphone; to ask the Boards to have their comments, additions, and/or deletions prepared ahead of time.

It was the consensus of the Commission to have the Vision Plan workshop on October 5, 2022, at 5:30 pm.

Mayor Samora asked who would be invited. City Manager Royle advised that SEPAC and the Planning and Zoning Board would be invited. Building Official Law advised that he would be away at a conference. City Manager Royle advised that he could prepare any comments ahead of time. Commissioner England asked if it would be open to the public. City Manager advised yes and said that it would be posted.

Mayor Samora moved on to Item XI.8

8. **Memento of City:** Consideration of Having a City Coin Made (Presenter: Max Royle, City Manager)

City Manager Royle said that Vice Mayor Rumrell had asked for staff to research more substantial gifts other than the lapel pins. He advised that Chief Carswell gave him six mementos from the Police Department, and he passed them around for the Commission to see. He said that there are photos of different types of mementos and prices in the agenda books that City Clerk Fitzgerald provided. He asked the Commission for guidance on what should be the next step.

Mayor Samora said that the coin seemed to be the way to go, and he asked if anyone had any suggestions for what should be on it or a design preference. City Manager Royle suggested that the City Seal be included on one side. Commissioner England suggested the palm tree logo that is used for City event marketing and that maybe the Art Council could come up with a proposal for it.

City Clerk Fitzgerald advised that the screen shot is from the site that St. Johns County uses and that the price is determined by whether it is going to be one- or two-sided, color, and the size.

Discussion ensued regarding the different samples being passed around, the photos, the sizes, etc.; that the last Police Department order were two inches; that it should be two-sided; asked what was on the time capsule cube; that the County made theirs specific to each Commissioner; that they seem affordable; does the City have a mission statement.

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

Vice Mayor Rumrell suggested for staff to come back with a couple ideas. Mayor Samora suggested to get with the City's Events Coordinator, Ms. Conlon. He suggested maybe the key or the mission statement on one side. Commissioner George suggested to use the rope band detail from the Commission Room on one side. Mayor Samora asked the City Manager if he had enough information to bring back something. City Manager Royle said yes.

Mayor Samora moved on to XI.9.

XII. NEW BUSINESS

9. County Road A1A Storm Surge Protection Project: Selection of Design Consultant (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik presented a PowerPoint [Exhibit F]. He advised that this is for the prevention of storm surge from Salt Run on County Road A1A and Pope Road. He said that there are places where culverts go under roads and are an avenue for storm surge during extreme tides. He said that it was an HMGP grant from Hurricane Dorian and that FEMA rules require a formal RFQ to be done, which was not known beforehand. He advised that RFQ 22-04 qualifications were submitted on August 31, 2022, with scoring categories as outlined in the agenda books on page two and because of the time constraints that this project needs to be finished this year. He advised that there were only three respondents, which are the same ones that responded to the Master Stormwater Plan Update. He advised that he recused himself from the review of the RFQ since he had worked with Crawford, Murphy & Tilly (CMT) on some scoping of the project. He advised that three staff members reviewed it and scored it with Matthews Design Group scoring the highest at 1215, CMT scoring 1205, and Gulfstream Design Group scoring 1065. He asked the Commission to review the tabulation scores and said that the Commission is not bound by those scores but to use them as a guideline. He advised that a representative from Matthews Design Group is present for any questions that the Commission may have. If the Commission decides to go ahead with it, it could authorize the City Manager to negotiate a contract with the top ranked firm. He said that they should be able to reach a contract because the project is pretty simple.

Mayor Samora asked if this was tied in with Ocean Walk. Director Tredik said yes, indirectly, because Mathews Design Group is working on Ocean Walk and has done some modeling of the basins that drain through the culverts under Pope Road and that they have good knowledge of it, but that is not a disadvantage to the other consultants.

Mayor Samora opened Public Comments. Being none, he closed Public Comments and asked if there was Commission discussion for any reason not to move forward with the ranked scores. Being none, he asked for a motion.

Motion: To authorize the City Manager to negotiate with the top ranked firm. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XII.11.

10. Ocean Hammock Park: Consideration of Proposal to Relocate Beach Access with Costs to be Paid by Private Citizens (Presenter: Bill Tredik, Public Works Director)

The Commission addressed this Item at 7:00 p.m. immediately following Item IX.3.

City Attorney McCrae stated that there may be a potential conflict for one of the Commissioners and that he would like more time to research it. He requested that this item be continued to the October meeting. Mayor Samora asked if there could still be public comment. City Attorney McCrae advised against it but said that it would have to be in the motion.

Commissioner George advised that she is one of the Commissioners that may have a conflict and that she wants everyone to have the opportunity to speak. She said that she is comfortable sitting without comments as long as no one else makes any comments that could also be conflicted. To her recollection there is no obligation to leave the room and she could still hear Public Comments. She said that it is very rare that people are passionate to come speak and she would like for them to have the opportunity to be heard.

Mayor Samora said that the Commission has already seen the material that Director Tredik is to present, and he asked if there could be a brief introduction of the topic and then open Public Comments. City Attorney McCrea agreed and said that there is no obligation for someone of conflict to remove themselves but that he was being cautious. Mayor Samora said that he agrees with the City Attorney taking time to research the legalities further while being respectful to those who came to speak.

Commissioner England asked if the nature of the conflict could be given. Commissioner George said yes and that it should be stated for the record anyway. She advised that some of the potential financial donors have been clients of hers and that there might be others that are worried about a conflict as well. City Attorney McCrea agreed and said that it needs further exploration but that the Commission can go ahead with the presentation and Public Comments.

Public Works Director Tredik presented a PowerPoint [Exhibit C]. He discussed the background information from slides 1-7 [Exhibit C.1-4]. He said that the project is now up to Phase 3, which involves a trail to an observation deck, a path with wetland elevated crossings, a children's playscape, picnic pavilion, etc. that would tie into the existing beach boardwalk. He said that when the project was started, it was shifted west to move it away from a house that had recently been built in Sea Colony so that it would intersect the boardwalk near a roadway in Sea Colony, farther away from the houses. He said that there is going to be a lot of pedestrian traffic in that area and that Sea Colony has come forward with an offer to donate money to relocate a portion of boardwalk by using the path through the center of the site and building a new crossover to the beach. He advised that if this plan goes through, there would still be the same entrance from A1A Beach Boulevard and then it would deviate from the original path with a new boardwalk and tie in by the observation deck and out to the ocean and that the old boardwalk would be demolished at the point of intersection. He said that there are a lot of pros and cons to this proposal, which are all spelled out in the original memo.

Mayor Samora opened Public Comments.

Russell Denea, 405 Ocean Grove Circle, St. Augustine Beach, FL, has lived here since 2016 and the boundaries of Sea Colony are important to him and they have invested in fences along the south and north; people come from the boardwalk into Sea Colony; damage to fences and more noise; new plan offers the chance to link the observation center to the pathway to the beach, which is a good plan for the City and Sea Colony; residents have enough interest to finance it.

Lana Bandy, 150 Whispering Oaks Circle, St. Augustine Beach, FL, encouraged the City to leave the boardwalk as is because 1) the City accepted a grant for the boardwalk and if given back would look bad for the City; 2) it sets a precedent that if a group of citizens give money to the City that it would go along with them without regard for what the rest of the residents want or what is best for the ecosystem and that the City's time could be spent better on solving problems or improving things that need improvement; 3) moving the boardwalk would have a negative effect on the ecosystem and animal habitats would be destroyed; said that yesterday she saw gopher turtles, a rabbit, and a hawk and would hate to see them run out of their homes; the animals cannot go elsewhere in the park because of the playground, etc. being put in.

Bobby Crum, 301 Spanish Oak Court, St. Augustine Beach, FL, the establishment of the boardwalk was the smartest thing the City did at that time, it is extremely popular, and enhances the quality of life; the wisdom of that location was to preserve the park with the additional purchase of the properties that would be maintained; wants to try to protect the animals as much as possible; he was told that the reason for moving the boardwalk was for security and privacy but people could still jump the fence; he would help pay for palm trees for privacy, which would be the best solution to this issue; moving the boardwalk is a waste of money and not moving it would help preserve

the rest of the park; very few people would benefit from moving it; he is not in favor of moving it; the public has the right to know if campaign contributions have been made to the voting Commissioners from the three couples listed in the book; the book did not include the petition that was submitted from many residents that were against moving the boardwalk; the City had an agreement with Sea Colony years ago to install privacy fencing, which was agreed to by Sea Colony; the park and the walkway are for the citizens and should not be turned into a buffer for a select few.

Bill Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, when this concept was first discussed, Mr. Tredik said that there would always be maintenance issues with the existing boardwalk because of mold/mildew and this proposal would eliminate that issue along with the ultimate cost of replacing the boardwalk; it would eliminate the need for an elevated connection to the east end; has confronted three trespassers coming over from the boardwalk; a representative from Bermuda Run has also expressed their concerns for security and the fence on the north side was to be extended farther to the east and the setback was to be increased from 50 to 100 feet; the residents of Sea Colony should receive the same consideration.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, wants to save what can be saved because we love what we have; what risk is being considered and should any wildlife be put at risk; why is such a drastic proposal the only option on the table to address this security/privacy issue that relatively new neighbors are concerned with; any type of disturbance or elimination of natural habitat to any area can result in no more animals; why is this the only solution being presented that would cut through beach habitat when there is possibly up to 20 feet on the Sea Colony side for them to put up a buffer; Whispering Oaks has security cameras and they would gladly pay for Sea Colony to have the same; etc.

Robert Parker, 216 Big Magnolia Court, St. Augustine Beach, FL, opposed to moving the boardwalk with concerns for where the money is coming from and the environmental impact; the ecosystem is just now coming back; does not understand why there is going to be kayak and canoe storage.

Heidi Lucas, 241 North Forest Dune Drive, St. Augustine Beach, FL, has been cursed at from people on the boardwalk and terrified at night walking her dog; this is a big deal; people have jumped over the fence; doorbell ditching, etc.; people's opinions do not make facts and we are living with a security issue; we do have cameras and have posted the people's pictures to try to find out who they are; we do not want to remove the boardwalk, just relocate it; she sees wildlife every day in the neighborhood even with construction going on; asked to consider that no one was there to defend Sea Colony when the original walkway went in and the location of it and we are just trying to come up with a fix that suits everyone.

Tony Brown, 931 A1A Beach Blvd, #202, St. Augustine Beach, FL, has been here 41 years; the walkway has been there for years without complaints; walks the dogs there all the time and has not seen any problems; he put together a petition of over a hundred signatures from people walking there and gave five copies to the Commissioners; does not see a need to change it; if it is changed it will need to be ADA compliant, etc.; the walkway is for the people of St. Augustine Beach and not for Sea Colony houses that were built next to the boardwalk.

Lee Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, thanked the Public Works Director and City Manager for listening to Sea Colony's concerns and developing a creative plan that addresses a problem while maintaining beach access for everyone; the plan is the right thing to do and will not cost the taxpayers anything; it creates a better public park that is easier to maintain and more sustainable beach access; it aligns beach access with the park's main amenities; it is safer with a wider path for police and emergency responders; it is considerate by maintaining beach access through the park and it is fair by showing respect for Sea Colony's

privacy, which has been afforded to other City residents; it is green because it removes manmade structures and allows the restoration of the park's fragile wetlands; people are upset by changing something that they know and value, but the change creates a better park and improves the quality of life for the residents of St. Augustine Beach.

Mike Hopkins, 620 Ocean Palm Way, St. Augustine Beach, FL, is a resident of Sea Colony and enjoys using the beach every day; is a big proponent of beach access; the walkway is fifteen years old, and it needs work; the proposal was to replace it with something better located, more accessible, and better built at no cost; objectively this is what is best for universal beach access to this wonderful beach.

Deborah Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, is for moving the walkway and hopes that the Commission considers what they have heard from the residents of Sea Colony; wants everyone to have beach access; there would need to be work done on the original boardwalk; this plan provides for easy access for people, the police, etc.

Mark Vanderveen, 320 Ocean Forest Drive, St. Augustine Beach, FL, he and his neighbors run the boardwalk everyday and it is a wonderful opportunity to enjoy the environment; asked for the Commission to fully understand what the actual costs are before they agree; there could be hidden costs and there are also maintenance costs for the existing boardwalk; there is an environmental disruption with moving the boardwalk into the middle, which is an environmentally sensitive territory; asked if studies have been done for the environmental impact; shares concerns for safety and asked how many safety complaints have been received from residents; is opposed to moving the boardwalk.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, thanked the Commission for turning down the transient rentals; said that a realtor told him that if the walkway was not there that Sea Colony property values would improve; said that there may be a direct conflict of interest with the two Commissioners that live in Sea Colony and any Commissioner that has friends there, which the City Attorney should consider before any further discussions; he understands the safety concerns but that everyone has issues with safety; the fence was put up for a cost of \$34,000 in 2008-2009 to provide some level of security for Sea Colony; suggested to use the money to increase the height of the fence or use landscaping to separate it; has been using the walkway since it was built and described an incident of a young couple crossing the fence; safety is an important issue and moving the boardwalk to the center would put people in a dangerous situation in the middle of the woods with no railings; the walkway lets you enjoy wildlife.

Beth Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, clarified that the center of the park has amenities that are going to happen regardless of whether the boardwalk is moved there; Sea Colony is asking for the same consideration that has been given to Whispering Oaks and Bermuda Run for the same buffer and security reasons.

Mayor Samora Closed Public Comments. He thanked everyone that came out and that everyone was very respectful regardless of what side they were on, and this is an emotionally charged issue.

Motion: to continue this item to the October 3rd Commission meeting. **Moved by** Mayor Samora, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

The Commission returned to Item X.4 at 7:47 p.m.

11. Proposed One-Cent Sales Tax: Consideration of Uses of Revenue from It (Presenter: Max Royle, City Manager)

City Manager Royle stated that the Commission and City staff may get questions from residents regarding what may be done to benefit the City with the money earned from this tax. He suggested creating a list of potential projects to have available as a response. He noted that the

tax is for infrastructure matters and projects, not for normal operating costs. He asked the Commission for their ideas on potential projects and commented that he had considered paving, since the City is constantly seeking money to upkeep roads on schedule, and undergrounding utilities. He advised that he asked the Department Heads for their ideas, and he did not receive any responses.

Commissioner England stated that there were projects included in the Vulnerability Study, which it could be used for along with paving. Her two main concerns were drainage and paving.

Mayor Samora asked if the Commission agreed on publicizing a list for voters to consider. The Commission agreed.

Vice Mayor Rumrell suggested holding a workshop to get input from the residents and possibly creating a citizens' advisory board to oversee the usages of the funds. Mayor Samora noted that there would not be enough time for that before the election, but it could be considered for the future if the sales tax is approved. Commissioner George agreed with getting more input from the public, like what was done for the ARPA funds.

Vice Mayor Rumrell commented that the Police Department will need new radios soon and asked the potential cost for those. Chief Carswell replied that they were given an estimate of \$10,000 per radio and would need twenty-five.

Mayor Samora stated that the County provided an estimate that was about \$1.4 million annually. He stated that transportation was one of the approved uses and he has considered an inter-city circulator to ease travel between downtown St. Augustine and the beach. He noted that St. Augustine's Vice Mayor, Nancy Sikes-Kline, may be interested in that as well. He also suggested Pier Park improvements, possibly redevelopment of the area after the fire station is relocated, which is on the County's list. City Manager Royle asked about renovations to the former city hall building. Mayor Samora commented that it was not high on his list but could be considered. He noted that there are some funds coming specifically for that. Mayor Samora also suggested the River-to-Sea Loop, since it could be transformational for the City, and the undergrounding of utilities. Commissioner George noted that the Vision Plan suggested a bicycle and pedestrian master plan and the Loop could tie into that goal.

Mayor Samora and Vice Mayor Rumrell agreed that paving and drainage could be priorities.

City Manager Royle noted that the City and the Commission would need to be careful not to become advocates for approval of the sales tax, only to tell residents that if the sales tax is approved that these could be the City's potential uses for it.

Commissioner George agreed with including underground utilities and noted that this is projected to earn \$13.67 million over ten years, so it could be used for both an undergrounding project and supplement other infrastructure needs.

City Manager Royle also noted that Hammock Dunes Park has been discussed. That some would like it to be left alone, but Commissioner England has stated she would like access from State Road A1A to A1A Beach Boulevard and that it could potentially be done along the southern side with minimal impact.

Commissioner England stated that she had six things to add but asked if the list should be limited.

Mayor Samora asked how this list would be distributed. City Manager Royle replied that it would likely be on the City's website or the City's newsletter. Commissioner George stated that it would help to have a prepared list in the event that Commissioners are approached with questions.

City Manager Royle also noted that the City's Public Works facility is out of date and will need to be updated or replaced someday. Commissioner England commented that she had thought about

that. He suggested for now they could list generic uses, such as public safety, communication, building improvement, drainage, undergrounding, etc.

Mayor Samora stated that it may be more important to get out the message that they would like to involve the community with this process. That the items on the list are things that have been identified as needs but may not get done with these funds.

Mayor Samora opened Public Comments.

Ray Hamel, 13 Bermuda Run Way, St. Augustine Beach, FL, commented that there are a bunch of City vehicles sitting in the parking lot and suggested that eliminating unnecessary City vehicles could open up funds for one or two projects to get accomplished.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, asked if this money could be used to hire more officers and noted that the officers' needs are important.

Mayor Samora confirmed that the list included items for the Police Department. He asked that the list be given to Ms. Conlon to draft something for distribution. City Manager Royle stated that he would also write something for the City's newsletter.

Mayor Samora moved on to Item XII.12.

12. Request from Northeast Florida Regional Council for City's Suggestions for Regional Legislative Priorities for 2023 Florida Legislative Session (Presenter: Max Royle, City Manager)

City Manager Royle said that they are looking for large priorities, such as those from St. Johns County's 2022 top three priorities as provided in the agenda books. If there are no particular projects in mind, then the City could support the County's 2023 priorities.

Commissioner George suggested continued support for beach renourishment funding, resiliency funding for municipalities on barrier islands, and a legislative amendment to allow municipalities to collect the Tourist Development Tax directly or mandatory revenue sharing with municipalities for police and the infrastructure needs of the municipalities. Mayor Samora agreed with all of those suggestions.

Vice Mayor Rumrell said that the City can support the County but that it is important that the City has its own list. He suggested flooding, infrastructure, beach maintenance, etc.

Commissioner England agreed that they are all really good items, and that beach restoration has always been on the City's list. She said that resiliency and drainage are always top priority.

Mayor Samora opened Public Comments. Being none, he moved on to Item XIII.

XIII. COMMISSIONER COMMENTS

Commissioner George advised that she had no comments.

Vice Mayor Rumrell advised that the County Commission appointed five people to an Amphitheatre/Ponte Vedra Concert Hall Advisory Board that made a recommendation last week that was presented to the County to hand over the Amphitheatre/Ponte Vedra Concert Hall to a non-profit to help them expand. He said that there is a lot of red tape in government, and this is a great opportunity for them and their staff and that his decision was based on the Amphitheatre staff, which has done a great job. Vice Mayor Rumrell said that tonight's agenda was long and that he thought that the meeting would be continued. He advised that there is nothing in the Charter that states that a Commission meeting cannot go past 10:00 p.m. and that he asked for it to be an agenda item for next month, which he would like to change so that the Commission can get stuff done.

Commissioner Sweeny commended Ms. Conlon for another great event and said that she and her daughter attended the Harvest Moon Luau.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

City Manager Royle said that Ms. Conlon put her heart and soul into the Luau event and that she was very worried about the weather but said that the event would not be cancelled. City Clerk Fitzgerald advised that a Public Works employee that worked the event said that the rain actually worked in their favor because the rain cleared the beachgoers, which left plenty of parking for the event.

Director Tredik advised that he has a better idea of the cost for the 2nd Street undergrounding and that it is not cheap. He said that FPL has a tariff of about \$740 for those converting from overhead to underground utilities while others, such as Mr. Cradock, that already have underground utilities would have a lesser tariff. There are additional costs such as for an electrician that could be between \$2,000 to \$4,000 per service on up to \$41,000 to \$73,000 if directional drilling is needed, which would be the responsibility of the homeowners and that is the reason that there has not been movement on the east block of 2nd Street. He asked the Commission if they would entertain the idea of funding a portion of those homeowner's costs to make the connection because if not, they will not get the easements that are needed to underground the utilities. He said that people do not want to invest \$7,000 when they already have power.

Mayor Samora advised that this should come back as an agenda item with cost estimates. Director Tredik advised that he would bring it back in October. Commissioner George advised that she would like to have more information regarding what causes the differences in price to get a better understanding whether it is from owner created conditions or uncontrollable circumstances. Director Tredik advised that the City has to be careful if the City funds it because he would have to get bids on it and that he would not want to disqualify someone from bidding on it because they provided the estimates. He said that he would try to keep it general while providing as much detail as possible without getting cost estimates. Vice Mayor Rumrell asked if FPL could specify why. Director Tredik advised that FPL would go through the transformer and then an electrician has to connect the transformer to the house and put in a new meter. He said that in some instances roof repairs might be needed, some may need directional drilling, or there may be trees in the way. He said that FPL is not the main factor as much as it is the homeowner's responsibility to get it to the house. Commissioner Sweeny asked if the City has an electrician that could do the work and/or contract with an electrician for a lower rate. Building Official Law said that the City does not have a Master Electrician to pull permits, nor would he recommend that the City be involved due to the liability. He said that the service comes in from the top and would need to go thirty inches down in the ground to put in the service cables and that staff would need to be on site to reenergize the buildings quickly so that residents will not be without power. He advised that there is a minimum permit fee of \$59 and that it is a significant task to underground all these houses.

Vice Mayor Rumrell asked for staff to research the legality of this if the City does for some and not for others. Director Tredik said that St. Pete Beach and the Holly Hill projects both paid for these connections as part of their projects. He said that Jacksonville Beach did not pay for it, but that they did not require people to immediately connect either. He said that if the City wants undergrounding to move forward that it would have to contribute to those homeowners' costs, otherwise there is not much incentive for people to convert. Commissioner England said that she did not understand how a homeowner would not connect if the utilities were put underground. Director Tredik advised that Jacksonville Beach is putting the new main lines underground and

they would go from there to a pole alleviating that cost to the homeowner. Mayor Samora asked for Director Tredik to bring back information, cost estimates, etc.

Chief Carswell said that the Police Department will host "donuts with a cop" tomorrow at Island Donuts from 8:00 a.m. to 10:00 a.m.

Mayor Samora advised that City Attorney McCrea has tasks for the next meeting and asked for him to advise if there would be a need for a shade meeting. City Attorney McCrea advised that we now need two shade meetings and that he would get with the City Manager.

Commissioner Sweeny thanked the Finance Director and staff for all the work on the budget.

Mayor Samora reminded the Commission that the final budget meeting is scheduled for September 26th at 5:01 p.m., and the next regular Commission meeting is on October 3rd at 6:00 p.m.

Commissioner George asked what the calendar schedule looked like for November. City Manager Royle said that he would have a topic on the October agenda to choose the regular meeting date for November because it would normally be the first Monday, which is the day before election day and that he would be recommending November 14th.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

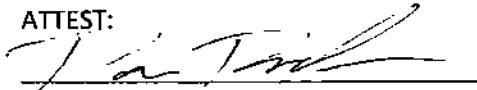
Motion: to adjourn. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora adjourned the meeting at 9:13 pm.



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | | | |
|--|---------------------------|--|--|
| LAST NAME—FIRST NAME—MIDDLE NAME GEORGE—UNDINE—CELESTE | | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission | |
| MAILING ADDRESS 107 A 11th St | | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: | |
| CITY St. Augustine Beach | COUNTY St Johns | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY | |
| DATE ON WHICH VOTE OCCURRED 9/12/2022 | | NAME OF POLITICAL SUBDIVISION: St Augustine Beach | |
| | | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE | |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Undine C. George, hereby disclose that on 9/12, 2022:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Edward S George, husband;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My husband is on the wait list for a short term rental license.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | | | |
|--|---------------------|--|---|
| LAST NAME—FIRST NAME—MIDDLE NAME <i>Rumrill Dylan</i> | | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>St Augustine Beach</i> | |
| MAILING ADDRESS <i>436 Ocean Grove Circle</i> | | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: | |
| CITY <i>St. Augustine</i> | COUNTY <i>FL</i> | <input checked="" type="checkbox"/> CITY | <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| DATE ON WHICH VOTE OCCURRED | | NAME OF POLITICAL SUBDIVISION: <i>Commission</i> | |
| | | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE | |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dylan RUMRELL, hereby disclose that on Sept 12, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Voting on Short term Rentals. There is a Settlement Agreement that would be effected by a vote on expanding the number of lic. I am represented by the party in the settlement agreement.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9/12/2022
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Map created with St. Johns County's iMap

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

Date Created: 9/13/2022

Exhibit B
Date 9-12-2022





City of St. Augustine Beach

*Regular City Commission Meeting
Monday, September 12, 2022*

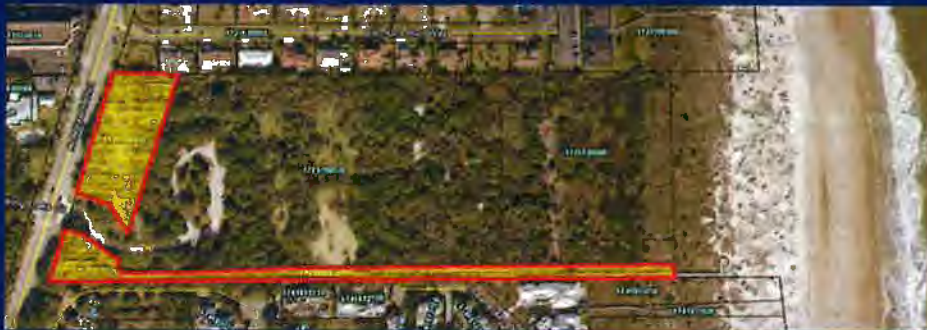
*Item 10
Ocean Hammock Park
Consideration of Sea Colony Funding for
Beach Boardwalk Relocation*

William Tredik, P.E. Public Works Director

1

Background

- 18.2 acre park
- Originally permitted for development (Maratea)
- Donation of 2.2 acres to City



2

Exhibit C-1

Date 9-12-2022

Background

- Great Recession; development delayed
- City Referendum levying up to ½ mil for purchase
- \$5.25 million purchase of 11.5 acres in 2009
- \$4.5million came from Florida Communities Trust (FCT)



3

FCT Park Management Plan Requirements

- Children's playground
- Horseshoe courts
- Bike racks
- Canoe/kayak storage
- Picnic pavilion
- Nature trail
- Restrooms
- Parking area
- Education center
- Wildlife observation deck

4

Exhibit C-2
Date 9-12-2022

2016 Purchase

- Final 4.5 acres
- \$4.5 million (\$1.5 million from FCT)



5

Updated Park Management Plan Requirements

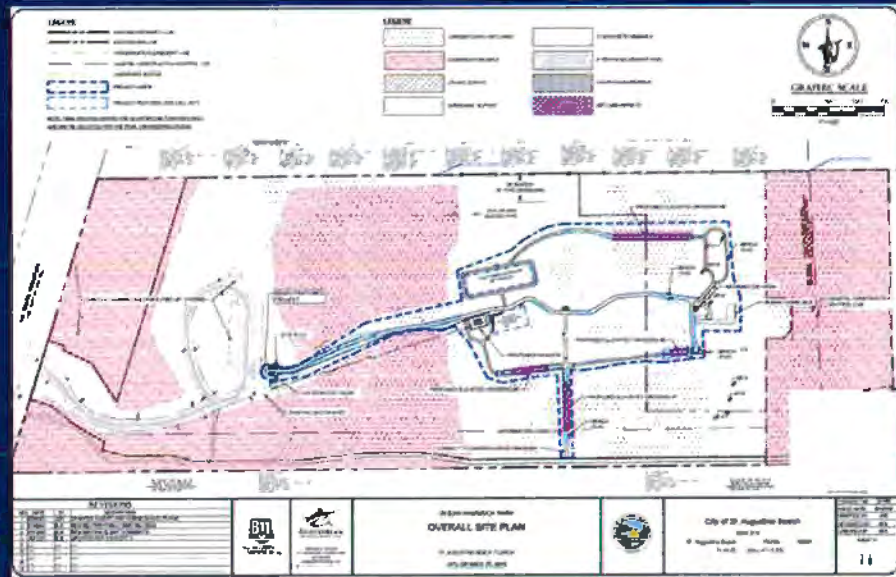
- Original required improvements
- Additional trails
- Plantings

6

Exhibit C-3

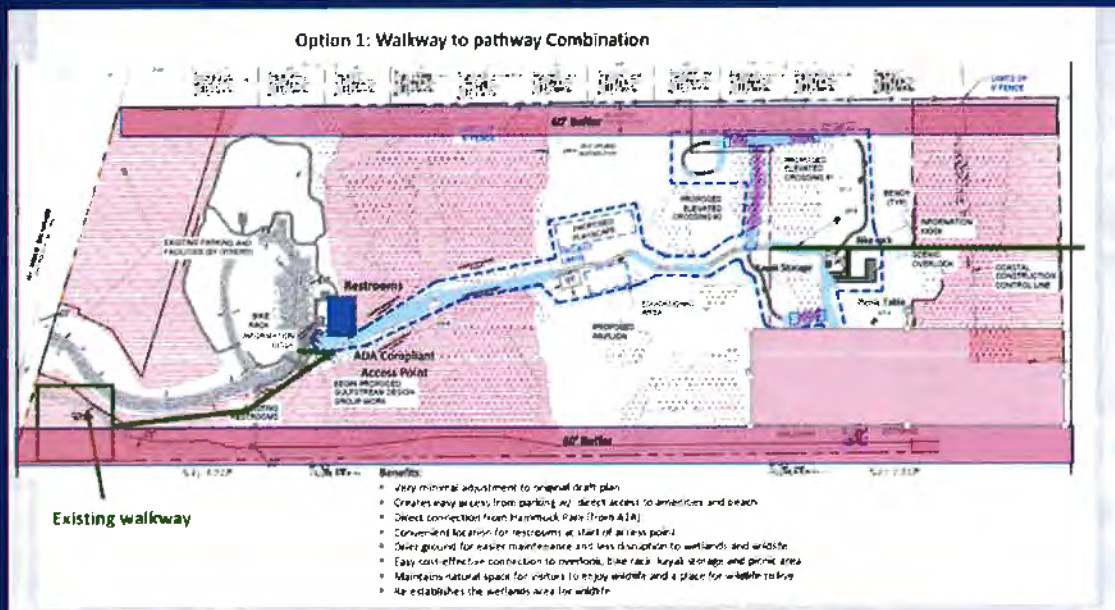
Date 9-12-2022

Phase 3 Design



7

Sea Colony Proposal



8

Exhibit C-41

Date 9-12-2022

Staff Recommendation

- Specify desired terms and responsibilities of the donation agreement
- Authorize the City Manager to draft an agreement between the City and the donors clarifying terms and responsibilities
- Authorize the City Manager to execute the donation agreement and accept the donated funds into a dedicated account

Exhibit C-5

Date 9-12-2022



City of St. Augustine Beach

*Regular City Commission Meeting
Monday, September 12, 2022*

*Item 6 - 22-05-RFQ
Professional Engineering Services for
Feasibility Study for Undergrounding of Utilities*

William Tredik, P.E. Public Works Director

1

Timeline

- 5/5/22** City Commission asked for cost information
- 6/6/22** Staff presented cost estimate based upon St. Pete Beach project (\$8.75 to \$9.25 million)
- 7/25/22** FPL Provided ballpark estimate (\$3.1 million)*
- 8/2/22** City Workshop with FPL. FPL to provide list of similar projects

2

Exhibit D-1

Date 9-12-2022

***Items not included in FPL Cost Estimate**

- Site restoration
- Customer meter conversions
- Service laterals
- Street lighting
- Removal and relocation of other utilities
- Service laterals for other utilities
- Afterhours work
- Easement costs
- Cost overruns

3

Holly Hill Comparison

- FPL Provider
- Similar length (3.2 miles versus 2.5 miles)
- Not a City roadway (FDOT vs SJC)
- Similar configuration
 - Curb and gutter and sidewalk
 - Feeder line on one side
 - Mostly commercial
 - Constricted right-of-way

4

Exhibit D-2
Date 9-12-2022

Holly Hill Project

2017



2022



5

Holly Hill Project Challenges

- Underway since 2013
- Total cost forecast \$12 to 12.5 million
- Pay up front. Recover costs through CRA assessment
- Acquisition took 3 years
- Funded all secondary relocation costs
- Secondary utilities relocated first
- Funded all service modifications
- Cost overruns are responsibility of City
- Once begun committed to the end.

6

Exhibit D-3

Date 9-12-2022

Opinion of Probable Costs

- \$9 to \$10 million
- Take 5 to 7 years to implement
- Funding mechanism required

7

Tentative RFQ Timeline

| Procurement Event | Tentative Date |
|---------------------------------|--------------------|
| RFQ Advertised | September 15, 2022 |
| Submissions Due | October 14, 2022 |
| Committee Scoring | October 28, 2022 |
| Commission Presentations | November 14, 2022 |
| Commission Approval of Contract | January 2, 2023 |
| Draft Feasibility Study | July 10, 2023 |
| Final Feasibility Study | August 10, 2023 |

Cost of Feasibility Study is dependent upon the depth of analysis and the amount of data collection necessary to properly scope the design and permitting phase. A consultant fee will be determined during the negotiation phase with the top ranked firm.

8

Exhibit D-41Date 9-12-2022

Opinion of Probable Costs

Authorize Staff to advertise RFQ 22-05 – Professional Engineering Services for Feasibility Study for Undergrounding of Utilities

Exhibit D-5
Date 9-12-2022



1. ENCHANTMENT



2. POWER LINE HEROES



3. FLOWERED GRAFFITI



4. CONVERSATIONS



5. CHANGES IN THE WIND



6. SOUTHERN RIVER LIFE



7. DAYBREAK



8. VINTAGE POSTCARDS



9. ARE YOU THERE, MR. MOON?



10. URBAN GRAFFITI



11. LIVING DEEPLY



12. CLAM AVE BOUQUET

1. Ray Johnson
enbjh@gmail.com
2. Harry Messersmith
Hmessers@msn.com
- 3, 7, 10, 12. John Witton
www.johnwitton.net
- 4, 6, 9, 11. Bobbi Baugh
www.bobbibaughstudio.com
5. Regina Dunn
www.reginadunn.com
8. Postcards courtesy of
Scott Price and the
West Volusia Historical
Society

Photographs of artwork are used
with permission of the artist for
promotion of this project.

Exhibit E

Date 9-12-2022



City of St. Augustine Beach

*Regular City Commission Meeting
Monday, September 12, 2022*

*Item 9 – RFQ 22-04 HMGP #4468-017-R
Professional Engineering Services for
C.R. A1A / Pope Road Drainage Consultant Submittal Scoring*

William Tredik, P.E. Public Works Director

1

Project

- Prevention of Storm Surge from Salt Run
- C.R. A1A (Beach Blvd.) and Pope Road
- HMGP Award (Hurricane Dorian)
- FEMA Rules require formal RFQ process

2

Exhibit F-1

Date 9-12-2022

RFQ 22-04

- Statements of Qualification were submitted on 8/31/2022
- Scoring Categories
 - Relevant Project Experience
 - Project Approach
 - Ability to meet schedule
 - QA/QC
 - Modeling and Design Experience
 - State and Local Permitting Experience
 - Federal Permitting and Grant Experience
 - Construction Project Management Experience

3

SOQ Respondents

- Matthews Design Group
- Crawford Murphy & Tilly (CMT)
- Gulfstream Design Group

4

Exhibit F-2
Date 9-12-2022

Respondent Scores

| SOQ Respondent | Total Score |
|-------------------------|-------------|
| Matthews Design Group | 1215 |
| CMT | 1205 |
| Gulfstream Design Group | 1065 |

5

Action Requested

Review the tabulation of scores and rankings for RFQ 22-04 and authorize the City Manager to negotiate and execute a contract with the top ranked firm (and lower ranked firms per CCNA requirements if a satisfactory contract cannot be reached) for engineering services related to HMGP #4468-017-R.

6

Exhibit F-3Date 9-12-2022