



MINUTES

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

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. ROLL CALL

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

Also present were City Manager Max Royle, City Attorney Charlie Douglas, 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 SEPTEMBER 26, 2022, AND THE REGULAR COMMISSION MEETING ON OCTOBER 3, 2022, AND THE JOINT VISION PLAN WORKSHOP ON OCTOBER 5, 2022

Motion: To approve the special budget meeting on September 26, 2022, and the regular Commission meeting on October 3, 2022, and the joint Vision Plan workshop on October 5, 2022.

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

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised that there is an addition to the agenda for approval to transfer a high-water vehicle to the City of St. Augustine Fire Department, which could be added under Consent. He advised that there are no deletions, but he reminded the Mayor that the Finance Director gave the Commission a revised Budget Resolution 22-15.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

There were none.

VII. PRESENTATIONS

Ms. Janel Finley, Public Affairs Specialist, U.S. Small Business Administration, Regarding Financial Aid Available to Businesses, Homeowners, Renters, and Non-Profits Affected by Hurricane Ian

Ms. Finley introduced herself and showed a PowerPoint [Exhibit A] and played a video from YouTube [<https://www.youtube.com/watch?v=1Zu0qRknQZI>]. She advised that she has

additional handout information available for anyone who is interested and that she would also provide her contact information. The PowerPoint presentation described the three-step process for Small Business Administration (SBA) disaster assistance, the requirements, etc. She advised that the business loans are up to \$2 million with a 3.04% fixed interest rate for up to thirty-years. She said that businesses could apply for either a physical damage or an economic impact loan. She described the types of disaster loans, limits, and terms from the PowerPoint presentation. She advised that everyone should register with FEMA first before applying for a loan, that the physical damage loan deadline is November 28, 2022, and the economic impact loan deadline is June 29, 2023.

Commissioner George said that it is her understanding that if the work is done before receiving the FEMA grant money that you could become ineligible for the grant, and she asked for clarification. Ms. Finley advised that SBA does not do grants, they do loans, and if a FEMA grant has been received, then you must document how much the grant was for when applying for the SBA loan.

Commissioner George asked how long it takes to get a FEMA grant. Ms. Finley advised that she did not have that information. Commissioner George said that she has heard that it could take up to two years to have to live with the home without being able to have the work done or else they would forfeit the grant. Ms. Finley advised that there is a FEMA intergovernmental point of contact that can provide the information regarding FEMA and that she asked Commissioner George to email her and that she could get that information for her.

Mayor Samora thanked Ms. Finley and said that she provided good information that the City could pass on for anyone that was affected. Ms. Finley suggested to apply for all three at once to help keep track of it.

Mayor Samora moved on to Item VIII and advised that the public is invited to speak for three minutes on non-agenda topics. He advised that any questions would be followed up at the end.

VIII. PUBLIC COMMENTS

Bill Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, said that at the last several Commission meetings that people had stated their personal concerns for their opposition to moving the Ocean Hammock boardwalk, which pale to the security concerns for those who support the proposal; the most important responsibility for any government is the security of its citizens; this proposal is designed to address the significant security concerns; security concerns will be greater after the amenities are completed when it becomes a more active park; it will become a magnet for the homeless population, which are typically drug/alcohol addicted; the proposed rerouting would significantly mitigate the security concerns with little to no cost to the City and he asked for support for the proposal at the December meeting.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, said that he had previously showed Zillow listings to point out time-frames when Sea Colony residents moved in near the boardwalk over the past ten years, along with the five year police report which speaks for itself; he presented public documents, which should be highlighted for future reference such as the environmental survey [Exhibit B]; that three people have offered \$600,000 to demolish the existing boardwalk and relocate one through the wetlands area, which is financially driving this effort; it is important to note that the public benefit has been highly disputed by non-Sea Colony residents; he showed a slide which depicted three boardwalks and there is no discussion to move the two Sea Colony boardwalks; this is the only path proposed to the beach which would no longer be an elevated boardwalk; saw two disabled children on the path using the rail to support them on their way to the beach; is against considering the Sea Colony proposal and is attaching a letter

of a Sea Colony rebuttal, which infers the Commissioners agree that the boardwalk should have been in the center of the park and that this is a chance to rectify that.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, due to the workload the City took the position not to do a Request for Qualifications for park planners for Hammock Dunes Park and he asked the City to keep it on the back burner; traffic signal needed on Madrid/State Road A1A at Marsh Creek which is an accident waiting to happen; keep in mind that the City spent an extra \$70,000 for construction of the Ocean Hammock Park boardwalk decking, which is in good shape; siderails need maintenance; agrees with Sea Colony's safety concerns but a walkway through the center would be more dangerous and would be at ground level with no railings; the existing walkway is much safer; there would be homeless people using the park unless the police are going to patrol it; snakes will come out to the warm concrete.

Mayor Samora closed Public Comments and asked Chief Carswell for his comments about the traffic concern comment at Madrid Street. Chief Carswell advised that he is not working on a traffic signal, but that it is a heavy traffic area which has had crashes there recently. He advised that he would be happy to contact the Florida Department of Transportation (FDOT) to get the ball rolling. Commissioner Sweeny said that Mr. LeClare looked into having the speed limit changed in that area and FDOT said that it was not a problem area so they might not approve a traffic signal there either.

Mayor Samora moved on to Item IX.

IX. COMMISSIONER COMMENTS

Vice Mayor Rumrell thanked staff for getting the City through another storm and said that we did as good as we could do.

Commissioner George also thanked staff and said that we got major damage to our outer dunes and hopefully the next renourishment will help recapture some of that. She congratulated the City Manager for his 33rd anniversary with the City.

Mayor Samora and Commissioner Sweeny echoed their thanks to the staff.

Chief Carswell thanked Commander Harrell for coordinating the efforts during the storm.

Mayor Samora moved on to Item X.1 and asked Director Tredik for his presentation.

X. PUBLIC HEARINGS

1. Resolution 22-15, to Discuss and Adopt a Stormwater Utility Fee (Presenter: Bill Tredik, Public Works Director)

Director Tredik presented a PowerPoint [Exhibit C] and he advised that this is timely since we just had a storm, and he is hopeful that the Commission adopts a resolution tonight to show intent for a stormwater utility fee. He provided background information regarding the City's size, drainage, pumps, ditches, etc. that make up the City's stormwater system. He described the ongoing maintenance of ditch cleaning, inspections, street sweeping, and repairs, at an estimated cost of \$150,000, which would be in the budget every year and would increase because the City is not doing everything it is supposed to due to lack of funds. He moved on to the Additional Maintenance Needs portion of the presentation and said that the outfall canal needs to be maintained to keep it flowing along with the responsibility to maintain the bulkhead on either side and that lot of things have grown in it during the pond project. He advised that his estimate for the outfall canal is pretty accurate. He moved on to discuss the pipe cleaning and future maintenance needs and he advised that these are rough estimates,

and the City could easily be spending over \$200,000 a year for maintenance, which does not include inflation.

Director Tredik moved on to the Project Funding Needs portion of his presentation and advised that we had talked before about some of the upcoming projects from the Vulnerability Study and the Master Drainage Study Update with potentially \$10 million in projects over a ten-year implementation plan. He said that we could potentially get grants but would still have to come up with \$250,000 to match the grants and that we would need a program to bring the money in for City matches. He advised that the City has been very lucky to have a few fully funded projects, but it may not in the future. He said that with so much inflation that projects such as Ocean Walk may cost more than what was approved. He said that the City needs dedicated funding for stormwater because it is expensive to manage, could exceed \$450,000 per year between projects and maintenance, and that we cannot always defer things. He advised that the stormwater needs are competing for funds with all the other wants and needs of the City, such as the for the Police Department, paving, beautification, etc. He advised that a stormwater utility fee would guarantee that the City has funds for drainage.

Director Tredik moved on and advised that there is additional information in the agenda packet regarding the Florida Stormwater Association's 2022 Stormwater Utility Report and that 170 other municipalities have stormwater utility fees because it works and that it has been upheld by Florida Supreme Court. He advised that most of those municipalities used impervious surface area as the basis to determine their fees. You would determine what the needs are and then set the fee. It is not dependent on millage, so if property values go down, you are not in a hole. He said that it guarantees the funding for maintenance, is predictable, and would allow the Master Plan to work.

Director Tredik advised that even if a housing development has its own stormwater system, that everyone still drives the City streets and everyone benefits from it. He said that we can discuss how to make it fair and equitable for the citizens and businesses as it is being developed and that it can be adjusted annually. He advised that the funding strategy would be a non-ad valorem assessment because we do not have a monthly utility bill option like other municipalities may have. He showed a comparison of other similar size cities and their fees and said that we could start with a low fee to just cover maintenance and bring in projects later. He explained that the ERU is supposed to be based on the average impervious surface for a residential unit, which he believed the City's is approximately 3,000 square feet.

Director Tredik advised that we have been through the steps to implement a non-ad valorem assessment fee and that he is asking to pass a resolution today to express intent to adopt one. He discussed the upcoming time frames going forward for implementation such as notifying the tax collector before January 1st, developing a draft to establish the ERU square footage, etc. by April, to notify all property owners in June, and pass the resolution in August. He advised that the City could decide to not move forward at any time during that process.

Director Tredik advised that we would need to bring someone onboard to help with this and, if it is approved tonight, that he would like to put out a Request for Qualifications (RFQ) for a consultant. The consultant could start determining the Equivalent Residential Unit (ERU) and measure commercial impervious surface areas to develop the stormwater utility fee ordinance. He advised that it is doable within the time frame but that we cannot wait to get someone onboard and would need to move forward if we want to go that route.

Director Tredik advised that he estimated that a monthly fee per ERU of \$2.70 (\$32.40 per year) would generate an annual estimated revenue of \$200,000 just to cover maintenance

and \$8.05 per month (\$96.60 per year, which is the statewide average) has an estimated revenue of \$575,000, which would allow \$375,000 for projects. He advised that \$6 per month per ERU (\$72 per year per ERU) could fund maintenance plus almost \$250,000 of projects annually. He said that if we do not do this, we could be facing real challenges down the road and that his requested action is to pass Resolution 22-15 stating intent to assess a non-ad valorem assessment for stormwater maintenance and improvements. He said that next year will be challenging and this gives the opportunity to keep the millage down.

Mayor Samora asked what was in the current budget for stormwater. Director Tredik advised that is where the \$150,000 came from. Mayor Samora asked how much was for projects. Director Tredik advised that he did not have those numbers but that it was substantially more. Mayor Samora said that we are still going backwards \$50,000 a year in maintenance. Director Tredik said yes and that we are at the end of our ability to keep everything maintained with the budget we have.

Commissioner England said that as you prepare the budget you could react to the grants and after talking to the City Manager today that we do not have any more revenues coming from the last infrastructure bill. If it is in the millage, you can realistically budget for what you could accomplish that year and customize it each year. She questioned whether future commissions would cut it or would they realize the importance of it. She advised that putting it in the millage and the budget is more customary to what we could accomplish and the needs for that year vs. a fee. If this fee is combined with the garbage collection fee, that the residents are looking at those fees growing each year. Director Tredik advised that it could be budgeted for each year, but there is no guarantee that the money would be used for stormwater. If this money is through a non-ad valorem assessment, then it would be spent for stormwater and would not have to compete with the other needs of the City. He said that 170 other cities have done this because it gives them the certainty that they can meet the drainage needs. He said that regardless of the cause, sea level is rising, which is documented by satellite photography, and we are dealing with it. He advised that the weir was about five inches from being over the top and that he believes that the City will be facing an improvement to it in five to ten years because we are battling a changing environment. He said that if it is funded through the millage that he believes that we would not be doing as much as we should be doing.

Commissioner England said that staff must be adamant about what is necessary. Director Tredik advised that we will, but we do not have the final say and this protects the citizens from flooding. He advised that it is not a random fee but targeted to protect their property and that he needs some kind of guarantee that he can provide this service. Commissioner England said that there is no doubt that the money is needed because the storms are getting more frequent, and the water has to go somewhere.

Vice Mayor Rumrell advised that it would be important to notify the residents of the projects and what would be maintained so that they understand what the money is going towards. He said that the yearly maintenance would not be the same every year. Director Tredik advised that he averaged it over a longer period and that is where he got the \$150,000 that is currently budgeted and that the average is \$200,000 per year. Vice Mayor Rumrell advised that we need to update our project list because at some point we may not be able to get funding from Tallahassee as frequently as we have been and that he would like to have some mechanism to go after the funds with matching funds. He advised that for him to be able to support this, that it would be important to hold the fee steady for a minimum of five to seven years because we cannot sunset this with an end date. Director Tredik advised that he believes that you could have a term limit. Vice Mayor Rumrell advised that the trash fee has gone up and that

maintenance would probably go up as well and that he does not want to nickel and dime every fee and to have a set fee and work within those parameters. He suggested to have a sunset and revisit it in ten years. Director Tredik advised that since it is a fee that it would need to have some consideration for inflation to be effective and would be held until the Commission raises it.

Commissioner Sweeny said that it would need to come back to the Commission each year as the budget is being determined. Director Tredik said yes and that even a range change would need to be brought before the Commission each year. He advised that as long as the change is within the set range that you would not need to republish it each year.

Vice Mayor Rumrell asked if he would have a list of the priorities that he feels are most important such as the weir, Ocean Walk, etc. Director Tredik said yes.

Mayor Samora asked how far out he could put together a project list. Director Tredik said that hopefully the Master Stormwater Update will be done this spring and he would have a much better handle on a project list by then.

Commissioner George asked how broad the scope of use could be under the purview of stormwater maintenance/capital improvements. Director Tredik advised that that could be provided as we move through the process. Commissioner George asked how the project needs could shift to more resiliency issues as needed. Director Tredik advised that stormwater and resiliency are closely related, but that certain projects, such as living shorelines, should not be done through this fee but that a broader ordinance could bring in resiliency.

Discussion ensued regarding other opportunities; sea oats planting is a resiliency project that fortifies the beach, which could prevent flooding so the connections could be made; could be a collaborative with other agencies which is beneficial; no reason to exclude it.

Commissioner England advised that she has concerns with a fee because we cannot predict the weather and that there has to be a way to adjust the budget. She said that you cannot get away from having money for extreme weather circumstances and this would need to be very well documented. Director Tredik said that if you go down this path that you would set a range and set a fee and if there is a catastrophic event that there would more than likely be Federal assistance. He agreed that the Commission would need to look at the budget each year and decide if additional funds need to come in from ad valorem taxes. He said that if we start with maintenance only, then you would budget for project money from the General Fund.

Vice Mayor Rumrell asked if the maintenance for stormwater could be taken out of the budget line item so that the fee would be 100% of the maintenance and the budget funds could be used elsewhere. Director Tredik said yes. Commissioner George said that is the theory, but when have we done it with any of the other fees. Director Tredik advise that the stormwater foreman's salary would be paid from this fee rather than from ad valorem taxes. He said that the \$50,000 in the budget for various drainage maintenance would be funded from this fee.

Mayor Samora said that the decision is whether we need a protected dedicated fund for stormwater only.

Mayor Samora opened Public Comments.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, stated as a civil engineer he understands the need from Director Tredik's standpoint, but he is a taxpayer and the residents have just gone through the multiple increases of solid waste; there may be a number of \$36 or \$72 but that is only for the equivalent of one unit, which would need to be multiplied by 2 or 3, which would be \$140-\$200 in addition to the \$335 solid waste fee, which equals \$500 a year in non-ad valorem taxes; some people are paying more in non-ad valorem than

in ad valorem taxes; people with homestead exemptions would benefit from anything through the ad valorem taxes not the non-ad valorem; not everyone is in your position and he is against the fees because they should be in ad valorem.

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, agrees that a separate fee is needed for stormwater because it is the biggest threat; sea level rise is real, and we need to spend money protecting our homes and businesses and be prepared for more storms; there may be year-round storms in the future.

Mayor Samora closed Public Comment.

Mayor Samora said that the Commission needs to decide whether to move forward with this resolution because if it is not approved tonight then we would not be able to do the non-ad valorem until the next fiscal year. He asked how much a consultant would cost. Director Tredik advised that it depends on the scope and level of detail that is negotiated but he believes that it could be in the \$25,000 range to start the ball rolling and that some of the work could be done in-house but that he cannot do it all. We could control the cost to some degree and use the consultant for the things that we do not have the time to do.

Commissioner Sweeny asked what the basis would be for a legal challenge to this fee. Director Tredik advised that someone could challenge the ERU, that commercial would pay a lot more, or if undeveloped land is assessed, etc. and that we would follow models of other challenges that have won, which the consultant could provide.

Mayor Samora asked the Commission if the City needs a separate fee for stormwater or to hash it out in the budget every year.

Commissioner Sweeny said that she supports moving this forward because it does rise to the level of importance of a dedicated funding source so that we do not have to go through that battle each year and that she does not see things improving with flooding and stormwater management, so now is the time to take action.

Mayor Samora agreed that it is hard for Director Tredik to have a five or ten year plan when he does not know how much money he will have for stormwater every year.

Commissioner George said that she has been on the fence about this fee, that it needs to be addressed, but that she is still opposed to a non-ad valorem. She said that the Master Plan is not updated, and we just implemented a couple of other fees and that it is a timing issue.

Mayor Samora said that we have to be aware that it would either come from a millage increase or a non-ad valorem fee. Commissioner George said that we have faced a lot of unique circumstances over the last couple of years and unfortunately it has not allowed us to give money back to the residents by reducing the millage and for now she would prefer to handle it in the millage.

Commissioner England advised that she is torn because she believes that we are going to need both and that the City of St. Augustine probably has money in their budget and a stormwater utility fee. She said that she would support having a stormwater utility fee.

Motion: To approve Resolution 22-15 and approve advertising an RFQ for a consultant.
Moved by Mayor Samora, **Seconded by** Commissioner Sweeny.

Mayor Samora asked for a roll call vote.

Commissioner George	No
Vice Mayor Rumrell	Yes

Commissioner England	Yes
Commissioner Sweeny	Yes
Mayor Samora	Yes

Motion passed 4-1.

Mayor Samora asked when the Commission would see this again. Director Tredik advised that he would put the RFQ out right away and when he has the rankings that he would bring it back to the Commission. He advised that he would submit the resolution to the property appraiser and that the Commission may not see it again until spring after the information is gathered to present the ranges or it could be brought back midway through the process.

Mayor Samora said that the Commission has been provided a lot of good material. He requested that the Commission be provided with updated information as it comes in so that research could be done, and questions could be answered. Director Tredik advised that he could do an update before any decisions need to be made in April.

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

2. Resolution 22-16, to Discuss and Adopt a Non-Ad Valorem Assessment for Solid Waste Collected from Vacation Rentals (Presenter: Bill Tredik, Public Works Director)

Director Tredik advised that he did not have a presentation, so he recapped by reading from the background information provided in the agenda packet. He advised that the elimination of the can count method provided some savings, but that it did not really pan out for the transient rentals. In October of 2022, the Commission voted to begin the process of a commercial solid waste non-ad valorem assessment to help deal with the issues from transient rentals. He advised that the same timeline exists for this, and a resolution needs to be passed today to make this happen for the next fiscal year so that we can notify the Tax Collector by January 1, 2023. He advised that this is less controversial than the others because it is not a new fee, it is just a transfer of how we are collecting the fee. He said that the action requested tonight is to pass Resolution 22-16.

Mayor Samora asked if the fee has to be the same as the residential non-ad valorem assessment. Director Tredik said no, and he advised that the Commission has the option of setting that fee. He said that transient rentals are similar home properties, and he does not believe that it should be less than the residential fee but that it would be the Commission's decision.

Motion: To approve Resolution 22-16. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Item X.3 and asked Director Tredik for his report.

3. Resolution 22-17, to Discuss and Adopt a Non-Ad Valorem Assessment for the Connecting of Private Buildings to Underground Power Lines (Presenter: Bill Tredik, Public Works Director)

Director Tredik advised that everyone is familiar with the 2nd Street project. He said that he would recap the background information from the agenda packet and then go over what needs to happen moving forward and what needs to be decided. He said that the project is now under construction and the sanitary lines and storm drains are in and it is moving along.

Director Tredik advised that the Commission authorized Florida Power and Light (FPL) to begin the design, which has largely been completed at this time [preliminary design from agenda book shown on overhead projector]. He said that it is fed from the east and the west, so we

do not need every house to provide an easement but that there are three property owners that have not granted easements, which is based largely on the uncertainty of the cost.

Mayor Samora said that the western half of 2nd Street is undergrounded, and he asked if it had any dependency on the eastern half. Director Tredik advised that there is some dependency but that it could be done without the eastern half. He said that FPL anticipated the eastern half going in so they would need to make a slight change to it. He said that we have everything on the western half to make it happen. He said that we still do not have a final plan from FPL, and we are in a time crunch to get conduit under the road or at least the crossing of the road.

Director Tredik advised that he is concerned about the eastern block and that we are in a bit of a predicament because of the cost. He said that none of the easements have been recorded yet and would not be recorded until we get all the ones needed. He advised that we are not there yet and that he does not believe that we will get there unless we can figure out the funding. He said that at the last meeting we talked about four different options, which he recapped from the information provided in the agenda packet and that the Commission agreed to move forward with Option #2 to advertise for a Public Hearing to consider the intent to implement a non-ad valorem assessment. He advised that this resolution would need to go through the same process with the Tax Collector, etc. He advised that we do not have solid numbers, all we have are preliminary estimates. He said that he thought it would cost \$34,000-\$52,000 for FPL plus the cost to underground other utilities. He said that there are other potential options, such as a special assessment, but it has challenges. He advised that the recommended action by staff is to pass Resolution 22-17 tonight. He advised that there are residents here tonight to speak about this and that he received an email of opposition that he forwarded to the City Clerk. He said that the feeling is that there have been two hurricanes and there was no need for line repair.

Mayor Samora asked if the utilities on the poles have been identified. Director Tredik said that he believed that there are two other utilities on the poles, which are probably Comcast and AT&T, but that he would need to verify that. Mayor Samora asked if the cost to underground those other utilities is bundled into this cost estimate. Director Tredik said no. He advised that he does not have firm numbers on that yet and he would have to see how they are fed but that they should not be as costly as FPL.

Commissioner Sweeny asked if the assessment range would be the \$34,000-\$52,000 or is this just the assessment for the connection fee, or the total cost for the assessment for this section of the street. Director Tredik advised that it is not the total cost, it is the assessment range potential, which is not being decided tonight. He said that those figures were provided to give an idea of the type of assessment and the overall value that it could be. He said that he would have better information by spring when the Commission would need to make the decision. He said that those figures are not necessarily divided between everyone because the first two properties are commercial, which would still be served from above, so they would not be assessed. It is divided between approximately ten lots and could be as much as \$5,000 per lot.

Vice Mayor Rumrell said that the \$5,000 is in addition to the \$750 FPL tariff per meter. Director Tredik said yes, and that the tariff is challenging because it would not be the same for each property such as the two properties on the west end that are already underground, which would have a smaller tariff. He advised that all those details could be worked out, but the question is, do we want to have this path as an option.

Commissioner George asked if this resolution would obligate the City to any approach as far as dividing that cost between the property owners, whether it be a fraction or a case-by-case

decision based upon the circumstances of each property. Director Tredik advised that he would need to confer with the City Attorney as we develop the ordinance.

Mayor Samora asked if different properties could be assessed different non-ad valorem fees. Finance Director Douylliez advised that it would be very challenging. She said that we would need to set a flat fee and then she would need to have some type of divisible number.

City Clerk Fitzgerald advised that this resolution does not obligate the City to any particular path so you can vote yes tonight and still change the path later. Director Tredik advised that he would continue to investigate other options, but he is trying to keep this option open for undergrounding otherwise it will not be part of this project.

Commissioner England advised that this Commission and previous Commissions have all said they want to underground utilities and it is in the Vision Plan. She would like to keep going and find a uniform way of approaching this. She believes that a special assessment is one of the best ways to do it, which could be paid by the owner over a specified number of years and if the property is sold, then it is paid from the proceeds and the City gets its money back. It is the best way to accomplish it in a uniform manner for the underground utilities that are a benefit to some of our more recent neighborhoods and the resiliency for the rest of the City. She advised not to back down or be fearful of going down this uniform path when there is an opportunity to underground utilities. She said that the City has a lot of trees and we do not want to cut a lot of trees down after storms and give up our hammock cover.

Mayor Samora asked Commissioner England to clarify whether she meant a special assessment or a non-ad valorem. Commissioner England advised that a special assessment is like a loan and putting a lien on a property, but there is a benefit to each individual property.

Commissioner George said that it raises questions about the applicability of a special assessment vs. a non-ad valorem, which is what we have before us. She asked staff if an analysis was done, is a special assessment not an option, etc. Commissioner England said that a special assessment would show up on a title search as a lien on the property and she was not sure if a non-ad valorem would show up unless it is not paid and then it becomes a lien.

Discussion ensued regarding that a special assessment shows if there is a transfer of the property and the special assessment would get paid; that a non-ad valorem would not be satisfied at closing and the new owner would continue the payments.

Finance Director Douylliez advised that she had a brief discussion with someone from St. Johns County who is knowledgeable about special assessments, and he went through their process. She said that they basically wait for a neighborhood to ask for the improvement, which must have at least fifty percent on a petition to move forward and then the County would begin to analyze the benefits, the costs, etc. That analysis then goes back to the community to decide if they still want the improvement, which needs seventy percent approval before the County would move forward. The assessment would be based on the improvement to each individual lot with larger lots possibly having a greater benefit. She advised that the City would have to come up with a benefit analysis similar to what the non-ad valorem is so that we could divide the cost and set a time frame.

Commissioner George said it sounds like we already have a system in place to proceed with a non-ad valorem and not for a special assessment. Finance Director Douylliez said yes. Commissioner George said that it sounds like there is not any other material benefit or impact other than the possibility of getting paid at closing, which neutralizes the question.

Finance Director Douylliez has concerns for the time frame of a non-ad valorem and its impact and/or delay on the project. Director Tredik advised that he cannot delay the project, but it

may end up costing a little more if we put the conduit in after the road is complete. Or we could do the change order knowing that we are going to pass this assessment down the road, get the conduit placed, and activate it as soon as possible. He asked for clarification whether a special assessment is a lien. Finance Director Douylliez advised that it is similar to a non-ad valorem on the taxes.

Commissioner Sweeny said that if we levy this assessment the residents could still deny the easement and then the City could not move forward with the project. Director Tredik agreed. Commissioner England said that the City would have the legal remedy to obtain that easement. Director Tredik said yes there is a legal remedy but then you are starting to pay for those easements and not get them dedicated. Commissioner England suggested to stand strong on this policy.

Commissioner George said we have the easements from the other property owners and could put the conduit in the road and wait until we voluntarily get the other easements. Commissioner Sweeny said that she has received emails from four owners so far and if we are only talking about ten lots, then that is almost half of them and she is struggling with moving forward. Commissioner George said that she has heard that there is a fairness issue and whether the mechanism would neutralize some of the concerns.

Mayor Samora opened Public Comments.

Jay Floyd, 111-A 2nd Street, St. Augustine Beach, FL, stated that in twenty years he has never had an FPL truck on his street; has lost power but it was somewhere else on the grid; there are several healthy large live oak trees, which are maintained by the owners; it is not in the Comprehensive Plan to underground the entire City; last year when the City decided to open up the end of 2nd Street the undergrounding was offered and it was his understanding that it would not cost the homeowners; there is no plan for the other utilities, so the poles would still remain; he is taking back his easement because he does not know how much it is going to cost; there was other recent paving done and there was no talk of undergrounding those utilities; if it were part of the Comp Plan, he would be ok with it.

Chris Barkett, 114 2nd Street, St. Augustine Beach, FL, is taken aback by where we are with this issue; in 2015 you decided to come in 1st Street and we were told it was a done deal; the Commission did not listen to the residents that did not want 2nd Street opened; the only reason he believes that it was brought back up was because a developer offered to pay for a fraction of the road to be cut through; we live there and are dealing with it and the pump that runs 24/7 smelling of diesel fumes; he and his wife are public educators; all he has heard tonight is that we are paying more for other things and inflation is going up but his salary is not; the money could be earmarked for something else that is more important to the residents; has never had a power line down in twenty years; we teach our kids not to make decisions before you have all the facts yet we are not getting all the facts to make this decision; there are several homeowners on 2nd Street that have no idea what is going on with their easements or the FPL Tariff, etc.; undergrounding is great but the cost has to be right; the City did not ask us, it is telling us, because you want to do it, not because it is what we want; the residents need to have a say in this.

Marc Craddock, 116 2nd Street, St. Augustine Beach, FL, is torn about this issue because he wants undergrounding to happen; it was the "olive branch" that was offered by this Commission in order to open 2nd Street, that as a concession the City would underground and pave the street, but the cost was not disclosed to the residents; he is willing to pay for undergrounding because it is important to him but he is an outlier from the residents that showed up tonight; suggested doing a cost-share with the residents to divide the cost to

encourage it and spread the cost over as long a period as possible; if the entire cost is going to fall upon the residents then he is starting to lean with the other residents because he feels a little bit duped because something was offered and then it was pulled back; he is for the undergrounding and is willing to pay for it, but not at the cost of his neighbors.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, is for the undergrounding of utilities; Whispering Oaks already has underground utilities, and he believes this benefits the entire community; ask the citizens to vote to share the cost to help get it started and it could possibly keep going.

Mayor Samora closed Public Comments.

Commissioner George advised that the City is sharing the cost. In fact, the City is paying the entire cost except the individual connection cost, which is what is being discussed tonight. She said that you have to put that in context. Also, there is a procedure that the City has to go through just to keep the option open, which is the stage we are at now, to consider whether to keep the option open. It is a lengthy process to get to the point of being committed and that is why we do not have all the answers at this point. She said that the City is not trying to force this upon anyone without information, but it is the nature of the process unfortunately. We do not have all the costs for the other utilities, etc. and all those other things take a lot of time to gather so there is no purpose for them to outline it until we get all the information. She said that she would be uninterested in proceeding if the poles would be left behind for other utilities because it should never happen. She appreciates the financial hardship concerns as well.

Commissioner Sweeny advised that she is sensitive to putting this fee on the owners who are telling us that they do not want it and that undergrounding is not as important to them. She said that she is struggling to move forward with this since there are nearly half of the residents that do not want it and do not want to pay for it. She said that the argument that this one street is being singled out resonates with her and until we have a Comprehensive Plan for undergrounding utilities, funding for it, and a plan in place, that she has a hard time singling out a street whose residents say that they do not want it. She said that she cannot support this today.

Commissioner George advised that it is just because it would be substantially less expensive to do it on 2nd Street because of the extensive work that is already being done. Director Tredik advised that he did not believe that it would be substantially less but definitely less.

Commissioner England advised that the City does have a plan to underground utilities along A1A Beach Boulevard which is a start. She said that there may be other streets that come up before the Commission can actually talk about a Comprehensive Plan for the entire City, which she believed eventually would be undergrounded. She said that there are newer neighborhoods which are underground and are benefitting from that.

Commissioner George said that the decision to turn the road or not was about fifty-fifty and that there was no majority preference for one option. She advised that the decision was based on expert recommendations. She understands that it would leave half of the street unhappy. She said that she uses the 2nd Avenue bike path all the time and has seen that horrible pump but hopefully it would be done soon.

Mayor Samora said that there is an appetite for cost sharing on this even from residents that do not live there. He asked the City Attorney what precedent it would set if the City absorbed the cost of the connections. City Attorney Douglas advised that it would open the City up for an argument later down the line when there is a Comprehensive Plan in place and everyone wants a cost share for their connection fees.

Commissioner George said what if this was the so called “guinea pig” street and it could be written that it was done to see how it goes, therefore setting it apart from a larger Comprehensive Plan. City Attorney Douglas advised that he would prefer to see a rational basis for singling out 2nd Street for the cost share basis due to the existing construction in the area and strategy in terms of time for the cost savings. He advised that a future Commission could depart from that precedent of cost sharing.

Vice Mayor Rumrell advised that he is leaning with Commissioner Sweeny and that if the City did a survey and people knew how much it was to connect, that they may not be eager to connect. After the testimony from the residents today, he could not support moving forward either.

Commissioner George said for the record that it is \$2,750 to \$7,750, and even spread over ten years, it could be a lot for people.

Mayor Samora advised that that is not the decision before us tonight and that everyone wants us to move forward but how do we do it without burdening the residents. Vice Mayor Rumrell said that it is a slippery slope because Agenda Item 12 is undergrounding utilities on 4th Street between 2nd Avenue and the Boulevard. Commissioner George advised that it is also opening up the street, which is the same as we did on 8th Street, the west side of 2nd Street, and 12th Street. Vice Mayor Rumrell advised that there is a business on the corner. Commissioner George said that is just opening up the road and it is silly not to put the utilities underground, which is how we got here now.

Motion: To approve Resolution 22-17. **Moved by** Commissioner George, **Seconded by** Commissioner England.

Commissioner George advised that if this does pass, that it is critical to her for staff to get the resolution on the question of the other utilities and the poles for the next go around so that we know whether to proceed further and how to handle the cost. Director Tredik advised that the intent is to get them off the poles and not to leave the poles. Commissioner George advised that getting those figures would give resolution to a substantial issue.

Commissioner Sweeny asked if the homeowners would also have additional costs for the other utilities to reconnect. Director Tredik advised that there may be some additional cost but not to the level of FPL. Commissioner George advised that that is what we will want to know. Director Tredik said that he will find out the costs.

Mayor Samora asked for a roll call vote.

Vice Mayor Rumrell	No
Commissioner England	Yes
Commissioner Sweeny	No
Mayor Samora	No
Commissioner George	Yes

Motion fails 3-2.

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)

4. Resolution 22-14, to Amend Section XII.4 of the Personnel Manual to Require All Non-Salaried Employees to Use Time Sheets for the Recording of Work Hours
5. Budget Resolutions:
 - A. 22-15, to Adjust Funding from the American Rescue Plan Act
 - B. 22-16 and 22-17, for Adjustments to the Fiscal Year 2022 Budget
- 5A. To Approve the Transfer of a High-Water Vehicle to the City of St. Augustine Fire Department

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

Mayor Samora moved on to Item XII.6 and asked Director Tredik for his report.

XII. OLD BUSINESS

6. Ocean Walk Subdivision Drainage Improvements: Update Report (Presenter: Bill Tredik, Public Works Director)

Scott Knowles, Matthews Design Group, 7 Water Street, showed designs from a PDF [Exhibit D]. He advised that they are currently permitting with St. Johns River Water Management District (SJRWMD), and he is expecting comments and the permit in the next few days. He said that they are at the point where they need to talk with the residents that are impacted as highlighted in yellow on Exhibit D-1. The reason for the impact is because they have to recreate the swales and install some pipes and each one of these residents will feel an impact of some sort. The biggest impact will be to the driveways, but there are four lots that will be more heavily impacted with new pipes going in between lots 14 and 15 and 28 and 30 Lee Drive and we will need to get the easements from them. He advised that lot 15 has some flooding issues as well and there is an opportunity when we bring the pipe through to relieve some of that flooding by simply adding another inlet on the pipe. He said that between lots 6 and 7 has a pipe going through it and he is not sure if they have a clear easement so it would need to be cleared up because part of the project requires them to replace that pipe with a larger one. He said that he is trying to avoid standing water in the driveways as shown on Exhibit D-4 and to use pass-through trench drains as shown on Exhibit D-5, which is basically a pipe with a trench drain over top. He said that a lot of the homes have driveways that slope towards the garage, and this will help fix some of those flooding issues. They are fairly easy to maintain, and work well with paver driveways. He advised that the lift station is being permitted right now with SJRWMD and that it would be fenced in as shown on Exhibit D-8 and will not be seen or cause a visibility issue with traffic.

Commissioner George asked how tall the fence would be. Mr. Knowles said that it would be six feet tall. Commissioner George asked if there would be any landscaping around it. Mr. Knowles said no. He would suggest doing some landscaping, but to keep in mind that it is close to a roadway intersection and landscaping would need to be low to not cause any traffic visibility issues or interfere with powerlines. Commissioner George suggested using bushes. Mr. Knowles said that bushes would help mask it a little bit.

Mayor Samora asked if the pumps were quiet. Mr. Knowles advised that the pump would be fairly quiet, it is an electric motor and that he believed that the closest resident probably would not hear it. He said that you would hear it if you were standing next to it.

Mayor Samora asked how the resident input would be done. Mr. Knowles advised that he would suggest a workshop meeting because most residents would probably have questions. He said that the pros of the project outweigh the cons.

Commissioner George asked who is funding the driveway improvements. Mr. Knowles advised that it is part of the grant and those driveway improvements are needed to get the water out. Commissioner George asked if it would be a trench underneath a grate. Mr. Knowles advised that it is an open pipe under the grate that would carry the water from one side of the driveway to the other. Commissioner George asked if there would be enhancements to the swales. Mr. Knowles said yes because if we put pipes in then we have to make the swales much deeper and would try to keep the impact to any trees low.

Mayor Samora opened Public Comments.

Karen Kempler, 30 Lee Drive, St. Augustine Beach, FL, is glad that it is moving forward; appreciates the efforts of the City and Vice Mayor Rumrell to bring in two pumps during the recent storms; believes that a workshop would be very helpful.

Mayor Samora thanked Mr. Knowles for his update. He moved on to Item XII.7 and asked Director Tredik for his report.

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

Director Tredik read the background information as provided in the agenda packet and advised that Phase 3 would convert the remaining 124 fixtures with a 42-watt LED fixture. He showed a map with the phases as provided on Page 2 of the agenda packet and said that there will be two new lights at the entrance to the Ridge, which has some dark areas, and will make it much safer for pedestrians.

Director Tredik said that turtle lights have come up in the past and at the time they did not have a good shield solution, so we are looking at amber lights for the twenty-five locations that we turn off the lights each year during turtle season. He advised that the amber lights could stay on during turtle season and have a little larger footprint of ground illumination, but they cost more and are actually a higher wattage, so they use more electricity. He advised that FPL now offers a shroud for the new 42-watt fixture such as those in Flagler Beach. The shroud comes down about three inches or it could be customized in some cases, it would not be able to be seen from the beach and should not be a disorienting factor to the sea turtles. He said that the 42-watt LED fixture would also actually reduce the City's cost by a few thousand dollars over the year. He said that he did not see any reason to go with the amber when the shroud appears to protect the turtles and would give a uniform consistent look throughout the City. He advised that his calculation took into consideration four feet below mean sea level as the turtle's view to ensure that the lights were not in their line of sight, and he is comfortable with it. His recommendation is to go with the 42-watt LED fixture for all of them and shroud the ones that are needed. He said that if any of the shrouded lights ever become visible from the beach that they could be turned off or converted to amber.

Director Tredik advised that the two new lights going in at 11th Street/Ridgeway Road do not have poles right now or underground wires and there is a one-time fee of just under \$1,300 to initiate the installation and a \$47.63 monthly fee, which includes an \$18.39 additional charge for the underground wires. He said that the action requested is to authorize the City Manager to execute two LED Lighting Agreements with FPL.

Commissioner Sweeny asked if the two new lights on 11th Street would be on the north or south side. Director Tredik advised that they would be on the north side and may need to be shrouded if they are an issue for the homeowners.

Mayor Samora asked if Director Tredik spoke to St. Johns County Beach Services regarding amber vs. shrouded lighting. Director Tredik advised that he sent them an email notifying

them that he would be talking about it at this meeting, and he did not get a response. Mayor Samora said that he wished we had something from them because they can be very particular about the lighting. Director Tredik advised that they are used at Flagler Beach, and they work, but that he understands the concern and that is why he invited them to this meeting.

Commissioner George asked if they have been used anywhere else in St. Johns County yet. Director Tredik said not to his knowledge.

Commissioner Sweeny asked how quickly this would move forward if approved. Director Tredik advised that the agreements would be initiated right away with FPL and that it would probably be at least a few months before they actually start. He said that last time it took about three or four months before we saw anything happening and that the goal would be to get them changed out before May 1st when turtle season happens again. Commissioner Sweeny asked if the City would have time if there were an issue.

Mayor Samora suggested to have St. Johns County Beach Services sign off on the design before moving forward. Director Tredik said that he could work those details out and not sign the agreement unless the County signs off on it. Mayor Samora said that he would feel much more comfortable with that. Director Tredik said that it would not need to come back as long as they signed off on it.

Mayor Samora opened Public Comment.

Commissioner-Elect Virginia Morgan, 208 Bluebird Lane, St. Augustine Beach, FL, is pleased to hear about the 11th Street lights; uses that stretch of road a lot and it is very dark.

Mayor Samora closed Public Comment.

Motion: To authorize the City Manager to execute an LED lighting agreement with FPL, and with St. Johns County Beach Services' permission, for conversion of the 124 70-watt HPS lights to 42-watt 3,000 K LED fixtures, twenty-five of the 124 converted streetlights will be shrouded for turtle protection, and the addition of two 59-watt 3,000 K LED streetlights along 11th Street, east of Mickler Boulevard. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora moved on to Item XII.8 and asked Building Official Law for his report.

8. Code Enforcement: Continuation of Discussion of Request to Hire Second Code Enforcement Officer (Presenter: Brian Law, Building Official)

Building Official Law advised that additional information has been provided at the Commission's request and that some of it was performed by the City Manager's staff with typical rates based on some of the rental companies. He said that this is going to be a two-pronged approach by first asking the Commission to decide if there is a need to hire a second Code Enforcement Officer, and if so, then we could move into the funding mechanism. He said that the Commission had a month to think about it and has seen the additional information. He said that his stance is still very clear that the City needs a second Code Enforcement Officer. He advised that the Code Enforcement Board heard this at their last meeting and that he has included those minutes and a summary of their recommendation of yes at \$450 for transient rental inspections.

Mayor Samora said that it was good information that was brought back and that he appreciated the good discussion from the Code Enforcement Board. He advised that he did not believe that there was ever any issue by the Commission of the need for it.

Vice Mayor Rumrell said that the information provided was great. He said that if there are 251 transient rental inspections for fiscal year 2022, that if you did one a day and divided that

by five workdays per week, that it would take 50.8 weeks just to do the transient rental inspections, which does not include other duties such as tree inspections, etc. The information provided specified about two hours per inspection, which is a quarter of a workday. He said that he completely supports it.

Commissioner George said that all the factors add up, but she is still on the fence of full-time vs. part-time. She is hearing loud and clear that it needs to be full-time.

Commissioner England said that she supports it. She has read the minutes and reports about how long it takes to bring a code violation to fruition. She asked how often a homeowner will claim they never received a code violation notice. Building Official Law said that it happens more than not, which is why we exercise our ability to hand-deliver, leave door knockers, send certified mail, etc. Commissioner England recommended that if there is no response within a certain time frame after the second notice, to pass the fee on to the homeowner. Building Official Law said that traditionally that is what they do and once it goes to the Code Enforcement Board that is to try to get compliance and allows about a month to fix the case. He advised that once it is advertised then that person is summoned to the Board whether they come into compliance or not because the City has spent additional revenue for staff time and the cost of the legal advertising. If compliance was not achieved, then the Board would decide on what fine to levy per day.

Commissioner England said that it is not just about the inspections and that this could allow for the code violations to be moved to a resolution much quicker and having an extra Code Enforcement Officer would help and she supports it.

Mayor Samora said that we have support for the position and now we need to pay for it. He said that the proposal is to raise the transient rental inspection fee to \$450 per unit from \$125, which was a recommendation from the Code Enforcement Board. He asked if there were any other options. Building Official Law advised that this option was one that he had control over, or that the Commission could raise the fee to whatever they want and the Finance Director would need to pull money from the reserve. He said to keep in mind that this option is to be able to self-fund it.

Mayor Samora asked when the new fee would go into effect. Building Official Law recommended that it should not go into effect until at least January of next year to allow for finishing up with the straggler transient rental inspections. He advised that he would like to see a thirty-day moratorium for any appeals.

Commissioner Sweeny asked how many code violation complaints are received for transient rentals. Building Official Law advised that he receives a substantial amount complaining about illegal transient rentals, which are hard to investigate and take a long time. Commissioner George asked about the licensed rentals. Building Official Law advised that they are mostly handled by the Police Department because Code Enforcement does not operate at night, and they would provide a report the next business day. He reminded the Commission that the City Manager has the authority to remove a Business Tax Receipt (BTR).

Mayor Samora asked if the revenue generated from the increased fee would be seen this fiscal year. Building Official Law said yes because the majority of the inspections begin August 1st. City Clerk Fitzgerald advised that the first annual notice goes out August 1st because BTRs expire on September 30th each year and the 2nd notice with a 10% late fee just went out at the beginning of November. Building Official Law advised that he has actually put up his inspections a month ahead of time because there are so many inspections and the two or more hours it takes for each. Commissioner George advised that she has never scheduled her property's inspection unless it is vacant.

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

Commissioner George advised that we just calculated that it is about a quarter of the time to do the inspections with one full-time employee. She said that she was approached by a neighbor who thanked her for advocating against quadruplicating the fee. She is definitely opposed to increasing the fee across the board without consideration for the size or the value of the rentals. She said that it is not that it is too much all at once, but that the employee is only going to spend about a quarter of their time on that specific task. She said that calculating from the 25% rule, factoring in additional for a vehicle and other costs, even if it was paying half of it, but to pay almost double the salary and benefits cost just to be an additional revenue source is disproportionate considering that some of the rentals are only getting \$70-\$80 a night. She said that if we want to stick with a flat fee that she would suggest that the increase should not be more than double the existing fee, which is about half of what is proposed or to create a tiered system based upon the number of bedrooms, which might end up generating a lot more revenue and would not be that difficult. Building Official Law advised that the City of St. Augustine implements it, it is not difficult, it would be on the Property Appraiser, and would just mean getting creative with a computer program. He said that there would be complaints, and people may lie about the number of bedrooms, and that is something that we would not be investigating or try to find the listing, etc. Commissioner George advised that there are so many other things in our Code such as the number of bedrooms, which ties in with how many people are allowed to sleep there plus the Officer could count the number of bedrooms during the inspection. Building Official Law advised that it would basically become the honor system and he could create the computer program for it but there is no definition of a bedroom in the Florida Building Code. He said that there is an unwritten rule that a bedroom had to have a closet, but he would challenge anyone to find that rule.

Commissioner England advised that the registration is a tiered rate, so why not have the registration and the inspection fee be the same. Building Official Law advised that the initial registration fee is approximately \$96.25 and once you are established within the City then you only pay the annual inspection fee and then the BTR fee. He advised that we do a flat registration fee because the more tiers, the more chances of human error.

Vice Mayor Rumrell advised that he liked the recommendation from the Code Enforcement Board. He said that every rental he saw showed an average of \$178 a night. Commissioner George asked where that data came from. Vice Mayor Rumrell advised that it was from Endless Summer Vacation Rentals. Commissioner Sweeny advised that she just did a search of her Airbnb app and the cheapest rental for a week in January in St. Augustine Beach would be \$90 for one person staying. Commissioner George advised that January is also snowbird month, that she actually manages her own unit and has talked to other people and is speaking from that experience.

Commissioner England said that we have spent a lot of time redoing the trash collection fees and we do not subsidize trash collection. She said that the short-term rental is a special program that should not be subsidized by the General Fund and should be funded through fees. She said that she still likes the tiered registration fee, and the inspection fee should match the registration.

Commissioner Sweeny said that she is alright with a flat fee, and she agreed that the program should fund itself. Mayor Samora agreed with that as well. Commissioner Sweeny said that is why she asked the question about the number of complaints because this stretches beyond just inspections and that the fee should help cover the cost of investigating those complaints. She advised that she agrees with the proposal as is.

Mayor Samora asked if this would need to be brought back to the Commission. Building Official Law advised no, only a resolution for the fee schedule and that the budget would potentially need to be amended.

Mayor Samora said that he has heard a consensus that the Commission wants this to fund the cost of the program. Commissioner George asked for clarification of what is meant by "program". She asked if it was for the salary for the new Code Enforcement Officer because he did not indicate that there was a lot of Code Enforcement work on licensed transient rentals. Building Official Law advised that most of those would be Police calls, and if they feel that it was resolved, then Code Enforcement does not launch a Code Enforcement case. He said for the most part he believed that the City has responsible transient rental owners. He said that there are other expenses as well such as vehicles, computers, etc.

Mayor Samora asked if the City is going to have two Code Enforcement Officers, what percentage of a two-person Code Enforcement Department would be allocated to these transient rental inspections. Building Official Law advised that regular inspections would be split up because having one person do one specific job does not support his ultimate mission of well-rounded training. He said that Mr. Timmons is the most popular person in the City right now and that half of the people that have walked into the office for the past three months want to see him, but he is almost never there because he is out doing inspections. He said that sometimes transient rental inspections go really well and other times they do not.

Commissioner England said that if you look at the additional cost of another Code Enforcement Officer at \$70,000, plus administrative fees of licensing and renewals, plus gas, it would be close to \$100,000 for the program for a year. So, if we need to fund a \$100,000, then just come up with the appropriate fee.

Commissioner George asked if this was factoring in the BTRs. Building Official Law advised that BTR fees can only be increased every so many years by a certain increment. City Clerk Fitzgerald advised that the annual fee for transient rentals is \$30.19, which can only be raised by 5% every two years. She said that the BTR fee and the inspection fee both go into the General Fund, so it is going to the same program, but we do not have the mechanism to raise the BTR fee the same way as the inspection fee. She said that the BTR fee has to follow State Statute. Commissioner George said that her point was how much money on it is already being generated by the BTRs. City Clerk Fitzgerald advised that she believed that the BTRs for every business, not just transient rentals, generated around \$28,000 a year.

Mayor Samora advised that it sounds like we are on the path to try to cover the additional cost from fees that we are going to generate.

Commissioner Sweeny advised that she is comfortable with it because it is also in line with surrounding jurisdictions. Commissioner George advised that downtown has the tiered system and that she would be an advocate for \$125 for a one-bedroom, \$250 for a two-bedroom, \$375 for a three-bedroom, etc. Mayor Samora pointed out that downtown's tiered system starts out at \$295.

Commissioner George said that she gets that it is a business, but it is unprecedented to quadruple a fee and that she would stand up for the people and suggest that we not do that radical of an increase in one year.

Mayor Samora said that it sounds like we need to raise our base fee and double it to \$250, and that the spread is not that much if you add another \$50 per bedroom. That complexity of it is worth the trouble to save \$50-\$100. Commissioner George asked if the Mayor would support an increase to \$250. Mayor Samora said that he did not believe that it would cover the cost of the program. Commissioner George said that it would be close to the salary and

the \$450 would generate \$120,000. Mayor Samora advised that the Code Enforcement Board went through it and said that \$400 would fall short. Commissioner George said that Page C of the agenda item cover memo showed that a \$500 fee would bring in \$118,500 per year and so half of that would bring in nearly \$60,000 per year. Building Official Law advised that those numbers would have come from the chart, which shows different fees and to keep in mind that you would need to subtract the \$125 that the City is already generating from the program. Commissioner George asked why the \$125 base would not be included. Building Official Law advised because you are already partially paying for one Code Enforcement Officer so you cannot include it and would have to look at the difference to fund the new position. Commissioner George said that you do not need one and a quarter of an Officer to handle this, it is only one officer. Building Official Law said that you are trying to come up with a linear number and there isn't one because Code Enforcement is all over the board and it is at the will of the people. He said there is no number that he could provide to say that a Code Enforcement Officer spends twenty-five percent of their time performing transient rental inspections. Commissioner George said that she was just talking about the logic of using the mechanism to fund a position or not, and if you are, then you would also have to factor in the existing base. Building Official Law said that is why Page 13 in the agenda book shows the total inspections and the difference in revenue. Commissioner George is disputing that you would need to look at the difference and instead look at the whole thing to figure out how much money you have for the program. Building Official Law advised to just add the two numbers together. Commissioner George said yes. Building Official Law said that you can look at any way you want, but it was easier to break it up that way.

City Clerk Fitzgerald advised the Commission to remember that there are two separate issues; one is whether to hire a new Officer and two is whether to increase the inspection fee.

Motion: To hire a second Code Enforcement Officer and change the fee structure to increase the transient rental inspection fee to \$450 per unit. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny.

Mayor Samora asked for a roll call vote.

Vice Mayor Rumrell	Yes
Commissioner England	Yes
Commissioner Sweeny	Yes
Mayor Samora	Yes
Commissioner George	No

Motion passes 4-1

Building Official Law advised that he would bring a resolution back in December for the fee schedule and he would begin the process of internal hiring, if there are no applicants then he would go external. He advised that he would not start a new position until after the holidays.

Mayor Samora moved on to Item XII.9 and asked Planner Jennifer Thompson for her report.

9. Ordinance 22-13, First Reading, to Vacate Alley between 1st and 2nd Streets, West of 2nd Avenue, Block 32, Chautauqua Beach Subdivision (Presenter: Jennifer Thompson, Planner)

Planner Thompson advised that the Commission saw this back in September to vacate the alley between 1st and 2nd Streets, west of 2nd Avenue. She said that seventy percent or more of the residents on the street gave their consent in writing to have the alley vacated.

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

Motion: To approve Ordinance 22-13. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

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

10. Memento of City: Review of City Coin (Presenter: Max Royle, City Manager)

City Manager Royle asked what the purpose of the memento would be. He said that if it is to pass out to a bunch of people, such as at a Florida League of Cities dinner, that he did not think the Commission would want coins that would cost \$5 or more each because it could add up quickly. He said that lapel pins are very cheap, but to have a more attractive memento, you would choose one type for special guests, special events, etc. like we used to do with the City keys.

Mayor Samora said that he believed that the original intent was to fall somewhere in between and not a key to the City or a pin that we would give to everyone that we meet. He said that it should be something that would be honorary. City Manager Royle said that the Commission would need to decide if you want the coin type or the key type.

It was the consensus of the Commission to go with a coin type memento.

City Manager Royle advised that he would get something mid-priced and that ordering a greater quantity would make the price go down. He said that he would bring it back to show the Commission before placing the order.

Mayor Samora asked the City Clerk if she needed any further direction. City Clerk Fitzgerald advised no. She said based on the instruction given by the Commission in prior meetings that she pulled the quotes, which are included in the book. She said that this is an unbudgeted item for this fiscal year, so we will need to find the money somewhere for them. She suggested to develop a resolution to specify how and when these can be given out, which would be helpful to control the usage of them.

Commissioner England suggested that they be given out at the recommendation of the City Manager or a Commissioner. Commissioner Sweeny suggested that each Commissioner be given a set amount. Mayor Samora and Vice Mayor Rumrell agreed with Commissioner Sweeny's suggestion.

Commissioner George said that she was under the impression that we are allowed to bring in any garments and ask to have the City seal embroidered on it. Mayor Samora said that it came up because of the recent storms and he wanted to have an identifiable City shirt on while out in the neighborhoods. City Manager Royle advised that he has seen hats with the City of St. Augustine Beach stitched on them. Commissioner George advised that she would want it to be the official City seal. Mayor Samora said it should be official for instance when we go to the Emergency Management Center. City Manager Royle advised that he would look into it.

Commissioner George said in the past the City Clerk would take my garment and have it embroidered. City Manager Royle advised that he did not recall that, but that the City orders shirts for the Commissioners that have the City seal on them. Commissioner George said that she would always bring her garment in because you do not know what the quality of the shirts are from the catalog, plus it would be cheaper to bring in your own. City Clerk Fitzgerald advised that she did not know if the City's embroidery company would allow that because currently we have to order all the clothing items through them. Commissioner George asked the City Clerk if she would find out. City Clerk Fitzgerald said that it is through a local company

called American Crossroads Apparel. Commissioner George asked how you would be able to try them on. City Clerk Fitzgerald said that you would not be able to and for the most part we order the same things over and over again. Commissioner George said that if we have to go through that company, then to get some hats.

Mayor Samora opened Public Comment.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, said that the Blue Angels have a "Challenge Coin", which is engraved and is three dimensional but costs about \$200 each.

Mayor Samora close Public Comments. City Manager Royle advised that anyone wanting a shirt should just let him know the size and color.

Mayor Samora moved on to Item XII.11.

11. Resolution 22-13, to Amend the City Commission's Policies and Procedures Manual Regarding When City Commission Meetings are to End (Presenter: Max Royle, City Manager)

Mayor Samora advised that there was one simple change that was made to the resolution and that the Commission would vote to extend meetings as needed.

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

Motion: To approve Resolution 22-13. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XIII.12 and asked the City Manager for his report.

XIII. NEW BUSINESS

12. 4th Street between 2nd Avenue and A1A Beach Boulevard: Consideration of Assessment to Pay for Paving and the Undergrounding of Power Lines (Presenter: Max Royle, City Manager)

City Manager Royle advised that this the section of 4th Street just north of Tides Oyster Company. Some of it has old pavement and the lot owners farther to the west on the north side want to improve their property. He said that the property on the south side down to 2nd Avenue is owned by the same owner as the Tides Oyster Company and that he does not know if they agree or not. He advised that the purpose of this is to open the street for the lot owners on the north side to gain access to their properties and develop them. Opening the street would make the lots on the south side very valuable. He said that everyone that has a lot that borders it should share in the cost to open it. He said that we have done it on A Street, 8th Street, 2nd Street, etc. and that he would like the Commission to consider an assessment mechanism to pay for the cost to pave and underground the utilities.

Mayor Samora said that there are four different actions that we are being asked to consider tonight: 1) a revenue mechanism to cover the cost of paving; 2) whether or not it would include the undergrounding of the utilities; 3) the project cost; 4) whether or not 4th Street would connect through to 2nd Avenue. He advised that in his opinion we already have a model for this from the 2nd Street project in regard to the fee structure and the costs and that he does not think that we should deviate from that. The rest of the Commissioners agreed. Mayor Samora said that we have set a fairly strong precedence on undergrounding the utilities as part of it.

Mayor Samora advised that there were some people that said they wanted it to end in a cul-de-sac and that the information shows some differences in the rights-of-ways between 8th and 4th Streets. City Manager Royle advised that 4th Street is forty feet wide and 8th Street is

sixty feet wide. Commissioner George pointed out that there has been no input from the owner of Tides Oyster Company and that before a decision is made, she would like to hear from the property owner. She said that it is a different situation where the cul-de-sac is on the west side as opposed to blocking off access to the Boulevard for the property owner on the east side. She said that there was a City owned plaza on the west side on 8th Street and that she would like to get official feedback from the property owner. Mayor Samora agreed that the City needs more feedback on that portion of it but that we do not need to sort that out tonight.

Vice Mayor Rumrell asked if anyone has reached out to Tides Oyster Company. City Manager Royle advised no because they have been concentrating strictly on how to fund the opening the street. He said that he believed that the owner now lives in New Jersey, and he would see if there is a way to contact them. Commissioner George said that they may not care, but that it is inappropriate not to reach out to them. The Mayor agreed.

City Manager Royle confirmed that the question to the Tides Oyster Company owner would be to either open it through to 2nd Avenue or to a cul-de-sac. Commissioner George said yes and whether they care about having access to the road or having the road opened across to the area that they are already using. She said that they probably would not want that and to explain the whole situation to them by phone or send them a letter. City Manager Royle said that if we are opening it up and requiring the people on the north side to pay, whether the owner of the Tides Oyster Company wants the street opened or not is not pertinent because he is going to benefit tremendously after these people pay to open it and it would make the value of those lots go up.

Commissioner Sweeny asked if we were asking that owner about opening the road or whether to be a cul-de-sac or go through. City Manager Royle said that is his same question. Commissioner Sweeny said that she thought we were just asking him about the cul-de-sac.

Commissioner George asked if we have ever required a ratio of how many property owners wanted it before we did it. City Manager Royle advised no. Mayor Samora advised that he did not believe that we have anything codified requiring us to do that. He said that the Tides Oyster Company also owns the whole south side of the street. Commissioner George said that he may be represented by Mr. Whitehouse. She advised that he gestured "no".

James Whitehouse, St. Johns Law Group, 104 SeaGrove Main Street, St. Augustine Beach, FL, advised that he is here on behalf of the two north middle lots, HVG Properties. He said that he also used to own the ones in the front but now Ginn and Patrou Holdings is moving forward with their commercial development. He said that he thinks the City has decided to use that part, but it would be much better if it were a road for them too. He said that others are also trying to move forward with their property improvements, but they can't because there is no road. He said for vacating an alley that a percentage of agreement is needed. He said that his client's position is that he would like to move forward in the same fashion that was done for 2nd Street. He advised that he did not know what their position is on the south side, but it is an unopened right-of-way that could be opened like 2nd Street. He said that his clients do not mind if it is a cul-de-sac, but it is a small turn-around for emergency vehicles and sanitation. He said that it is also his understanding from the Police Department that through streets are much better. He advised that that does not need to be decided tonight and just a motion going forward would be great for his clients.

Mayor Samora opened Public Comment. Being none, He closed Public Comments. He said that we need to start the process of notifying the property owners with the intent of opening the street and structure it the same as 2nd Street. Commissioner George said that everyone

benefitting should contribute. Commissioner England suggested that we be consistent and go straight through rather than a cul-de-sac for safety, etc.

City Manager Royle advised that he has the direction that he needs.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

Chief Carswell advised that there is a "Cops and Claus" event coming up in December, which he would discuss at the December meeting.

Public Works Director Tredik advised that they are still cleaning up from the storm and trying to get Splash Park back open this week. Mayor Samora asked if the A Street sidewalk was still planned for after Thanksgiving. Director Tredik advised that it is still on schedule and that they would be putting out doorhangers this week unless he finds out that it has been postponed. Mayor Samora asked if the Army Corps of Engineers has been back to assess the beach. Director Tredik advised that the Army Corps and the County are going out Tuesday.

Commissioner England asked the City Manager for an update on the Vision Plan. City Manager Royle advised that the City Clerk provided notes from the Vision Plan Workshop, SEPAC Member Craig Thomson provided some additional material, and Chief Carswell provided his comments. He said that the parkettes to plazas changes have been done and that there is a copy in her mailbox. He advised that SEPAC would be reviewing it at their meeting, and he would see what comes from that, but that it may be too short of a time frame to get it to the Commission for the December meeting. He said that Commissioner England is always welcome to come see us after she leaves the Commission, or she could join SEPAC.

Mayor Samora advised that SEPAC meets here Thursday, November 17th and the Thanksgiving holiday is November 24th and 25th, that City officers would be closed both days and that the trash schedule would be adjusted accordingly. He reminded everyone that the Beach Art Walk is November 26th from 2:00 p.m. to 7:00 p.m.

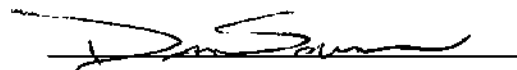
Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

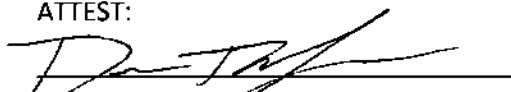
Motion: to adjourn. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora adjourned the meeting at 9:32 p.m.



Donald Samora, Mayor

ATTEST:


Dariana Fitzgerald, City Clerk

Disaster Business Loans
For Physical Damages and Economic Injury



U.S. Small Business
Administration

DISASTER ASSISTANCE

Businesses • Homeowners • Renters • Nonprofits

1

When Disasters Strike



[How to Apply for a Disaster Assistance Loan - YouTube](#)
[Como solicitar un préstamo de asistencia por desastre - YouTube](#)

SBA

2

Exhibit A-1
Date 11-14-2022

Types of SBA Disaster Loans, Limits and Terms

Types of Loans	Borrowers	Purpose	Max. Amount	FL Declaration #17644
Business Loans	Businesses and private nonprofits	Repair or replace real estate, inventory, equipment, etc.	\$2 million *	<p>Interest rates are as low as: 3.04 percent for businesses, 1.875 percent for nonprofit organizations, and 2.188 percent for homeowners and renters, with terms up to 30 years.</p> <p>The filing deadline to submit an applications is: Nov. 28, 2022, for physical property damage, and June 29, 2023, for economic injury applications.</p>
Economic Injury Loans	Small businesses and private nonprofits	Working capital loans	\$2 million *	
Home Loans	Homeowners	Repair or replace primary residence	\$200,000	
Home Loans	Homeowners and renters	Repair or replace personal property	\$40,000	
Mitigation	Businesses, private nonprofits and homeowners.	Mitigate / prevent future loss of the same type	20% of verified physical damage. Homeowners limited to \$200,000.	

* The \$2,000,000 statutory limit for business loans applies to the combination of physical, economic injury, mitigation and refinancing, and applies to all disaster loans to a business and its affiliates for each disaster. If a business is a major source of employment, SBA has the authority to waive the \$2,000,000 statutory limit.



3

Step One

1: Apply



Begin by first registering with FEMA at disasterassistance.gov or by calling (800) 621-FEMA (3362).

Then apply at disasterloanassistance.sba.gov, in person at any local disaster center, or by calling our Customer Service Center at (800) 659-2955 to request an application by mail. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

There is no need to wait for insurance claims to settle or to receive FEMA grants or contractor estimates before applying. You are under no obligation to accept the loan if approved.

Registration with FEMA is recommended but not required for business applicants. Businesses located in the contiguous counties listed in the declaration should not register with FEMA.




4


Exhibit A-2
Date 11-14-2022

Step Two

2: Application Processed



Three Steps
to SBA Disaster
Assistance
Loans




Application packages and required documents (including credit and income information) will be reviewed for completeness. Eligible applications are sent to SBA's loss verification team and property inspections may be necessary to decide the total physical damage.

A loan officer takes over your case to work with you to receive any additional information, review insurance or other recoveries, and recommend a loan amount.

We strive to make loan determinations within 2-3 weeks after receiving complete application packages.


Economic Injury Disaster Loans are not sent to SBA's loss verification team because they do not involve physical damages. Instead, the file goes directly to a loan officer.




5

Step Three

3: Loan Closure & Disbursement




Three Steps
to SBA Disaster
Assistance
Loans



Loan closing documents are prepared for your signature. After receipt of the signed documents, an initial disbursement, up to the following amounts, will be made within 5 business days: up to \$25,000 for physical damage; up to \$25,000 for economic injury (working capital), which can be in addition to the physical damage disbursement for eligible businesses.

A case manager will work with you to answer questions and help you meet all loan conditions. The case manager schedules the disbursement of any remaining loan amount.



6

Exhibit A-3
Date 11-14-2022

Requirements for Loan Approvals



- **Eligibility**

Damaged property must be in a declared county.

NOTE: Secondary homes or vacation properties, personal pleasure boats, airplanes, recreational vehicles and similar property are not eligible, unless used for business purposes (e.g., *qualified rental properties*).

- **Credit History**

Applicants must have a credit history acceptable to SBA.

- **Repayment**

Applicants must show the ability to repay the SBA loan.



7

Additional Features of SBA Disaster Loans



- **Loan Terms:**

Up to 30 years based on ability to repay; fixed rate.

- **Relocation:**

With approval, funds may be used to relocate.

- **Refinancing:**

Eligibility is only for homeowners & businesses.



8

Exhibit A-4

Date 11-14-2022

Business and Home Loans Can Be Increased For Mitigation Funds to Help Build Back Better, More Resilient

- Small businesses and many property owners have been hit hard by the economic challenges caused by COVID-19 and damage from hurricanes.
 - Small businesses have loans to have added costs for new building system equipment and mitigation improvements against future damages from hurricanes, affected property, and, mortgage lenders consider the value of the added equipment.
 - Additionally, many eligible small businesses have a 12% portion of their physical damages, as modified by the SBA for mitigation purposes.
- Disaster mitigation improvements may include a safe room or storm shelter, fire suppression, flood damage retention wall, retaining structure, wind uplift, or other project property and business from future damage and loss, a business disaster.



9

Don't Wait! Mitigate.

Protect Your Business From Future Disaster

- Disaster mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. Disasters can happen at any time and any place.
- The number of disasters each year is increasing, but only 50% of events trigger Federal assistance.
- Building back smarter and stronger **now** can be an effective recovery tool for future disasters.
- Strengthening your business doesn't need to cost a fortune. Projects such as maintaining gutters can be low-cost, while getting a backup generator requires greater financial investment.
- **\$1 spent on mitigation today defers an estimated \$6 in future damages.**



10

Exhibit A-S
Date 11-14-2022

SBA's Disaster Loans are Different from Other SBA Loans

SBA's Economic Injury Disaster Loan (EIDLs) funds come directly from the U.S. Treasury.

Applicants do not go through a bank to apply. Instead apply directly to SBA's Disaster Assistance Program at: DisasterLoan.sba.gov

There is no cost to apply.

Applicants can have an existing SBA Disaster Loan and still qualify for a loan for this disaster, but the loans cannot be consolidated.



11

SBA Resource Partners

SBA's Resource Partners help businesses:

- Help with preparing financial statements and applying for an SBA disaster loan
- Successfully stay in business.
- Develop operational, financial and marketing plans.
- Consider alternative sources of revenue.
- Identify ways to reduce costs.
- Update management and technical services.
- For the nearest office, visit: <https://www.sba.gov/local-assistance>



AMERICA'S
SBDC

Women's Business Centers

SCORE

U.S. SMALL BUSINESS VENTURE CAPITAL
VBOC
NATIONAL BUSINESS DEVELOPMENT CENTER

12

Exhibit A-6
Date 11-14-2022

Submit The Application As Soon As Possible

The filing deadline to return applications for physical property damage is **Nov. 28, 2022**. The deadline to return economic injury applications is **June 29, 2023**.

The biggest reason for delays in processing is due to missing information. Make sure to complete all filing requirements before submitting the application and forms.

If more funds are needed, applicants can submit supporting documents and a request for an increase. If less funds are needed, applicants can request a reduction in the loan amount.

If the loan request is denied, the applicant will be given up to six months in which to provide new information and submit a written request for reconsideration.



13

Ways to Apply

To be considered for all forms of disaster assistance, applicants should register online at [DisasterAssistance.gov](https://disasterassistance.gov) or download the FEMA mobile app. If online or mobile access is unavailable, applicants should call the FEMA toll-free helpline at 800-621-3362. Those who use 711-Relay or Video Relay Services should call 800-621-3362.

Applicants may apply online using the Electronic Loan Application (ELA) via SBA's secure website at <https://disasterloanassistance.sba.gov/ela/s/> and should apply under SBA declaration # **17644**.

Visit the nearest FEMA Disaster Recovery Center or SBA Business Recovery Center.

Disaster loan information and application forms can also be obtained by calling the SBA's Customer Service Center at 800-659-2955 (if you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services) or sending an email to DisasterCustomerService@sba.gov. Loan applications can also be downloaded from sba.gov/disaster.



14

Exhibit A-7
Date 11-14-2022

SBA Office of Disaster Assistance Contacts for the Public

**For More Information about SBA disaster
assistance programs, go to:**

www.sba.gov/disaster

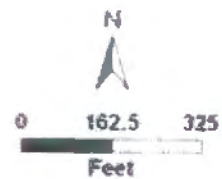
**Or contact SBA's
Customer Service Center at:**

1-800-659-2955 / 711TTY)

Or by email at:

disastercustomerservice@sba.gov





Created Nov 25, 2006

Marathon
101495-1
St. Johns County
Delivery 33 (4 Parcels)
2008 Digital Ortho Quadrangle

This is a digital ortho image of the area shown on this map. It is not a photograph and the information may not be suitable for other purposes. This information is provided as is. Further dissemination of this data is not intended by, and is the property of, St. Johns County. St. Johns County, Florida, is not responsible for any errors or omissions in this data. For more information, contact St. Johns County, Florida, at 1-800-367-7429 or 904-271-7429.

Exhibit B-1
Date 11-14-2022



1" = 200'

100'
Feet



Gopher Tortoise Burrow Location Map
Ocean Hammock Park
St. Johns County, Florida

Exhibit B-2
Date 11-14-2022

3:40



640 Ocean
Palm Way

640 Ocean Palm Way

Exhibit B-3
Date 11-14-2022

To: The City of St. Augustine Beach commission,

This document outlines a charitable donation to the City of St. Augustine Beach for the development of Ocean Hammock Park by the families of Lisa and Matt Bond, Dave and Marcia Campbell and Dave and Kathy White all residents of St. Augustine Beach in the amount of up to \$600,000 for the following:

- 1) A new walkway down the center (north to south) of the park running west to east toward the ocean front with a direct exit to the beach in the same center (north to south) flow.
- 2) Removal of the current aging walkway (after the new walkway is installed) to the south of the property that runs west to east and returning this area to its natural state;
- 3) The establishment of a permanent buffer to the north and south of 60' each to provide natural space for wildlife between the adjoining subdivisions;
- 4) A pavilion with picnic tables directly off the center walkway;
- 5) A play area for children directly off the center walkway;

The attached map provides for the approximate placement of each of the items listed above.

Should any of the above listed items 1-3 be revised or changed without the consent of the donors listed above the full donation above must be returned.

Additional funding has been received for the development of other amenities including a bathroom area adjoining the walkway in the center (north to south) by the parking area.

This is a win-win for everyone, and we believe a great opportunity to show how the city worked with the community to deliver a beautiful park in a natural setting that will be a great resource for residents and visitors for years to come. It has been an honor to work with the Counsel and members of the city to bring this park from an idea to a reality.

Sincerely,

Matt and Lisa Bond

David and Marcia Campbell

Dave and Kathy White

Exhibit B-4

Date 11-14-2022

EXHIBIT A

From: [Gregg Hammann](#)
To: [Bill Treck](#)
Subject: Revised Ocean Hammock Park donation letter
Date: Monday, August 15, 2022 2:21:05 PM
Attachments: [Ocean Hammock Park Donation.docx](#)

CAUTION: This message originated from outside of your organization. Clicking on any link or opening any attachment may be harmful to your computer or the City. If you do not recognize the sender or expect the email, please verify the email address and any attachments before opening. If you have any questions or concerns about the content, please contact IT staff at IT@cityofsab.org.

Bill -

Thank you for your continued work and diligence on Ocean Hammock Park. You have made great progress on the new pathway, pavilion, playground, restroom location, establishing a buffer to the south matching the north and removal of the old walkway after the current walkway is complete. Wow! That is a big effort. Well done sir!

The local citizens of Sea Colony want to support your plan and will contribute up to \$600,000 for the implementation. Please see the attached letter confirming the donation.

Please feel free to reach out with any questions.

Here is my mobile:

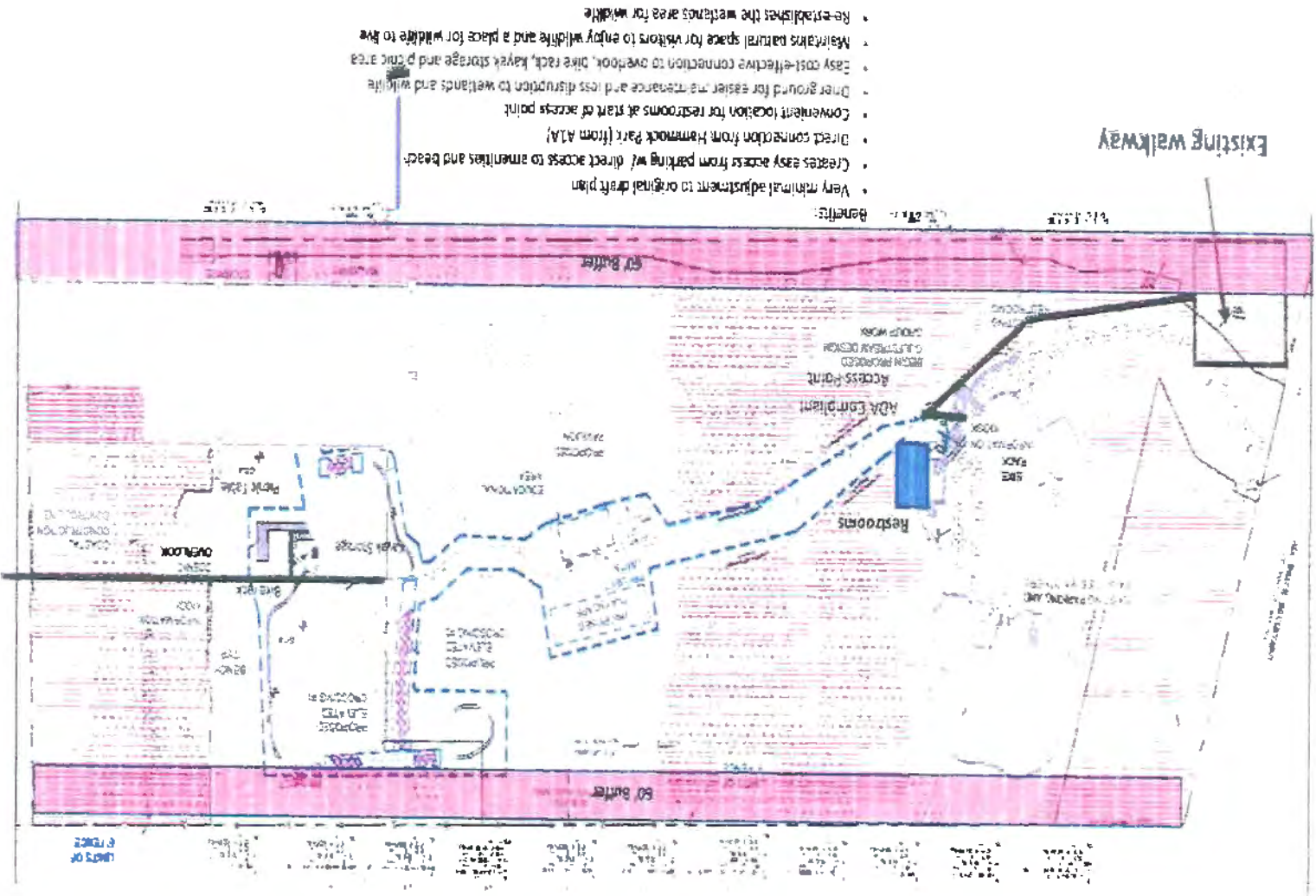
563-581-9076

Sincerely

Gregg Hammann
Sea Colony FKA President

Exhibit B-5
Date 11-14-2022

Option 1: Walkway to pathway Combination



- Very minimal adjustment to original drift plan
- Creates easy access from parking w/ direct access to amenities and beach
- Direct connection from Hammock Park (from A1A)
- Convenient location for restrooms at start of access point
- Drier ground for easier maintenance and less disruption to wetlands and wildlife
- Easy cost-effective connection to overlook, bike rack, kayak storage and picnic area
- Maintains natural space for visitors to enjoy wildlife and a place for wildlife to live
- Re-establishes the wetlands area for wildlife

From: Gregg Hammann

Date: October 20, 2022 at 11:57:03 AM EDT

It was great to meet you this morning. I look forward to working with you for the betterment of our communities. Together with Marsh Creek I think there are a multitude of ways we can help each other. Regarding the letter of opposition for the new walkway. Let me provide a few bullets of fact versus the fiction created by just a few select individuals who have continued to propagandize information with non-facts. So here are a few bullets on the fact vs. fiction from the letter:

- 1) Regarding Sea Colony not having support of the community: Sea Colony did a survey of all residents. It was an overwhelming response of support for the new walkway and removing the old walkway/decommissioning it (which ever is least expensive and least intrusive to the wetlands). Over 90% were in support, 1.5% opposed (a resident that always opposes everything) and the rest did not respond at all. Not unusual as we have several homes that have owners with two locations. We have collected \$600K to support the move and improvements.
- 2) Regarding minimizing ecological impact: St. Johns Water River Management reported to the counsel that the current walkway along with upcoming maintenance requirements (which tax payers WILL pay for) is far more intrusive over the limited remaining wetlands on the island than moving the walkway to a more land-based approach to the north. SJWRM is in support of returning the wetlands to their natural state.
- 3) Regarding significant government monies that have been spent "that will be wasted": Bill Tredick the person responsible for the park and city systems is a government employee paid a salary. There are NO additional funds that will be wasted. All that is completed to date is a letter to various state and federal organizations for grant money and an initial drawing that was prepared by an architect. A simple change was made to move the walkway from the south border to the same entrance from Old A1A Beach Blvd angling to the north to get onto drier land minimizing impact to the environment, improving that ability to maintain AND improving both Emergency Response services and Police support to the walkway. The current walkway is difficult for the police to manage as they can not easily get access to lock the gates in the evening. Further when injuries occur on the beach or park it will be easier access for EMR services.
- 4) The "original plan" was designed when the city did not own the entire property. In addition if they are referring to a redesign that used the existing walkway it would require additional walkways to be built again over marsh land heading to the north to get to the dry land. This is a much greater disturbance to wild life than a simple walkway on a drier area in the center of the park. Check google maps and you will see wetlands to the south and dry land to the north.
- 5) Regarding the city and its focus on the betterment of the community. The city commissioners and staff have agreed that if they had owned the whole parcel of land to start they would build the walkway down the center. The ONLY reason it is in its current location is because the city was "given" a sliver of land deemed unbuildable by the owner (over wetlands). Now that the city owns the entire property they have an opportunity to do it right and were in a position a month ago to move forward until more false propaganda were made by a few people.
- 6) Regarding no incidents in Sea Colony: Again not true, there was a police report filed where someone through a taped open red spray paint can into a Sea Colony back pool area. Damaging their tile, pool and pillars. This process was then repeated. Police were at the scene and a report filed. There have also been multiple issues with people late at night on the walkway. Multiple residents in Sea Colony along the walkway are now afraid to walk in that area of our neighborhood at night. One spoke to this issue at the last meeting. Evidence below:

Other falsehoods that have been stated and debunked by the commission and city managers:

Exhibit B-7
Date 11-14-2022

1) More disruptive to the environment. Fact new proposal with center walkway is less disruptive to the environment

2) More cost to the city. Fact less cost to the city with the donation provided by Sea Colony residents. The additional walkways to be built off of the old walkway the ongoing maintenance of an aging walkway (estimated to be from \$40,000 to \$80,000 per year to maintain over the marsh area (the walkway is now over fifteen years old and pillars are starting to rot along with the railing. See the attachment below from Mr. Tredick to the council. As you will see the ONLY change we have requested is the decommissioning of the current walkway and reduction of expense of having to have additional walkway built to get to the center area where the amenities are. The rest is the cities plan.

3) Why does Sea Colony deserve a buffer?? Fact: Bermuda Run was provided a 50' buffer to the park on their boundary. Whispering Oaks has requested a buffer from the land and trail that the city owns and plans to build a path from A1A to the entrance of the park that abuts their subdivision. Yet they oppose it for Sea Colony.

4) More maintenance: On this they are right. With bathrooms/showers, a pavilion, a children's play area, an overlook to the beach there will certainly be more maintenance. Whether the walkway is the same or a new one installed. The only difference is the new walkway will cost less to maintain, is better for the environment and improves ingress egress for EMR and Police.

5) Sea Colony homes will appreciate and the mayor and one other council member who live in Sea Colony will benefit. Fact: A prominent real estate leader did an overview of property values with the new park. There are four homes (of the 222) in Sea Colony that would benefit because they are literally right on the walkway (BTW- some were built before the walkway was installed). None of those homes belong to council members. Sea Colony has four access walkways to the beach today so no real value in a walkway or park. Interestingly, and the Whispering Oaks people apparently have not figured this out the homes that most appreciate are the homes outside of Sea Colony (Whispering Oaks, Marsh Creek, Hotels along Beach Blvd. etc.)

6) Don't let Sea Colony have it's way again: Fact Sea Colony has never had its way on anything. We did not ask to have a walkway built next to us - - the city just did it and frankly had I have been in their shoes for the betterment of the community I would have done the same. But now it is different. We have an aging walkway that will require significant maintenance, more walkways to be built over wetlands to get to the amenities and most important the city now owns all the land not just a narrow strip. The city has agreed if they could do it the right way they would build it down the center.

I could go on with other propaganda they have proposed and were rejected with facts. But I think this gets the point across.

The fact is, there is NO reason to keep the old walkway. The new walkway with well laid out amenities will be better for the community and yes for Sea Colony secondarily for a few homes. Sea Colony residents have provided their own funds (not tax dollars) to help fund getting it right. I would ask the developers of the propaganda what they are willing to contribute. The answer: Lots of propaganda.

Exhibit B-8
Date 11-14-2022



CITY OF ST. AUGUSTINE BEACH

*Regular City Commission Meeting
Monday November 14, 2022*

*Stormwater Utility Fee
Non ad Valorem Assessment*

William Tredik, P.E. Public Works Director

1

STORMWATER SYSTEM

- **City Size – 1,387 acres**
 - 792 acres (57%) to Mizell
 - 595 acres (43%) elsewhere
- **Mizell Pond Watershed**
 - City 792 acres (79%)
 - SJC 205 acres (20%)
 - FDOT 9 acres (1%)
- **Stormwater Pumps**
 - Mizell Pond (3) - \$540K
 - Versaggi and Sandpiper (2)
 - Ocean Walk (future)
 - Magnolia Dunes (future)
- **Stormwater Piping**
 - 8 miles
- **Ditches/Swales**
 - 9 miles of swales maintained
 - 2.5 miles of ditch
- **Drainage Structures**
 - 436 inlets/manholes
 - Mizell Pond tide gates (3)
 - Pope Road Backflow (future)

2

Exhibit C-1
Date 11-14-2022

STORMWATER SYSTEM

- **City Size – 1,387 acres**
 - 792 acres (57%) to Mizell
 - 595 acres (43%) elsewhere
- **Mizell Pond Watershed**
 - **City 792 acres (84%)**
 - SJC 141 acres (15%)
 - FDOT 9 acres (1%)



3

CURRENT STORMWATER MAINTENANCE

- **Ongoing Maintenance**
 - 11th Street and Mickler Blvd Ditch Cleaning (bi-annually)
 - Swale inspections (200+/- annually)
 - Inlet inspections (300+/- annually)
 - Inlet cleaning (100-200 cubic feet removed annually)
 - Street sweeping (2.4 miles monthly)
 - Stormwater repairs
- **Estimated Current Stormwater Maintenance Costs**

• Labor (salaries+benefits)	\$ 100,000
• Annual stormwater repairs	\$ 34,000
• Fuel/Oil	\$ 5,000
• Equipment	\$ 5,000
• Vehicle replacement cost	\$ 4,000
• <u>Vehicle maintenance cost</u>	<u>\$ 2,000</u>
TOTAL	\$150,000+/-

4

Exhibit C-2Date 11-14-2022

ADDITIONAL MAINTENANCE NEEDS

- Outfall Canal (0.6 miles)- \$10,000 per year
 - Recommended every 10 years
 - Estimated cost \$100,000
- Pipe Cleaning - \$30,000 per year
 - Recommended every five (5) years
 - Estimated cost \$150,000
- Future Maintenance – up to \$40,000 per year
 - Mizell Pump Station
 - Oceanside Circle
 - Versaggi and Sandpiper Pump Stations
 - Ocean Walk Pump Station
 - Magnolia Dunes / Atlantic Oaks Circle Pump Station

Annual maintenance costs will likely exceed \$200,000 per year once future project come online

5

PROJECT FUNDING NEEDS

- Over \$10 million of anticipated projects
 - Vulnerability Study
 - Master Drainage Study Update
- Assume 10-year implementation plan
 - \$1 million per year required
- Assume grants fund 75% (typical HMGP level)
 - \$250,000 of City funding per year required

6

Exhibit C-3Date 11-14-2022

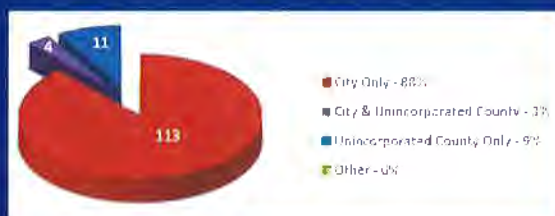
NEED FOR DEDICATED FUNDING

- Stormwater Management is expensive
 - \$450,000 per year (maintenance plus projects)
- Stormwater funding is not optional
 - Lack of maintenance = flooding
 - Lack of improvements = flooding
- Other needs and wants compete for ad valorem taxes
 - Public safety
 - Parks and recreation
 - Roads and paving
 - Infrastructure maintenance
 - Beautification
- A stormwater utility fee guarantees funds for drainage

7

FLORIDA STORMWATER ASSOCIATION 2022 STORMWATER UTILITY (SWU) REPORT

- 170 local governments have SWUs
- Upheld by Florida Supreme Court
- Most SWUs use impervious area
- 88% of SWUs are municipalities



8

Exhibit C-4Date 11-14-2022

BENEFITS OF STORMWATER FEE

- **Dedicated revenue source for drainage**
 - Not dependent upon millage rate
 - Guarantees funding for maintenance
 - Predictable funding for planning
 - Funding not subject to property value variability
- **All properties in City benefit**
- **Fee can be adjusted annually within range**
 - Protection from inflation
 - Ability to complete planned long-term projects

9

FUNDING STRATEGY

- **Non ad valorem assessment**
 - No monthly billing option (e.g. utility bill)
- **Other Similar Sized Jurisdictions' Fees**
 - Vary depending upon goals

City/Town	Acreage	Population	ERU Rate	ERU Size
City of Cape Canaveral	1,472	9,984	\$10.00	2,074
City of Gulf Breeze	1,740	6,410	\$9.38	4,450
City of Indian Harbour Bch	1,920	9,177	\$4.00	2,500
City of Satellite Beach	1,890	11,450	\$16.67	3,000
City of St. Pete Beach	1,408	8,785	\$15.31	3,813
City of Sunny Isles Beach	1,140	22,644	\$4.33	1,548
Town of Belleair	1,792	4,352	\$11.92	5,459

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Exhibit C-5Date 11-14-2022

STEPS TO IMPLEMENT FEE IN FY24

Today	Pass resolution expressing intent to adopt assessment
Before Jan. 1, 2022	Notify the Tax Collector of the intent to adopt
April 2022	Develop draft Stormwater Fee Ordinance Establish square footage per ERU Establish annual assessment <u>range</u> per ERU Establish the annual assessment per ERU Establish the annual commercial assessments Set public meeting
June 2022	Notify all property owners subject to fee Adopt annual assessments and Stormwater Fee Ordinance
Aug. 2022	Pass resolution and enter agreement with Tax Collector

11

KEY STEPS

- RFQ for consultant to develop Stormwater Utility
- Determine the Equivalent Residential Unit (ERU)
 - Utilize aerials and property appraiser records
 - Average residential impervious area per single family residence
 - Condominiums dwelling units would be charged 1 ERU
- Measuring commercial impervious surface areas
 - Utilize aerial photography
 - Assignment of ERUs based upon impervious area
 - Notification of proposed fee commercial impervious
- Develop stormwater utility fee ordinance

12

Exhibit C-6
Date 11-14-2022

ERU ESTIMATES

- Rate to just cover annual maintenance costs
 - Estimated monthly fee per ERU \$2.70 (\$32.40 per year per ERU)
 - Estimated annual revenue generated \$200,000
- If \$8.05 per month per ERU (statewide average)
 - Estimated monthly fee per ERU \$8.05 (\$96.60 per year per ERU)
 - Estimated annual revenue generated \$575,000
 - Would allow \$375,000 annually dedicated to projects
- \$6 per month per ERU (\$72 per year per ERU) could fund maintenance plus almost \$250,000 of projects annually

13

REQUESTED ACTION

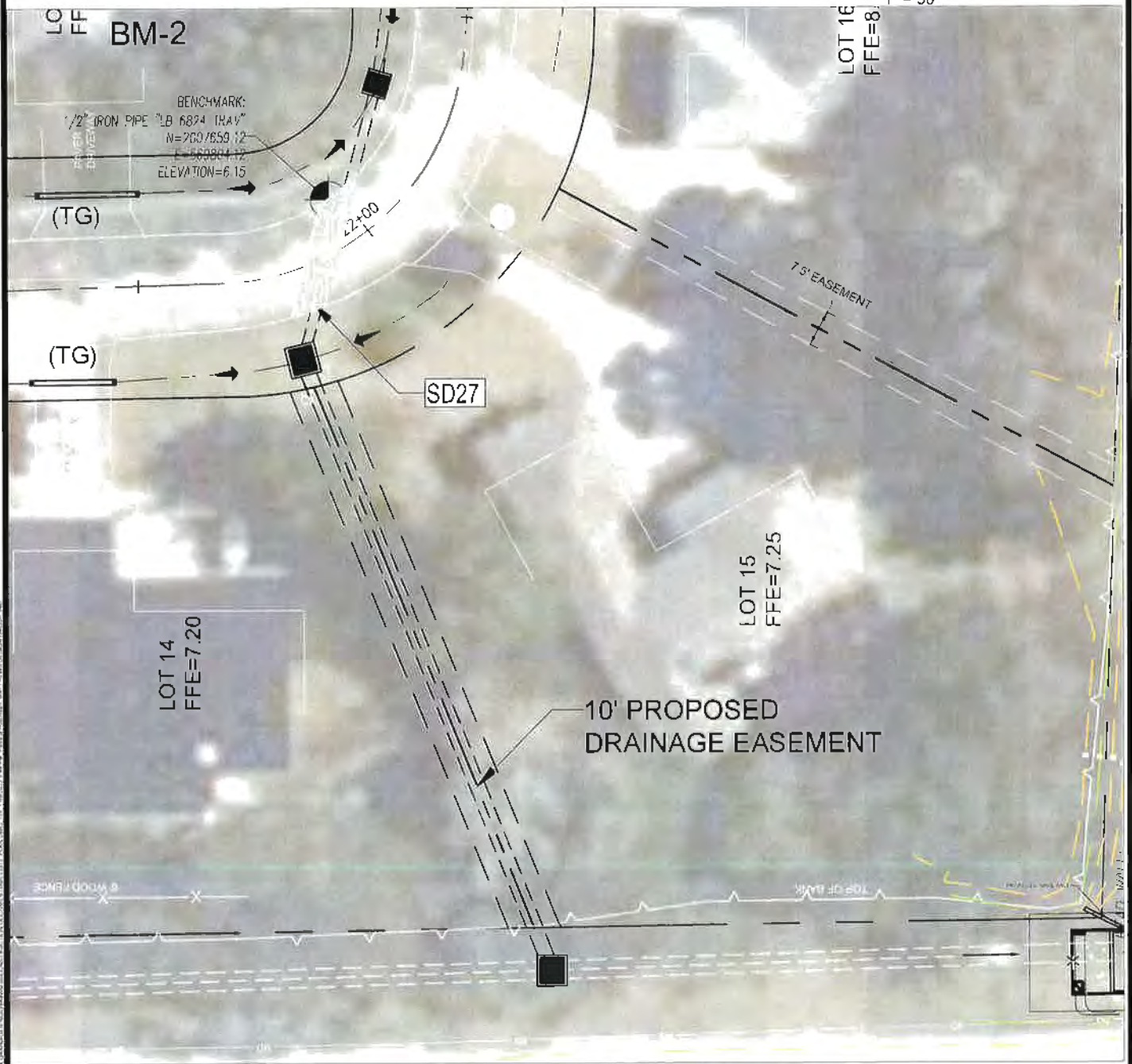
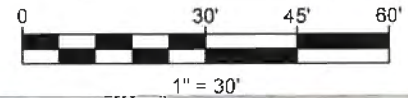
Pass resolution 22-XX stating intent to assess a non ad valorem assessment for stormwater maintenance and improvements.

14

Exhibit C-7Date 11-14-2022



GRAPHIC SCALE



DRAINAGE EASEMENT LOTS 14 & 15
OCEAN WALK DRAINAGE IMPROVEMENTS
CITY OF ST. AUGUSTINE BEACH
PREPARED FOR
CITY OF ST. AUGUSTINE BEACH

DSGN BY:	BM
DWG BY:	PDH
CHK BY:	BM
DATE:	10-21-2022
JOB No.:	21013

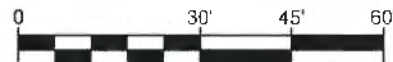
**MATTHEWS
DESIGN GROUP**
P.O. BOX 3126, 7 WALDO STREET
ST. AUGUSTINE, FL 32084
PHONE: 904 826 1334 • FAX 904 826 4517
INFO@MDGINC.COM

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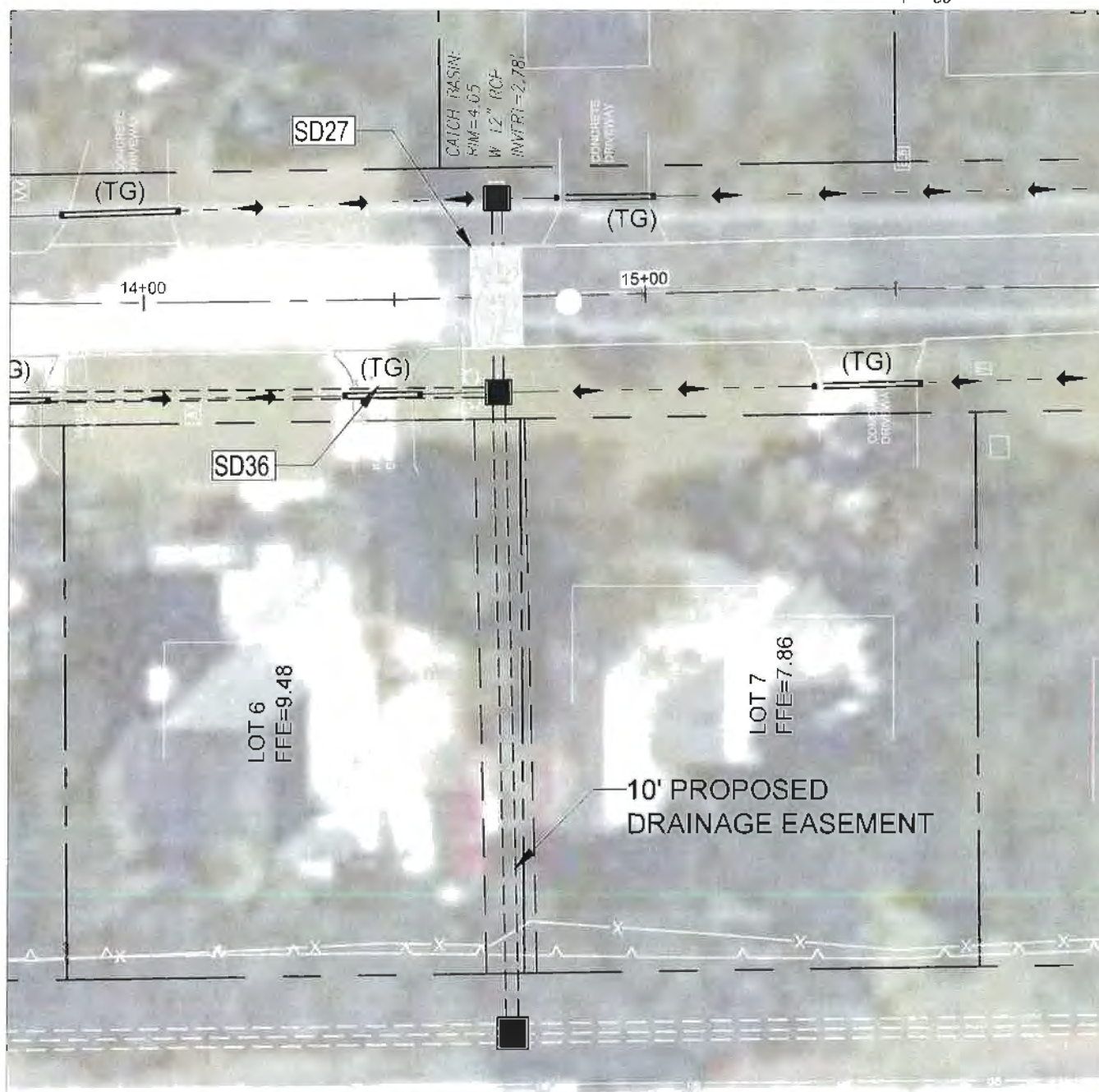
Exhibit D-2
Date 11-14-2022



GRAPHIC SCALE



1" = 30'



DRAINAGE EASEMENT LOTS 6 & 7

OCEAN WALK DRAINAGE IMPROVEMENTS

CITY OF ST. AUGUSTINE BEACH

PREPARED FOR

CITY OF ST. AUGUSTINE BEACH

DSGN BY:	9M
DWG BY:	PDH
CHK BY:	BM
DATE:	10 21 2022
JOB NO.:	21013

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Exhibit D-3

Date 11-14-2022





Exhibit D-5
Date 11-14-2022



Exhibit D-6

Date 11-14-2022

9311 PERCECLOV
SketchU



Exhibit D-8
Date 11-14-2022