



AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, JANUARY 9, 2023, AT 6:00 P.M.

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

NOTICE TO THE PUBLIC

THE CITY COMMISSION HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE COMMISSION UNDER "PUBLIC COMMENTS."

RULES OF CIVILITY FOR PUBLIC PARTICIPATION

1. The goal of Commission meetings is to accomplish the public's business in an environment that encourages a fair discussion and exchange of ideas without fear of personal attacks.
2. Anger, rudeness, ridicule, impatience, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
3. When persons refuse to abide by reasonable rules of civility and decorum or ignore repeated requests by the Mayor to finish their remarks within the time limit adopted by the City Commission, and/or who make threats of physical violence shall be removed from the meeting room by law enforcement officers, either at the Mayor's request or by an affirmative vote of a majority of the sitting Commissioners.

"Politeness costs so little." – ABRAHAM LINCOLN

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **SWEARING IN OF CITY COMMISSIONERS FOR SEATS 1, 2, 4, AND 5**
 - a. Seat 1: Ms. Beth Sweeny
 - b. Seat 3: Ms. Undine George
 - c. Seat 4: Ms. Virginia Morgan
 - d. Seat 5: Mr. Don Samora
- IV. **ROLL CALL**
- V. **ELECTION OF MAYOR AND VICE MAYOR FOR 2023**
- VI. **APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON DECEMBER 5, 2022**
- VII. **ADDITIONS OR DELETIONS OF THE AGENDA**

VIII. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

IX. PRESENTATIONS

Report by Mr. Jason Harrah, U.S. Army Corps of Engineers, of Beach Restoration Project, June Through December 2023

X. PUBLIC COMMENTS

XI. COMMISSIONER COMMENTS

XII. PUBLIC HEARINGS

XIII. 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)

1. Proclamation to Proclaim the City's Acknowledgement That Human Trafficking Should be Eradicated
2. Budget Resolution 23-01, to Appropriate \$33,000 for Additional Costs for the 2nd Street West Construction Project
3. Resolution 23-01, to Declare Items of City Property as Surplus and Authorize Their Disposal

XIV. OLD BUSINESS

4. Relocation of Ocean Hammock Park Boardwalk: Review of Information and Consideration of Scheduling a Special Meeting (Presenters: Max Royle, City Manager; Bill Tredik, Public Works Director)
5. Undergrounding of Power Lines Along A1A Beach Boulevard: Continuation of Discussion (Presenter: Max Royle, City Manager)

XV. NEW BUSINESS

XVI. STAFF COMMENTS

XVII. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE.** It will hold its monthly meeting on Tuesday, January 10, 2023, at 6:00 p.m. in the Commission Meeting Room at City Hall.
2. **RON PARKER MEMORIAL SERVICE.** It will be held at 11:00 a.m. on Thursday, January 12, 2023, at Ron Parker Park on Old Beach Road. The service will honor the memory of St. Augustine Beach Police Officer Ron Parker, who was killed in the line of duty in 1975.
3. **CITY HOLIDAY.** It is Dr. Martin Luther King, Jr. Day on Monday, January 16, 2023. CITY OFFICES CLOSED. Residents scheduled for household waste pickup on Monday will have service on Tuesday. Residents scheduled for pickup on Tuesday will have service that day. Pickup service will be normal for the remainder of the week.

4. **COMPREHENSIVE PLANNING AND ZONING BOARD.** It will hold its monthly meeting on Tuesday, January 17, 2023, at 6:00 p.m. in the Commission meeting room. Topics on the agenda may include. a) election of Chair and Vice Chair for 2023; b) request for variance to reduce front setback from 25 feet to 17 feet and for removal of 42-inch oak tree for a new house at 224 Big Magnolia Court in the Whispering Oaks subdivision; and c) discussion of proposed changes to the Land Development Code concerning decks.

NOTE:


The agenda material containing background information for this meeting is available on the City's website in pdf format or on a CD, for a \$5 fee, upon request at the City Manager's office.

NOTICES: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

MEMORANDUM

TO: Commissioner Samora
Commissioner Rumrell
Commissioner George
Commissioner Sweeny
Commissioner Morgan

FROM: Max Royle, City Manager  mk

DATE: December 16, 2022

SUBJECT: Procedure for Your January 9th Meeting

The suggested order of business at the start of your January 9th meeting is:

- a. Call to order by Commissioner Samora.
- b. Pledge of Allegiance
- c. Swearing in by the City Clerk of the four Commissioners whose four-term of office starts on January 1, 2023, and will end at midnight on December 31, 2026.
- d. Roll call by the City Clerk.
- e. The Commission then selects the Mayor and Vice Mayor for 2023. Usually, this is done by nomination, which doesn't require a second, with who will be Mayor decided first. If there's more than one candidate, the Commissioners will make their selection by paper ballots that each will sign. The ballots are then forwarded to the City Attorney for the count.

Once the Mayor and Vice Mayor have been selected, the Mayor will open the meeting by asking for the approval of the minutes of the Commission's December 5, 2022, meeting.



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, DECEMBER 5, 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 Jeremiah Blocker, 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 REGULAR COMMISSION MEETING ON NOVEMBER 14, 2022

Motion: To approve the minutes of regular Commission meeting on November 14, 2022. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner England. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

There were none.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor Samora requested to move Commissioner Comments to just before Staff Comments.

VII. PRESENTATIONS

Plaque to Commissioner Margaret England for 14 Years of Service to the City as Mayor, Commissioner, and Member of the Comprehensive Planning and Zoning Board

City Manager Royle advised that this is Commissioner England's last meeting, and that he would like to present her with a plaque and take some photos with the Commission. Mayor Samora read the dedication from the plaque and presented it to Commissioner England.

Mayor Samora moved on to Item VIII and advised that everyone would have three minutes to speak on non-agenda topics and that any questions would be followed up by staff at the end of the meeting.

VIII. PUBLIC COMMENTS

William Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, commented on SEPAC's monthly report which indicated input from seven different, assumably authoritative, yet strangely anonymous sources; their inputs are based on the false premise that there would be no central pathway in Ocean Hammock Park, but every version of Phase 3 that he has seen shows one; since there would be a central pathway, then most of the input that SEPAC provided would support relocating the boardwalk which would return roughly one acre of property to its original undisturbed state; it would increase the amount of contiguous undisturbed space which these individuals said was desirable; it would reduce the number of permanent intrusions into the wetlands; given the input, how could SEPAC not support the relocation of the beach access; it is not logical.

Doug Conkey, St. Johns River Water Management District (SJRWMD), 7775 Baymeadows Road, Jacksonville, FL, congratulated Commissioner England and wished her well; emailed the City Manager about a cost share window that is opened December 1st through January 31st; cost share is great for flooding, water quality projects, etc.; resiliency projects are also now considered; SJRWMD would cover twenty-five percent of the cost up to \$3 million; in 2021 they decided to pick up the tab to plug abandoned/unused artesian wells which can be expensive for a landowner; they have plugged 171 wells which equated to 24.2 million gallons of water a day in savings; the growing State has put a lot of pressure on our water resources; there are some great things going on as we work to preserve our water. Commissioner Sweeny asked if the \$3 million cap was per project. Mr. Conkey advised that the cap would be for the entity, but that more than one project could be submitted.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, suggested that Commissioner comments should be at the beginning so that people would still be here to hear the Commission; staff provided him with the latest Florida Department of Transportation (FDOT) information regarding the traffic signal at Madrid Street and A1A South; he talked to someone last Friday and received information that a signal study would cost between \$12,000 to \$15,000; if there is merit for the signal, the intersection controlled evaluation could cost another \$30,000; the actual signals would cost \$500,000 due to the material needed being so close to the ocean; suggested working with Marsh Creek subdivision to apply for legislative aid; something serious is bound to happen without a traffic signal there; suggested to not have the Ocean Hammock Park restroom money as a Consent item and to have it for further discussion so the public can understand what the money is being used for; suggested a rubberized surface at Splash Park similar to Jacksonville Zoo.

Henry Dean, St. Johns County Commissioner, 224 North Forest Dune Drive, St. Augustine Beach, FL, has had the pleasure of working with Commissioner England for the past six years; we served as a good team and reached out with good ideas, and he wished her well; as a resident he is confident with new City Attorney Blocker who is also a friend.

Gary Van Hartogh, 4 Ocean Trace Road, St. Augustine Beach, FL, had a productive meeting several weeks ago regarding the drainage issue and the conundrum it has created, which is an easement to a drainage area that is considered a wetland and cannot be drained or dredged so the water has no place to go; the pond was created to be used for our drainage and we cannot use it; the valve has been closed for four years and the parking lot turns into a swimming pool; the pond is not able to perk because of the contaminates from the tennis courts; pretty soon the adjacent townhouses will flood; it has been brought up several times and he just wanted to be proactive, get involved, and make a difference for this drainage issue.

Mayor Samora closed Public Comments and asked Director Tredik if he had follow-up information for the Ocean Trace drainage issue. Director Tredik advised that he spoke to SJRWMD about it,

and they are concerned about the boundaries of the pond being wetlands and less concerned about the bottom of the pond being wetlands, so dredging may be a possibility, but he did not think that it would result in a significant drainage improvement. He said that he also talked with Matthews Design Group, who did some work for the property owners there, and their belief is that most of the water movement is lateral and that they agreed that the benefit would not be sufficient to solve the drainage problem. Mayor Samora asked if he was in communication with any of the stakeholders that were at our workshop meeting. Director Tredik advised that he has had conversations with several stakeholders but nothing substantial yet. He has heard from people on Sabor de Sal Road as well as a few condo owners. Mayor Samora asked that he keep the Commission informed through his monthly reports. Director Tredik agreed.

Mayor Samora asked the City Manager to follow up with Mr. Binder regarding his traffic study suggestion. City Manager Royle agreed.

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

IX. PUBLIC HEARINGS

1. Ordinance 22-13, Final Reading, to Vacate Alley between 1st and 2nd Streets, West of 2nd Avenue, Block 32, Chautauqua Beach Subdivision (Presenter: Brian Law, Building Official)

Building Official Law advised that this is the final reading, and he showed a map of the area on the overhead projector [Exhibit A]. He advised that there have not been any changes to it since last month.

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

Motion: To approve Ordinance 22-13 to vacate the alley between 1st and 2nd Streets, west of 2nd Avenue, Block 32, Chautauqua Beach Subdivision. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item X.

X. CONSENT

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

Vice Mayor Rumrell asked to pull Consent Agenda Item X.6 so that Director Tredik could explain the increase for the Ocean Hammock Park restrooms.

2. Reappointment to a Three-Year Term of Ms. Sandra Krempasky to the Sustainability and Environmental Planning Advisory Committee
3. Budget Resolution 22-18, to Adjust Fiscal Year 2023 General Fund Revenues and Expenditures for Second Code Enforcement Officer
4. Budget Resolution 22-19, to Increase Revenue and Expenditures in the American Rescue Plan Act Fund for Fiscal Year 2023 Budget for Dune Walkover Project
5. Budget Resolution 22-20, to Adjust Fiscal Year 2023 General Fund Accounts for Audit Fees

Motion: To approve the Consent Agenda Items 2-5. **Moved by** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora moved on to Consent Agenda Item X.6 and asked Director Tredik for his report.

6. Budget Resolution 22-21, to Appropriate \$100,000 from American Rescue Plan Act Funds for the Ocean Hammock Park Restroom Project

Director Tredik advised that, as written in his Memo for the Commission Agenda, we have ordered the restroom and it should be delivered soon. He is contracting with Thomas May Construction Company to prepare for the installation which includes a pump station, sewer/water mains, a handicapped parking space, etc. at a cost of \$355,000. He said that Thomas May is a continuing contractor with St. Johns County and that we are piggy backing for this project. He advised that that gets us to the funds that we have allocated right now. We still have other things to do in the next four months and fees to pay, such as Florida Power and Light (FPL) utility connection fees, natural trail signs, etc. as indicated in the Memo. He is asking for additional money because there is no money in the budget to do those required things as part of our grant.

Commissioner Sweeny asked if the nature trail would be different from the paved pathway. Director Tredik yes, it is a trail that loops around the parking lot.

Commissioner George said that this would bring the total cost to approximately \$455,000. Director Tredik said no, there is the additional \$147,000 for the cost of the restroom. He said that it was bid back in the spring and that we are still about \$50,000 to \$60,000 less than it would have been. He said that with the inflation over the past several months that we are not realizing the benefits, but that we are in better shape than we would have been if we had awarded the bid. Commissioner George said that the premanufactured restroom is one of the best investments we have made to incur the price before the cost explosion occurred. She asked if there was any particular element in the list of items included in the \$355,000 that significantly increased more than another. Director Tredik said that he believed it is spread across the board with labor, contractor availability, materials, etc. He said that if this had been built a few years ago it would have been significantly cheaper. Commissioner George asked if there was anything that is not critical and could be removed. Director Tredik advised that he had already removed everything that was not required by the grant. Commissioner George asked if each cost was still considered reasonable and commensurate with other vendors. Director Tredik said yes. Commissioner George asked if we are complying with our purchase policies even though the increase has occurred. Director Tredik advised yes.

Commissioner Sweeny asked the Finance Director to clarify if this project would be taking away money from any other potential American Rescue Plan Act (ARPA) funded projects. Finance Director Douylliez said no and she advised that the \$227,000 still sitting there was just over and above what the initial approved list was from the Commission. Commissioner Sweeny asked if there were still the separate salary funds leftover and available to use. Finance Director Douylliez said no that those funds were taken by Director Tredik for another project last fiscal year shortly after the funds were put back into ARPA. She advised that the balance of \$227,000 is what is left and that everything else was allocated to other projects or uses that may not be in the current fiscal year's budget, but they are set aside for other aspects of what we are looking at doing.

Mayor Samora said that we would be left with \$127,000 in funding, and he asked if it needed to be incumbered by a certain date. Finance Director Douylliez advised that it does not.

Commissioner England asked what phase this would complete for the Park. Director Tredik advised that this would complete Phase 2, which is the area around the restrooms and Phase 3 would take the improvements into the Park to include the walkway as well as the observation deck, playscape area, etc. Commissioner Sweeny said that we have no funding for Phase 3. Director Tredik advised that there is a \$60,000 Coastal Partnership Initiative grant

which we are ready to bid after he gets some resolution here tonight. Commissioner Sweeny asked what the total cost of Phase 3 would be. Director Tredik advised \$400,000 or more. Commissioner George asked if Phase 3 could be collapsed into Phase 2 and eliminate some of the additional improvements and use those funds toward the restroom project. Director Tredik said that they are two different funding sources which would make it challenging to do.

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

Motion: To approve Resolution 22-21. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XI.

XI. OLD BUSINESS

7. Ocean Hammock Park Beach Access Proposed Relocation: Request for Commission Guidance for Information It Needs for a Decision and Scheduling Date for Special Meeting in January (Presenters: Max Royle, City Manager; Bill Tredik, Public Works Director)

City Manager Royle advised that this agenda item is simply to ask the Commission to give staff information and that the Commission would not be making a decision tonight. He said that staff wants to make certain to get all the information that the Commission needs to make a decision and eliminate any hesitation or doubt so that a decision can be made. He said that he thought that January would have been adequate time to schedule a special meeting about the walkway, but Director Tredik now has additional information, and we should probably postpone the special meeting until we get those answers.

Mayor Samora asked for staff to present the information that they had already planned to present at the special meeting, afterwards the Commission could discuss it and come up with a list of items and then open it to the public and encourage them to ask for what they would like to see to help everyone make an informed decision. He said that it would be brought back to the Commission and then we could pick a date to allow ample time.

Director Tredik advised that he would like to update a couple of conversations that we have had. He said that Florida Communities Trust provided \$1.5 million in grant money towards the last purchase of the 4.5 acres at Ocean Hammock Park and that they have reservations allowing a replacement walkway on the land that they helped us acquire. He said that they were careful not to say that it is impossible, but that it would be challenging since the existing walkway was funded with FRDAP (Florida Recreation Development Assistance Program) money. He said that it would be a lengthy process or possibly not permitted at all and it would likely require an updated Management Plan for the Park. He advised that there are protective covenants in place from when we acquired the land, one of which stipulates that the recipient shall coordinate management of the project site with the adjacent Ocean Hammock Park walkway, so it specifically references the existing walkway. He advised that the other issue is cost. He said that the past estimate was based upon the Phase 3 – Opinion of Probable Cost, and since that time we have built two of the dune walkovers and are working on two more, etc. and that the cost is a little higher than the past estimate. He said that just to do the work associated with the relocation of the western piece and tying it into the Phase 3 concrete walkway going to the observation deck and the beach could be \$750,000 which is more than the \$600,000 that was discussed. He advised that it does not include the benefits we hoped to get with the picnic pavilion and playscape which are valid considerations about cost which were raised in past public comments. He said that we need to understand exactly how much it would be and, with the way things are now, it could go up even more and that we need

some sort of guarantee that this would be funded. He advised that he talked to SJRWMD about it and that he does not think that they would be an insurmountable hurdle. He said that there are potential wetland impacts that we would have to deal with, but they are all temporary impacts. He said that he believed that it is a permissible design which could be developed for that Park through SJRWMD and DEP but that the Florida Communities Trust is the one that he is not sure about right now. He said that if we get \$600,000 and the bid comes in at \$800,000 then would the City be willing to pay more money or not do the project, which is something that would need to be worked out in the upcoming special meeting. He said that we may reach a point where it is not going to be permissible.

Mayor Samora said that he heard a couple different issues such as permitting, cost, and conditions of the grant, which are three items to be brought back to the Commission with as much detail as possible. He suggested to provide an estimated cost and possibly provide the original grant application. He asked what other information Director Tredik had planned to bring to the special meeting. Director Tredik advised that he does not have a lot more on it and that the cost is the main item for him and whether we could fund it and permit it. He said that we could certainly build it if we have the money and the permits.

Commissioner George advised that it is important to receive both the physical and digital petitions because she has heard that there are about 860 signatures on them now. She has also heard of some surveys within Sea Colony and that this is a call to the public to make sure to manifest them to City Hall. She said that rumors mean nothing unless the Commission can actually see the evidence and that they could also call any of the Commissioners or City Hall to let us know how we could obtain those documents. If we are going to have a workshop on this item, which has a lot of hurdles and was brought up outside of City Hall, then there are individuals and interested parties that should be willing to bring forward a formal response on a guarantee of cost. She is not in favor of spending a lot of staff time because there has already been so much time invested and she does not want to waste any more time unless it is going to be a viable option from the funding side. She said that she has been trying to keep an open mind about it but out of respect for the staff effort, this information needs to be brought forward or step back.

Vice Mayor Rumrell thanked Director Tredik and City Manager Royle. He is a little disappointed to see it on the agenda again for the fourth or fifth time because we still have no answers but that he gets the reason for that tonight. He said that it is a very passionate issue with everyone. He said that he was a little disappointed because he is a factual person who wants to make sure things are upfront. He said that he is also upset that people are attacking the integrity of this Commission, which is absolutely wrong. We have a job to do, and people should not assume that because someone lives somewhere, that they feel any different from anyone else. He said for the record that the Commission is here, we have a job to do, and to attack us or any fellow Commissioner's integrity is wrong. He said that he believed that January would be premature and that he has had conversations with the City Manager and the Public Works Director and that we have a hurdle with the new information that we just received and that he wants to make his decision based on facts and not emotions.

Mayor Samora advised that this is the first real discussion that the Commission has had on this matter. It may have been on the agenda, and we had always taken public comments but we did not discuss it because we wanted to make sure that any ethical issues were sorted out before we weighed in on it. He advised that those issues were cleared up a week ago and this is the first time we have had a chance to discuss it as a Commission.

Commissioner George advised that she brought with her for inclusion in any further discussion the Conservation Coastal Management element of our Comprehensive Plan which

makes specific reference that the beach would not vacate walkways or other access points to the shores, and it should be considered and interpreted.

Commissioner Sweeny thanked Vice Mayor Rumrell for his comments. She said that one thing that has really bothered her about this discussion is the “war” between the neighborhoods that has erupted, and she hoped that it could be civil. She said that we as adults can disagree on policy decisions, and it does not have to get nasty. She asked for respect for each other. She said that she has a list of things that she would like to see such as a topographical survey of the property, a copy of the covenant with the land trust, and the original environmental impact study. She said that what has been left out of a lot of the comments is that people are against any path, but that the path is happening. There will be environmental impacts and she would like to see that from the current plan and that there would also be potential environmental impacts of extending the path over the dunes. She would like additional information about the current walkway for when we anticipate making significant repairs and the estimated costs. She advised that she walked through there this morning and hiked through some of the property to try to gain a better understanding and that a topographical survey would help her understand where everything is in relation to the plans for the property. She said that the raised nature of the path means that the Sea Colony fencing seems very low in some areas which may be from fence height restrictions. She said that if we decide not to move the walkway, then maybe there could be some sort of variance provided to allow Sea Colony to build a taller fence. She said that she would like to know the costs as well and how an agreement with residents could be legally done.

Commissioner England advised that the other Commissioners have brought forth some great things. She advised that she has five things to consider: 1) what would Director Tredik’s ideal plan for that grant look like if he did not have to consider the current walkway; 2) is there a substantial safety issue with a ground level walkway, such as snakes; 3) the Commission needs a thorough discussion from an expert regarding the environmental impact of moving the walkway and if it would have a substantially greater impact than all the other construction going on there.; 4) if there is a financial benefit or future savings from moving the walkway or would it be a wash; 5) what should the Park look like factually without taking Sea Colony into consideration.

Vice Mayor Rumrell asked for Commissioner-Elect Morgan to provide her comments as well. Mayor Samora advised that he would go through his list first to allow Commissioner-Elect Morgan time to gather her thoughts for the information that she would like to see.

Mayor Samora advised that we have already covered the permits, cost estimates for the removal and extension of it, terms of agreement with donors, and how the money would be handled. He said that he would also like to see a visual representation of the Park as originally proposed and with the boardwalk removed. He asked for information regarding the expected useful life of the existing boardwalk and its current age. He advised that any letters of opinion, petitions, etc. should be on public record to be considered. He would also like to see the original grant application/agreement, the Comprehensive Plan section, the topographical survey, the original environmental impact study, any potential additional environmental impact of extending/removing it, any possible fence modifications, the safety concerns for either plan, how the design meets the original intent of the Park Management Plan, and any financial benefits long-term.

Mayor Samora invited Commissioner-Elect Morgan to the podium.

Commissioner-Elect Virginia Morgan, 208 Bluebird Lane, St. Augustine Beach, FL, said that she took some notes while she was listening to the discussions. She said that she did not know

that she had anything in particular that she would like to add, but that she would also like to see all the surveys, letters, petitions, etc. so that we have time to read them and consider it all beforehand because there will be a lot to talk about that day. She would like to know what the Comprehensive Plan implications would be. She said that due diligence is really important before returning this to an agenda or another meeting because a lot of people feel very passionate about it, and she does not want to cause people to become more entrenched in their position. She said that the Commission should take all the time it needs to carefully consider all the information and do our due diligence so that there is no continuance. She said that having a topographic survey and a visual of what we have currently vs. what is proposed and walking through the Park to envision what the alternative might be. She asked to see the original environmental impact study and information about the covenants of the grant so that we can make sure that whatever is proposed is in compliance with it or know what the viable options are to bring it into compliance. She suggested to balance the financial benefit and that the longer we wait, the more the cost is going to go up. She asked what the legal implications would be and who from Sea Colony would be the entity that would sign off on this agreement. She advised that she would not feel comfortable moving forward unless she could see all those things.

Chief Carswell advised that a lot of the comments over the past few months have been about safety concerns and that he sent the Commission a five-year history of the Police Department's calls for service at the walkway. He said that if there is anything else that the Commission needs from him, to please let him know. Mayor Samora said that the data is good, but to also possibly survey the officers that have made calls there or if there are any other additional concerns for the way the Park is going to be when it has more amenities and to provide that as well. Chief Carswell agreed.

Commissioner George said that Commissioner England's comment about looking at the entire parcel as a blank slate and what would be the best use of the Park got her thinking. She commented that it is subjective and that typically we as a Commission would create policy decisions and the selection of a park planner and that everyone should keep that in mind because some people may only want one narrow linear path. She believed that a park planner had been selected years ago with a design plan that was never implemented due to lack of funding and she asked the City Manager to try to find that plan to see what the vision was back then which could potentially give some perspective on the policy decisions that were previously made by a sitting Commission looking at it as a blank slate.

Mayor Samora opened Public Comments and he reminded everyone that this is about a park, which is a beautiful addition to our City, and not about attacking neighbors.

Vice Mayor Rumrell advised that he only had five public comment cards and he asked for everyone to turn in a speaker card if they would like to speak on this topic.

Nana Royer, 6 Willow Drive, St. Augustine Beach, FL, came up with some talking points as to whether to move the boardwalk or not and she read from her handout [Exhibit B].

Chris McDermott, 392 San Nicolas Way, St. Augustine, FL, lives just south of St. Augustine Beach and is a frequent user of the boardwalk, which is beautiful; takes visitors there when in town; would the proposed boardwalk really be better and justify the resources going into it; having a raised walkway allows people with limited mobility to use it which should be a strong consideration with any proposed changes; is encouraged by the Commission's questions regarding environmental impact; more debris would collect on a lower, flatter surface; knows the Commission will ask questions and make the right decision [Exhibit C].

Russell Denea, 403 Ocean Grove Circle, St. Augustine Beach, FL, has been following the Park development for a long time and is encouraged with the resources being added and it would be nice for our City; the added amenities are required to qualify for the grant; the main center would be an asset and redirecting the walkway would provide a better way to reach those amenities; was struck by the comment regarding what the design might look like if it were started from scratch and that the walkway would probably have been in the middle to reach the amenities; agreed that there needs to be a valid environmental impact which he has not seen yet except for SEPAC's anonymous professors; we do not know those professors qualifications and they made their opinions on the Park without any path.

William Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, referenced a November 22nd memo from the City Manager to the Commission suggesting to add a factor of 20-25% to the cost estimate to relocate the boardwalk; does not think that additional cost would be appropriate for several reasons: 1) it was indicated at the last Commission meeting that the construction of Phase 3 would be done in 2023; 2) there is a high rate of inflation with the construction industry trending down recently for a predicted 2023 increase of between 2 and 4%; 3) the \$600,000 would be paid upfront and should be invested in a short-term instrument such as a Certificate of Deposit (CD) which are currently at or better than 4% earnings which would offset the 2-4% inflation increase; there is no reason to make an adjustment to the cost estimate.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, received a copy of the Ethics letter sent to Mayor Samora [Exhibit D]; the terms of the size of the class affected by the vote was applied for consideration only on his own behalf at 0.44%; Vice Mayor Rumrell lives in Sea Colony which would mean that it should be 0.88% which is a critical point in the whole situation; if it is in the 1-2% range, then a class is affected and it is very close to that situation; may have a difficult time justifying and guaranteeing that the old walkway would ever come out; should have a full matrix of all the agencies that you would need to deal with and list their concerns for the next meeting; there is always a possibility of a temporary restraining order against the City stopping them from closing or removing the existing walkway; there are many minority families using the walkway to the beach.

Matt Bond, 616 Ocean Palm Way, St. Augustine Beach, FL, reiterated the question of what the Park would look like if it were started from ground zero; this is the opportunity to make it into the Park that it would have looked like if the City would have owned all the property from the beginning; the walkway is there because the City only owned that strip of land and a strip of land abutting the Bermuda Run subdivision; this needs to be the right thing for the City and the residents and if it benefits Sea Colony, it does not make it illegitimate; Bermuda Run has a buffer and that other neighborhoods are seeking buffers to protect themselves; this should be the best thing for the City as a whole; believes that if the Park were being designed from the beginning that it would probably have a walkway in the center; what is the best use of this property and the best park that could be built and some are contributing money to make that happen.

Lee Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, reiterated what Mr. Bond said and that while the City is completing Ocean Hammock Park to please reroute the beach access away from Sea Colony homes; once the Park is completed, traffic will increase substantially and will attract homeless people; take this as the opportunity to reroute the boardwalk away from Sea Colony homes; private citizens are offering over a half a million dollars to make this happen and that should help; social media posts accuse Sea Colony of being selfish and if that were true then Sea Colony would be trying to stop the Park; there is going to be more traffic, people, and noise, but Sea Colony has been in favor of the Park which

will be a terrific amenity for the City and St. Johns County; some people have argued that rerouting the Park would disturb nature, but they do not realize that the central pathway is going to be built and not rerouting the boardwalk would not change that; the Chairperson of SEPAC lives across the street in Whispering Oaks.

Clare Devine, 1004 Makarios Drive, St. Augustine Beach, FL, loves all the comments about environmental impacts, etc.; asked if there is an ordinance regarding homeless people because they are there now and when we make an area with restrooms, etc., it might encourage more homeless.

Mayor Samora closed Public Comments and asked the Commission for any further discussion.

Commissioner George agreed that the suggestion of obtaining a list of all the agencies involved would be helpful. She said that the estimated cost should include staff time as part of the overhead.

Vice Mayor Rumrell asked for the City Attorney to provide any potential legal ramifications.

Commissioner Sweeny said that she would like to see any ordinances with regards to the homeless and she asked Chief Carswell to provide comments during the meeting whether he anticipates any influx and how he would address it. Chief Carswell said that there is no ordinance against homelessness, but there is an ordinance against camping/sleeping overnight in public, which is how he would enforce it, and that he would do more frequent patrols through the improved park and the beach. Commissioner Sweeny has concerns for ADA access and possible flooding for a raised vs. ground path and asked Director Tredik to provide additional information on the pros and cons for the next meeting.

Mayor Samora asked Chief Carswell to revisit whether he has the ordinances in place that he needs for enforcement of the Park and to let the Commission know. Chief Carswell advised that he and the City Manager reviewed the ordinances a few months ago, but that he would look at them again.

Commissioner George asked Chief Carswell to provide any suggestions regarding the security concerns with the placement of the walkway impacting security on the Sea Colony side because the topography allows foot traffic right up to the fence regardless of a walkway being there or not. Chief Carswell advised that he would have that information prepared for the next meeting. Commissioner George also inquired how the Police Department would handle a remote corner of a park because moving it would make that area very remote and she is concerned about a lack of ability for a visual sightline for security purposes and would it impact the patrolling.

Mayor Samora said that there was one other concern he heard regarding increased traffic in the area and he asked the Public Works Director for an estimate of how much more parking and traffic he anticipates, how it would flow with each design, and to provide graphics for each. Director Tredik advised that there are no immediate plans to increase parking and that any increase would be from the utilization of the park and pedestrian traffic. Mayor Samora said that the fact that we are not increasing parking would be good information for the discussion.

Mayor Samora said that we need to set a date for the next meeting, and he asked the City Manager for his suggestions. City Manager Royle advised that he would prefer to do further research with the Florida Communities Trust and give a status report at a future meeting in February and suggest a special meeting at that time. Mayor Samora said that maybe at the January regular meeting we could set a date. City Manager Royle said that he would try to

provide a suggestion in January if possible, but that he would prefer February. Mayor Samora suggested to push for that so that we can get this behind us. City Manager Royle agreed.

Mayor Samora thanked everyone for their comments and for being civil and said to stay tuned for more information to come on this topic.

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

8. Vacation Rentals: Resolution 22-18, to Increase Yearly Inspection Fees to \$450 (Presenter: Brian Law, Building Official)

Building Official Law advised that at the last meeting he was directed to increase the transient rental inspection fees to \$450 per unit. He advised that in 2018 the fee schedule was changed to a resolution in lieu of an ordinance and that the only change is to the transient rental inspections.

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

Motion: To approve Resolution 22-18. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora moved on to Item XII.9 and asked the City Manager for his report.

XII. NEW BUSINESS

9. January Regular City Commission Meeting: Request to Schedule Date Because First Monday is a Holiday (Presenter: Max Royle, City Manager)

City Manager Royle advised that everyone has new 2023 calendars in front of them and that January 2nd is a holiday for City employees. He suggested to have the regular Commission meet on January 9th.

It was the consensus of the Commission to hold the next regular Commission meeting January 9, 2023, at 6:00 p.m.

Mayor Samora moved on to Item XIII.

XIII. COMMISSIONER COMMENTS

Commissioner Sweeny thanked everyone involved with the Surf Illumination event and said that her daughter was particularly excited to help lead the countdown and she thanked her fellow Commissioners for giving her that honor. The Civic Association, the Art Studio, and all the Public works staff worked really hard to get everything ready. She thanked the Police Department for being there and Ms. Conlon for putting on a great event.

Commissioner George advised that she would volunteer to reach out to Marsh Creek for the discussion of a potential traffic light and that she had already gathered some contacts from friends that live there. She said reading the emails that have come through, that the typical DOT procedure is that the gated communities would pay and that she believed that it would be appropriate for the City to ask Marsh Creek if they have any interest in it. She said that Marsh Creek is a very large community and that they may have enough interest and be willing to fund some of it because it is not the City's responsibility to bear the burden, but it does impact the City a lot. Mayor Samora advised that he did not have an issue with it and applauded Commissioner George for volunteering. Commissioner George said that this was something tangible that she could get done.

Commissioner George gave a huge thank you to Commissioner England for all her years of service and the long history that they have of working together. She said that she has always admired her

contributions to the Planning Board, the Commission, as a fellow attorney, as a friend, as a person, and as a neighbor. She said that she reflects strongly on her passion for the old City Hall and her contributions to improving architectural standards, the streetscape on A1A Beach Boulevard, her transportation coordination with other governmental agencies, and that her service has been remarkable.

Vice Mayor Rumrell thanked Commissioner England and said that he has learned a lot sitting on the Commission with her for the last four years. He said that it has been a great opportunity to work alongside her and take her ideas and watch them grow and make the City a better place. He said that she should walk out of here with her head high knowing that she has made a positive impact on this beach community, and he is thankful to have been a part of that journey.

Mayor Samora said that he would not try to outdo those comments and that they were well said by both. He said that Commissioner England has been an integral part of this community and that she should walk out of here knowing that she has made a positive impact and to enjoy this community that she has helped shape and create for the past fourteen years and to hopefully find a way to stay involved and volunteer.

Commissioner England said that it has been her honor and pleasure to serve the residents of St. Augustine Beach, the dedicated staff, the experienced management, and the very professional Police Department. She said that she knows that she will miss the service, but she felt that it was time to pass the baton to Virginia Morgan and that she knows that Commissioner-Elect Morgan will do a great job and as well as all the Commissioners and staff who serve unselfishly to preserve the quality of life in the City. It is such an exceptional City, and she promised to finish the Vision Plan with the City Manager. She wished everyone well and thanked everyone very much.

Commissioner Sweeny thanked Commissioner England and said that it has been a pleasure to learn from her and that she appreciated her poignant questions and the direct nature of her comments.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

City Attorney Blocker thanked Commissioner England for her service. Mayor Samora said that he looks forward to having City Attorney Blocker with us.

Mayor Samora asked the Finance Director how the finances are doing. Finance Director Douylliez advised that funds are coming in slowly.

Chief Carswell reminded everyone about the Cops and Claws event Wednesday, December 7th at 5:30 p.m. at the Police Department.

Director Tredik advised that the Mizell pump station is now operating in automatic mode so it is nearly finished and maybe we could schedule a celebration.

Mayor Samora said that Public Works did a fantastic job getting everything ready for the Surf Illumination event and that the trees looked great.

City Manager Royle thanked Commissioner England on behalf of the City staff. He said that he and Commissioner England went to several conferences together, they had road time to chat about things, and he enjoyed the company. He welcomed the new City Attorney and said that he has watched him on TV for the County meetings and that it is a shift to see him with us.

Commissioner George said that she heard a rumor from a citizen stating that FPL said that the City could install its own electrical plugs on the poles and then pay for the electricity. City Manager Royle advised that the City has always paid for the electricity when it put the holiday decorations

up. He said that FPL does not want those decorations on the poles and that we have received phone calls from people that are unhappy about it. Commissioner Sweeny asked about non-illuminated décor. City Manager Royle advised that the City is not allowed to hang anything from the poles because of their corporate policy. Commissioner George said that if the City owned its own poles, then we could do it. City Manager Royle said yes. Commissioner George said that she has her facts straight and did not want to misrepresent to the citizens.

Mayor Samora said that this is the festive time of year and that there are a lot of reminders. The Holiday Market is coming up on Saturday, December 10th from 3:00 p.m. – 7:00 p.m. at Pier Park and he asked Director Tredik for a progress report on the holiday lighting situation there. Director Tredik advised that there have been some problems and that they are continuing to try to get them fixed and that he would try to get an electrician out there to get them working. Mayor Samora advised that the SEPAC meeting is Tuesday, December 13th and there is also the Cops and Claws event as the Chief mentioned. He said that City offices would be closed the Friday, December 23rd and Monday, December 26th for the Christmas holiday, and then we have the big City event, “Light up the Night” fireworks show, Saturday, December 31st with the fireworks at 8:30 p.m. He said that it would be simulcast on the radio with music which is new for this year. He advised that the City offices would also be closed on January 2nd for the New Year holiday. He wished everyone happy holidays and a happy healthy new year.

Mayor Samora moved on to Item XV and said that he would like to give Commissioner England the opportunity to make one last motion.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 7:42 p.m.

Donald Samora, Mayor

ATTEST:

Dariana Fitzgerald, City Clerk

ST. JOHNS COUNTY, FL

Shore Protection Project (St. Augustine Beach)

Presentation for: **St. Augustine Beach Commission**

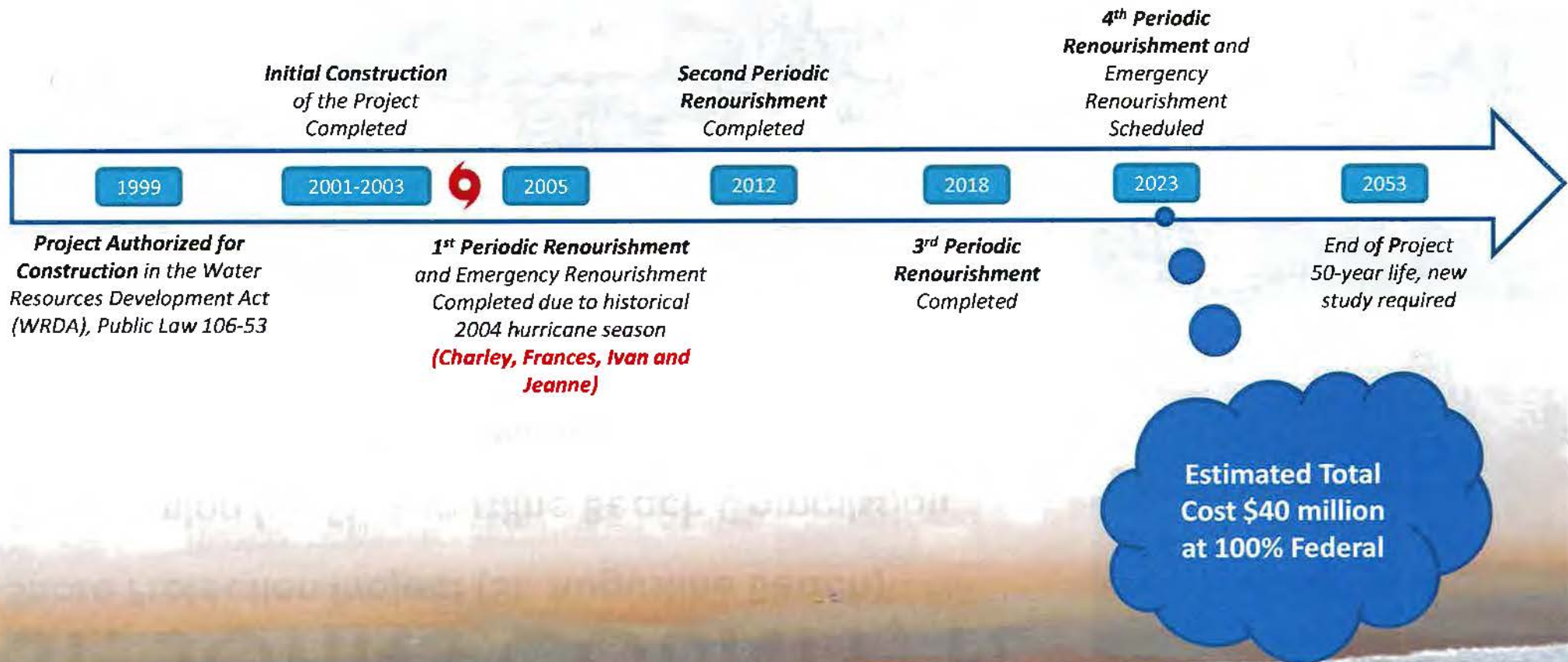
Jason Harrah, Senior Project Manager
U.S. Army Corps of Engineers
Jacksonville District

Jason.S.Harrah@usace.army.mil



January 9, 2023

PROJECT HISTORY



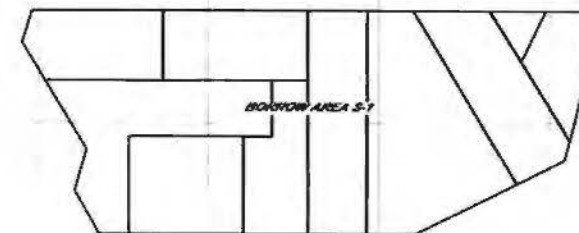
KEY FACTS

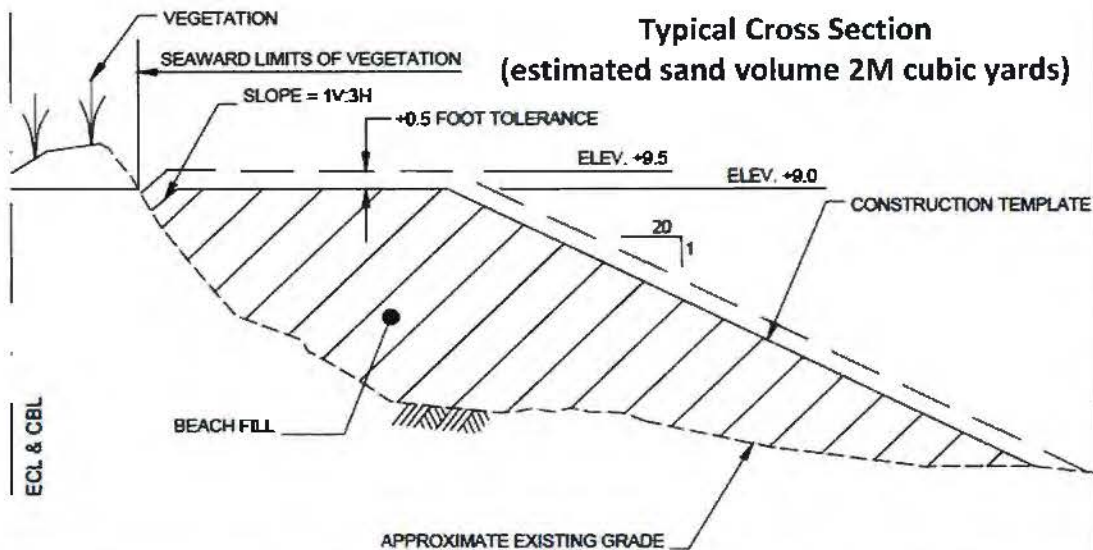
- **Project Non-Federal Sponsor:** St. Johns County (Board of County Commissioners)
- **Initial Construction Completed:** 2001 - 2003
- **Project remains authorized for 50 years** after completion of initial construction (2053)
- Renourishments authorized **every 5 years** (could be sooner if conditions warrant)
- **Project Cost Share: 80.5% Fed – 19.5% Non-Fed**
- Project Qualifies for Emergency Renourishment Funding (Stafford Act) after named storms w/Presidential Declaration and Approved Project Information Report (PIR) – **100% Federal**
- Sponsor **required to maintain project** between construction events (check signage, tilling, vegetation, condition monitoring, environmental monitoring, etc.)





APPROXIMATELY 6.3 NAUTICAL
MILES TO PLACEMENT AREA





DESIGN FEATURES

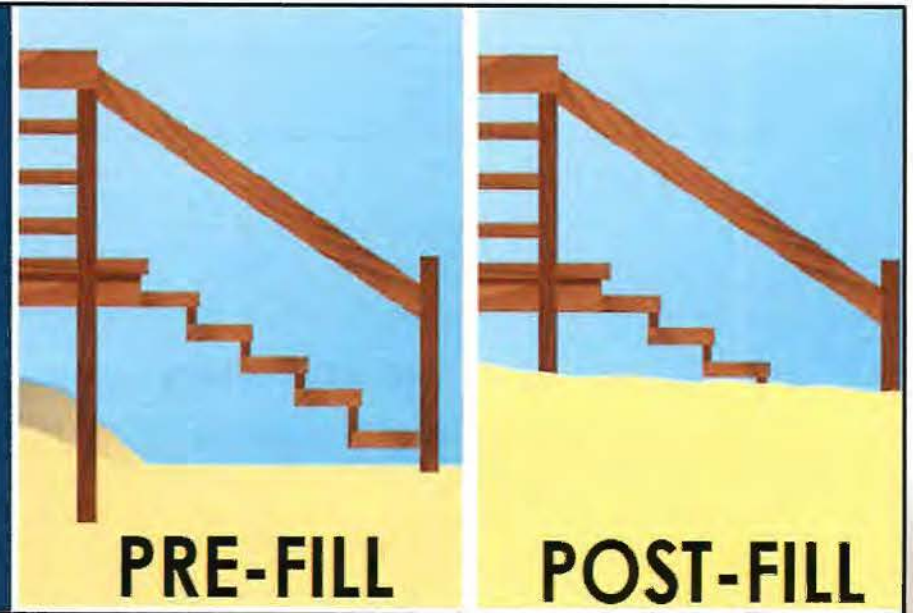


Staging/Access



DUNE WALKOVERS

- The contractor will place sand on, around and underneath each walkover to maintain a continuous protective dune.
- Sand will naturally equilibrate and expose walkover steps over time.
- Photos will be taken of each walkover prior to construction.
- The contractor is bonded and insured if damage occurs as a result of construction activities.



SCHEDULE

	Start	Finish
St. Johns County Provides Lands Certification to USACE (Easements, Staging/Access Locations)	January 6, 2023	
Contract Plans/Specifications Completed and Certified	February 10, 2023	
Procurement Package Review	February 13, 2023	March 6, 2023
Contract Advertisement	March 7, 2023	April 6, 2023
Bid Opening		April 6, 2023
Contract Award		May 9, 2023
Contractor Mobilization	Approximately mid-July 2023 (or sooner)	
Construction Period	Approximately January 2024 (sooner or possibly later w/weather)	

COMMUNITY CONNECTIONS

U.S. Army Corps of Engineers, Jacksonville District

Intro

Welcome to the Facebook site of the U.S. Army Corps of Engineers, Jacksonville District. Established

Page: Government organisation

701 San Marco Blvd., Jacksonville, FL United States, Florida

Public Mail CESAJ-CC@usace.army.mil

say usace army mil

Open now

Rating 3.5 (57 reviews)

Photos

See All Photos

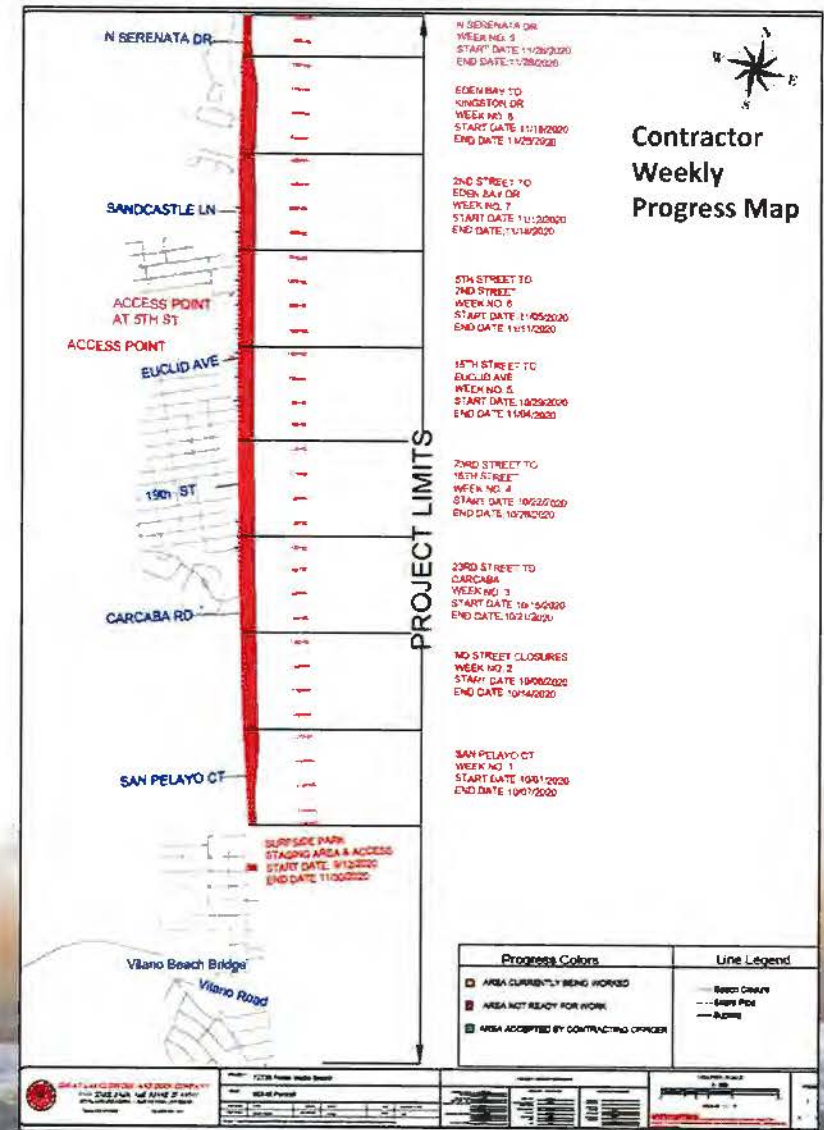
U.S. Army Corps of Engineers, Jacksonville District

26 July at 1:01

07/28 - Miami Beach Project ALLISON PARK - 64th Street - UPDATE

The U.S. Army Corps of Engineers Miami Beach re-nourishment team made good progress this past week, placing more than 13,000 tons of sand last week alone along the Allison Park (64th Street) section of the project.

Placement continues moving north of Allison Park, which will continue to serve as a staging area through the completion this segment. See this week's progress map for details. See more



WHAT TO EXPECT WITH BEACH CONSTRUCTION

DURING

- Contract will stage equipment near the beach (metal pipe, trucks, etc.)
- Construction **will likely occur 24/7 until complete, backup alarms, lights, noise.**
- Sand will be pumped onto the beach from offshore and graded into place by bulldozers and other equipment.
- Sections of the beach will be closed off while working (~1,000 sections w/crossovers).
- Updated progress maps will be published on social media and local news.
- Safety personnel will be on site to direct the general public away from potential hazards.

AFTER

- Beach will **naturally reshape and equilibrate quickly** due to severe erosion.
- Escarpments will form along the new template (**sponsor is responsible to remove and maintain beach template after construction**).
- Any dune repairs (above 9 ft. NAVD88) and vegetation will be completed by the County/City as desired.
- Walkovers will naturally become exposed as sand erodes.
- USACE and Sponsor will monitor the beach frequently to determine when renourishment is needed or soon after major storm events.

KEY STAKEHOLDERS



Completes Study, Design,
Permitting, Construction

®



Permits Sand
Placement on Beach



**NOAA
FISHERIES**

Permitting,
Threatened/Endangered
Species, Laws/Acts



Non-Federal Sponsor



Environmental
Permitting



Permitting,
Threatened/Endangered
Species, Laws/Acts



Key Community
Stakeholder



FLORIDA DEPARTMENT OF STATE
Historical Resources

Required Coordination to avoid
impacts to cultural significant areas



BOEM
BUREAU OF OCEAN ENERGY MANAGEMENT

Permitting for Offshore Sand
Borrow Area



Permits sand placement on
Anastasia State Park

Proclamation

WHEREAS, Human trafficking is the recruitment, harboring, transportation, provision, or obtaining a person for labor or services, through the use of force, fraud, or coercion for forced labor or sexual servitude; and

WHEREAS, human trafficking is a \$150 billion a year global criminal enterprise, that is not only a crime but also a civil and human rights violation, and the United States government estimates that between 600,000 to 800,000 individuals are trafficked across international borders each year; and

WHEREAS, in 2021, Florida had the third highest number of human trafficking cases in the United States, and in 2020 the Florida Human Trafficking Hotline identified 10,583 victims in that year alone; and

WHEREAS, more awareness and education are crucial to eradicating human trafficking in our communities, state, and nation,

NOW, THEREFORE, I, under the authority vested in me as Mayor of the City of St. Augustine Beach, Florida, do hereby proclaim the City of St. Augustine Beach's acknowledgement that human trafficking should be eradicated.

IN WITNESS of which, I, Donald Samora, hereunto set my hand and cause the Official Seal of the City of St. Augustine Beach, Florida, to be affixed this 9th day of January 2023.

Mayor Donald Samora

ATTEST:

City Manager Max Royle

MEMORANDUM

Agenda Item # 2

Meeting Date 1-9-23

Date: December 30, 2022

To: Max Royle, City Manager
Patty Douylliez, Finance Director

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

Subject: 2nd Street Extension – CMT Contract Amendment No. 39
Additional Construction Engineering and Inspection Services

BACKGROUND

Amendment No.34 to the Contract with CMT was approved by the City Commission in the amount of \$51,100, to provide design and limited Post Design Construction Engineering and Inspection (CEI) services for the 2nd Street Project. Only \$5,400 of Amendment No. 34 was provided to provide project management and construction observation services as the City had hoped to assume much of these functions in-house.

Unfortunately, the growing project workload has made it infeasible for City Staff to provide project management and construction observation services on the project. Additionally, materials supply challenges and unforeseen utility conflicts have resulted in delays to construction, resulting in the need for an extended construction period resulting in a prolonged period of construction observation and inspection services. The City has requested CMT expand their scope to provide the following services to complete the project:

- Additional design, plans preparation and project management to incorporate the 3rd Lane ditch piping into the construction contract
- Coordination between the City and FPL on undergrounding of power line
- Coordination with St. Johns County and additional design to resolve utility conflicts
- More expansive construction observation and inspection services
- Project close-out and certifications

CMT has submitted a proposal to provide the requested additional work for a fee of \$33,300.00.

RECOMMENDATION

The proposed fee is commensurate with the services to be provided and is vital to ensuring appropriate construction oversight and management. Staff recommends approval of Amendment No. 39 to the contract with CMT in the amount of \$33,300.00 for the 2nd Street Extension and Widening Project. Funding will be provided from the Transportation Impact Fee Fund.

AMENDMENT NO. 39

Supplemental Engineering Services 2nd Street Extension/ Widening Paving, Drainage and Utility Improvements

THIS AMENDMENT is made as of **Janaury 9, 2023**, by and between **CITY OF ST. AUGUSTINE BEACH (City)** and, **CRAWFORD MURPHY & TILLEY, ENGINEERS AND CONSULTANTS (formerly known as STONE ENGINEERING GROUP, INC.)**, a Florida corporation. This Amendment to the City / CMT Agreement for Professional Engineering Services is in connection with the City's efforts to (1) define, establish a procedure, and coordinate with FP&L to develop a conceptual design and bidding process for conversion of residential overhead electric to underground electric in 2nd Street and other areas, (2) incorporate into the 2nd Street construction contract the procedure and design details to allow a change order of the remaining unconstructed 3RD Alley storm sewer into the 2nd Street project using ARPA funding, (3) expand the construction administration and observation oversight of the paving and repaving of the two blocks of west 2nd Street.

SECTION 1: PROJECT DESCRIPTION

The project description for this amendment consists of three elements of Engineering.

- (1) The defining, establishment of a procedure, and coordination with FP&L to develop a document submittal process for FP&L, development of property easement mapping and a conceptual design and bidding process for conversion of residential overhead electric to underground electric in undeveloped as well as the previous developed 2nd Street and other areas of the city.
- (2) Assist in incorporating into the DB Civil 2nd Street construction contract the procedure for using ARPA funding and negotiate the conditions and cost to incorporate by change order the remaining unconstructed 3RD Alley storm sewer into the 2nd Street project. Including the revisions to the original design to reflect what was previously constructed by the City and what remains to be constructed under the 2ND Street contract.
- (3) The 2nd Street project scope of Engineering originally included only a limited Construction Administration/ Construction Inspection service. The scope included the statement that depending on the level of oversight required of the Construction contractor the scope may require expansion during construction. As a result of the post pandemic labor shortages and resulting hiring adjustments construction firms require more detailed oversight observation, request more clarification on design details and assistance in correctly reporting construction status and progress and accurately completing monthly pay applications. City staff has observed these phenomena in current construction and has requested a greater assistance during construction.

SECTION 2: SCOPE OF SERVICES

Our services will be provided in the following Tasks:

Task 2.1 – Additional FP&L Coordination, Procedures, Process/ Design & Bidding Underground Electric

Make initial contact with FP&L staff to identify department responsible for electric conversation, discuss process for FP&L to underground electric, define expenses to be paid by each stakeholder, advise and assist City in corresponding with FP&L on the process and procedures.

Create project mapping of individual property owners allowing easements on lots.

Create Preliminary design plans of the lot easements relative to the plan view of the pavement with notes detailing the number of transformer pads and transformers, linear feet of electrical conduit, general notes of the FP&L described process.

Provide an order of magnitude budget cost estimate

Provide a Bidding alternate within the 2nd Street project for the conversation to underground electric.

Task 2.2 – Incorporation of the Remaining 3rd Alley Storm sewer

Assist in incorporating into the DB Civil 2nd Street construction contract the procedure for using ARPA funding.

Negotiate the conditions and cost to incorporate by change order the remaining unconstructed 3RD Alley storm sewer into the 2nd Street project.

Design the revisions to the original design to reflect what was previously constructed by the City and what remains to be constructed under the 2ND Street contract

Task 2.3 – Post Design Expanded Construction Inspection and Administration

The services will be based upon time and materials expended with the indicated amount considered a maximum not to be exceeded without prior authorization. The services include a budget total of up to 157 inspection hours:

- Construction Administration services for: attendance at a pre-construction conference, shop drawing reviews (in original scope), responses to eight contractor requests for construction clarification and review of seven contractor pay requests and review of as-built drawings.
- Progress field construction observation/ inspections,
- Attendance at substantial and final project construction inspections (in original scope) and two permitting agency inspections. Develop punch list and verification of completion.
- Construction Completion Certifications for SJCUD, FDEP and SJRWMD (Based upon contractor's construction completion documentation)

SECTION 3: PROFESSIONAL FEES

Our fee is outlined below:

3.1:	Add'l FP&L Coord, Procedures, Process/ Design & Bid U/grd. Electric	\$	4,400
3.2	Incorporation of the Remaining 3 rd Alley Storm sewer	\$	3,900
3.3	Post Design Expanded Const inspection & Administration (Budget)	\$	25,000

Total Supplemental Fee:	\$	33,300
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The services and fee indicated are in addition to the original Amendment for 2ND Street services unless indicated otherwise.

IN WITNESS WHEREOF, the parties have made and executed this Amendment, the day month and year first above written.

CITY OF ST. AUGUSTINE BEACH, FLORIDA

By: _____
Its: City Manager

Crawford Murphy &Tilly Inc.

By: _____
Its Office Manager: Paul E. Ina, P.E.

Contracts File

BUDGET RESOLUTION 23-01

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

**RE: TO AMEND THE FY2023
IMPACT FEE FUND BUDGET**

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2022-2023 Impact Fee Fund Budget as follows:

INCREASE: Account 102-4100-541-6383 (Impact Fee Fund-R&B-2nd Street) in the amount of \$33,000 which will increase the appropriation in this account to \$658,000.

INCREASE: Account 102-381-400 (Impact Fee Fund-Transfer from Reserves-Roads) in the amount of \$33,000 which will increase the appropriation in this account to \$1,158,000.

RESOLVED AND DONE, this 9th day of January 2023 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: ASSET SURPLUS RESOLUTION 23-01
DATE: 12/20/2022

Resolution 23-01 is to surplus equipment on the attached list. The equipment will be used as trade-in for new tasers, modified to be used as a new water truck, and the remaining items will be placed on the auction site for sale.

If further information is needed, please let me know.

RESOLUTION 23-01

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

**RE: TO DECLARE AS SURPLUS
AND AUTHORIZE THEIR
DISPOSAL ITEMS LISTED ON
EXHIBIT A**

The City Commission of St. Augustine Beach, St. Johns County, Florida, in regular meeting duly assembled on Monday, January 9th, 2023, resolves as follows:

WHEREAS, from time to time the City's departments have items of property which have reached the end of their useful life, or are broken and for which the cost of repairs would exceed the value of the item(s), or are obsolete and/or no longer of use to the department, and

WHEREAS, Section 10 of the City's Capital Asset Policy requires that the City Commission approve the disposal of any property that is declared surplus.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of St. Augustine Beach, St. Johns County, Florida, does declare as surplus items from various departments listed on Exhibit A (attached), and authorizes their disposal.

RESOLVED AND DONE, this 9th day of January 2023 by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

Mayor

ATTEST:

City Manager

RESOLUTION 23-01

EXHIBIT A

POLICE DEPARTMENT

Asset Tag #	VIN/Serial #	Asset Description	Department	Location	Sold/Destroyed/Donated	Proceeds Received
1718	X1200404E	AXON TASER X26P	POLICE	ARMSROOM		
1719	X1200405M	AXON TASER X26P	POLICE	ARMSROOM		
1720	X12003YFC	AXON TASER X26P	POLICE	ARMSROOM		
1721	X12003YX8	AXON TASER X26P	POLICE	ARMSROOM		
1722	X12003YXT	AXON TASER X26P	POLICE	ARMSROOM		
1723	X12003YNO	AXON TASER X26P	POLICE	ARMSROOM		
1724	X12003YEK	AXON TASER X26P	POLICE	ARMSROOM		
1725	X1200404H	AXON TASER X26P	POLICE	ARMSROOM		
1726	X12003YM5	AXON TASER X26P	POLICE	ARMSROOM		
1727	X12003YX3	AXON TASER X26P	POLICE	ARMSROOM		
1728	X12003YW9	AXON TASER X26P	POLICE	ARMSROOM		
1729	X12004044	AXON TASER X26P	POLICE	ARMSROOM		
1730	X12003YMF	AXON TASER X26P	POLICE	ARMSROOM		
1731	X12003YCR	AXON TASER X26P	POLICE	ARMSROOM		
1732	X1200404K	AXON TASER X26P	POLICE	ARMSROOM		
1733	X12003YXE	AXON TASER X26P	POLICE	ARMSROOM		
1734	X12003YKF	AXON TASER X26P	POLICE	ARMSROOM		
1735	X12003X5A	AXON TASER X26P	POLICE	ARMSROOM		
1736	X12003YCP	AXON TASER X26P	POLICE	ARMSROOM		
1746	X12003YCX	AXON TASER X26P	POLICE	ARMSROOM		
1747	X1200779Y	AXON TASER X26P	POLICE	ARMSROOM		
1832	X120077CE	AXON TASER X26P	POLICE	ARMSROOM		
1833	X1200829R	AXON TASER X26P	POLICE	ARMSROOM		
unknown	X12009T38	AXON TASER X26P	POLICE	ARMSROOM		

Comments: AXON Taser X26P's will be sent back to AXON as part of the by back that was included in the AXON Taser 7 package

Asset Tag #	VIN/Serial #	Asset Description	Department	Location	Sold/Destroyed/Donated	Proceeds Received
XD0787	1FMSR8AN3E6G27205	2014 Ford Explorer	Police	SABPD		
XC1466	1FMSR8AN1E6C21461	2015 Ford Explorer	Police	SABPD		

PUBLIC WORKS DEPARTMENT


Asset Tag #	VIN/Serial #	Asset Description	Department	Location	Sold/Destroyed/Donated	Proceeds Received
1820	FP5802545	# 77 HEIL 25cy refuse body	SANITATION	PWD		
1248	1FVHCYAKD3HM04810	# 71 FREIGHTLINER 107 M2	SANITATION	PWD		
1325 / 1765	1FVHCYDC08FM92804	# 75 FREIGHTLINER / 25CY REFUSE	SANITATION	PWD		

IT DEPARTMENT

Asset Tag #	VIN/Serial #	Asset Description	Department	Location	Sold/Destroyed/Donated	Proceeds Received
	J14C3619	Topaz Signature Pad	Law Enforcement	PD Evidence Vault		
	14206521400441	Motorola Palm Pilot MC-65	Law Enforcement	PD Evidence Vault		
	14189521400462	Motorola Palm Pilot Base Charger	Law Enforcement	PD Evidence Vault		
	14132521400135	Motorola Palm Pilot MC-65 Scanner Attachment	Law Enforcement	PD Evidence Vault		
	BAR-BS-793176	Barracuda Backup	Law Enforcement	PD Hub Room		
1760	557678872	Alibi ALI-HVR5016H NVR	Law Enforcement	PD Interview Room		
	515259717	Alibi ALI-NVR5016P NVR	Law Enforcement	PD Hub Room		
	ALI-IPV3150R	17 Alibi Cameras	Law Enforcement	Police Department		
IT0025	UDPD1AA88B737001270100	Acer VM5E1 Desktop	Building	Code Enforcement 204		
	UDPD1AA88B737001150100	Acer VM5E1 Desktop	Building			
	DTVM7AA005833055AC3000	Acer 4840G Desktop	Building	Building Inspector 202		
	DTVM4AA005833055AC3000	Acer M4630G Desktop	Building			
	UDPD1AA88B737001270100	Acer BM5E1 Desktop	Law Enforcement			
	DTVM7AA003833055AC3000	Acer VM5W1 Desktop	Law Enforcement			
	4TT97X2	Dell Optiplex 3060 Desktop	Law Enforcement	Commander Harrell		
	2UA8382KS5	HP Z240 Tower Desktop	Law Enforcement			
	MXL92832M9	HP Z2 Tower Desktop	Law Enforcement	Chief Carswell		
	U84180M6N503757	Brother HL-L6200DW Printer	Admin/Finance	Finance		
1854	752206373	Alibi ALI-NVR5216P NVR	Other Government Services	CH Network Closet		
1853	752206127	Alibi ALI-NVR5216P NVR	Other Government Services	CH Network Closet		
	ALI-NS206VR	26 Alibi IP Cameras	Other Government Services	City Hall		

MEMORANDUM

TO: Commissioner Samora
Commissioner Rumrell
Commissioner Morgan
Commissioner George
Commissioner Sweeny

FROM: Max Royle, City Manager 

DATE: December 30, 2022

SUBJECT: Relocation of Ocean Hammock Park Boardwalk: Review of Information and Consideration of Scheduling a Special Meeting

INTRODUCTION

At your December 5, 2022, meeting, you discussed the request from some residents to relocate the existing boardwalk. The result of that discussion was a directive that the staff assemble information related to the boardwalk and Ocean Hammock Park.

INDEX

As the information assembled thus far is voluminous, we have created the following index for your review of it.

- a. Pages 1-6, the minutes of that part of your December 5th meeting when you discussed the boardwalk.
- b. Page 7, a summary of the information requested.
- c. Pages 8-10, the letter from the Florida Commission on Ethics concerning whether Mayor Samora, a Sea Colony resident, had a conflict of interest concerning the relocation request. The Commission's conclusion was that he didn't. City Attorney Blocker opined that the conclusion also applied to Vice Mayor Rumrell, who also lives in Sea Colony.
- d. Pages 11-16, memos from Marc Chattin, who was the City's Public Works Director in 2009, when the City paid for a fence between the boardwalk and Sea Colony.
- e. Pages 18-19, an email to the current Public Works Director and City Manager from Mr. Gregg Hammann, who asks that the Ocean Hammock Park boardwalk be relocated.
- f. Pages 20-25, a topographical map of Ocean Hammock Park and site plans showing the various phases of the Park's development.
- g. Pages 26-29, pages from the City's Comprehensive Plan with goals, objectives and policies that apply to the Park.

- h. Pages 30-39, the project agreement with the Florida Department of Environmental Protection for the \$200,000 grant to construct the boardwalk.
- i. Pages 40-50, the restrictive covenants from the Florida Communities Trust for the grant to purchase the 11.5 acres of the Park.
- j. Pages 51-57, the restrictive covenants from the FCT for the grant to purchase the final 4.5 acres of the Park.
- k. Pages 58-62, the 2021 Environmental Assessment.
- l. Page 63, an aerial showing the Park's wetlands.
- m. Page 64 an aerial showing the location of gopher tortoise burrows in the Park.

PLEASE NOTE: We haven't attached any of the petitions received thus far because of the volume of pages. There is a hand-signed petition as well as an online petition against relocating the boardwalk. The petitions will be included with the material that's available online concerning the relocation request.

ACTION REQUESTED

It is that you discuss the attached material and then decide the following:

- Whether you need more information. If so, exactly what?
- Or whether you are ready to schedule a one-topic special meeting to decide whether or not to relocate the boardwalk.

Excerpt from the minutes of the December 5, 2022, regular Commission meeting

7. Ocean Hammock Park Beach Access Proposed Relocation: Request for Commission Guidance for Information It Needs for a Decision and Scheduling Date for Special Meeting in January (Presenters: Max Royle, City Manager; Bill Tredik, Public Works Director)

City Manager Royle advised that this agenda item is simply to ask the Commission to give staff information and that the Commission would not be making a decision tonight. He said that staff wants to make certain to get all the information that the Commission needs to make a decision and eliminate any hesitation or doubt so that a decision can be made. He said that he thought that January would have been adequate time to schedule a special meeting about the walkway, but Director Tredik now has additional information, and we should probably postpone the special meeting until we get those answers.

Mayor Samora asked for staff to present the information that they had already planned to present at the special meeting, afterwards the Commission could discuss it and come up with a list of items and then open it to the public and encourage them to ask for what they would like to see to help everyone make an informed decision. He said that it would be brought back to the Commission and then we could pick a date to allow ample time.

Director Tredik advised that he would like to update a couple of conversations that we have had. He said that Florida Communities Trust provided \$1.5 million in grant money towards the last purchase of the 4.5 acres at Ocean Hammock Park and that they have reservations allowing a replacement walkway on the land that they helped us acquire. He said that they were careful not to say that it is impossible, but that it would be challenging since the existing walkway was funded with FRDAP (Florida Recreation Development Assistance Program) money. He said that it would be a lengthy process or possibly not permitted at all and it would likely require an updated Management Plan for the Park. He advised that there are protective covenants in place from when we acquired the land, one of which stipulates that the recipient shall coordinate management of the project site with the adjacent Ocean Hammock Park walkway, so it specifically references the existing walkway. He advised that the other issue is cost. He said that the past estimate was based upon the Phase 3 – Opinion of Probable Cost, and since that time we have built two of the dune walkovers and are working on two more, etc. and that the cost is a little higher than the past estimate. He said that just to do the work associated with the relocation of the western piece and tying it into the Phase 3 concrete walkway going to the observation deck and the beach could be \$750,000 which is more than the \$600,000 that was discussed. He advised that it does not include the benefits we hoped to get with the picnic pavilion and playscape which are valid considerations about cost which were raised in past public comments. He said that we need to understand exactly how much it would be and, with the way things are now, it could go up even more and that we need some sort of guarantee that this would be funded. He advised that he talked to SJRWMD about it and that he does not think that they would be an insurmountable hurdle. He said that there are potential wetland impacts that we would have to deal with, but they are all temporary impacts. He said that he believed that it is a permissible design which could be developed for that Park through SJRWMD and DEP but that the Florida Communities Trust is the one that he is not sure about right now. He said that if we get \$600,000 and the bid comes in at \$800,000 then would the City be willing to pay more money or not do the project, which is something that would need to be worked out in the upcoming special meeting. He said that we may reach a point where it is not going to be permissible.

Mayor Samora said that he heard a couple different issues such as permitting, cost, and conditions of the grant, which are three items to be brought back to the Commission with as much detail as possible. He suggested to provide an estimated cost and possibly provide the original grant application. He asked what other information Director Tredik had planned to bring to the special meeting. Director

Excerpt from the minutes of the December 5, 2022, regular Commission meeting

Tredik advised that he does not have a lot more on it and that the cost is the main item for him and whether we could fund it and permit it. He said that we could certainly build it if we have the money and the permits.

Commissioner George advised that it is important to receive both the physical and digital petitions because she has heard that there are about 860 signatures on them now. She has also heard of some surveys within Sea Colony and that this is a call to the public to make sure to manifest them to City Hall. She said that rumors mean nothing unless the Commission can actually see the evidence and that they could also call any of the Commissioners or City Hall to let us know how we could obtain those documents. If we are going to have a workshop on this item, which has a lot of hurdles and was brought up outside of City Hall, then there are individuals and interested parties that should be willing to bring forward a formal response on a guarantee of cost. She is not in favor of spending a lot of staff time because there has already been so much time invested and she does not want to waste any more time unless it is going to be a viable option from the funding side. She said that she has been trying to keep an open mind about it but out of respect for the staff effort, this information needs to be brought forward or step back.

Vice Mayor Rumrell thanked Director Tredik and City Manager Royle. He is a little disappointed to see it on the agenda again for the fourth or fifth time because we still have no answers but that he gets the reason for that tonight. He said that it is a very passionate issue with everyone. He said that he was a little disappointed because he is a factual person who wants to make sure things are upfront. He said that he is also upset that people are attacking the integrity of this Commission, which is absolutely wrong. We have a job to do, and people should not assume that because someone lives somewhere, that they feel any different from anyone else. He said for the record that the Commission is here, we have a job to do, and to attack us or any fellow Commissioner's integrity is wrong. He said that he believed that January would be premature and that he has had conversations with the City Manager and the Public Works Director and that we have a hurdle with the new information that we just received and that he wants to make his decision based on facts and not emotions.

Mayor Samora advised that this is the first real discussion that the Commission has had on this matter. It may have been on the agenda, and we had always taken public comments but we did not discuss it because we wanted to make sure that any ethical issues were sorted out before we weighed in on it. He advised that those issues were cleared up a week ago and this is the first time we have had a chance to discuss it as a Commission.

Commissioner George advised that she brought with her for inclusion in any further discussion the Conservation Coastal Management element of our Comprehensive Plan which makes specific reference that the beach would not vacate walkways or other access points to the shores, and it should be considered and interpreted.

Commissioner Sweeny thanked Vice Mayor Rumrell for his comments. She said that one thing that has really bothered her about this discussion is the "war" between the neighborhoods that has erupted, and she hoped that it could be civil. She said that we as adults can disagree on policy decisions, and it does not have to get nasty. She asked for respect for each other. She said that she has a list of things that she would like to see such as a topographical survey of the property, a copy of the covenant with the land trust, and the original environmental impact study. She said that what has been left out of a lot of the comments is that people are against any path, but that the path is happening. There will be environmental impacts and she would like to see that from the current plan and that there would also be potential environmental impacts of extending the path over the dunes. She would like additional information about the current walkway for when we anticipate making significant repairs and the estimated costs. She advised that she walked through there this morning

and hiked through some of the property to try to gain a better understanding and that a topographical survey would help her understand where everything is in relation to the plans for the property. She said that the raised nature of the path means that the Sea Colony fencing seems very low in some areas which may be from fence height restrictions. She said that if we decide not to move the walkway, then maybe there could be some sort of variance provided to allow Sea Colony to build a taller fence. She said that she would like to know the costs as well and how an agreement with residents could be legally done.

Commissioner England advised that the other Commissioners have brought forth some great things. She advised that she has five things to consider: 1) what would Director Tredik's ideal plan for that grant look like if he did not have to consider the current walkway; 2) is there a substantial safety issue with a ground level walkway, such as snakes; 3) the Commission needs a thorough discussion from an expert regarding the environmental impact of moving the walkway and if it would have a substantially greater impact than all the other construction going on there.; 4) if there is a financial benefit or future savings from moving the walkway or would it be a wash; 5) what should the Park look like factually without taking Sea Colony into consideration.

Vice Mayor Rumrell asked for Commissioner-Elect Morgan to provide her comments as well. Mayor Samora advised that he would go through his list first to allow Commissioner-Elect Morgan time to gather her thoughts for the information that she would like to see.

Mayor Samora advised that we have already covered the permits, cost estimates for the removal and extension of it, terms of agreement with donors, and how the money would be handled. He said that he would also like to see a visual representation of the Park as originally proposed and with the boardwalk removed. He asked for information regarding the expected useful life of the existing boardwalk and its current age. He advised that any letters of opinion, petitions, etc. should be on public record to be considered. He would also like to see the original grant application/agreement, the Comprehensive Plan section, the topographical survey, the original environmental impact study, any potential additional environmental impact of extending/removing it, any possible fence modifications, the safety concerns for either plan, how the design meets the original intent of the Park Management Plan, and any financial benefits long-term.

Mayor Samora invited Commissioner-Elect Morgan to the podium.

Commissioner-Elect Virginia Morgan, 208 Bluebird Lane, St. Augustine Beach, FL, said that she took some notes while she was listening to the discussions. She said that she did not know that she had anything in particular that she would like to add, but that she would also like to see all the surveys, letters, petitions, etc. so that we have time to read them and consider it all beforehand because there will be a lot to talk about that day. She would like to know what the Comprehensive Plan implications would be. She said that due diligence is really important before returning this to an agenda or another meeting because a lot of people feel very passionate about it, and she does not want to cause people to become more entrenched in their position. She said that the Commission should take all the time it needs to carefully consider all the information and do our due diligence so that there is no continuance. She said that having a topographic survey and a visual of what we have currently vs. what is proposed and walking through the Park to envision what the alternative might be. She asked to see the original environmental impact study and information about the covenants of the grant so that we can make sure that whatever is proposed is in compliance with it or know what the viable options are to bring it into compliance. She suggested to balance the financial benefit and that the longer we wait, the more the cost is going to go up. She asked what the legal implications would be and who from Sea Colony would be the entity that would sign off on this agreement. She advised that she would not feel comfortable moving forward unless she could see all those things.

Excerpt from the minutes of the December 5, 2022, regular Commission meeting

Chief Carswell advised that a lot of the comments over the past few months have been about safety concerns and that he sent the Commission a five-year history of the Police Department's calls for service at the walkway. He said that if there is anything else that the Commission needs from him, to please let him know. Mayor Samora said that the data is good, but to also possibly survey the officers that have made calls there or if there are any other additional concerns for the way the Park is going to be when it has more amenities and to provide that as well. Chief Carswell agreed.

Commissioner George said that Commissioner England's comment about looking at the entire parcel as a blank slate and what would be the best use of the Park got her thinking. She commented that it is subjective and that typically we as a Commission would create policy decisions and the selection of a park planner and that everyone should keep that in mind because some people may only want one narrow linear path. She believed that a park planner had been selected years ago with a design plan that was never implemented due to lack of funding and she asked the City Manager to try to find that plan to see what the vision was back then which could potentially give some perspective on the policy decisions that were previously made by a sitting Commission looking at it as a blank slate.

Mayor Samora opened Public Comments and he reminded everyone that this is about a park, which is a beautiful addition to our City, and not about attacking neighbors.

Vice Mayor Rumrell advised that he only had five public comment cards and he asked for everyone to turn in a speaker card if they would like to speak on this topic.

Nana Royer, 6 Willow Drive, St. Augustine Beach, FL, came up with some talking points as to whether to move the boardwalk or not and she read from her handout [Exhibit B].

Chris McDermott, 392 San Nicolas Way, St. Augustine, FL, lives just south of St. Augustine Beach and is a frequent user of the boardwalk, which is beautiful; takes visitors there when in town; would the proposed boardwalk really be better and justify the resources going into it; having a raised walkway allows people with limited mobility to use it which should be a strong consideration with any proposed changes; is encouraged by the Commission's questions regarding environmental impact; more debris would collect on a lower, flatter surface; knows the Commission will ask questions and make the right decision [Exhibit C].

Russell Denea, 403 Ocean Grove Circle, St. Augustine Beach, FL, has been following the Park development for a long time and is encouraged with the resources being added and it would be nice for our City; the added amenities are required to qualify for the grant; the main center would be an asset and redirecting the walkway would provide a better way to reach those amenities; was struck by the comment regarding what the design might look like if it were started from scratch and that the walkway would probably have been in the middle to reach the amenities; agreed that there needs to be a valid environmental impact which he has not seen yet except for SEPAC's anonymous professors; we do not know those professors qualifications and they made their opinions on the Park without any path.

William Pelzer, 461 Ocean Grove Circle, St. Augustine Beach, FL, referenced a November 22nd memo from the City Manager to the Commission suggesting to add a factor of 20-25% to the cost estimate to relocate the boardwalk; does not think that additional cost would be appropriate for several reasons: 1) it was indicated at the last Commission meeting that the construction of Phase 3 would be done in 2023; 2) there is a high rate of inflation with the construction industry trending down recently for a predicted 2023 increase of between 2 and 4%; 3) the \$600,000 would be paid upfront and should be invested in a short-term instrument such as a Certificate of Deposit (CD) which are currently at or better than 4% earnings which would offset the 2-4% inflation increase; there is no reason to make an adjustment to the cost estimate.

Excerpt from the minutes of the December 5, 2022, regular Commission meeting

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, received a copy of the Ethics letter sent to Mayor Samora [Exhibit D]; the terms of the size of the class affected by the vote was applied for consideration only on his own behalf at 0.44%; Vice Mayor Rumrell lives in Sea Colony which would mean that it should be 0.88% which is a critical point in the whole situation; if it is in the 1-2% range, then a class is affected and it is very close to that situation; may have a difficult time justifying and guaranteeing that the old walkway would ever come out; should have a full matrix of all the agencies that you would need to deal with and list their concerns for the next meeting; there is always a possibility of a temporary restraining order against the City stopping them from closing or removing the existing walkway; there are many minority families using the walkway to the beach.

Matt Bond, 616 Ocean Palm Way, St. Augustine Beach, FL, reiterated the question of what the Park would look like if it were started from ground zero; this is the opportunity to make it into the Park that it would have looked like if the City would have owned all the property from the beginning; the walkway is there because the City only owned that strip of land and a strip of land abutting the Bermuda Run subdivision; this needs to be the right thing for the City and the residents and if it benefits Sea Colony, it does not make it illegitimate; Bermuda Run has a buffer and that other neighborhoods are seeking buffers to protect themselves; this should be the best thing for the City as a whole; believes that if the Park were being designed from the beginning that it would probably have a walkway in the center; what is the best use of this property and the best park that could be built and some are contributing money to make that happen.

Lee Geanuleas, 233 North Forest Dune Drive, St. Augustine Beach, FL, reiterated what Mr. Bond said and that while the City is completing Ocean Hammock Park to please reroute the beach access away from Sea Colony homes; once the Park is completed, traffic will increase substantially and will attract homeless people; take this as the opportunity to reroute the boardwalk away from Sea Colony homes; private citizens are offering over a half a million dollars to make this happen and that should help; social media posts accuse Sea Colony of being selfish and if that were true then Sea Colony would be trying to stop the Park; there is going to be more traffic, people, and noise, but Sea Colony has been in favor of the Park which will be a terrific amenity for the City and St. Johns County; some people have argued that rerouting the Park would disturb nature, but they do not realize that the central pathway is going to be built and not rerouting the boardwalk would not change that; the Chairperson of SEPAC lives across the street in Whispering Oaks.

Clare Devine, 1004 Makarios Drive, St. Augustine Beach, FL, loves all the comments about environmental impacts, etc.; asked if there is an ordinance regarding homeless people because they are there now and when we make an area with restrooms, etc., it might encourage more homeless.

Mayor Samora closed Public Comments and asked the Commission for any further discussion.

Commissioner George agreed that the suggestion of obtaining a list of all the agencies involved would be helpful. She said that the estimated cost should include staff time as part of the overhead.

Vice Mayor Rumrell asked for the City Attorney to provide any potential legal ramifications.

Commissioner Sweeny said that she would like to see any ordinances with regards to the homeless and she asked Chief Carswell to provide comments during the meeting whether he anticipates any influx and how he would address it. Chief Carswell said that there is no ordinance against homelessness, but there is an ordinance against camping/sleeping overnight in public, which is how he would enforce it, and that he would do more frequent patrols through the improved park and the beach. Commissioner Sweeny has concerns for ADA access and possible flooding for a raised vs. ground path and asked Director Tredik to provide additional information on the pros and cons for the next meeting.

Excerpt from the minutes of the December 5, 2022, regular Commission meeting

Mayor Samora asked Chief Carswell to revisit whether he has the ordinances in place that he needs for enforcement of the Park and to let the Commission know. Chief Carswell advised that he and the City Manager reviewed the ordinances a few months ago, but that he would look at them again.

Commissioner George asked Chief Carswell to provide any suggestions regarding the security concerns with the placement of the walkway impacting security on the Sea Colony side because the topography allows foot traffic right up to the fence regardless of a walkway being there or not. Chief Carswell advised that he would have that information prepared for the next meeting. Commissioner George also inquired how the Police Department would handle a remote corner of a park because moving it would make that area very remote and she is concerned about a lack of ability for a visual sightline for security purposes and would it impact the patrolling.

Mayor Samora said that there was one other concern he heard regarding increased traffic in the area and he asked the Public Works Director for an estimate of how much more parking and traffic he anticipates, how it would flow with each design, and to provide graphics for each. Director Tredik advised that there are no immediate plans to increase parking and that any increase would be from the utilization of the park and pedestrian traffic. Mayor Samora said that the fact that we are not increasing parking would be good information for the discussion.

Mayor Samora said that we need to set a date for the next meeting, and he asked the City Manager for his suggestions. City Manager Royle advised that he would prefer to do further research with the Florida Communities Trust and give a status report at a future meeting in February and suggest a special meeting at that time. Mayor Samora said that maybe at the January regular meeting we could set a date. City Manager Royle said that he would try to provide a suggestion in January if possible, but that he would prefer February. Mayor Samora suggested to push for that so that we can get this behind us. City Manager Royle agreed.

Mayor Samora thanked everyone for their comments and for being civil and said to stay tuned for more information to come on this topic.

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

DOCUMENTS FROM CITY

- Estimated costs of the project, including staff time
- Documents relating to the purchase of the property and building of the boardwalk, specifically the grant restrictions, park management plan, and purchase agreements
- List of all agencies that would need to be involved and permits that would need to be obtained
- Information about the current walkway, such as repair/replacement schedule and estimated future repair costs
- Applicable sections of the Comprehensive Plan relating to the coast, environment, and conservation

PLANS/SURVEYS

- Any topographical maps or surveys of the property
- Any environmental impact surveys
- Any past plans that were designed but not used
- Designs with current boardwalk and with the boardwalk removed and replaced

OPINIONS

- Address the legality of any agreement with private citizens
- Address the possibility of a variance for a higher fence on Sea Colony's property
- Address residents' concerns on ADA access of a raised vs ground path
- Address concerns on flooding limiting use of a ground level path
- Address residents' concerns on homeless possibly using the property & general security of the park
- Provide ideas of what the park would look like if it was built now from the ground up without taking neighboring areas into consideration
- Estimate on how traffic to the park may change with the planned updates

LEGAL

- Terms of any agreement with resident financiers and how money should be handled
- Address any potential legal ramifications from the project itself or use of resident funding
- Would any new ordinances need to be drafted to manage the changes to the park

DOCUMENTS FROM RESIDENTS

- Petitions
- Resident surveys
- Formal response from proponents on guarantee of cost

John Grant
Chair
Glenton "Glen" Gilzean, Jr.
Vice Chair
Michelle Anchors
William P. Cervone
Don Gaetz
William "Willie" N. Meggs
Ed H. Moore
Wengay M. Newton, Sr.
Jim Waldman



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"A Public Office is a Public Trust"

November 18, 2022

Mayor Donald Samora
City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, FL 32080

BY MAIL

Dear Mr. Samora:

This letter is written in response to your recent ethics inquiry. You are the Mayor of the City of St. Augustine Beach and a member of its City Commission. In your letter, you state that residents from your neighborhood are requesting that the City Commission partner with the neighborhood to move the neighborhood's local boardwalk. According to your inquiry, many of the neighborhood residents cite safety concerns as their primary reason for wanting to move the boardwalk. You state that the neighborhood would provide approximately \$600,000 for this project. However, if these funds prove to be insufficient to complete the project, you state that the City Commission would then consider providing funding to the project.

With this background, you ask if your voting on the above issues would present a conflict of interest for you as a resident of the neighborhood in question.

Relevant to your inquiry, Florida's voting conflicts statute, Section 112.3143(3)(a), Florida Statutes, states:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being

taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

This provision prohibits local public officers from voting on any matter that would inure to the "special private gain or loss" of the public officer, or that he or she knows would inure to the "special private gain or loss" of a relative, among which is a spouse; a business associate; or a principal by whom the public officer is retained.

"Special private gain or loss" is defined in Section 112.3143(1)(d), Florida Statutes, as:

an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

There is nothing in your facts to suggest that the vote on the proposed project would inure to your special private gain or loss. The Commission has previously held that any gain resulting from construction or development near property owned by a public officer was too remote and speculative to be said to inure to the special gain of the public officer. For example, in CEO 14-19, the Commission found that a gain or loss from the installation of a new baseball stadium near a property owned by a city commissioner would be remote and speculative. See also CEO 06-08 and CEO 06-20. Similarly, in order for you to incur a voting conflict, the moving of the boardwalk would have to result in a special private gain or loss to you. Since the Commission has previously opined that such a gain or loss is too remote and speculative, you will not incur a voting conflict under this analysis.

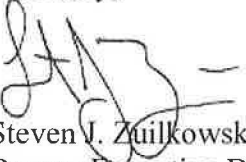
Section 112.3143(1)(d) also requires an examination of the "size of the class" and the degree to which the interests of all members of the class are affected by the vote in determining whether a matter inures to a public officer's special private gain. The Commission has previously opined that where the class of persons affected was sufficiently large, no special gain was deemed to occur. See CEO 18-14 and CEO 13-20. Furthermore, in past opinions the Commission has also found that the threshold for special gain occurs when the official constitutes 1-2% of the class affected by the vote. See CEO 90-71. During a phone call with Commission staff you indicated that there are 225 homes in the neighborhood that would be

Mr. Donald Samora
November 18, 2022
Page 3

affected if the boardwalk were to be moved. With your home being only one of the 225, your interest constitutes approximately 0.44% of the class, and there is thus nothing in the facts that you have provided that suggests that you will enjoy a special private gain.¹

Based on these facts and assumptions, it appears consideration of a vote on the proposed issue will not pose a voting conflict for you. If you have any other questions about this matter, please send me an email at zuilkowski.steven@leg.state.fl.us.

Sincerely,



Steven J. Zuilkowski
Deputy Executive Director and General Counsel

¹ This figure is based upon your owning only one property in the neighborhood. If this is not the case, please contact us so that we may update accordingly.

MEMORANDUM

Date: October 1, 2009
To: Max Royle, City Manager
From: Marc Chattin, Public Works Director
Subject: Matatea Walkway Fencing

Today at 2:00 PM four bids were received for the fencing along the south property line of the Maratea walkway property. The project was divided in to four sections – A, B, C, and D. Sections A, B, and C are combinations of vinyl solid fencing and PVC coated chain link generally at the westerly end of the property. Section D is the easterly most part of the project and consist of PVC coated chain link fence only. The bid requirements required the bidder to bid on all parts (A, B, C, and D) and to bid on Parts A, B, and C only. This was done because Part D separates City property from property owned by an individual who has expressed his desire that no fence be erected. The owner has indicated that he will request the Commission not to require this area be fenced.

The bids received were:

<u>Bidder</u>	<u>Parts A, B, D, & D</u>	<u>Parts A, B, & C</u>
Florida Fencing	\$ 20,773.00	\$ 16,673.00
St. Augustine Fence, Inc.	\$ 22,725.00	\$ 18,275.00
Frattle Stairs & Rail, Inc.	\$ 24,505.25	\$ 20,568.75
Cupecoy Construction, Inc.	\$ 24,555.00	\$ 19,755.00

Florida Fencing included with their bid an attachment stating that the wall thickness of posts and rails would be less than that specified. It also stated that no bottom rail aluminum insert would be provided on fence sections less than 8-feet in length contrary to specifications. These requirements were included in the specifications to insure a quality installation. Deviation is not acceptable.

Because the low bidder does not meet the specifications, the contract will be awarded to St. Augustine Fence, Inc. for Parts A, B, C, & D with the stipulation that no work is started, including ordering materials, for Part D for a period of 14 days to give the property owner the opportunity to request from the City Commission a reconsideration of its decision to install the fence included in that part. It will be further stipulated that if the decision is made to eliminate Part D, the amount of \$4,450 is deducted from the contract.

cc: All Bidders

MEMORANDUM

Date: July 23, 2009

To: Max Royle, City Manager

From: Marc Chattin, Public Works Director

Subject: Screening, Fencing, and Landscaping Options
Maratea Walkway

Background

The City Manager and Public Works Director met with representatives of the Sea Colony Homeowners Association late last year to better describe the project to them. They indicated that they realized that it was not feasible to relocate the walkway but requested that we include fencing/screening in the work. We agreed to require the bidders to include an allowance to be used for this with the exact location to be determined during construction.

Subsequently, they have formally, through their attorney, requested that we comply with a provision of Ordinance 08-18, (the PUD ordinance for the Maratea development) that requires them to be consulted on landscaping planned for the project.

The City Manager and Public Works Director met January 14th with other representatives of the Sea Colony Homeowners Association and an attorney. This group indicated that the previous group did not represent the Homeowners Association as we apparently assumed. The discussion was much the same as the prior meeting.

The Sea Colony Homeowners Association was invited to a meeting with staff and the contractor scheduled for February 18th. They indicated that that was not a convenient day and requested that the meeting be rescheduled. After not hearing from them for over three weeks, the City Manager again wrote to the Sea Colony Home Owners Association inviting them to discuss the project with still no response.

The first week in April the City Manager received an email from a Sea Colony resident expressing concern that the walkway was not being constructed as far to the north of our property as possible as we had promised at the March 16th Commission meeting. The City Manager and I met with 6 or 7 residents the next day and demonstrated to them approximately where the north edge of the walkway would be (6-inches +/- from the north property line). The surrounding dense vegetation makes it almost impossible for them to envision where the walkway would actually be constructed. We reiterated the Commission's commitment to provide as much shielding and security to Sea

Colony as is practical. The residents seemed satisfied that we were carrying out our promises.

On June 17th the City Manager and I met again with representatives of the homeowners. We looked at various areas and received input from them as to their desires for security, screening, and landscaping. I told them that we will prepare a plan and return to the site with them in approximately 30 days.

Options Considered

As a result the meetings with the Homeowner's Association, we have developed several preliminary plans for screening and/or fencing and/or landscaping the area between the new beach walkway and the Sea Colony Subdivision. We have considered the list of suggestions provided to us by representatives at our June 17th meeting with them. A copy of these suggestions is attached.

In regards to these suggestions, I have the following comments:

- As to the height and material, I have no problem with either of their suggestions.
- The "shadow box" design is much more expensive than a solid design. Under any circumstances, the fence would be designed to withstand high wind.
- In my opinion, location of the fence within 2 feet of the south railing would facilitate intrusion onto the Sea Colony property by allowing someone a place to stand on (the railing) while preparing to scale the fence. Also, I am of the opinion that our fencing should be placed on our property line.
- I have consulted with the St. Johns River Water Management District and they indicate that they will allow horizontal blocking below the deck elevation parallel to the walkway as long as it is a minimum of 12-inches above the normal high water elevation and as long as there is a 12-inch minimum between each piece of blocking. This should help prevent someone from passing under the walkway.
- Landscaping depends on the area available for planting. When the location of fencing is determined, then landscaping materials can be decided.
- Extending fencing well into the dune area for security purposes, in my opinion, has very little value because of the nearness of the beach.

At our June 17th meeting, the representatives proposed that the fencing be tied to the south side of the walkway through wetland areas, presumably 2-feet from the walkway railing. As stated previously, I feel that placement 2-feet from the railing would facilitate intrusion. The railing may just as well be attached to the handrail. There, for purposes of delineating options, I have assumed that fencing along the railing would be either fastened directly to the railing or would be offset a minimum of 3-feet away using bracing attached to the existing walkway substructure. The farther distance may provide better security.

For purposes of evaluating costs of various treatments, I have developed four options. These

options have been generally depicted on copies of the plan view of the construction documents and are attached. These depictions are meant only to show the approximate limits of the proposed treatment and not specific details. Details can be developed when the City Commission determines the treatment to be used.

Costs for these options were developed by consulting several local contractors and fencing companies. These costs are preliminary and are subject to refinement once the option (or combination of options) is determined. They all are for white colored fence which is apparently the standard. Other readily available colors are gray and tan at an additional cost of 10 to 15 %. One supplier indicated that a dark green color is available but is subject to severe fading. All estimates assume that the fence installer would have access to both sides of the fence.

Copies of the plan sheets showing these options are attached. Descriptions of these options are as follows.

Option 1

Option 1 provides 6-high PVC fencing along the property line through areas where there are no wetlands and at a 3-foot offset from the walkway through wetland areas from a point approximately 250' from the east right of way of A1A Beach Boulevard to the beginning of the last wetland area west of the beach, a distance of approximately 1,170 feet. Fencing along the property line measures approximately 920 feet – fencing through the wetland area measures approximately 250 feet. Where the fence is constructed along the wall, blocking is provided below the fence to discourage intrusion. Also, in a part of the fence that parallels Ocean Palm Way (approximately 125 feet), the top is raised and the lower part is blocked to discourage depression. Because the fence is on the property line or is in areas that are screened by natural vegetation, no landscaping is proposed.

Estimated cost for this option is \$73,000. Almost half of this estimated is attributed to installing the fencing through the wetlands offset from the walkway. This amounts to 50% percent of the total cost for about 20% of the distance.

I believe that this option most nearly represents what the Sea Colony Homeowner's Association would like to see except that the fence is located along the property line in non-wetland areas. Locating the fence along the property line prevents the installation of landscaping in that area by the City because we cannot spend funds on private property.

Option 2

Option 2 provides 6-high PVC fencing fastened directly to the south handrail of the walkway generally through areas where there are no wetlands from a point approximately 250' from the east right of way of A1A Beach Boulevard to the beginning of the end of the second from last wetland area west of the beach, a distance of approximately 970 feet.

Where the fence is not constructed along the handrail, blocking is provided below the walkway to discourage intrusion. Fencing along the handrail measures approximately 735 feet. Blocking through the wetland area measures approximately 260 feet. (The blocked area overlaps the fenced a total of approximately 25 feet). No landscaping is proposed but could be added in areas not screened by natural vegetation.

The estimated cost for this option is \$37,000. Included in these costs are engineering costs to design the fastening system to the handrail.

This option, in my opinion, is the least desirable from two standpoints. First, the construction of the fence attached to the southerly handrail would "close in" one entire side of the walkway presenting a very confined appearance. Secondly, the fence would be very susceptible to vandalism in the form of destruction and graffiti.

Option 3

Option 3 is a variation of Option 2. Instead of attaching the fencing to the handrail, it is installed along the property line generally through areas where there are no wetlands from a point approximately 300' from the east right of way of A1A Beach Boulevard to the beginning of the end of the second from last wetland area west of the beach, a distance of approximately 950 feet. Where the fence is not constructed along the handrail, blocking is provided below the walkway to discourage intrusion. Fencing along the property line measures approximately 750 feet. Blocking through the wetland area measures approximately 260 feet. (The blocked area overlaps the fenced a total of approximately 60 feet). Because the fence is on the property line or is in areas that are screened by natural vegetation, no landscaping is proposed.

The estimated cost for this option \$30,000.

This is the least cost alternative of those that include fencing.

Option 4

Option for 4 provides landscaping for screening along the property line in areas that are not screened by natural vegetation. The length of proposed landscaping is approximately 320 feet. There has been no specific plan for landscaping. It is my understanding that the Sea Colony Homeowner's Association has discussed various landscaping features that they would like to see used.

No specific costs were estimated for landscaping. For purposes of comparison, \$10,000 may be assumed.

Summary

Summarized the options considered are:

Option 1	Fence along property line thru uplands, fence 3-feet offset from walkway thru wetlands	\$73,000
Option 2	Fence fastened to handrail thru uplands, blocking only under walkway thru wetlands	\$37,000
Option 3	Fence along property line thru uplands, blocking only under walkway thru wetlands	\$30,000
Option 4	Landscaping for screening	\$10,000

Recommendations

It is my recommendation that Option 3 be selected.

Dear Mr. Royle and Mr. Tredick,

Thank you for the opportunity to participate in the city council meeting a few weeks ago. We were all impressed by the professionalism and fact-based approach that you presented regarding the work taking place in the St. Augustine Beach community.

In furtherance of discussions relating to the Ocean Hammock Park redevelopment, we would like to make the following proposal. We believe this proposal provides significant additional funding to the city, which allows the park to be renovated and reach the vision that you have for it. As you have made clear, the old walkway design is a relic of a time when the city did not own all the land. Now that the city owns the entire property, it is the perfect time to reconfigure the park in the way you would have designed it had the city owned the entire parcel 15 years ago.

When you review this proposal, I believe you will find that it accomplishes five very positive goals:

First, the park design will be significantly improved in a more sensible fashion that delivers upon your original vision. The park will now have restrooms and a viewing platform, and a more natural walkway going down the center of the park, which is where, as you shared would have been located had you owned the entire parcel.

Second, the redesign will improve the habitat of the park while simultaneously improving the value of the park to our citizens and guests.

Third, very substantial funding will be provided to the city at no cost to the city and the taxpayers.

Fourth, the present walkway, which represents a noise, traffic, and security concern to residents of the city, will be relocated to the center of the park and the existing walkway decommissioned. A walkway down the center of the park will retain the natural beauty of the park and ease noise, traffic, and security concerns for residents abutting the park.

Fifth, by designing the park from a fresh perspective we can restore the wetlands to their natural state working with SJWRMD eliminating the old walkway that is aging and in need of significant repair.

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.

The following is what is in your design currently:

1. A new walkway will be built from A1-A to the beach, down the center of the park.
2. New restrooms would be built adjacent to the existing parking structure.
3. In the hammock area toward the center of the park, an attractive viewing platform with benches would be built to allow people to enjoy the view of the ocean and the wetlands. There would be educational materials built into the structure to show people the multitude of hidden wildlife in the Hammock area. The hammock is truly a wonderful natural asset that should be cherished by the city.

Elements to be added to the existing plan:

4. The existing walkway would be decommissioned and removed after completing the center walkway, as it is duplicative and redundant. The old walkway is also nearing the end of its useful life and covers a significant wetland area that can be returned to its natural state.
5. An 80' no development easement would be established on both the north and south side of the park to maintain the beauty and natural state as well as mitigating noise and traffic concerns for residents abutting the park. (There is already a 50' easement benefiting Bermuda Run).
6. A permit to relocate the current walkway beach access to the center of the North – South line connecting with the planned overlook and viewing platform. This creates a natural and best path access to the beach without having to deviate to the south.

To complete this project, a group of Saint Augustine Beach residents will be willing to donate up to \$500,000 to close the gap on your funding needs. If possible, the donation would be done in such a way as to be tax deductible, although that is not a condition to the proposal.

For a future phase (if needed) in the hammock area in the center of the park, a kayak storage facility could be built. We would ask that the city examine first the need, then the design, so that the storage facility is an attractive feature that does not detract from the beauty of the hammock.

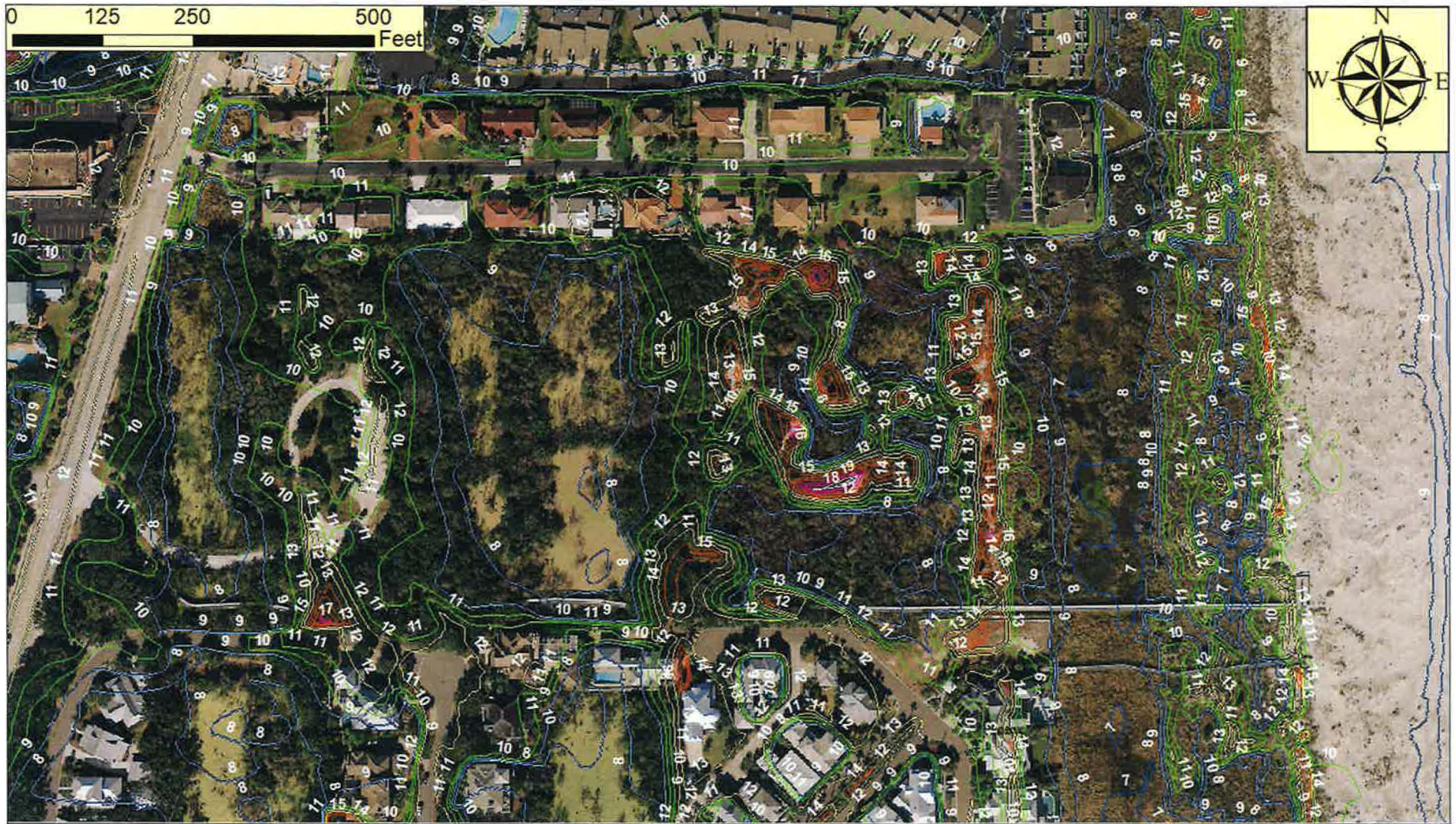
Sincerely,



Gregg Hammann

GHamann@icloud.com

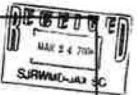
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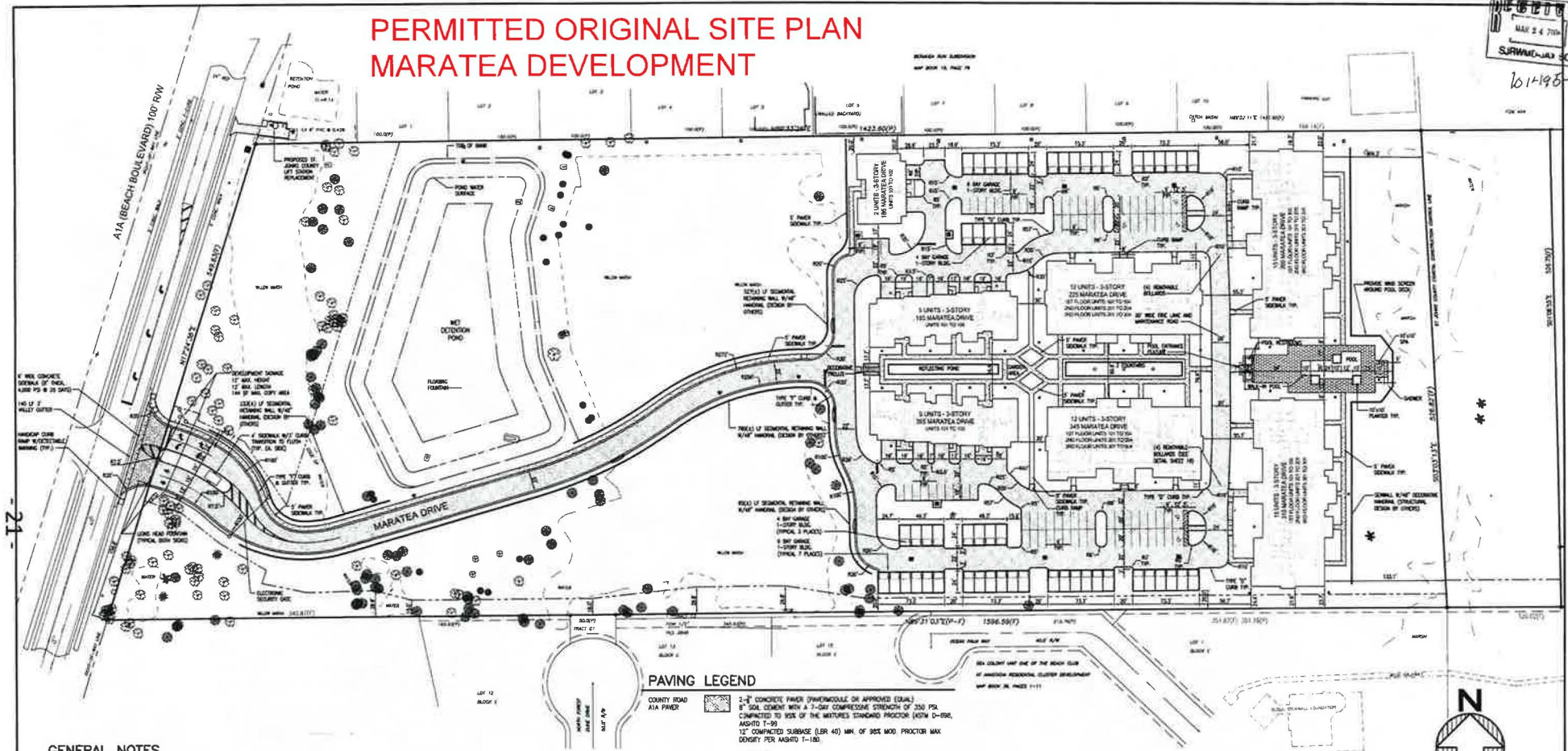
This map prepared by the City of St. Augustine Beach Public Works Department utilizing data from various sources. It is intended to be illustrative and to provide general information only.

Ocean Hammock Dunes Park Topographic Map

PERMITTED ORIGINAL SITE PLAN MARATEA DEVELOPMENT



10-1-1987



PAVING LEGEND

COUNTY ROAD AIA PAVEMENT	2-4" CONCRETE PAVEMENT (PARKING OR APPROVED EQUAL) 8" SOIL CEMENT WITH A 7-DAY COMPRESSIVE STRENGTH OF 350 PSI. COMPACTED TO 95% OF THE MIXTURES STANDARD PROCTOR (ASTM D-1557, METHOD T-99) 12" COMPACTED SUBBASE (LR 40) MIN. OF 56K MOD. PROCTOR MAX DENSITY PER METHOD T-180.
PAVER	2-4" CONCRETE PAVEMENT (PARKING OR APPROVED EQUAL) 8" SOIL CEMENT WITH A 7-DAY COMPRESSIVE STRENGTH OF 350 PSI. COMPACTED TO 95% OF THE MIXTURES STANDARD PROCTOR (ASTM D-1557, METHOD T-99) 12" COMPACTED SUBBASE (LR 40) MIN. OF 56K MOD. PROCTOR MAX DENSITY PER METHOD T-180.
PAVER	2-4" CONCRETE PAVEMENT (PARKING OR APPROVED EQUAL) 8" SOIL CEMENT WITH A 7-DAY COMPRESSIVE STRENGTH OF 350 PSI. COMPACTED TO 95% OF THE MIXTURES STANDARD PROCTOR (ASTM D-1557, METHOD T-99) 12" COMPACTED SUBBASE (LR 40) MIN. OF 56K MOD. PROCTOR MAX DENSITY PER METHOD T-180.
AA SIDEWALK	6" THICK (MIN) CONCRETE SIDEWALK, 4000 PSI @ 28 DAYS 8" COMPACTED SUBBASE MIN. OF 56K MOD. PROCTOR MAX DENSITY PER METHOD T-180 SEE DETAIL SHEET 15
SIDEWALK PAVEMENT	2-4" CONCRETE PAVEMENT (PARKING OR APPROVED EQUAL) 8" COMPACTED SUBBASE MIN. OF 56K MOD. PROCTOR MAX DENSITY PER METHOD T-180
POOL PAVEMENT	2-4" CONCRETE PAVEMENT (PARKING OR APPROVED EQUAL) 8" COMPACTED SUBBASE MIN. OF 56K MOD. PROCTOR MAX DENSITY PER METHOD T-180
	STANDARD TYPE T CURB
	STANDARD TYPE T CURB

GENERAL NOTES

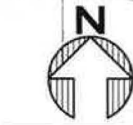
- AT NO TIME SHALL EXCAVATIONS BE LEFT UNCOVERED AFTER WORKING HOURS. CONTRACTOR SHALL SECURE THE WORK AREA AT THE END OF EACH DAY'S WORK.
- THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER AT THE PRECONSTRUCTION MEETING THE CONTRACT SCHEDULE OF CONSTRUCTION AND HIS PROPOSED CONSTRUCTION PROCEDURES. THE SCHEDULE SHALL INCLUDE THE SEQUENCE OF CONSTRUCTION OF ALL WORK.
- THE ENGINEER ASSUMES NO RESPONSIBILITY FOR INSTRUCTING THE CONTRACTOR IN THE METHODS OF CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE METHOD TO PROTECT THE IMPROVEMENTS AS SHOWN ON THE PLANS.
- AT ALL TIMES THE CONTRACTOR SHALL TAKE PRECAUTIONS TO PROTECT UNDERGROUND UTILITIES, STRUCTURES AND OTHER ADJACENT FACILITIES FROM DAMAGE DURING CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE MEASURES OF PROTECTION. ANY DAMAGED FACILITIES SHALL BE REPAIRED OR REPLACED AS DIRECTED BY THE COUNTY OR ENGINEER AT THE CONTRACTOR'S EXPENSE.
- THERE SHALL BE NO DEVIATIONS FROM THESE PLANS UNLESS APPROVED IN WRITING BY THE ENGINEER AND THE OWNER.
- ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGE OR DEVIATIONS FROM THE DESIGN ARE TO BE MADE WITHOUT PRIOR APPROVAL OF THE ENGINEER.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE HIS COMPLETE FAMILIARITY WITH THE PROJECT SITE AND COMPONENTS TO INCLUDE SUBSURFACE CONDITIONS OF SOIL AND GROUNDWATER TABLE. BY SUBMITTAL OF A BID FOR THIS PROJECT, THE CONTRACTOR ACKNOWLEDGES HIS COMPLETE UNDERSTANDING AND RESPONSIBILITY WITH RESPECT TO THE CONSTRUCTION ACTIVITIES REQUIRED UNDER THE SCOPE OF THE PROJECT.
- THE CONTRACTOR SHALL CONTACT ALL CONCERNED UTILITIES AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
- CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING CERTIFIED MATERIAL TEST RESULTS TO THE ENGINEER OF THE RECORD PRIOR TO THE RELEASE OF FINAL CERTIFICATION BY THE OWNER. TEST RESULTS MUST INCLUDE, BUT MAY NOT BE LIMITED TO, COMPRESSES FOR SUBGRADE AND BASE DEITIES AT UTILITY CROSSINGS, MANHOLES, INLETS, STRUCTURES, TEST SHALL INCLUDE ASPHALT, GRAVEL, SAND, CONCRETE, CEMENT, ETC.
- WHERE NEW ASPHALT MEETS EXISTING ASPHALT, THE EXISTING ASPHALT SHALL BE SAW CUT TO PROVIDE A STRAIGHT EVEN LINE PRIOR TO REMOVING CURBS OR GUTTERS. THE ADJACENT ASPHALT SHALL BE SAW CUT TO PROVIDE A STRAIGHT EVEN LINE.
- ALL PROPOSED DEVIATIONS REFER TO FINISHED GRADES.
- CONCRETE SIDEWALKS SHALL BE 4" THICK ON COMPACTED SUBGRADE, WITH 1/2" EXPANSION JOINTS PLACED AT A MAXIMUM OF 20'. CROWN GUTTERS, JOINTS SHALL BE 1" ON CENTER. ALL CONCRETE SIDEWALKS SHALL BE 8" THICK ACROSS DRIVEWAYS. MINIMUM COMPRESSIVE STRENGTH OF 4000 P.S.I. FOR SIDEWALKS, CURBS AND DRAINAGE PAVES UNLESS OTHERWISE NOTED ON THE PLANS.
- IF ANY MUD-LIKE MATERIAL IS DISCOVERED, IT WILL BE REQUIRED TO BE REMOVED, BACKFILLED WITH APPROPRIATE FILL, COMPACTED, AND TESTED USING METHOD T-180 MOISTURE PROCTOR METHOD.
- ALL FILLING IS TO BE PERFORMED IN 600-INCH LIFTS. THE CONSTRUCTION REQUIREMENTS ARE FOR UNPAVED AREAS AND BASE FOR PAVED AREAS, BASED ON METHOD T-180 MOISTURE PROCTOR TEST.
- NO BURNING OF ANY ORGANIC MATERIALS ALLOWED.
- ANY BURNING OF ANY MATERIALS ON-SITE MUST BE APPROVED AND PERMITTED BY THE FIRE MARSHALL. A PERMIT MUST BE OBTAINED ON A DAILY BASIS PRIOR TO THE DAY OF ANTICIPATED BURNING.
- THE AS-BUILT SURVEY SHALL BE PERFORMED BY UPHAM, INC. AT THE OWNER'S EXPENSE UNLESS NOTED OTHERWISE BY OWNER. IF CONTRACTOR PROVIDES AS-BUILT SURVEY, THEN PROOF OF \$1,000,000 LIABILITY INSURANCE MUST BE PROVIDED TO UPHAM, INC. BY CONTRACTOR'S SURVEYOR AND UPHAM, INC. LISTED AS ADDITIONALLY INSURED.

NOTE:
ALL PAVERS IN THE COUNTY SHALL BE MAINTAINED BY THE PROPERTY OWNER AND NOT ST. JOHNS COUNTY.

NOTE:
ALL DIMENSIONS AND TIES ARE TO THE EDGE OF PAVEMENT AND FACE OF BUILDING.

NOTE:
ALL IMPROVEMENTS SHALL BE STAKED FOR CONSTRUCTION BY MEANS OF DIGITAL COORDINATES BY SURVEYOR UTILIZING GEODETIC TOTAL STATION. SCALING OF DRAWINGS FOR PURPOSES OF STAKING ARE AT THE SURVEYOR'S RISK.

FOR CONSTRUCTION



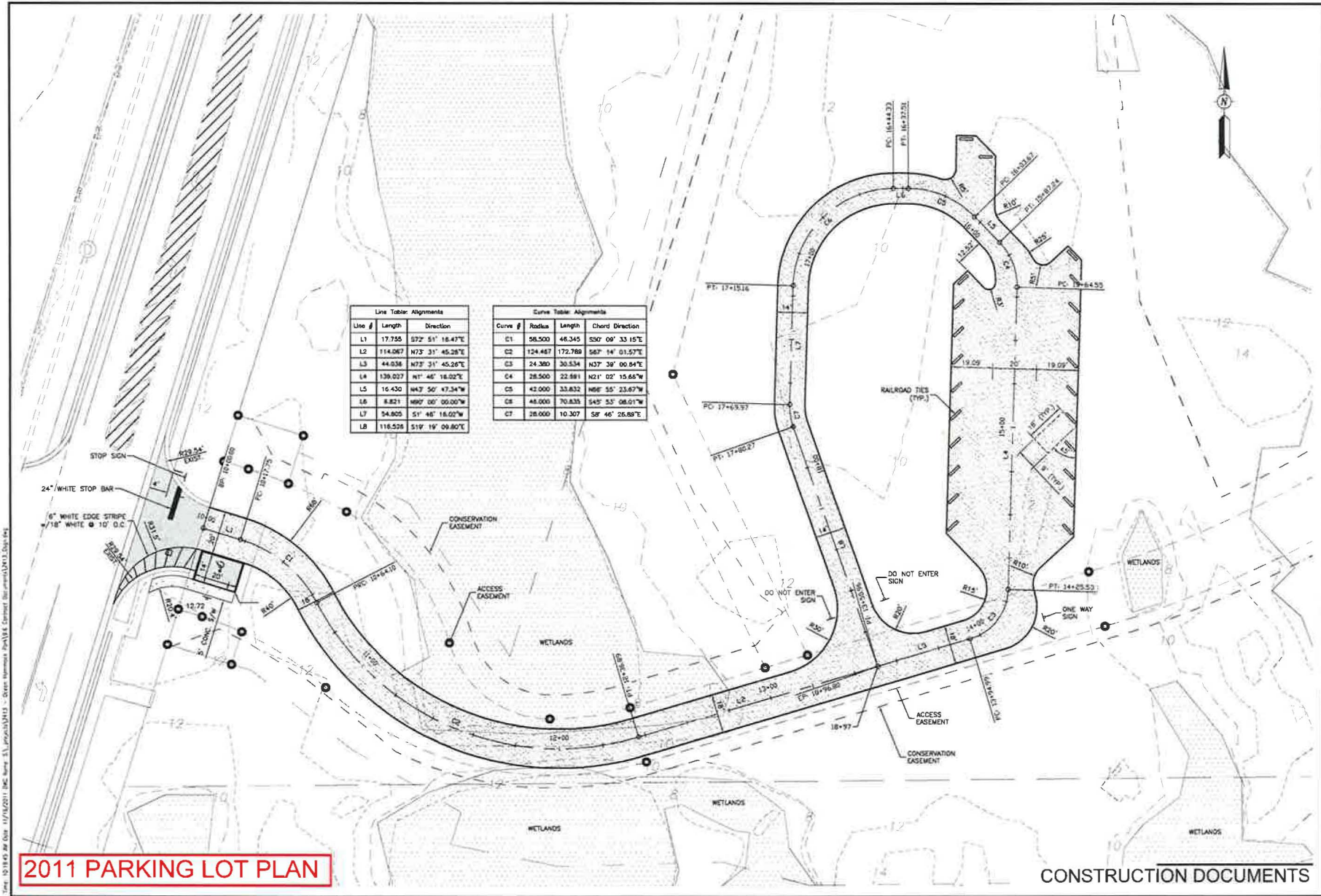
4/15/16/20	ADD BUILDING ADDRESSES	HHH
3/2/13/20	REVISE PER SURVING COMMENTS	HHH
1/1/23/20	REVISED PER 1/17/20 SURVING	HHH
1/1/23/20	11/1/18, 8/2, 8/18 & FIRE MARSHALL	HHH
NO DATE	DESCRIPTION	BY
	REVISIONS	

Upham, Inc.
Organization of Engineers, Surveyors & Landscape Architects
P.O. Box 1550 • 285 Knudsen Drive • Orlando, Florida 32714
(407) 877-8511 • FAX (407) 877-8554 • 134 000012 • 124 000037
Visit us at: www.uphaminc.com

SITE LAYOUT PLAN
MARATEA

ST. AUGUSTINE BEACH ST. JOHNS COUNTY
FILE NO. 1645418 DATE: September 3, 2020
FILE NAME: SURVEY/Maratea/0418-2020.dwg
DRAWN BY: E37 DESIGN/HHH/DATE: RITS/CHECK: HHH
SCALE: 1" = 50' SHEET: 5

3/2/20





100' TRAIL SETBACK
FROM NORTH PROPERTY LINE

4' DECOMPOSED GRANITE
NATURE TRAIL

**EXISTING
1,570 (±) ACRE
CONSERVATION
EASEMENT**

16' X 13' X 5" CONCRETE PAD
5' DECORATIVE CONCRETE
PICNIC TABLE WITH BENCHES

CONCRETE PAD
ADA
CONCRETE
AND BENCHES

ELABORATED
BUSH
SIGN

6' LONG PREFABRICATED
INFORMATION KIOSK,
WOOD POST DESIGN
WITH
METAL ROOF.

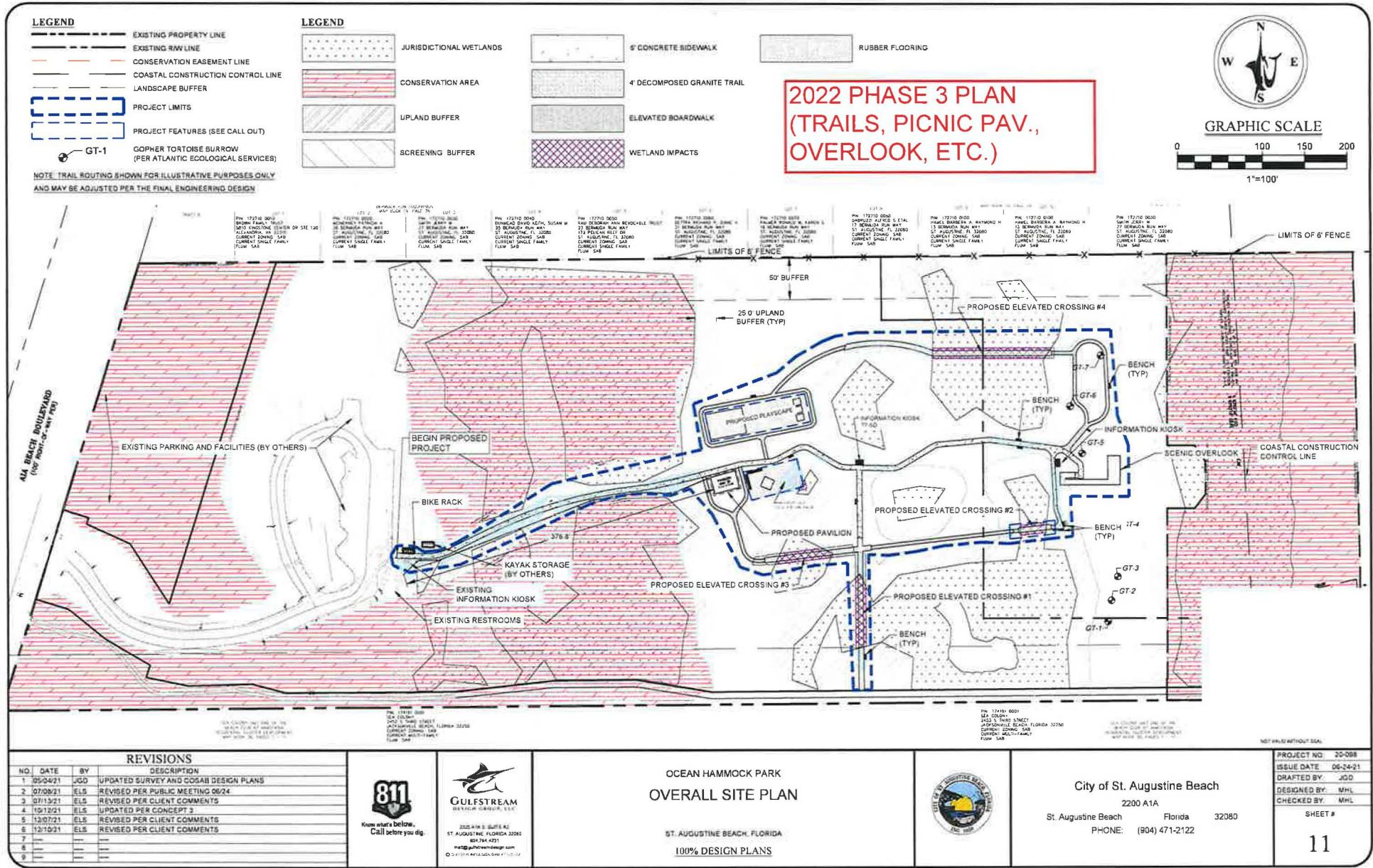
POSTS

1

2021 PHASE 2 PLAN
(RESTROOMS, TRAIL, ETC.)

1WALKWAY CONNECTION TO BEACH BOARDWALK IS AN ADDITIVE ALTERNATE TO THE BASE BID, BUT MAY BE CONSTRUCTED IN A SUBSEQUENT PHASE DUE TO PERMITTING REQUIREMENTS.

8' WIDE ELEVATED
WALKWAY TO BEACH
BOARDWALK*
MAX SLOPE 1:20



PERMITS

2006 - BEACH WALKWAY



St. Johns River
Water Management District
Katy B. Cooper, P.E., Executive Director • Charles W. Park, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com

May 19, 2006

City of St Augustine Beach
2200 A1A South
Saint Augustine, FL 32080

SUBJECT: Permit Number 40-109-101495-2
St. Augustine Beach Maralea Dune Walkover

Dear Sir/Madam:

Enclosed is your general permit as authorized by the staff of the St. Johns River Water Management District on May 19, 2006.

This permit is a legal document and should be kept with your other important documents. The attached MSSW/Stormwater As-Built Certification Form should be filled in and returned to the Palatka office within thirty days after the work is completed. By so doing, you will enable us to schedule a prompt inspection of the permitted activity.

In addition to the MSSW/Stormwater As-Built Certification Form, your permit also contains conditions which require submittal of additional information. All information submitted as compliance to permit conditions must be submitted to the Palatka office address.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction for this work.

Please be advised that the District has not published a notice in the newspaper advising the public that it is issuing a permit for this proposed project. Publication, using the District form, notifies members of the public (third parties) of their rights to challenge the issuance of the general permit. If proper notice is given by publication, third parties have a 21-day time limit on the time they have to file a petition opposing the issuance of the permit. If you do not publish, a party's right to challenge the issuance of the general permit extends for an indefinite period of time. If you wish to have certainty that the period for filing such a challenge is closed, then you may publish, at your own expense, such a notice in a newspaper of general circulation. A copy of the form of the notice and a list of newspapers of general circulation is attached for your use.

In the event you sell your property, the permit will be transferred to the new owner, if we are notified by you within thirty days of the sale and if you provide the information required by 40C-1.612, F.A.C. Please assist us in this matter so as to maintain a valid permit for the new property owner.

GOVERNING BOARD

David J. Gentry, Chairman KOPPELSON	John D. Seabrook, Vice Chairman SEABROOK	Ann T. Mass, Secretary MASS	Daniel L. Onek, Treasurer ONEK
R. Day Knight KAY	Steven H. Hagel HAGEL	William W. Rice RICE	Orlando D. Long LONG
			William Wood WOOD

2021- PHASE 2



St. Johns River
Water Management District
Katy B. Cooper, P.E., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500 • www.sjrwmd.com

April 15, 2021

Max Royle
City of St Augustine Beach
2200 A1A S
St Aug Beach, FL 32080-7958

SUBJECT: 101495-4
Ocean Hammock Park

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on April 15, 2021. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Notifying Your Permit:

For notifying instructions, please refer to the notifying materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders." Click on

GOVERNING BOARD

Douglas Burnett, Chairman BURNETT	Don Bradley, Vice Chairman BRADLEY	Shawn O'Brien, Secretary OBRIEN	Don Howell, Treasurer HOWELL
Greg Boudreau BOUDREAU	Chris Peterson PETERSON	John Phipps PHIPPS	

20011 - PARKING LOT



St. Johns River
Water Management District
Katy B. Cooper, P.E., Executive Director • Charles W. Park, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.floridawater.com

October 21, 2011

City of St Augustine Beach
2200 A1A South
St Augustine Beach, FL 32080

SUBJECT: Permit Number 40-109-101495-3
Ocean Hammock Park

Dear Sir/Madam:

Enclosed is your general permit as authorized by the staff of the St. Johns River Water Management District on October 21, 2011.

This permit is a legal document and should be kept with your other important documents. The attached MSSW/Stormwater As-Built Certification Form should be filled in and returned to the Palatka office within thirty days after the work is completed. By so doing, you will enable us to schedule a prompt inspection of the permitted activity.

In addition to the MSSW/Stormwater As-Built Certification Form, your permit also contains conditions which require submittal of additional information. All information submitted as compliance to permit conditions must be submitted to the Palatka office address.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction for this work.

Please be advised that the District has not published a notice in the newspaper advising the public that it is issuing a permit for this proposed project. Publication, using the District form, notifies members of the public (third parties) of their rights to challenge the issuance of the general permit. If proper notice is given by publication, third parties have a 21-day time limit on the time they have to file a petition opposing the issuance of the permit. If you do not publish, a party's right to challenge the issuance of the general permit extends for an indefinite period of time. If you wish to have certainty that the period for filing such a challenge is closed, then you may publish, at your own expense, such a notice in a newspaper of general circulation. A copy of the form of the notice and a list of newspapers of general circulation is attached for your use.

In the event you sell your property, the permit will be transferred to the new owner, if we are notified by you within thirty days of the sale and if you provide the information required by 40C-1.612, F.A.C. Please assist us in this matter so as to maintain a valid permit for the new property owner.

GOVERNING BOARD

William Wood, Chairman WOOD	John L. Mass, Secretary MASS	Maynard H. Ory, Treasurer ORY	Stephen C. Boudreau BOUDREAU
David Knight KAY	Chuck Drake DRAKE	Richard G. Barnett BARNETT	George W. Roberts ROBERTS

2021- PHASE 3



St. Johns River
Water Management District
Michael A. Register, P.E., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500 • www.sjrwmd.com

December 13, 2021

William Tredek
City Engineer
A1A Beach Blvd
St Augustine, FL 32080

SUBJECT: 101495-5
Ocean Hammock Park

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on December 13, 2021. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Notifying Your Permit:

For notifying instructions, please refer to the notifying materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders." Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and

GOVERNING BOARD

Rob Bradley, Chairman BRADLEY	Maynard H. Ory, Vice Chairman ORY	John Peterson, Secretary PETERSON	Don Howell, Treasurer HOWELL
Pat Abbott ABBOTT	Doug Bourne BOURNE	Darrell Burnett BURNETT	Chris Phipps PHIPPS

COMPREHENSIVE PLAN APPLICABILITY

CONSERVATION/COASTAL MANAGEMENT ELEMENT GOALS, OBJECTIVES, POLICIES

COASTAL AND RECREATIONAL RESOURCES

GOAL CC.1

THE CITY SHALL ENSURE THAT THE DEVELOPMENT, USE OF AND ACCESS TO ITS COASTAL RESOURCES NEITHER CREATE A PUBLIC HAZARD NOR CAUSE A SIGNIFICANT ADVERSE IMPACT UPON THE REMAINING NATURAL RESOURCES BY CREATING A FUTURE DEVELOPMENT PATTERN THAT ENHANCES AND RESTORES COASTAL RESOURCES (BEACHES, DUNES, COASTAL STRAND).

Objective: Beach Access

CC.1.1 St. Augustine Beach shall ensure that development will not increase public hazard or have a significantly adverse impact on remaining natural resources by enforcement of the City's resource protection standards, contained in the Land Development Regulations, which shall provide protection for the City's Trees, environmentally sensitive lands, protection of groundwater and wellheads, protection of habitat of endangered or threatened species and which shall contain flood damage prevention regulations.

Policies

CC.1.1.1 St. Augustine Beach will require any new beachfront development to have at least one (1) beach access for use of residents within the development.

CC.1.1.2 St. Augustine Beach will not vacate any easements, walkways and other access points to beaches and shores.

CC.1.1.3 St. Augustine Beach, in conjunction with the County, will maintain the current beach walkovers and provide for additional walkovers as funding source are available.

CC.1.1.4 Private land owners adjacent to public beach access points will not be allowed to restrict public access to the beaches via plantings or other means.

CONSERVATION OF NATURAL RESOURCES

GOAL CC.2

ST. AUGUSTINE BEACH SHALL CONSERVE, UTILIZE AND PROTECT THE NATURAL RESOURCES OF THE AREA, INCLUDING AIR, WATER, WETLAND, WATERWELLS, WATER BODIES, SOILS, VEGETATIVE COMMUNITIES, WILDLIFE, WILDLIFE HABITAT AND OTHER NATURAL AND ENVIRONMENTAL RESOURCES.

Objective: Protection of Wetlands

CC.2.3 The City shall protect wetlands and other hydrologically sensitive areas from adverse development pressures by requiring the appropriate Federal and/or State permits prior to approving any development permits.

Policies

CC.2.3.1 The City shall continue to enforce provisions to protect and enhance wetland areas and their functions within the City's limits in accordance with applicable agencies responsible for wetland protection, including the Department of Environmental Protection and St. Johns River Water Management District

Objective: Preservation of Natural Habitats

CC.2.7 The City shall protect unique habitats and ecological systems by requiring permits from the St. Johns River Water Management or Department of Environmental Protection, prior to approving development permits.

Policies

CC.2.7.1 For the protection of significant habitats of viable populations of threatened or endangered species of special concern of plants and animals in the City, the City shall require a habitat management plan for new developments, which will show the locations of the significant habitats of threatened or endangered species of plants and/or animals and will state the activities by the owner or owners to protect threatened or endangered species and to be compliance with all appropriate State and Federal regulations.

CC.2.7.2 Developments proposed adjacent to Class II waters and State parks shall be environmentally compatible by providing at least 25 feet of native natural buffer.

Objective: Conserving Native Vegetative Communities

CC.2.10 The City shall maintain landscaping requirements in the Land Development Regulations to conserve the remaining native vegetative communities, especially the hardwood hammocks.

Policy

CC.2.10.1 The City shall limit disturbances to the native vegetation and limit the size of trees that may be removed by maintaining tree protection standards in the Land Development Regulations.

CC.2.10.2 The City shall work with the appropriate agencies to enhance and/or restore degraded natural areas in conjunction with the appropriate agencies on present and future City-owned properties through the removal of non-native vegetation, reforestation, shoreline or dune restoration and/or the restoration of the natural hydrology.

RECREATION AND OPEN SPACE ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL R.1

THE CITY SHALL STRIVE TO ENSURE SUFFICIENT PRIVATE AND PUBLIC PARKS, RECREATION FACILITIES, AND OPEN SPACE TO MEET THE HEALTH, SAFETY, AND WELFARE NEEDS OF CITY CITIZENS AND VISITORS.

Objective: System of Neighborhood and Community Recreation Facilities

R.1.1 A system of neighborhood and community recreation facilities shall be maintained to meet the minimum cultural, social and athletic needs of the City.

Policies:

R.1.1.1 The City will maintain the existing interlocal agreements between St. Augustine Beach and the County concerning the mutual use of recreational facilities.

R.1.1.2 The City shall formulate a recreation master plan for the undeveloped parks in the City and the development of the vacant park properties identify possible funding sources for.

R.1.1.3 The City shall pursue available grant sources for the acquisition and development of additional park and recreation areas.

R.1.1.4 The City will encourage the County to develop existing parks to their optimal level with consideration to the area's needs and the functional capacity of the parks.

R.1.1.5 The City shall support the State efforts to open a bicycle access to Anastasia State Park along the Park's southern boundary

R.1.1.6 The City will work with other public agencies for the development of compatible multiuse programs for public lands within the City.

R.1.1.7 The City will encourage the State and/or County to purchase land for recreation, open space and off-beach parking.

R.1.1.8 Recreation sites shall be planned with multi-use purposes to provide both passive and active recreation facilities. Development will be in an aesthetic and environmentally sensitive manner.

R.1.1.9 The diversion of public recreational and park sites to other uses shall not be permitted, except in cases of overriding public need or when other equivalent sites are supplied.

R.1.1.10 The City shall support the County in preserving the beachfront through renourishment.

ORDINANCE 22-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA ADOPTING THE ST. JOHNS COUNTY SCHOOL BOARD'S FIVE-YEAR DISTRICT FACILITIES WORKPLAN BY REFERENCE INTO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ST. AUGUSTINE BEACH COMPREHENSIVE PLAN; ADOPTING AN ADDITIONAL CAPITAL IMPROVEMENT INTO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF ST. AUGUSTINE BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local governments are annually required to update the capital improvements element contained in their comprehensive plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes, is achieved and maintained over the planning period; and

WHEREAS, the City Commission finds that this ordinance is consistent with the Comprehensive Plan; and

WHEREAS, the City Commission hereby finds that adoption of this ordinance serves the best interest and welfare of the residents of the City of St. Augustine Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted: The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. Adoption of the St. Johns County School Board's Five-Year District Facilities Workplan. The City Commission hereby adopts the St. Johns County School Board's Five-Year District Facilities Workplan, attached as Exhibit "A" and incorporated herein by reference, into the Capital Improvements Element of the City of St. Augustine Beach Comprehensive Plan.

Section 3. Adoption of Additional Capital Facilities. The City Commission adopts the following additional City Five Year Facilities Workplan in the Capital Improvements Element of the City of St. Augustine Beach Comprehensive Plan:

- a. **Hammock Dunes Park.** Construction of improvements of parking area and walking trail through the park. Estimated cost \$350,000.
- b. **Ocean Hammock Park.** Construction of improvements consisting of restrooms, picnic area, pavilion, observation deck, education center, and additional trails. Estimates cost: \$500,000.
- c. **Elevated Dune Walkovers at Certain Locations:** E, C, and B Streets, and 1st, 3rd, 5th, 6th, 8th, 12th, and 16th Streets. Estimated cost: \$400,000 (\$40,000 per walkway).
- d. **Stormwater Master Plan Updates:** Estimated cost: \$200,000.
- e. **Drainage Improvements, Ocean Walk Subdivision:** Estimated cost: \$700,000.

FRDAP GRANT BEACH WALKWAY

DEP Agreement No. F8132
CSFA Number: 37.017
CSFA Title: FRDAP

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP)
PROJECT AGREEMENT (SFY 2007-08) – Development

This PROJECT AGREEMENT is made and entered into this 9th day of August, 2007, by and between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, hereinafter called the DEPARTMENT, and the CITY OF ST. AUGUSTINE BEACH, hereinafter called the GRANTEE, a local government, in furtherance of an approved public outdoor recreation project. In consideration of the mutual covenants contained herein and pursuant to section 375.075, Florida Statutes, and chapter 62D-5, Part V, Florida Administrative Code, the parties hereto agree as follows:

1. This PROJECT AGREEMENT shall be performed in accordance with section 375.075, Florida Statutes; and chapter 62D-5, Part V, Florida Administrative Code, effective August 15, 2004, hereinafter called the RULE. The GRANTEE shall comply with all provisions of the RULE, which is incorporated into this PROJECT AGREEMENT as if fully set forth herein. It is the intent of the DEPARTMENT and the GRANTEE that none of the provisions of section 163.01, Florida Statutes, shall apply to this PROJECT AGREEMENT.
2. The DEPARTMENT has found that public outdoor recreation is the primary purpose of the project known as Maratea Beach Walkway (Florida Recreation Development Assistance Program (FRDAP), FRDAP Project Number F08132), hereinafter called the PROJECT, and enters into this PROJECT AGREEMENT with the GRANTEE for the development of that real property, the legal description of which shall be submitted to the DEPARTMENT as described in the Florida Recreation Development Assistance Program Development Project Pre-reimbursement/Commencement Documentation Form; DEP Form FPS-A034.
3. All forms referenced in this PROJECT AGREEMENT may be found at www.dep.state.fl.us/parks/oirs. Further, the GRANTEE will also receive all

applicable forms for administration of project with GRANTEE's copy of the fully executed PROJECT AGREEMENT.

4. The GRANTEE shall construct, or cause to be constructed, certain public outdoor recreation facilities and improvements consisting of the following PROJECT ELEMENTS: Multi-purpose trail, parking, entrance and other related support facilities. These PROJECT ELEMENTS may be modified by the DEPARTMENT if the GRANTEE shows good cause and the DEPARTMENT approves the modification.
5. The DEPARTMENT shall pay, on a reimbursement basis, to the GRANTEE, funds not to exceed \$200,000.00, which will pay the DEPARTMENT's share of the cost of the PROJECT. DEPARTMENT funding is based upon the following:

DEPARTMENT Amount:	<u>\$200,000.00</u>	<u>50 %</u>
GRANTEE Match:	<u>\$200,000.00</u>	<u>50 %</u>
Type of Match:	<u>Cash/In-Kind Services and/or Land Value</u>	

6. The PROJECT reimbursement request shall include all documentation required by the DEPARTMENT for a proper pre-audit and post-audit review. Within sixty (60) days after receipt of the final request, the DEPARTMENT's Grant Manager shall review the completion documentation and payment request from the GRANTEE for the PROJECT. If the documentation is sufficient and meets the requirements of the Florida Recreation Development Assistance Program Completion Documentation Form, DEP Form FPS-A036, referenced in s. 62D-5.058(7)(d) of the RULE, the DEPARTMENT will approve the request for payment.
7. In addition to the invoicing requirements contained in the paragraph above, the DEPARTMENT will periodically request proof of a transaction (such as invoice or payroll register) to evaluate the appropriateness of costs to the PROJECT AGREEMENT pursuant to State guidelines (including cost allocation guidelines). When requested, this information must be provided within thirty (30) calendar days of the date of such request. The GRANTEE may also be required to submit a cost allocation plan to the DEPARTMENT in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). State guidelines for allowable costs can be found in the Department of Financial Services' Reference Guide for State Expenditures at <http://www.fldfs.com/aadir/reference%5Fguide>, which GRANTEE shall follow.
8. The GRANTEE agrees to comply with the Division of Recreation and Parks' Grant and Contract Accountability Procedure, hereinafter called the PROCEDURE, incorporated into this PROJECT AGREEMENT by reference as if fully set forth herein. A copy of this PROCEDURE has been provided with this PROJECT AGREEMENT and may also be found at <http://www.dep.state.fl.us/parks/oirs>. All purchases of goods and services for

accomplishment of the PROJECT shall be secured in accordance with the GRANTEE's procurement procedures. Expenses representing the PROJECT costs, including the required matching contribution, shall be reported to the DEPARTMENT and summarized on certification forms provided in the PROCEDURE. The DEPARTMENT and GRANTEE agree to use the PROCEDURE guidelines for accounting for FRDAP funds disbursed for the PROJECT. The parties further agree that the principles for determining the eligible costs, supporting documentation and minimum reporting requirements of the PROCEDURE shall be used.

9. Allowable indirect costs as defined in the PROCEDURE shall not exceed 15% of the GRANTEE's eligible wages and salaries, unless approved in advance as described herein. Indirect costs that exceed 15% must be approved in advance in writing by the DEPARTMENT to be considered eligible PROJECT expenses.
10. It is understood by the GRANTEE that the amount of this PROJECT AGREEMENT may be reduced should the Governor's Office declare a revenue shortfall and assess a mandatory reserve. Should a shortfall be declared, the amount of this PROJECT AGREEMENT may be reduced by the amount deemed appropriate by the DEPARTMENT.
11. The State of Florida's performance and obligation to pay under this PROJECT AGREEMENT is contingent upon an annual appropriation by the Legislature. The GRANTEE understands that this PROJECT AGREEMENT is not a commitment of future appropriations.
12. All monies expended by the GRANTEE for the purpose contained herein shall be subject to pre-audit review and approval by the State of Florida Chief Financial Officer in accordance with section 17.03(2), Florida Statutes.
13. PROJECT funds may be reimbursed for eligible Preagreement Expenses (as defined in s. 62D-5.054(34) of the RULE) incurred by GRANTEE prior to execution of this PROJECT AGREEMENT in accordance with s. 62D-5.055(9) of the RULE. The DEPARTMENT and the GRANTEE fully understand and agree that there shall be no reimbursement of PROJECT funds by the DEPARTMENT for any expenditure made prior to the execution of this PROJECT AGREEMENT with the exception of those expenditures which meet the requirements of the foregoing sections of the RULE.
14. Prior to commencement of PROJECT development, the GRANTEE shall submit the documentation required by the Florida Recreation Development Assistance Program Development Project Pre-reimbursement/Commencement Documentation Form, DEP Form FPS-A034, referenced in s. 62D-5.058(7)(c) of the RULE, to the DEPARTMENT. Upon determining that the documentation complies with the RULE, the DEPARTMENT will give written notice to GRANTEE to commence the development.

15. The GRANTEE shall obtain all required local, state and federal permits and approvals prior to completion of the PROJECT construction and shall certify that it has done so to the DEPARTMENT by completing the Project Completion Certification, FPS-A037, referenced in s. 62D-5.058(7)(d) of the RULE.
16. This PROJECT AGREEMENT shall become effective upon execution by both parties and the GRANTEE shall complete construction of all PROJECT ELEMENTS on or before April 30, 2010 (hereinafter referred to as the PROJECT completion date), at which time all payment requests and completion documentation will be due to the DEPARTMENT.
17. Project completion means the PROJECT is open and available for use by the public. PROJECT must be designated complete prior to release of final reimbursement. See Rule 62D-5.054(41).
18. The GRANTEE shall maintain books, records and documents directly pertinent to performance under this PROJECT AGREEMENT in accordance with generally accepted accounting principles consistently applied, including the PROCEDURE. The DEPARTMENT, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this PROJECT AGREEMENT and for five years following PROJECT AGREEMENT completion or resolution of any dispute arising under this PROJECT AGREEMENT. In the event any work is subcontracted, the GRANTEE shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.
19. A. In addition to the requirements of the preceding paragraph, the GRANTEE shall comply with the applicable provisions contained in **Attachment 1, Special Audit Requirements**, attached hereto and made a part hereof. **Exhibit 1** to **Attachment 1** summarizes the funding sources supporting the PROJECT AGREEMENT for purposes of assisting the GRANTEE in complying with the requirements of **Attachment 1**. A revised copy of **Exhibit 1** must be provided to the GRANTEE for each amendment which authorizes a funding increase or decrease. If the GRANTEE fails to receive a revised copy of **Exhibit 1**, the GRANTEE shall notify the DEPARTMENT's Grant Manager to request a copy of the updated information.

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- B. The GRANTEE is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this PROJECT AGREEMENT. The GRANTEE shall consider the type of financial assistance (federal and/or state) identified in **Attachment 1, Exhibit 1** when making its determination. For federal financial assistance, the GRANTEE shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section ___.210 for determining whether the relationship represents that of a subrecipient or vendor. For state financial assistance, the GRANTEE shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs. Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:
<https://apps.fldfs.com/fsaa>

The GRANTEE should confer with its chief financial officer, audit director or contact the DEPARTMENT for assistance with questions pertaining to the applicability of these requirements.

20. Following receipt of an audit report identifying any reimbursement due the DEPARTMENT for the GRANTEE's noncompliance with this PROJECT AGREEMENT, the GRANTEE will be allowed a maximum of thirty (30) days to submit additional pertinent documentation to offset the amount identified as being due to the DEPARTMENT. The DEPARTMENT, following a review of the documentation submitted by the GRANTEE, will inform the GRANTEE of the final reimbursement due the DEPARTMENT.
21. The GRANTEE warrants and represents that it is self-funded for liability insurance, appropriate and allowable under Florida law, and that such self-insurance offers protection applicable to the GRANTEE's officers, employees, servants and agents while acting within the scope of their employment with the GRANTEE.
22. To the extent required by law, the GRANTEE will be self-insured against, or will secure and maintain during the life of this PROJECT AGREEMENT, Workers' Compensation Insurance for all of its employees connected with the work of this Project and, in case any work is subcontracted, the GRANTEE shall require the subcontractor to provide Workers' Compensation Insurance for all of the subcontractor's employees unless such employees are covered by the protection afforded by the GRANTEE. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this PROJECT AGREEMENT is not protected under Workers' Compensation statutes, the GRANTEE shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the DEPARTMENT, for the protection of its employees not otherwise protected.

23. The GRANTEE covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.
24. The purchase of non-expendable equipment is not authorized under the terms of this PROJECT AGREEMENT.
25. For the purpose of this PROJECT AGREEMENT, the DEPARTMENT's Grant Manager shall be responsible for ensuring performance of its terms and conditions and shall approve all reimbursement requests prior to payment. The GRANTEE's Grant Manager, identified in paragraph 26, or successor, shall act on behalf of the GRANTEE relative to the provisions of this PROJECT AGREEMENT. The GRANTEE, shall submit to the DEPARTMENT signed PROJECT status reports every January 5th, May 5th, and September 5th of each year summarizing the work accomplished, problems encountered, percentage of completion, and other information which may be requested by the DEPARTMENT. Photographs to reflect the construction work accomplished shall be submitted when the DEPARTMENT requests them.
26. Any and all notices required by this PROJECT AGREEMENT shall be deemed sufficient if delivered or sent by certified mail to the parties at the following addresses:

GRANTEE's Grant Manager

Mr. Max Royle
City Manager
2200 A1A South
St. Augustine Beach, FL 32084

DEPARTMENT's Grant Manager

Rita Ventry
Florida Department of Environmental
Protection
3900 Commonwealth Blvd., MS585
Tallahassee, Florida 32399-3000

27. Prior to final reimbursement, the GRANTEE must erect a permanent information sign on the PROJECT site which credits PROJECT funding or a portion thereof, to the Florida Department of Environmental Protection and the Florida Recreation Development Assistance Program.
28. The DEPARTMENT has the right to inspect the PROJECT and any and all records related thereto at any reasonable time.
29. This PROJECT AGREEMENT may be unilaterally canceled by the DEPARTMENT for refusal by the GRANTEE to allow public access to all documents, papers, letters, or other material made or received by the GRANTEE in conjunction with this PROJECT AGREEMENT unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07, Florida Statutes.

30. A. The DEPARTMENT may terminate this PROJECT AGREEMENT at any time in the event of the failure of the GRANTEE to fulfill any of its obligations under this PROJECT AGREEMENT. Prior to termination, the DEPARTMENT shall provide thirty (30) calendar days written notice of its intent to terminate and shall provide the GRANTEE an opportunity to consult with the DEPARTMENT regarding the reason(s) for termination.
- B. The DEPARTMENT may terminate this PROJECT AGREEMENT after three years if the Governor does not approve certification forward of the PROJECT funds.
31. Prior to the closing of the PROJECT, the DEPARTMENT shall have the right to a refund, either in whole or in part, of the FRDAP funds provided to the GRANTEE for noncompliance with the material terms of this PROJECT AGREEMENT. The GRANTEE, upon such written notification from the DEPARTMENT, shall refund, and shall forthwith pay to the DEPARTMENT, the amount of money demanded by the DEPARTMENT. Interest on any refund shall begin the date that the GRANTEE was informed that a refund was required and continues to accrue until the date the refund and interest are paid to the DEPARTMENT.
32. The GRANTEE shall comply with all federal, state and local regulations, rules and ordinances in developing this PROJECT. The GRANTEE acknowledges that this requirement includes compliance with all federal, state and local health and safety rules and regulations including all applicable building codes. The GRANTEE further agrees to include the requirements of this paragraph in all subcontracts made to perform this PROJECT AGREEMENT.
33. The GRANTEE may subcontract work under this PROJECT AGREEMENT without the prior written consent of the DEPARTMENT'S Grant Manager. The GRANTEE agrees to be responsible for the fulfillment of all work elements included in any subcontract. It is understood and agreed by the GRANTEE that the DEPARTMENT shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the GRANTEE shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
34. Land owned by the GRANTEE, which is developed, or acquired with FRDAP funds, shall be dedicated in perpetuity as an outdoor recreation site by the GRANTEE for the use and benefit of the public as stated in section 62D-5.059(1) of the RULE. Land under control other than by ownership of the GRANTEE, such as by lease, shall be dedicated as an outdoor recreation area for the use and benefit of the public for a minimum period of twenty-five (25) years from the completion date set forth in the PROJECT completion certificate. All dedications must be recorded in the county property records by the owner, or by the GRANTEE if the owner has given GRANTEE authority to do so. Such PROJECT

shall be open at reasonable times and shall be managed in a safe and attractive manner appropriate for public use.


35. Failure to comply with the provisions of the RULE or the terms and conditions of this PROJECT AGREEMENT will result in termination of the PROJECT AGREEMENT by the DEPARTMENT. The DEPARTMENT shall give the GRANTEE in violation of the RULE or this PROJECT AGREEMENT a notice in writing under Paragraph 26 of the particular violations stating a reasonable time to comply. Failure to comply within the time period stated in the written notice shall result in termination of the PROJECT AGREEMENT and shall result in the imposition of the terms in Paragraph 31.
36. In the event of conflict in the provisions of the RULE, the PROJECT AGREEMENT and the Project Application, the provisions of the RULE shall control over this PROJECT AGREEMENT and this PROJECT AGREEMENT shall control over the Project Application documents.
37. If the DEPARTMENT determines that site control is not sufficient under the RULE, or has been compromised, the DEPARTMENT shall give the GRANTEE a notice in writing and a reasonable time to comply. If the deficiency is not corrected within the time specified in the notice, the DEPARTMENT shall terminate this PROJECT AGREEMENT and shall impose the terms of Paragraph 31.
38. Pursuant to section 216.347, Florida Statutes, the GRANTEE is prohibited from spending FRDAP grant funds for the purpose of lobbying the legislature, the judicial branch, or a state agency.
39.
 - A. No person on the grounds of race, creed, color, national origin, age, sex, marital status or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this PROJECT AGREEMENT.
 - B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list which may be found at http://dms.myflorida.com/dms/purchasing/convicted_suspended_discriminatory_complaints_vendor_lists. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity at (850) 487-0915.

40. Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of section 768.28, Florida Statutes.
41. The PROJECT AGREEMENT has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this PROJECT AGREEMENT shall be interpreted in such manner as to be effective and valid under applicable Florida law, but if any provision of this PROJECT AGREEMENT shall be prohibited or invalid under applicable Florida law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this PROJECT AGREEMENT. Any action hereon or in connection herewith shall be brought in Leon County, Florida unless prohibited by applicable law.
42. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this PROJECT AGREEMENT shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.
43. This PROJECT AGREEMENT is not intended nor shall it be construed as granting any rights, privileges or interest to any third party without mutual written agreement of the parties hereto.
44. This PROJECT AGREEMENT is an exclusive contract and may not be assigned in whole or in part without the prior written approval of the DEPARTMENT.
45. This PROJECT AGREEMENT represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this PROJECT AGREEMENT shall only be valid when they have been reduced to writing, in the form of an Amendment duly executed by each of the parties hereto, and attached to the original of this PROJECT AGREEMENT.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on the day and year last written above.


STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

By: 
Division Director (or Designee)
Division of Recreation and Parks

Date

8/9/07

Address:
Office of Information and Recreation
Services
Division of Recreation and Parks
3900 Commonwealth Boulevard
Mail Station 585
Tallahassee, Florida 32399-3000

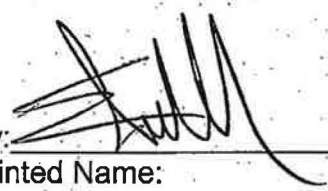

DEP Grant Manager

Approved as to Form and Legality:
This form has been pre-approved as to
form and legality by Suzanne Brantley,
Assistant General Counsel, on
May 10, 2007 for use for one year.

List of attachments/exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
<u>Attachment</u>	<u>1</u>	<u>Special Audit Requirements (5 Pages)</u>

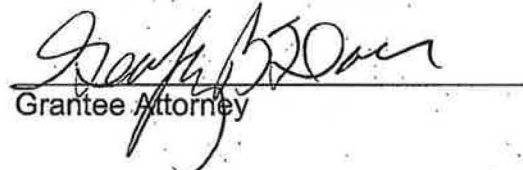
CITY OF ST. AUGUSTINE BEACH

By: 
Printed Name:
Title:

Date

8/7/07

Address:
2200 A1A South
St. Augustine Beach, FL 32084


Grantee Attorney

This document prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST
FF8 AWARD #08-018-FF8
FCT Contract #10-CT-D1-08-F8-J1-018
OCEAN HAMMOCK PARK

(14) City of St Augustine Bch
2300 AIA South
St Augustine Bch # 32080

DECLARATION OF RESTRICTIVE COVENANTS

THIS AGREEMENT is entered into by and between the **FLORIDA COMMUNITIES TRUST** ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the **CITY OF ST. AUGUSTINE BEACH**, a political subdivision of the State of Florida ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax

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**RESTRICTIVE COVENANTS
2009 PURCHASE 11.43 ACRES**

purposes;

WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

I. PERIOD OF AGREEMENT

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

II. MODIFICATION OF AGREEMENT

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **St. Johns County, Florida**, and in such manner and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.

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2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection shall forward this Agreement to the Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

IV. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Program Manager

Recipient: City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, FL 32080
ATTN: Max Royle, City Manager

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish

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and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

VI. MANAGEMENT OF PROJECT SITE

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

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6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

VII. SPECIAL MANAGEMENT CONDITIONS

The Management Plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. The future land use and zoning designations of the project site shall be changed to conservation, outdoor recreation, open space, or other similar category.
2. A permanent recognition sign, at a minimum size of 3' x 4', shall be maintained at the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust Program.
3. At least four recreational facilities such as a wildlife observation deck, horseshoe pits and picnic pavilions shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.
4. The location and design of any parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious materials wherever feasible.
5. A sidewalk connection shall be provided that provides a safe pedestrian sidewalk connection

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between the project site and the sidewalk network in the adjacent neighborhood.

6. Bike racks shall be installed to provide an alternative to automobile transportation to the project site.

7. The project shall provide an access facility to the beach, such as a dune walkover.

8. Interpretive signs or kiosks shall be provided on the project site to educate visitors about the natural environment or history of the area.

9. At least 12 regularly scheduled educational classes or programs shall be provided at the project site per year. These programs shall promote the protection of environmental resources.

10. A staffed nature center and museum shall be developed on the project site to provide year round education classes or programs.

11. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.

12. The project site shall be managed in a manner that protects and enhances the listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.

13. A significant portion of the wetland area on the project site shall be planted with native vegetation.

14. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.

15. A feral animal removal program shall be developed and implemented for the project site.

16. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.

17. The current flooding problems shall be improved by the installation of stormwater facilities on the project site that provide wildlife habitat and/or open space in a park like setting. The development of the stormwater facilities shall be coordinated with the St. Johns River Water Management District.

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18. An archaeological survey shall be performed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historical Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in conjunction with the Division of Historical Resources for the protection of known historic sites located on the project site.

19. Management of the project site shall be coordinated with management of the adjacent city park.

20. A nature trail of at least ¼ mile shall be provided on the project site.

21. The development and management of the project site shall enhance the designated Florida Circumnavigational Saltwater Trail alternate Atlantic Coast route by providing a paddling trail sign, canoe/kayak launch, and restrooms.

VIII. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the "disallowable activities," may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a governmental agency or a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;

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- d. any use of the Project Site by a non-governmental person other than in such person's capacity as a member of the general public;
- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

IX. RECORDKEEPING; AUDIT REQUIREMENTS

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

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2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:
Auditor General's Office
Room 401, Claude Pepper Building

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111 West Madison Street
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

X. DEFAULT; REMEDIES; TERMINATION

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

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XI. STANDARD CONDITIONS

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

DRC\08-018-FF8
4/6/2010

11

RESTRICTIVE COVENANTS 2016 PURCHASE - 4.5 ACRES

This instrument was prepared by:
Lois E. La Seur, Esquire
Florida Communities Trust
Department of Environmental Protection
3900 Commonwealth Boulevard, MS #103
Tallahassee, Florida 32399

Public Records of St. Johns County, FL
Clerk number: 2018078600
BK: 4634 PG: 356
10/31/2018 10:29 AM
Recording \$95.00

FLORIDA COMMUNITIES TRUST
Project Number: 16-014-UA17
DEP Agreement Number: UA005
Project Name: OCEAN HAMMOCK PARK
Project Location Address: 902 A1A Beach Boulevard, St. Augustine, Florida 32080-0000
Parcel ID(s): 1725700000

DEDICATION TO PUBLIC USE **And** **DECLARATION OF RESTRICTIVE COVENANTS**

THIS DEDICATION TO PUBLIC USE and DECLARATION OF RESTRICTIVE COVENANTS ("DDRC") is between the **FLORIDA COMMUNITIES TRUST ("FCT")**, a non-regulatory agency and instrumentality within the State of Florida Department of Environmental Protection ("Department"), and **CITY OF ST. AUGUSTINE BEACH ("Recipient")**, a Florida local government.

THIS DEDICATION TO PUBLIC USE AND DECLARATION OF RESTRICTIVE COVENANTS IS PURSUANT TO THE FOLLOWING:

WHEREAS, this DDRC is to impose terms and conditions to implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes ("F.S.");

WHEREAS, Chapter 380, Part III, F.S., (the "Florida Communities Trust Act"), creates FCT, a non-regulatory agency within the Department, to assist local governments to implement the conservation, recreation and open space, and coastal elements of their comprehensive plans, conserve natural resources, and resolve land use conflicts. The FCT is empowered to provide financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through the Florida Legislature to provide land acquisition grants for community-based conservation and recreation projects, urban open spaces, parks, and greenways;

WHEREAS, FCT has approved the terms under which the Recipient acquired the land described in Exhibit "A" ("Project Site") and has approved a grant supporting that acquisition. Consequently, the Project Site is subject to the restrictions set by the Florida Communities Trust Act and by Rule 62-818.009(1), Florida Administrative Code ("F.A.C.");

WHEREAS, this DDRC provides covenants and restrictions sufficient to ensure that the use of the Project Site complies with Section 9, Article XII and Section 28, Article X of the Florida State Constitution and Section 375.051, F.S., and it contains clauses providing that title to the

FCT Project Number: 16-014-UA17
DEP Agreement Number: UA005

Page 1 of 11

Project Site will be conveyed to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site for the required purposes; and

WHEREAS, the purpose of this DDRC is to dedicate the property to public use and set forth the covenants and restrictions that are imposed on the Project Site subsequent to FCT disbursing Florida Forever funds to the Recipient.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient agree as follows:

I. PERIOD AND APPLICABILITY OF DEDICATION TO PUBLIC USE AND DECLARATION OF RESTRICTIVE COVENANTS

Pursuant to the requirements of Section 380.510(3)(d), F.S., the Project Site (as more fully described in Exhibit A) is hereby dedicated in perpetuity to the use of the general public for conservation, outdoor recreation, and related activities. If the Recipient uses the property for other than conservation or recreation or allows a third party to do so, title to the property shall immediately vest in the Board of Trustees of the Internal Improvement Trust Fund.

This DDRC begins upon execution by both Parties. The covenants and restrictions contained herein will run with the Project Site and will bind FCT and the Recipient and their respective successors and assigns.

II. MODIFICATION OF DEDICATION TO PUBLIC USE AND DECLARATION OF RESTRICTIVE COVENANTS

Either Party may request modification of the provisions of this DDRC at any time. FCT will review any changes requested by the Recipient to ensure that the requested changes will not violate the statutes, rules, or other regulations governing the FCT program. Changes that are mutually agreed upon will be valid only when reduced to writing, signed by the Parties, and recorded in the public record.

III. RECORDING AND APPROVAL OF DEDICATION AND DECLARATION OF RESTRICTIVE COVENANTS

Upon execution by the Parties hereto, the Recipient will cause this Dedication and Declaration of Restrictive Covenants to be recorded and filed in the official public records of **St. Johns County, Florida**, within thirty (30) days of execution and in such manner and in such other places as FCT may reasonably request. The Recipient will pay all fees and charges incurred in connection therewith.

IV. NOTICE AND CONTACT

All notices provided pursuant to this Declaration will be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. The Department will consider that the notice is received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Environmental Protection
3900 Commonwealth Boulevard, MS# 115
Tallahassee, Florida 32399-3000
FloridaCommunitiesTrust@floridadep.gov

Recipient: City of St. Augustine Beach
c/o Melissa A. Burns, CFO
2200 A1A South
St. Augustine Beach, Florida 32080
mburns@CityofSAB.org

If the Recipient's address or representative changes after execution of this DDRC, the Recipient must notify FCT of the change as provided above.

V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, F.S.

1. If Recipient seeks to transfer title to the Project Site, FCT must pre-approve the transfer. FCT will enter into a new DDRC with the transferee to ensure the Project Site remains dedicated to conservation, outdoor recreation, and related activities, and to protect the interest of the State of Florida.

2. The Recipient cannot use the interest acquired by the Recipient in the Project Site as security for any of Recipient's debt.

3. If the Recipient fails to remedy a violation of any essential term or condition of this DDRC, or if the existence of the Recipient terminates for any reason, title to all interest in the Project Site acquired with state funds will automatically vest in the Trustees unless FCT negotiates an agreement with another local government or nonprofit environmental organization that agrees to accept title to and manage the Project Site.

4. If the Project Site is damaged or destroyed the Recipient will deposit any insurance proceeds with FCT. The Recipient must rebuild, replace, repair, or restore the Project Site consistent with this DDRC and the terms of the original grant. FCT will make the insurance proceeds available to the Recipient to provide funds for restoration work. If the Recipient fails to complete the rebuilding, repair, replacement, or restoration of the Project Site after notice from FCT, FCT has the right, in addition to any other remedies at law or in equity, to use those proceeds to repair, restore, rebuild, or replace the Project Site to prevent the occurrence of a default.

5. If title to the Project Site, or any part thereof, is taken by a governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient must deposit the condemnation award with FCT. The Recipient must rebuild, replace, repair, or restore the Project Site consistent with this DDRC and the terms of the original grant. FCT will make the condemnation award available to the Recipient to provide funds for restoration work. If the Recipient fails to complete the rebuilding, repair, replacement, or restoration of the Project Site after notice from FCT, FCT has the right, in addition to any other remedies at law or in equity, to use those proceeds to repair, restore, rebuild, or replace the Project Site to prevent the occurrence of a default.

6. FCT has the right to seek specific performance of any of the covenants and restrictions of this DDRC concerning the construction and operation of the Project Site.

VI. MANAGEMENT OF PROJECT SITE

1. The Project Site must be managed only for the conservation, protection, and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT, which is hereby incorporated by reference. A copy of the Management Plan can be obtained by contacting FCT per Section IV.

2. The Recipient will ensure that the future land use designation assigned to the Project Site is a category dedicated to open space, conservation, or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the Recipient will propose the amendment at the next available comprehensive plan amendment cycle. The Recipient will provide FCT with documentation of the change.

3. The Recipient will ensure that all activities under this DDRC comply with all applicable local, state, regional, and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction.

4. The Recipient will prevent the unauthorized use of the Project Site or any use that does not comply with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives have the right to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements, and signs not authorized by the approved Management Plan will require the prior written approval of FCT. Major land alterations not authorized by the approved Management Plan will require the written approval of FCT. FCT will approve the proposed changes if the proposed structures, buildings, improvements, signs, vegetation removal, or land alterations will not adversely impact the natural resources of the Project Site.

7. If archaeological and historic sites are located on the Project Site, the Recipient must comply with Chapter 267, F.S. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site are prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 62-818.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient will submit to FCT an annual stewardship report documenting the Recipient's progress in implementing the Management Plan. The initial stewardship report will document any necessary change to the future land use designation for the site. Once the Project Site is fully developed as outlined in the approved Management Plan, the Recipient may request transition to five-year stewardship report reviews pursuant to Rule 62-818.013, F.A.C. In addition to the annual stewardship report, the Recipient must report any revenue generated on the Project Site by July 31st of each year. The Recipient will report revenue on a form approved by FCT staff.

VII. SPECIAL MANAGEMENT CONDITIONS

The Management Plan for the Project Site is mentioned throughout the Grant Award Agreement and this DDRC, and is particularly described in Section VI. above. In addition to the various conditions already described in the Grant Award Agreement and this DDRC, the Management Plan requires the following conditions that are specific to the Project Site:

1. FCT Sign - The Recipient shall maintain a permanent FCT recognition sign, a minimum of 3' x 4', at the entrance area of the Project Site and visible to the public. The sign shall include the FCT logo and acknowledge that the Project Site was purchased with funds from the Florida Communities Trust Program and the Recipient. The sign should include the date the site was acquired.
2. Recreational Facilities - The Recipient shall provide at least four recreational facilities such as a picnic pavilion, observation deck, playground and trail fitness equipment. The Recipient should endeavor to place facilities and site improvements on previously disturbed areas to the greatest extent possible.
3. Trails - The Recipient shall provide a land-based walking, nature, bike, equestrian, or multi-use trail of at least 1/2 mile on the Project Site. Park benches shall be provided along the trail.
4. Interpretation - The Recipient shall provide interpretive kiosks on the Project Site to educate visitors about the natural environment and the unique history of the area.
5. Education Programs - The Recipient shall provide at least six regularly scheduled environmental or historical education classes or programs per year at the Project Site conducted by trained educators or resource professionals.
6. Listed Species Habitat - The Recipient shall manage the Project Site in a manner that protects that protects habitat recognized as typically suitable for one or more listed animal species.
7. Locally Significant and Strategic Habitat Conservation - The Recipient shall manage the Project Site in a manner that protects and enhances the listed and non-listed native wildlife species and their habitat, including the Locally Significant Natural Areas and Strategic Habitat Conservation Areas found onsite.
8. Vegetative Enhancement - The Recipient shall plant approximately 300 linear feet of disturbed shoreline with native vegetation.
9. Water Quality Facility - The Recipient shall improve the quality of surface waters or address current flooding problems occurring on, adjacent to, or close to the Project Site. The water quality facility shall be designed to have a park-like or natural setting.
10. Coordination - The Recipient shall coordinate management of the Project Site with the adjacent Ocean Hammock Park Walkway.
11. Park Addition - The Recipient shall manage the Project Site as an addition to the Ocean Hammock Park, Phase I, FCT# 08-018-FF8.

VIII. "UNIQUE ABILITIES" PROJECT REQUIREMENTS

The Recipient's Project has been deemed a "Unique Abilities" Project pursuant to Section 380.507(2)(h), F.S. (2016) and Recipient shall develop the Project Site in accordance with the narrative provided in the Project Summary and Excellence Section of the submitted FCT grant application. The Project Site must provide accessibility, availability, or adaptability of conservation or recreation lands for individuals with unique abilities. The Recipient, and all of its contractors, if any, must ensure that both Florida Building Code Accessibility and Americans with Disabilities Act Accessibility regulations and requirements are adhered to in the development and completion of this Project.

IX. COVENANTS RELATING TO USE OF THE PROPERTY

1. FCT is authorized by Section 380.510, F.S., to impose conditions for funding on the Recipient to ensure that the Project complies with the requirements for the use of Florida Forever funds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the "disallowable activities," may be disallowed on the Project Site. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on certain guidelines established by the Florida Communities Trust.

- a. any sale or lease of any interest in the Project Site to a governmental agency or a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site;
- d. any use of the Project Site by a non-governmental person other than in such person's capacity as a member of the general public;
- e. any change in the character or use of the Project Site from the use expected at the date of the issuance of any series of Bonds contributing to the funding of the Project;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as specified from time to time in writing by FCT to the Recipient; or

3. If the Project Site, after its acquisition by the Recipient, is to remain subject to any of the disallowable activities, the Recipient will provide notice to FCT, as provided for in paragraph IV.1. above, at least sixty (60) calendar days in advance of any such transactions, events, or circumstances, and will provide FCT such information as FCT reasonably requests in order to evaluate the consequences of such disallowable activities.

4. If FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient will immediately cease the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT has the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

X. DEFAULT; REMEDIES; TERMINATION

1. If the Recipient (or some third party with the knowledge of the Recipient) violates any essential term or condition of this DDRC, FCT will notify the Recipient of the violation by written notice given by personal delivery, registered mail, or registered expedited service. The Recipient will immediately act to cure the violation and must complete the cure within thirty (30) days after receiving notice of the violation. If the situation cannot reasonably be cured within thirty (30) days, the Recipient will submit a timely written request to the FCT Program Manager for additional time. The request must include the current status of the violation, the reasons for the delay, and a time frame for completing the cure. FCT will approve or deny the request, in writing, within thirty (30) days of receiving the request. Any violation must be resolved within one hundred twenty (120) days of the Recipient's receiving notice of the violation unless the Recipient can demonstrate extenuating circumstances to justify a greater extension of time. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site will vest in the Trustees as described in Section V, paragraph (3). FCT will treat such property in accordance with Section 380.508(4)(e), F.S.

XI. STANDARD CONDITIONS

1. This DDRC shall will be construed under the laws of the State of Florida, and venue for any actions arising out of this DDRC shall will lie in Leon County. If any provision of this DDRC conflicts with any applicable statute or rule, or is otherwise unenforceable, that provision will be deemed null and void to the extent of the conflict and will be severable, but will not invalidate any other provision of this DDRC.

2. If FCT waives a right or remedy granted by this DDRC or fails to insist on strict performance of any term of this DDRC, those actions will not act as a waiver of any of FCT's rights or remedies nor will it affect the subsequent exercise of the same right or remedy by FCT for any subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the area of public accommodations and State and local government services.

4. This DDRC may be executed in two or more counterparts, each of which together will be deemed an original, but all of which together will constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature will create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such electronic signature page were an original.



201 Basque Road
St. Augustine, FL 32080
Tel. (904) 347-9133
Fax (904) 512-0459
www.atlanticeco.com

September 23, 2021

Gulfstream Design Group, LLC
Attn: Matthew Lahti, P.E.
2225 A1A S, Suite A2
St. Augustine, FL 32080

RE: Ocean Hammock Park
St. Johns County, FL
AES #20-109

Dear Mr. Lahti,

Atlantic Ecological Services, LLC (AES) visited the Ocean Hammock Park Property for the purposes of conducting a review for the presence of protected species and wetlands based on direct and indirect observations, as well as to determine potential for occurrence of protected species based on suitable habitat. The site assessment was conducted on April 1, 2021. The subject property is approximately 18.12 acres in total size, though the specific project area only encompasses approximately 0.64 acres in total size. The proposed project is to construct additional trails, boardwalks, seating, and exercise stations at the existing City of St. Augustine Beach public beach park. The St. Johns County Parcel ID #s include 1725700000, 1725700020, 1725800020, and 1725700010. The subject property is located in Section 3, Township 8 South, Range 30 East in St. Johns County, Florida. Please see the attached Location and Aerial Maps.

This general area is known to be occupied by the protected gopher tortoise (*Gopherus polyphemus*). Prior to construction a gopher tortoise survey is required by St. Johns County and the Florida Fish & Wildlife Conservation Commission (FWC). The results are documented within this letter report.

Mr. Jacob Doyle of AES performed the protected species review on the subject property. Mr. Doyle currently holds certification from the FWC as an Authorized Gopher Tortoise Agent under permit #GTA-21-00052.

Wetlands were identified, delineated, and flagged on the subject property. The results of the wetland delineation is documented in this letter report.

METHODS

Habitat Mapping

Each community and land use area were categorized according to the Florida Department of Transportation's (FDOT) 1999 *Florida Land Use, Cover and Forms Classification System* (FLUCCS). The boundaries of each FLUCCS code were delineated based on vegetative composition, soil characteristics, topography, and aerial interpretation. See the Results Section below for a description of the habitats found. Please also see the attached Habitat Map depicting the findings.

Protected Species Review

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on-site. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (USFWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. Additional information was gathered from the Florida Natural Areas Inventory (FNAI) *Field Guides to the Rare Animals/Plants of Florida*, and the Florida Committee on Rare and Endangered Plants and Animals (FCREPA) *Rare and Endangered Biota of Florida: Volumes 1-5*, and the FWC's Eagle Nest Locator web site were also reviewed to obtain location data recorded by others for those species.

RESULTS

Habitats

Uplands

Coastal Scrub (FLUCCS 322) – The uplands within the project area consist of heavily disturbed fragmented coastal strand habitat. The canopy is dominated by sand live oak (*Quercus geminata*), red cedar (*Juniperus virginiana*), Hercules' club (*Zanthoxylum clava-herculis*), and cabbage palm (*Sabal palmetto*). The understory consists of saw palmetto (*Serenoa repens*), red bay (*Persea borbonia*), yaupon holly (*Ilex vomitoria*), salt bush (*Baccharis halimifolia*), wax myrtle (*Myrica cerifera*), Brazilian pepper (*Schinus terebinthifolius*), greenbrier (*Smilax* spp.), and lantana (*Lantana* spp.).

Beach Dune (FLUCCS 710) – The eastern portions of the project area consist of beach dune environments including open sandy areas. Vegetation consisted of dune sunflower (*Helianthus debilis*), sand spur, sea oat (*Uniola paniculate*), prickly pear cactus (*Opuntia humifusa*), saw palmetto, salt bush, and morning glory (*Ipomoea* sp.). Gopher tortoises are abundant throughout the beach dunes of southern St. Johns County.

Wetlands

Wetland Scrub (FLUCCS 631) – Numerous wetlands are found on the subject property which are classified as wetland scrub with open water areas. The canopy consists of Carolina willow (*Salix caroliniana*), red maple (*Acer rubrum*), and Chinese tallow (*Triadica sebifera*). The understory consists of primrose willow (*Ludwigia peruviana*), Virginia chain fern (*Woodwardia virginiana*), royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomeum*), beakrush (*Rhynchospora* spp.), softrush (*Juncus effusus*), saw palmetto, Brazilian pepper, blackberry, and greenbriar.

Wildlife Observations

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the project site in St. Johns County, Florida.

Taxon	Common Name	Scientific Name	Protected*
Birds	Northern mockingbird	<i>Mimus polyglottos</i>	No
Reptile	Brown anole	<i>Anolis sagrei</i>	No
	Gopher tortoise	<i>Gopherus polyphemus</i>	Yes
	Florida river cooter	<i>Pseudemys concinna floridana</i>	No
	Cottonmouth	<i>Agkistrodon piscivorus conanti</i>	No
Mammals	Nine-banded armadillo	<i>Dasypus novemcinctus</i>	No
	Raccoon	<i>Procyon lotor</i>	No

Protected Species

A 100% gopher tortoise survey was conducted on April 1, 2021, in accordance with the techniques outlined in the publication, *Ecology and Habitat Protection Needs of Gopher Tortoise (Gopherus polyphemus) Populations Found on Lands Slated for Development in Florida*. Mr. Jacob Doyle led the survey and is currently a FWC Authorized Gopher Tortoise Agent (GTA-21-00052). Multiple potentially occupied gopher tortoise burrows were identified. Please see the attached Gopher Tortoise Burrow Map. Prior to construction on the property a gopher tortoise relocation permit through the Florida Fish and Wildlife Conservation Commission (FWC) will be required. Any potentially occupied gopher tortoise burrows within the planned development area, including adjacent to construction within 25', is required to be permitted by FWC and relocation of all gopher tortoises to a permitted recipient site is required.

In addition, the FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The

southern bald eagle is protected under the Bald and Golden Eagle Protection Act. Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. No known nests are none to be within 660 feet of the subject property. Therefore, this project is not likely to adversely affect the southern bald eagle.

No other protected flora or fauna species are expected to inhabit the subject property.

Wetlands

Methods and Jurisdiction

The wetlands found on the subject property falls under the regulatory jurisdiction of the St. Johns River Water Management District (SJRWMD) and St. Johns County. The wetland boundaries were delineated pursuant to state and federal guidelines (Chapter 62-340 F.A.C.). Please see the attached Wetland Map.

CONCLUSION

Atlantic Ecological Services, LLC conducted a site review on the Ocean Hammock Park Property for the purposes of determining the presence of and/or potential presence of wetlands and/or state and federally protected wildlife and plant species. The subject property is approximately 18.12 acres in total size, though the specific project area only encompasses approximately 0.64 acres in total size. The project area is located within an existing City of St. Augustine Beach public beach park.

The property consists of disturbed coastal uplands and wetlands. The habitats on the subject property have been negatively impacted by surrounding developments, roads, and past land clearing.

Permitting will be required for the park expansion through the St. Johns River Water Management District. It is anticipated the boardwalks through wetlands can be considered de minimis due to construction design.

Multiple potentially occupied gopher tortoise burrows were identified during the survey. Prior to construction on the property a gopher tortoise relocation permit through the Florida Fish and Wildlife Conservation Commission (FWC) will be required. Any potentially occupied gopher tortoise burrows within the planned development area, including adjacent to construction within 25', is required to be permitted by FWC and relocation of all gopher tortoises to a permitted recipient site is required.

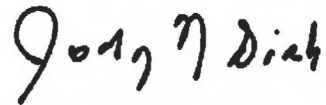
No other protected flora or fauna species are anticipated to be impacted by development of the subject property.

Ocean Hammock Park
Preliminary Environmental Assessment
September 23, 2021

Page 5 of 7

Should you have any questions or concerns please feel free to contact me at (904) 347-9133 or jody@atlanticeco.com.

Sincerely,

A handwritten signature in black ink that reads "Jody Sisk". The signature is written in a cursive, flowing style.

Jody Sisk
Senior Ecologist

Enclosures



Image Source: ESRI 2019
Date: 3-27-21

0 50 100 Feet



Wetland Map Ocean Hammock Park St. Johns County, Florida



WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Bascom Rd | St. Augustine, FL 32080

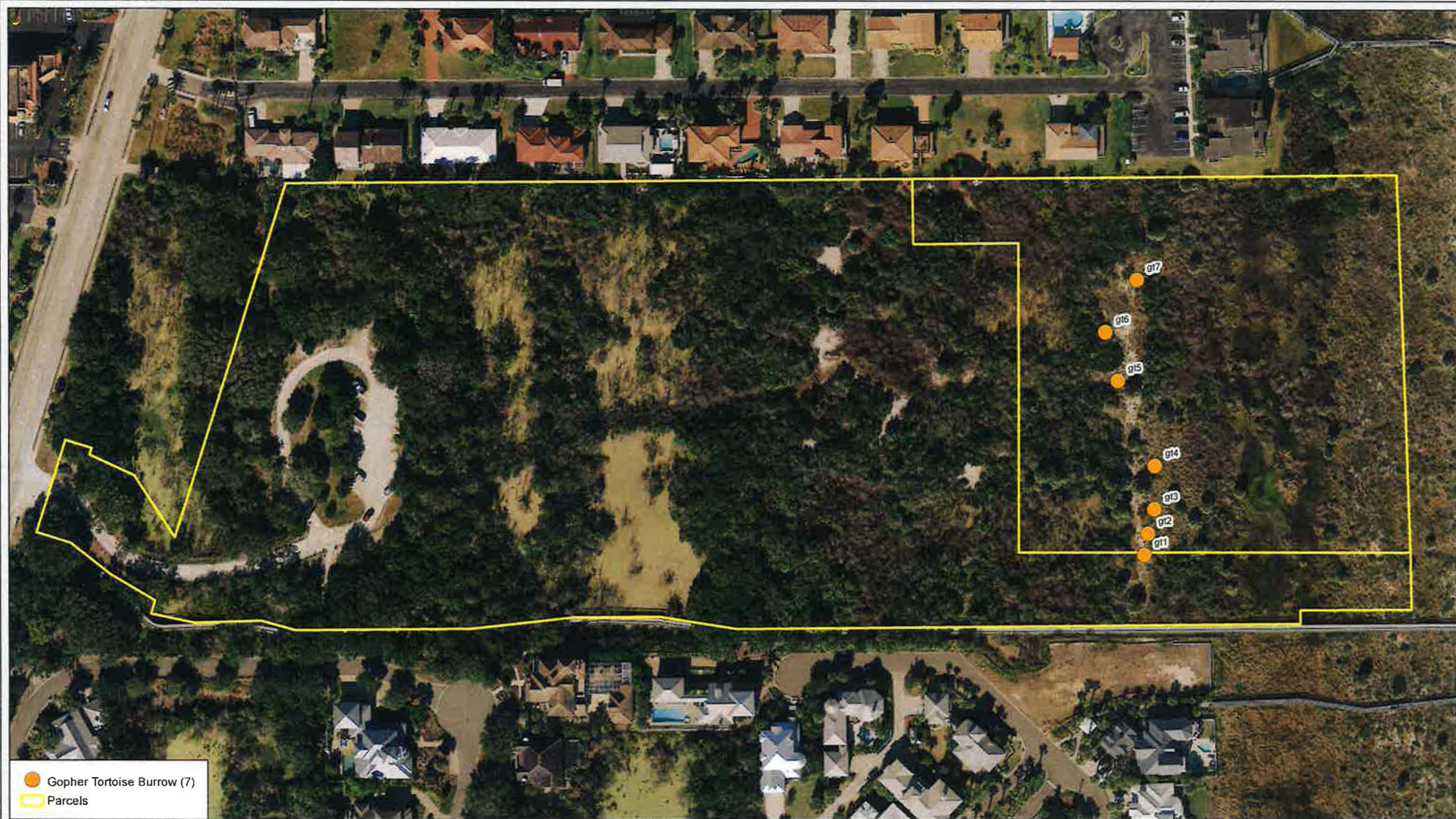


Image Source: ESRI 2019
Date: 3-27-21

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Feet



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

ATLANTIC
ECOLOGICAL

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904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

MEMORANDUM

TO: Commissioner Samora
Commissioner Rumrell
Commissioner George
Commissioner Sweeny
Commissioner Morgan

FROM: Max Royle, City Manager  mk

DATE: December 19, 2022

SUBJECT: Undergrounding of Utility Lines Along A1A Beach Boulevard: Continuation of Discussion

INTRODUCTION

The Commission last discussed this topic at its September 12, 2022, meeting. Attached as pages B and C are the minutes of that discussion. In addition, we have provided pages 1-18, which are the memo and information that Mr. Tredik had prepared for that discussion.

We are bringing this topic back to you for your guidance as to what future steps you may want taken concerning it.

First to be considered is funding. As a majority of the County's voters rejected the additional one-cent sales tax, finding money to do the undergrounding could be a challenge. Grants may be a possibility, though grants usually require matching funds. A dedicated property tax millage is another possibility, though the latter would require the approval of the City's voters.

Second, should the City by referendum ask the voters whether they favor undergrounding, or ask them to approve a dedicated millage for a certain span of years to provide the money for undergrounding, or ask them both questions on the same ballot?

SUGGESTIONS

They are:

1. As the City doesn't have money in the FY 23 budget to hire a consultant to do a report that would include an estimate of the costs and grant possibilities, we suggest that you have the money put in the FY 24 budget for the report.
2. If you want to ask the voters whether to approve the undergrounding of the utility lines, you put the question on the ballot for the 2024 general election.
3. The consultant's report could be completed by April 2024, which would give you time to pass the referendum question by ordinance and send it to the Supervisor of Elections, and for City staff to prepare information to educate the voters about the question in advance of the 2024 general election.

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

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

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

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

Commissioner England asked where the RFQ came from. Director Tredik said that he downloaded about four from DemandStar and that it is a compilation of those to get the best of all. Commissioner England suggested to discuss where the City would get funding before it does an RFQ. Director Tredik said that he is hesitant to do an RFQ until the City is sure that it wants to move forward with at least a feasibility study. He said that funding is the absolute prudent first step.

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

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

Commissioner George said that the one consultant said that there are grants out there, but it does not mean that the City would get one. She said there is also the possibility of the one-cent sales tax revenue, which could be just over \$1 million a year for the City. She questioned Holly Hill's use of a CRA assessment. Director Tredik advised that he did not know the details of it but that he has worked

Excerpt from the minutes of the September 12, 2022, regular Commission meeting

with a couple of CRAs in the past and it is his understanding that it would be on the property owners that are benefiting from the modification. Commissioner George questioned whether they were able to borrow and bond against the CRA revenue coming in. Commissioner England advised that she has asked the City Manager in the past if the City qualifies for a CRA and that he indicated no. City Manager Royle said that the City does not have blighted areas. Director Tredik said that the City does not meet the economic requirements to do it.

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

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

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

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

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

Mayor Samora opened Public Comments.

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

Excerpt from the minutes of the September 12, 2022, regular Commission meeting

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

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

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

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

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

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

Mayor Samora moved on to Item XI.7.

MEMORANDUM

Date: September 12, 2022
To: Max Royle, City Manager
From: Bill Tredik, P.E., Public Works Director
Subject: 22-05-RFQ
Professional Engineering Services for
Feasibility Study for Undergrounding of Utilities

BACKGROUND

The City Commission has expressed interest in converting existing overhead utilities to underground to increase resilience to windstorms as well as increase aesthetics and allow a more efficient use of the public right-of-way. On May 5, 2022 the City Manager informed the Commission of the upcoming election and asked the Commission to consider items for placement on the ballot. The possibility of undergrounding power lines was brought up. After discussion, the Commission determined that more information was needed and directed staff to develop a ballpark estimate of the potential costs of undergrounding and provide an update at the next meeting.

On June 6, 2022 the Public Works Director discussed the potential costs of undergrounding utilities along A1A Beach Boulevard. Based upon a St. Pete Beach undergrounding project of similar scope, the Director estimated it could cost as much as \$5.25 million to convert from overhead to underground utilities in the segment of road from Pope Road to F Street, plus between \$3.5 million and \$4 million to continue from F Street to S.R. A1A. Due to these high anticipated costs, staff recommended the Commission not include the undergrounding of utilities on this year's ballot, but rather, wait for the result of the currently

proposed one-cent sales tax proposal. If the one cent sales tax proposal passed, the City could consider dedicating a portion to the undergrounding of power lines. The Commission decided to not place the item on the ballot and discussed the use of American Rescue Plan Act (ARPA) monies to hire a consultant to develop a feasibility study for the undergrounding of utilities. The Commission directed the City Manager to contact FPL to schedule a workshop on the topic and to postpone the hiring of a consultant until after the workshop.

On July 25, 2022, Florida Power and Light (FPL) provided a ballpark estimate of \$3.1 million to convert overhead lines along A1A Beach boulevard from Pope Road to S.R. A1A. Several items were not included in this estimate, such as:

- Site restoration (sod, landscaping, pavement, sidewalks, etc)
- Rearrangement of customer electric service entrances (requires electrician) from overhead to underground. Also, additional customer expense if local inspecting authorities require customer wiring to be brought to current codes.
- Replacement street and security lighting currently attached to be poles being removed
- Trenching/backfilling for service laterals.
- Removal and undergrounding of other utilities (e.g. telecom, CATV, etc.)
- All work will be performed during the daylight hours, Monday through Friday, 8 A.M. to 5 P.M..
- Any afterhours work, e.g. disconnect / reconnect service appointments, would be an additional expense for the City.
- Acquiring, describing, securing and recording of easements for underground facilities. In underground systems, major components formerly attached to poles must now occupy "at grade" appurtenances, e.g., ground level pad mounted

transformers and switch cabinets. Facilities of an underground distribution system will not be placed in road right-of-way, with the exception of cables required for crossings. (See special note below)

On August 2, 2002 the City Commission held a workshop FPL to discuss the feasibility of undergrounding utilities along A1A Beach Boulevard and discussed their estimated costs. FPL went over the estimate of their costs, but did not provide additional information as to what the City could expect for the Total Project Cost (FPL costs plus other costs listed above) FPL provided a list of other cities who have undertaken similar projects so that St. Augustine Beach could better understand what to expect for the Total Project cost.

DISCUSSION

Following the August 2, 2022 workshop, staff reached out to Jacksonville Beach and the City of Holly Hill – two governments pursuing similar projects – to discuss their experience with undergrounding of power lines. Jacksonville Beach's perspective was largely positive, however, their situation differs from the City's in several ways, including:

- They have their own utility company (Beaches Energy Services)
- They allowed underground utilities in the right-of-way in some areas
- No condemnation used
- Did not force customers to convert to underground service

Holly Hill's overhead to underground project more closely resembled what a St. Augustine Beach effort would be:

- Both have FPL as electric provider
- Similar length project
 - 3.2 miles versus 2.5 miles
- Not a City roadway (FDOT versus St. Johns County)
- Similar configuration

- Curb and gutter with sidewalk on both sides
- Feeder line along one side of roadway' laterals crossing
- Mostly commercial
- Constricted right-of-way

The Holly Hill project has been underway since 2013. To date 0.6 miles of the 3.2 miles have been completed. Some key takeaways from staff's conversation with Holly Hill are:

- The anticipated final total cost estimate s between \$12 and \$12.5 million
- Had to pay up front; funding through a CRA Special Taxing District
- Easement acquisition took over 3 years; one (1) inverse condemnation required
- Holly Hill funded relocation of all other impacted secondary utilities (i.e. cable, phone, etc.)
- Secondary utilities were relocated first; FPL last
- Holly Hill funded all service modifications to customers
- Any cost overruns are the responsibility of the City
- No Off-Ramp once begun

While the exact circumstances will invariably differ from those of Holly Hill, their experience supports earlier estimates of a Total Project Cost of between \$9 and \$10 million (in 2022 dollars) to underground the 2.5 miles of utilities from Pope Road South the S.R. A1A. Additionally, the City can expect a project timeline to that experienced by Holly Hill.

As any process to underground utilities is complex, expensive and time consuming, it is imperative to hire an expert in the field to conduct a feasibility study prior to making any long-term decision or financial commitments. Per the City Commission's request, staff has generated a Draft Request for Qualification (RFQ 22-05) to select a consultant best suited to conduct a feasibility study for undergrounding of utilities. If the City Commission wishes to proceed with investigation of undergrounding of utilities on A1A Beach Boulevard, staff

can advertise RFQ 22-05 as soon September 15, 2022 with the following tentative schedule:

Procurement Event	Tentative Date
RFQ Advertised	September 15, 2022
Last day for questions	October 6, 2022
Written Addendum issued (if required)	October 7, 2022
Submissions Due	October 14, 2022; 3:00 PM EST
Committee Scoring of Submissions	October 28, 2022
Notice of Recommendation	November 4, 2022
Commission Presentations / Final Ranking	November 14, 2022
Negotiation of Phase 1 Agreement	December 16, 2022
Commission approval of Phase 1 Agreement	January 2, 2023
Project Event	Required Completion Time
Commission Presentation of Draft Feasibility Study	July 10, 2023
Completion of Feasibility Study	August 10, 2023

It is anticipated that after the initial scoring/ranking by a staff committee, the top three (3) firms would be invited to make a presentation to the City Commission, after which they would be ranked in order of preference by the Commission. Staff would then be directed to negotiate with the selected firm and the negotiated contract would be brought back to the City Commission for approval.

ACTION REQUESTED

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

CITY OF ST. AUGUSTINE BEACH, FLORIDA

REQUEST FOR QUALIFICATIONS



22-05-RFQ

City of St. Augustine Beach Professional Engineering Services for Feasibility Study for Undergrounding of Utilities

ISSUE DATE: Thursday, September 15, 2022

**RESPONSES DUE: Friday October 14, 2022
3:00 P.M. (Local Time)**

**SUBMIT TO: City of St. Augustine Beach
Finance Department
2200 S.R. A1A South
St. Augustine Beach, FL 32080**

CITY OF ST. AUGUSTINE BEACH, FLORIDA

Request for Qualifications

20-05-RFQ:

City of St. Augustine Beach

Professional Engineering Services for Undergrounding of Electric Lines

The City of St. Augustine Beach, Florida, a Florida Municipal Corporation, is requesting Statement of Qualifications (SOQ) from qualified firms interested in furnishing professional engineering services to conduct a Feasibility Study for the undergrounding of utilities along and east of A1A Beach Boulevard. The City intends to select one firm with demonstrated expertise in providing similar services to those requested herein.

Firms with demonstrated expertise in this field are invited to submit a Qualifications package. The Request for Qualifications (RFQ) can be obtained from the City of St. Augustine Beach, City Clerk's Office, 2200 S.R. A1A South, St. Augustine Beach, Florida 32080; or may be downloaded directly from DemandStar at <https://network.demandstar.com/>, beginning September 15, 2022. All questions must be received in writing no later than Thursday October 6, 2022, and will be answered via written addendum.

Responses/SOQs shall be submitted to the City of St. Augustine Beach, to the attention of City Clerk's Office, 2200 S.R. A1A South, City of St. Augustine Beach, Florida, 32080 **no later than 3:00 PM, local time, FRIDAY OCTOBER 14, 2022.**

The City of St. Augustine Beach will evaluate the responses based on the criteria established in the Request for Qualifications, and in accordance with Chapter 287.055 of the Florida Statutes, and rank the qualified firms in order of preference. The top three (3) firms will present their qualifications and project approach to the City Commission who will then rank the presenting firms in order of preference, and authorize negotiations with the top ranked firm. Upon successful conclusion of negotiations, the resulting agreement will be presented to the City Commission for consideration.

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event should call (904) 471-2122 (voice); or fax (904) 471-4108, not later than seven days prior to the due date.

CITY OF ST. AUGUSTINE BEACH, FLORIDA

Dariana A. Fitzgerald
City Clerk

Advertised on city website:

Thursday, September 15, 2022

RFQ Document Available Online:

Thursday, September 15, 2022

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EXHIBIT A: HMGP Phase 1 Contract

EXHIBIT B: City of St. Augustine Beach Vulnerability Study

ATTACHMENT H Certification Regarding Debarment, Suspension, Ineligibility and voluntary
Exclusion

22-05-RFQ: Professional Engineering Services for Feasibility Study for Undergrounding of Utilities

A. Invitation to Submit Statement of Qualifications

The City of St. Augustine Beach ("the City") is requesting Statement of Qualifications (SOQ) from qualified, experienced Engineering firms to conduct a Feasibility Study for the undergrounding of utilities along and east of 2.5 miles of A1A Beach Boulevard, from Pope Road south to S.R. A1A. The intent of this "Request for Qualifications" is for the City to select one Applicant Firm and its Sub-consultants capable of providing the Professional Engineering Services specified herein.

B. Submission Instructions

1. The City of St. Augustine Beach, Florida will receive sealed responses until 3:00 pm local time, Thursday September 15, 2022 for the purpose of selecting a firm to provide the services requested herein. SOQs must be in paper form as described in the following paragraphs.
2. Any SOQs received after the above stated time and date will not be considered. It shall be the sole responsibility of the Respondent to have their SOQ package delivered to the City Clerk's office, prior to the submittal deadline, by US mail, hand delivery, or any other method available to them.
3. All SOQs must include a MARKED ORIGINAL plus seven (7) bound paper copies, and an electronic copy of the SOQ on CD or USB flash drive. Submissions will be retained as property of the City. The ORIGINAL SOQ must be clearly marked on its face and must contain an original, manual signature of an authorized representative of the responding firm or individual. Submissions are to be addressed and delivered as follows:

22-05-RFQ
Professional Engineering Services for
Feasibility Study for Undergrounding of Utilities
ATTN: City Clerk
City of St. Augustine Beach
2200 S.R. A1A South
St. Augustine Beach, Florida 32080

4. Submittals shall clearly indicate the legal name, federal taxpayer identification number, address and telephone number of the prospective firm. SOQs shall be signed above the typed or printed name and titles of the signer. The signer shall have the authority to bind the prospective firm to the submittal.
5. All expenses for making submittals to the City are to be borne by the Respondent.
6. The City reserves the right to accept or reject any and all responses, to waive irregularities or technicalities, and to request re-submission. The City shall be the sole judge of the response and the resulting negotiated agreement that is in the City's best interest. The City's decision shall be final.
7. Responses received prior to the time of opening will be secured unopened. The City will not be responsible for the premature opening of responses not properly addressed and identified on the outside of the envelope/package with the RFQ name and number.
8. Any questions concerning the request for qualifications process, required submittals, evaluation criteria, schedule, and selection process should be submitted in writing to Dariana Fitzgerald City

Clerk, via email to dfitzgeralds@cityofsab.org. Questions must be received, in writing, no later than 2:00 pm local time Thursday, October 6, 2022 and will be answered via written addendum.

9. Respondents are expected to carefully examine the scope of services, evaluation criteria, and all general and special conditions of the RFQ prior to submission. Each Respondent shall examine the RFQ documents carefully and make a written request to the City for interpretations or corrections of any ambiguity, inconsistency, or error which may be discovered by the question deadline referenced in paragraph B.8. All interpretations or corrections will be issued via written addendum. The City will not be responsible for oral clarifications.
10. Firms responding to the RFQ must be available for interviews by City staff.
11. The contents of the SOQ of the successful firm will become part of the contractual obligations.
12. Responses must be typed or printed in ink. All corrections made by the Respondent prior to the opening must be initialed and dated by the Respondent. No changes or corrections will be allowed after the RFQ due date and time.
13. Respondents must complete and submit the enclosed Public Entity Crimes Statement.
14. The prospective primary participant must certify to the best of its knowledge and belief, that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency and meet all other such responsibility matters as contained on the attached certification form.

C. General Terms and Conditions

1. All applicable laws and regulations of the United States, the State of Florida, and the City of St. Augustine Beach will apply to any resulting agreement. The procedures of the Consultants' Competitive Negotiations Act (Section 287.055, Fla. Statue) will be followed, if and where applicable.
2. After notification of award and during the course of performance of the contract by the successful firm, and during actions taken by the City or its contractors based on or in reliance of the services provided by the successful firm, the successful firm shall indemnify, save harmless, and defend the City, its officers, employees and agents from and against all claims, suits, actions, damages or causes of action arising during the term of the resulting agreement entered into, the consultant's agents, employees, invitees, and all other persons, and from and against any orders, judgments or decrees, which may be entered thereto, and from and against all costs, attorney's fee's expenses and liabilities incurred in or by reason of the defense of any such claim, suit or action, and the investigation thereof. Nothing in the resulting agreement shall be deemed to affect the rights, privileges and immunities of the City as set forth in Section 768.28, Florida Statutes.
3. The successful firm will be deemed a subcontractor to the City in fulfillment of the City's obligations in relation to the City's Hazard Mitigation Grant Program (HMGP) contract (included as Exhibit "A") with the Florida Division of Emergency Management (FDEM). Per the requirements of the HMGP contract, the contract with the successful firm will include provisions that (i) the successful firm is bound by the terms of the HMGP agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Division and Sub-Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under the HMGP agreement, to the extent allowed and required by law.
4. Any agreement or contract resulting from the acceptance of the response shall be on forms either supplied or approved by the City and shall contain as a minimum, applicable provisions of the response. The City reserves the right to reject any agreement, which does not conform to the RFQ

and any City requirements for agreements and contracts.

5. The City encourages the use of DBE's (Disadvantaged Business Enterprises) and MBE's (Minority Business Enterprises) where applicable for this project.
6. Any attempt by a Respondent to improperly influence a member of the evaluation committee during the response review and evaluation process shall result in response rejection.
7. The issuance of this RFQ and receipt of responses does not commit the City to award a contract. The City reserves the right to postpone the due date and time, accept or reject any or all responses received in response to this RFQ, or to negotiate with any of the firms submitting a response, waive any informality or defect in any response, or to cancel all or part of this RFQ if it is in the best interests of the City. All responses, plans and other documents submitted shall become the property of the City and are considered public information subject to review under Florida's public records law. In addition, the selected Respondent shall be expected to be familiar with and adhere to not only any applicable City Code, which can be viewed on the City's website www.cityofsab.org, but also any other laws, rules, or regulations.

D. Insurance

Without limiting any of the other obligations or liabilities, the successful Respondent shall, at its own expense, provide and maintain in force until all services to be performed under this agreement have been completed and accepted by the City (or for such duration is otherwise specified hereinafter), the following insurance coverage:

1. Workers' Compensation insurance to apply to all the consultant's employees in compliance with the "Worker's Compensation Law" of the State of Florida and all applicable federal laws, with minimum limits of \$1,000,000 for each employee, accident, and disease

Notice of Cancellation and/or Restriction of the policy(ies) must be endorsed to provide the City with thirty (30) days' notice of cancellation and/or restriction.

2. Comprehensive General Liability with minimum limits of \$1,000,000 per occurrence, combined single damage liability, and property damage liability. Coverage must be afforded on a form no more restrictive than the latest edition of the comprehensive general liability policy, without restrictive endorsements other than ISO endorsement GL 21 06 (engineers, architects or surveyors professional liability exclusion), as filed by the Insurance Services Office and must include: Premises and/or operations; Independent Contractors; broad form property damage; broad form contractual coverage; personal injury coverage with minimum limits of \$1,000,000 bodily injury liability

The consultant's insurance, including that applicable to the City as an additional insured, shall apply on a primary basis and any other insurance maintained by the City shall be in excess of and shall not contribute with the consultant's insurance.

Notice of cancellation and/or restriction of the policy(ies) must be endorsed to provide the City with thirty (30) days' notice of cancellation and/or restriction.

3. Professional liability insurance with minimum limits of \$1,000,000 per occurrence applicable to the City project and requiring notice to the City at least thirty (30) days prior to cancellation or restriction of coverage. Coverage shall be afforded on a form acceptable to the City. Consultant shall maintain such professional liability insurance until at least three (3) years after completion of all services required under this agreement.
4. Business automobile liability insurance with minimum limits of \$1,000,000 each occurrence

combined single limit or \$1,000,000 each occurrence and general aggregate. Notice of cancellation and/or restriction of the policy(ies) must be endorsed to provide the City with thirty (30) days' notice of cancellation and/or restriction. This coverage must also name the City of St. Augustine Beach as an additional insured.

5. Prior to commencement of services, the firm selected shall provide to the City, certificates of insurance evidencing the insurance coverage specified in the foregoing paragraphs 1, 2, 3 and 4. The required certificates of insurance shall name the types of policies provided. The policies for general, professional and business automobile liability shall name the City as an additional insured. If the initial insurance policies required by this RFQ expire prior to the completion of the services, renewal certificates of insurance or policies shall be furnished thirty (30) days prior to the date of their expiration.

E. Scope of Work

1. Statement of Intent

The City of St. Augustine Beach is seeking to retain the services of a qualified and experienced Engineering Firm to conduct a Feasibility Study to underground utilities along and east of A1A Beach Boulevard. The selected Project Team shall be a recognized firm with sub-consultants in required areas of expertise, preferably with knowledge and experience with similar projects with the same utility providers as within the City of St. Augustine Beach. It is imperative that the Project Team have a proven track record of success on projects/programs of similar scope with utility providers active within the City of St. Augustine Beach.

Florida Power and Light has approximately 2.5 miles of aerial feeder along A1A Beach Boulevard and approximately 2 miles cumulative of primary laterals east of A1A Beach Boulevard. The area includes a mixture of single family homes, multifamily, mixed use, government, commercial, office, and recreational uses. The existing overhead utilities include electric, telephone, and cable TV. Consideration of underground utilities west of A1A Beach Boulevard may be added to the scope at the City's discretion.

2. Work to be performed

The categories of services anticipated for the Feasibility Study include – but may not be limited to – the following:

- Data Acquisition and Compiling
- Mapping Services
- Land Surveying
- Utility Locations / Assessment
- Utility Coordination
- Legal Services
- Public Information / Resident Coordination / Project Liaison
- Planning and Civil Engineering

Key items for consideration in the Feasibility include, but are not limited to:

- Identify of all utility providers which currently service the RFQ area
- Identify all required easements for the undergrounding effort
- Identify the project in conjunction with additional infrastructure either planned, or that could be undertaken in conjunction with, the utility conversion, such as:
 - The future River to Sea Loop Bicycle Trail

- Irrigation and reuse extensions
- Landscaping
- Parkette beautification
- Sidewalk and accessibility improvements
- Street lighting conversion and improvements
- Safety improvements
- Produce of an order of magnitude cost estimate (for the undergrounding portion only) of all aspects of the project including, all utility fees, design and engineering fees and construction costs.
- Prepare a proposed project schedule which includes design (both from utility companies and design consultants), preparation of bidding documents, bidding and award and construction.
- Provide options for funding
- Identify benefits to the community realized by the conversion project.
- Identify potential liabilities or detriments that could result due to the conversion project.

The Project Team Manager or designated Key Project Team Member(s) will schedule, conduct, take minutes, and solicit input at public meetings, as necessary to complete the Feasibility Study, and as agreed upon in the agreement with the City. The Project Team Manager or Key Project Team Member will present a Draft Feasibility Study to the City Commission, take input, make modifications as necessary and submit a Final Feasibility Study.

3. Project Timeline

The schedule shown below is provided for general information purposes only. Specific dates have been estimated and may vary as circumstances change. The City reserves the right to adjust this timeline as required.

Procurement Event	Tentative Date
RFQ Advertised	September 15, 2022
Last day for questions	October 6, 2022
Written Addendum issued (if required)	October 7, 2022
Submissions Due	October 14, 2022; 3:00 PM EST
Committee Scoring of Submissions	October 28, 2022
Notice of Recommendation	November 4, 2022
Commission Presentations / Final Ranking	November 14, 2022
Negotiation of Phase 1 Agreement	December 16, 2022
Commission approval of Phase 1 Agreement	January 2, 2023
Project Event	Required Completion Time
Commission Presentation of Draft Feasibility Study	July 10, 2023
Completion of Feasibility Study	August 10, 2023

F. Minimum Credentials of the Project Team

The Consultant's Project Team shall have verifiable experience and meet the following minimum credentials:

1. A Project Manager with a minimum of ten (10) years demonstratable experience on projects of similar scope and size.

2. A Florida Licensed Civil Engineer with a minimum of five (5) years demonstratable experience on projects of similar scope and size.
3. Florida Licensed Professional Surveyor with at least five (5) years of post-licensure experience

The Respondent must have a clear understanding of the uniqueness of the City of St. Augustine Beach and describe the potential challenges that may be presented to residents, business, and governmental agencies by the execution of a utility conversion project.

G. Submittal Requirements

Responses shall be designed to portray to the City how the Consultant's range of services can best assist the City in the Project. In order for the City to evaluate the responses, each Respondent shall provide information relative to their ability to provide services that will best meet the needs of the City.

All Responses shall follow the format described in this section and be accompanied by all applicable forms contained in the Request for Qualifications. Responses should be limited to the page maximums outlined below for each section and include all required forms. Respondents are encouraged to print SOQs double sided; a double-sided print will be considered two pages. Responses shall be appropriately sequenced per the following outline:

SOQ CONTENTS:

Provide the following information in the order in which it appears below

Tab 1: General / Background Information (5 page maximum)

- If the team wishes to provide a cover letter, it should be included in this section
- General overview of Firm and project team
- Describe the organization's ability in providing service like those detailed in this RFQ

Tab 2: Project Approach (10 page maximum)

- Demonstrate an understanding of the scope of work and the project goals
- Explain the team's approach to project and how it will meet the project goals
- Demonstrate the team's ability to meet the project schedule
- Demonstrate team's approach to understanding, designing and permitting the project improvements, in conjunction with the City's overall permitted drainage system
- Describe methods for quality assurance and quality control (QA/QC)

Tab 3: Project Team Qualifications and Experience (15 page maximum)

- Project Team Organizational chart
- Key Project Team Resumes
- Project Examples
 - Must include for each project; project location, type of work, total project construction cost, reference contact, and Key Project Team involvement
- Additional information (1 page)

Tab 4: Required Forms:

- Response Cover Sheet*
- Public Entity Crimes Statement*
- Attachment H – Certification Regarding Debarment, Suspension and Other Responsibility Matters*

- Statement of any Conflicts of Interest

In order to avoid a conflict of interest, or the appearance of a conflict of interest, your firm should not engage in any outside activities that are inconsistent, incompatible, or appear to conflict with your ability to exercise independent/objective judgment in the best interest of the City of St. Augustine Beach. Please outline any conflicts of interest that may exist for your firm in relation to providing services for the City of St. Augustine Beach.

- Statement of Good Standing

Your firm must be in compliance with Federal, State, County and local units of government; which specifically includes good tax payment status and good corporate registration status. Please indicate the payment status of taxes applicable to your firm and provide your firm's legal corporate name and Tax ID number.

**Required forms included with this RFQ document*

H. Evaluation of Submissions

The City desires to award the contract to the firm which most demonstrates the ability to provide the highest quality of service and meet the required project schedule. To accomplish this goal, the City criteria for evaluation of responses will include, but not be limited to:

1. The project team's experience in providing timely, cost-effective, and high-quality projects of similar scope
2. The project team's project approach meets the intent of the project and provides value-added betterments and innovations.
3. The project team's ability to provide services within the required schedule.
4. The project team demonstrates a commitment to high quality assurance and quality control and has a program to ensure both.
5. The qualifications of the primary team members in the technical disciplines required to complete the project.

Evaluation criteria will be reviewed and scored based on the following matrix:

Category	% of Score	Rating	Max Score
Relevant Project Experience	20	1-5	100
Project Approach	20	1-5	100
Ability to Meet Project Schedule	15	1-5	100
Quality Control and Quality Assurance	10	1-5	50
Qualifications in Specific Areas			
Civil and Utility Engineering	10	1-5	50
Familiarity with Local Utilities	10	1-5	50
Permitting of Similar Projects	5	1-5	25
Grant Experience (State, Federal, etc.)	10	1-5	25
Total Maximum Points Available			500

Each category has specific weights of importance to the project. Each design team will be scored 1 to 5 in each category listed:

- 1 – Non-responsive in category
- 2 – Below Expectations
- 3 – Meets Expectations
- 4 – Exceeds Expectations
- 5 – FarExceeds Expectations

I. Selection and Ranking

The City will review all responses. A Scoring Committee made up of no less than three (3) members will evaluate, score, and rank the responses relative to their qualifications, approach to the project and ability to provide services to best serve the needs of the City and project.

It is the intention of the Scoring committee to score and rank the applicants based upon the written submittals, and submit the top three (3) ranked firms to the City Commission for consideration. Interviews or presentations are an option of the City Commission and may or may not be conducted. Any interviews/oral presentations conducted are fact finding and explanation sessions only and do not include negotiations. A specific time schedule will be established after the SOQs are received and reviewed. Upon completion of the oral presentation(s), the City Commission will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation, utilizing the same evaluation criteria detailed herein.

Following evaluations, should the scores result in a tie for the top-ranked Respondent, the City will utilize a tie-breaker procedure, including but not limited to, the Respondent scoring highest in the component with greatest weight; Respondent with the most first or second place ranks among the individual score cards, or the Respondent who has been awarded the least dollar value of contracts over the past five years.

J. Negotiations and Award

After the ranking is completed, the City will attempt to negotiate an Agreement with the top ranked firm, which will be in the best interest of the City. If no Agreement is reached with the top ranked prospective firm, negotiations will be formally terminated with that firm and initiated with the second ranked prospective firm, and so on until an Agreement is reached.

Upon the successful negotiation of an Agreement, a formal contract will be prepared, submitted to the City Commission for approval, and executed by both parties.

K. Contract/Agreement Term

The City intends on executing an Agreement with a term valid through the completion of work, as determined during the negotiation process, and reflected in the final Agreement.

Required Forms

Includes the following:

- Response Cover Sheet
- Public Entity Crimes Statement
- Attachment H - Certification Regarding Debarment, Suspension and Other Responsibility Matters

Response Cover Sheet

This page is to be completed and included as the cover sheet for your response to the Request for Qualifications.

The City Commission of the City of St. Augustine Beach reserves the right to accept or reject any and/or all responses in the best interest of the City.

This response is submitted by the below named firm/individual by the undersigned authorized representative.

	(Firm Name)
BY	_____
	(Authorized Representative)

	(Printed or Typed Name)
ADDRESS	_____

CITY, STATE, ZIP	_____
TELEPHONE	_____
FAX	_____

ADDENDA ACKNOWLEDGEMENTS: (IF APPLICABLE)

Addendum# 1 dated _____ Initials _____

Addendum# 2 dated _____ Initials _____

Addendum# 3 dated _____ Initials _____

Public Entity Crimes Statement

SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

1. This sworn statement is submitted to _____
(print name of the public entity)

by _____
(print individual's name and title)

for _____
(print name of entity submitting sworn statement)

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, robbery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officer, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement in which I have marked below is true in relation to the entity submitting this sworn statement. **(Indicate which statement applies).**

☐ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

☐ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

☐ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. **(attach a copy of the final order).**

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Corporate Seal)

Authorized Representative-Sign in Ink

Authorized Signature (typed) Title

Company Name

Mailing Address

City, State, Zip

(Area Code) Telephone Number

SUBSCRIBED AND SWORN BEFORE ME AT:

THIS ____ DAY OF _____ 2022.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
JANUARY 9, 2023**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-17.

COMPREHENSIVE PLANNING AND ZONING BOARD

The Board did not meet in December.

SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE

The Committee met on December 13, 2022. Attached as pages 18-39 are the minutes of the Committee's November 17, 2022, meeting; pages 40-51, the minutes of the Committee's December 13th, meeting; and page 52, the report by the Committee's Chairperson, Ms. Lana Bandy.

POLICE DEPARTMENT

Please see page 53.

FINANCE DEPARTMENT

Please see pages 54-55 and note that page 55 is the list of upcoming significant expenses and projects.

PUBLIC WORKS DEPARTMENT

Please see pages 56-58.

CITY MANAGER

1. Complaints

A. No Holiday Decorations in the Boulevard's Light Poles

A resident expressed dismay that the lighted decorations were no longer on the poles. The City Manager explained that the poles are owned by Florida Power and Light and the company withdrew its permission for the decorations to be on the poles.

B. Tree on City Property

A Street resident said there was a pine tree on a parkette with dead branches that might be a danger to an adjacent house.

2. Major Projects

A. Road/Sidewalk Improvements

1) Opening 2nd Street West of 2nd Avenue

At its March 7, 2022, meeting, the City Commission awarded the bid for this project to DB Civil Construction of Ormond Beach, Florida, for \$579,850. The contract has been executed and construction has started with clearing of the right-of-way and preparations to lay the road's base. Underground water, sewer lines and drainage pipes are being installed.

2) Sidewalk and Drainage Improvements for A Street

A Street between the beach and State Road A1A is owned and maintained by the County. In response to a resident's suggestion that a sidewalk is needed on A Street between the beach and A1A Beach Boulevard because of vehicle traffic and the number of pedestrians and bicyclists along that section of A Street, the City and County developed a project for underground drainage to solve the flooding problem along the street's north side and for a sidewalk. After several meetings, the County staff agreed to a five-foot wide sidewalk and a two-foot wide gutter. The City Commission then approved the project. Work was supposed to start in the spring of 2022, but because the contractor experienced delays in getting materials, the project will start in January 2023, according to the County Public Works Director.

3) A1A Beach Boulevard Crosswalk Improvements

As of the end of February 2022, the County had put up flashing signals for the crosswalks on A1A Beach Boulevard between Sea Colony and the shopping center, and between the beach walkway at Ocean Hammock Park and the Whispering Oaks subdivision. In early August, flashing signals were erected at the 16th and 11th Street crosswalks. According to the County Traffic and Transportation Department, two additional signals will be put up: one in the vicinity of the pier park and one at F Street. No dates have been set as to when these improvements will be done.

B. Beach Matters

1) Off-Beach Parking

At this time, the only parking project is improvements to the two parkettes on the west side of A1A Beach Boulevard between A and 1st Streets. The City Commission appropriated \$45,000 in the Fiscal Year 2022 budget for this project. The next step is to select a consultant to do the design. The Public Works Director has selected a consultant from the County's list of civil engineering consultants. The consultant, the Matthews Design Group, is now doing the design work. Money for the improved parking area will come from American Rescue Plan Act funds. At the Commission's July 11th meeting, Matthews provided an update report on the design. The Commission selected the second option: Vehicles will enter the parking area from 1st Street and exit it to the Boulevard near A Street. The conceptual design is complete; work on permits is underway; construction will be done in 2023.

There is no discussion at this time concerning paid parking anywhere in the City.

2) Beach Restoration

The next restoration project is scheduled to be done from June 30 to December 30, 2023. Two million cubic yards of sand will be put on the beach from the middle of the state park to Sea Colony's boundary

with Ocean Hammock Park. A Corps of Engineers representative will provide an update report at the City Commission's January 9, 2023, meeting.

C. Parks

1) Ocean Hammock Park

This Park is located on the east side of A1A Beach Boulevard between the Bermuda Run and Sea Colony subdivisions. It was originally part of an 18-acre vacant tract. Two acres were given to the City by the original owners for conservation purposes and where the boardwalk to the beach is now located. The City purchased 11.5 acres in 2009 for \$5,380,000 and received a Florida Communities Trust grant to reimburse it for part of the purchase price. The remaining 4.5 acres were left in private ownership. In 2015, The Trust for Public Land purchased the 4.5 acres for the appraised value of \$4.5 million. The City gave the Trust a down payment of \$1,000,000. Thanks to a grant application prepared by the City's Chief Financial Officer at the time, Ms. Melissa Burns, and to the presentation by then-Mayor Rich O'Brien at a Florida Communities Trust board meeting in February 2017, the City was awarded \$1.5 million from the state to help it pay for the remaining debt to The Trust for Public Land. The City received the check for \$1.5 million in October 2018. For the remaining amount owed to The Trust for Public Land, the Commission at public hearings in September 2018 raised the voter-approved property tax debt millage to half a mill.

A condition of the two grants is that the City implement the management plan that was part of the applications for the grants. The plan includes such improvements as restrooms, trails, a pavilion and information signs. The Public Works Director applied to the state for a Florida Recreation Development Assistance Program grant to pay half the costs of the restrooms, which the City received. At its March 7, 2022, meeting, the City Commission approved the Public Works Director's recommendation that the one bid received to construct the restrooms be rejected because of its very high price and authorized negotiating with the bidder to lower the cost. As these negotiations did not result in significant savings, the Director has decided to purchase prefabricated restrooms. He showed a photo of the restrooms to the Commission at its April 4th and May 2nd meetings. The Commission approved the restrooms, which have been ordered. Work will be completed in the first quarter of 2023.

Also, to implement the management plan, the City has applied for funding from a state grant and for a Federal grant from the National Oceanic and Atmospheric Administration. The Public Works Director's master plan for improvements to the Park was reviewed by the City Commission at its October 5, 2020, regular meeting. The design and permitting work for the interior park improvements (observation deck, picnic pavilion and trails) has been done. Construction should begin in the beginning of 2023.

At its August 11, 2021, meeting, the Public Works Director and a park consultant presented an update on the other improvements to the Park. The plans were submitted to the St. Johns River Water Management District during the last week in September and were approved. A request for bids will be advertised and construction of the central trail and observation deck should start in March 2023.

Concerning the request from some residents to relocate the Park's beach access: At its December 5th meeting, the City Commission provided topics to City staff that the Commission believes will help it make a decision about relocating the beach access. The staff will provide what information it finds at the Commission's January 9th meeting.

2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. The County purchased the property in 2005 for \$2.5 million. By written agreement, the City reimbursed the County half the purchase price, or \$1,250,000, plus interest. At its July 26, 2016, meeting, the County Commission approved the transfer of the property's title to the City, with the condition that if the City ever decided to sell the property, it would revert back to ownership by the County. Such a sale is very unlikely, as the City Charter requires that the Commission by a vote of four members approve the sale, and then the voters in a referendum must approve it.

At this time, the City does not have the money to develop any trails or other amenities in the Park. Unlike Ocean Hammock Park, there is no management plan for Hammock Dunes Park. A park plan will need to be developed with the help of residents and money to make the Park accessible to the public may come from the American Rescue Plan Act. At its May 2, 2022, meeting, the City Commission approved the City Manager writing a Request for Qualifications for a park planner to prepare a plan for improvements to Hammock Dunes Park. The City Commission at its June 6th meeting approved the wording for a Request for Qualifications from park planners. However, because other projects, especially drainage ones, require attention, advertising the REQ has been delayed.

3. Finance and Budget

A. Audit Report for Fiscal Year 2022 Budget

Fiscal Year 2022 ended on September 30, 2022. The auditor will present the report to the City Commission in the spring of 2023.

B. Fiscal Year 2023

Fiscal Year 2023 began on October 1, 2022 and will end September 30, 2023. As of the end of the second month (November) of the fiscal year, the City had received \$1,129,715 for the General Fund and had spent \$1,328,082. In November, the City received the first payment from property taxes, its major revenue source. The amount was \$745,410. In December and January, two more large payments from this source should be received.

C. Alternative Revenue Sources

In response to the City Commission's request that the administration suggest potential sources of revenue to fund City operations, the Public Works Director has proposed a stormwater utility fee. The Commission discussed this proposal at two meetings in 2021 and decided not to authorize the staff to proceed to the next step in the process to adopt the fee in the future. However, at its October 3, 2022, meeting, the Commission decided to hold a public hearing on November 14, 2022, concerning the fee, and at that meeting approved a resolution stating the City's intent to adopt a non-ad valorem assessment for a stormwater fee. The next step will be to adopt a range for the fee. The staff will present a proposed range at the Commission's February or March 2022 meeting. If it is approved, the fee would go into effect in 2024.

4. Miscellaneous

A. Permits for Upcoming Events

D

In December, the City Manager approved a permit for the Mariposa Street block party on December 10th and the Florida Board Riders' competition on January 14 and 15, 2023.

B. Vision/Strategic Plan

The Strategic Plan may be replaced by the Vision Plan, which was prepared by Commissioner England during her term as Mayor. She developed the draft of the Vision Plan, presented it to the Commission at its May 2, 2022, meeting. The draft was reviewed by the Sustainability and Environmental Protection Advisory Committee at its June 2nd meeting and by the Comprehensive Planning and Zoning Board at its June 21st meeting. The Planning Board continued its review at its July 19th meeting and discussed such topics as services related to the beach, pedestrian safety on A1A Beach Boulevard and use of the City's plazas for beautification and public parking. The Board recommended moving forward with the Plan and for the City Commission to have a joint meeting with the Board and with the Sustainability and Environmental Planning Advisory Committee. The joint meeting was held on October 5th and changes were suggested for the Plan. SEPAC will discuss further changes at its November 17th meeting. The next review of the Plan will likely be at the Commission's February or March regular meeting.

C. Former City Hall

On Wednesday, March 23, 2022, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City has received \$500,000 historic grant to renovate windows and other features in the building and a \$25,000 grant for interpretative signage. The outcome of the workshop was that the building would be renovated for use as an arts center with the second floor restored for artists' studios and possibly a small museum. Ms. Stone presented a report about the history of the former city hall and using the \$500,000 for exterior improvements to the building, such as the second floor windows and other features. The deadline for using the money from the historic grant is June 2023. The deadline for the spending of the \$25,000 grant for the civil rights monument is March 31, 2023.

At the City Commission's October 3, 2022, meeting, Ms. Stone reported that the Cultural Council has hired two local architects to provide technical expertise for the first phase, the \$500,000 grant, for exterior improvements to the building. Also, a designer has been hired to develop interpretive signage for the building.

The next step will be a visioning meeting involving the public for the next phase of the renovation of the building. No date for the meeting has been scheduled.

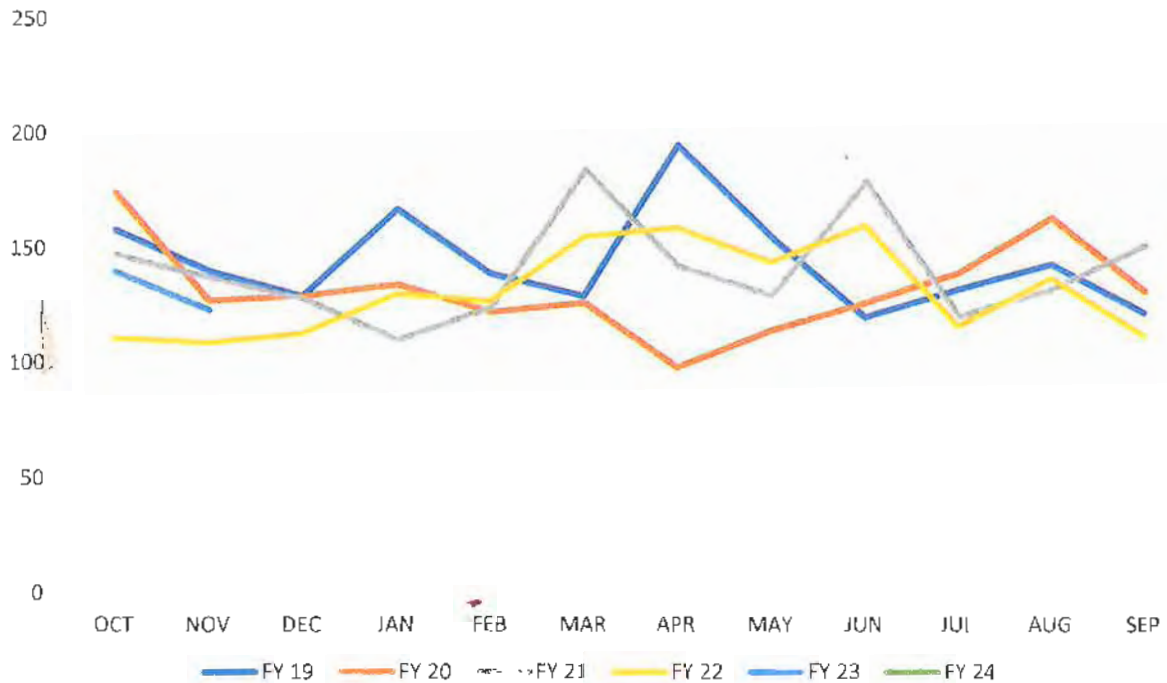


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

NUMBER OF PERMITS ISSUED

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	158	174	147	111	140	
NOV	140	127	137	109	123	
DEC	129	129	128	113		
JAN	167	134	110	130		
FEB	139	122	124	127		
MAR	129	126	184	155		
APR	195	98	142	159		
MAY	155	114	129	144		
JUN	120	126	179	160		
JUL	132	139	120	116		
AUG	143	163	132	137		
SEP	122	131	151	112		
TOTAL	1729	1583	1683	1573	263	0

NUMBER OF PERMITS ISSUED



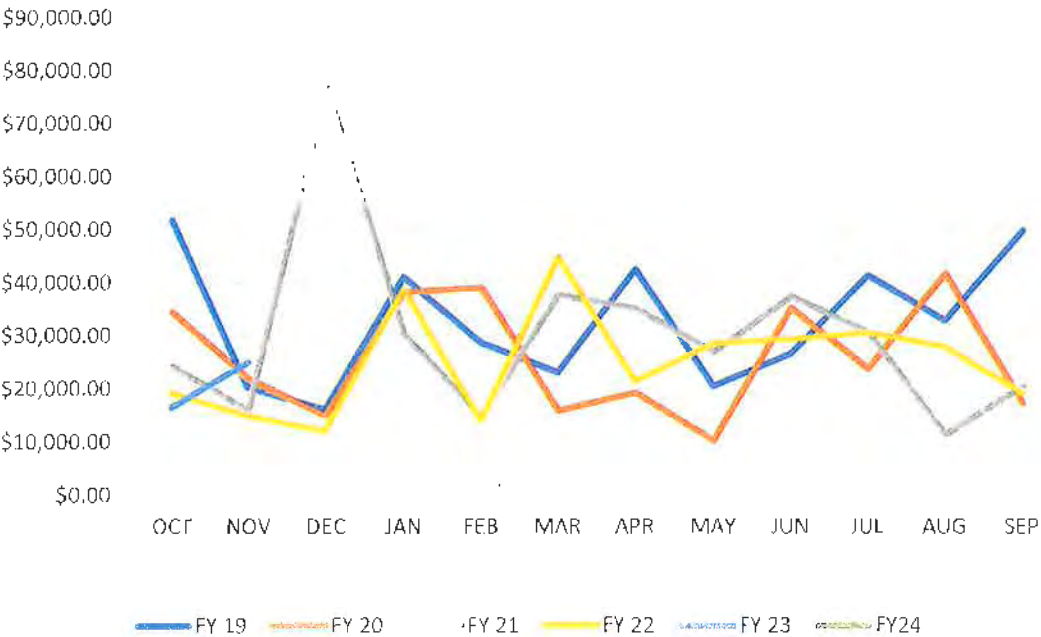


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY24
OCT	\$51,655.01	\$34,277.62	\$24,139.90	\$19,160.96	\$16,521.84	
NOV	\$20,192.42	\$21,844.58	\$15,910.52	\$14,923.51	\$25,004.85	
DEC	\$16,104.22	\$14,818.54	\$76,639.68	\$12,110.85		
JAN	\$40,915.31	\$37,993.58	\$30,011.51	\$38,549.15		
FEB	\$28,526.70	\$38,761.13	\$14,706.76	\$13,916.49		
MAR	\$22,978.53	\$15,666.80	\$37,447.22	\$44,664.15		
APR	\$42,292.91	\$19,092.61	\$34,884.49	\$21,386.72		
MAY	\$20,391.12	\$10,194.02	\$26,753.41	\$28,447.01		
JUN	\$26,445.26	\$34,939.40	\$37,149.19	\$29,198.87		
JUL	\$41,120.86	\$23,555.36	\$30,368.01	\$30,368.57		
AUG	\$32,714.82	\$41,455.38	\$11,236.89	\$27,845.37		
SEP	\$49,543.66	\$17,169.56	\$20,329.54	\$19,118.87		
TOTAL	\$392,880.82	\$309,768.58	\$359,577.12	\$299,690.52	\$41,526.69	\$0.00

BUILDING PERMIT FEE REPORT



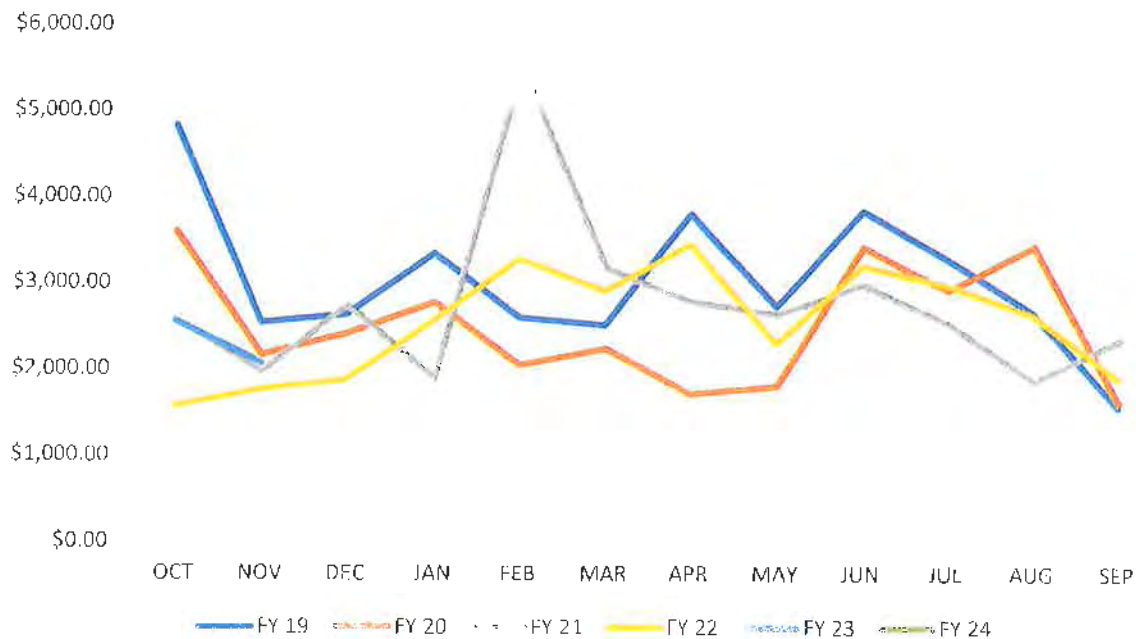


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$4,819.09	\$3,593.67	\$2,574.62	\$1,575.00	\$2,565.54	
NOV	\$2,541.44	\$2,160.00	\$1,963.00	\$1,771.00	\$2,073.09	
DEC	\$2,633.64	\$2,409.62	\$2,738.04	\$1,880.00		
JAN	\$3,338.69	\$2,768.47	\$1,891.99	\$2,563.12		
FEB	\$2,601.00	\$2,044.08	\$5,505.00	\$3,274.80		
MAR	\$2,515.33	\$2,237.73	\$3,163.00	\$2,908.99		
APR	\$3,801.26	\$1,716.00	\$2,784.79	\$3,452.30		
MAY	\$2,736.33	\$1,809.00	\$2,637.52	\$2,308.40		
JUN	\$3,844.54	\$3,417.00	\$2,978.00	\$3,204.70		
JUL	\$3,286.00	\$2,917.93	\$2,535.39	\$2,981.26		
AUG	\$2,663.49	\$3,430.11	\$1,870.49	\$2,642.88		
SEP	\$1,579.42	\$1,621.00	\$2,352.24	\$1,902.57		
TOTAL	\$36,360.23	\$30,124.61	\$32,994.08	\$30,465.02	\$4,638.63	\$0.00

MECHANICAL PERMIT FEE REPORT



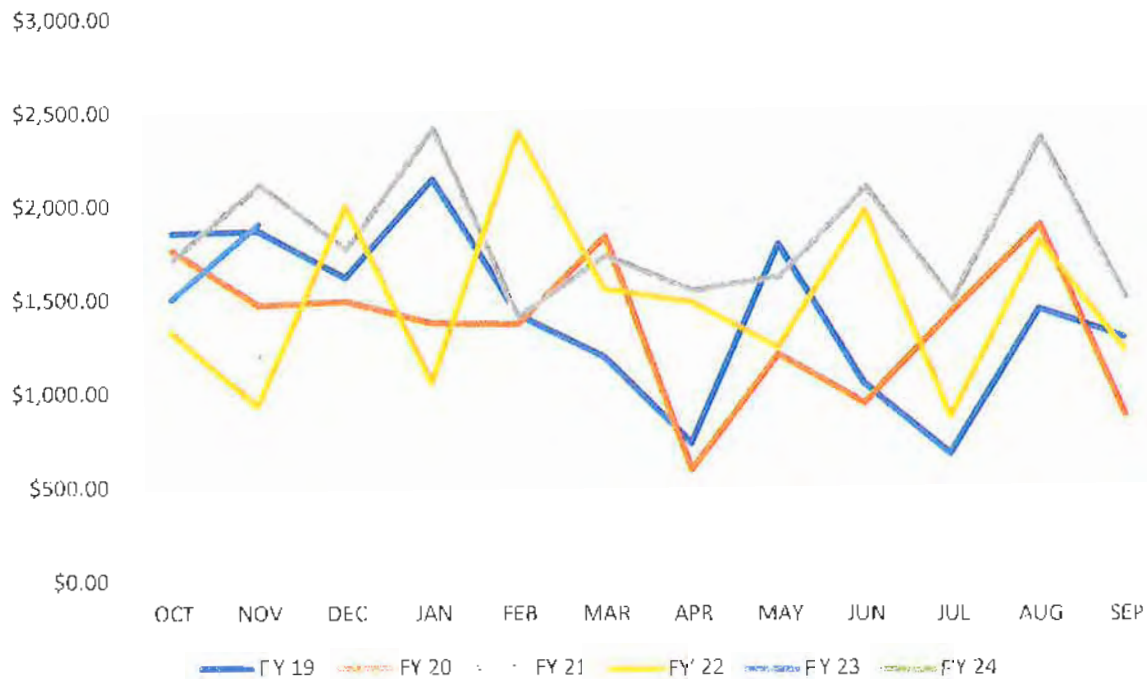


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ELECTRICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$1,860.32	\$1,765.00	\$1,718.00	\$1,330.00	\$1,510.00	
NOV	\$1,872.66	\$1,475.00	\$2,115.00	\$940.00	\$1,910.00	
DEC	\$1,622.32	\$1,495.00	\$1,770.00	\$2,005.00		
JAN	\$2,151.66	\$1,380.00	\$2,418.00	\$1,065.00		
FEB	\$1,425.32	\$1,375.00	\$1,413.00	\$2,405.00		
MAR	\$1,203.33	\$1,843.00	\$1,740.00	\$1,565.00		
APR	\$743.00	\$600.00	\$1,553.00	\$1,495.00		
MAY	\$1,805.00	\$1,215.00	\$1,628.00	\$1,255.00		
JUN	\$1,065.00	\$955.00	\$2,108.00	\$1,985.50		
JUL	\$690.00	\$1,443.00	\$1,505.00	\$885.00		
AUG	\$1,460.00	\$1,910.00	\$2,375.00	\$1,824.00		
SEP	\$1,310.00	\$895.00	\$1,520.00	\$1,245.00		
TOTAL	\$17,208.61	\$16,351.00	\$21,863.00	\$17,999.50	\$3,420.00	\$0.00

ELECTRICAL PERMIT FEE REPORT



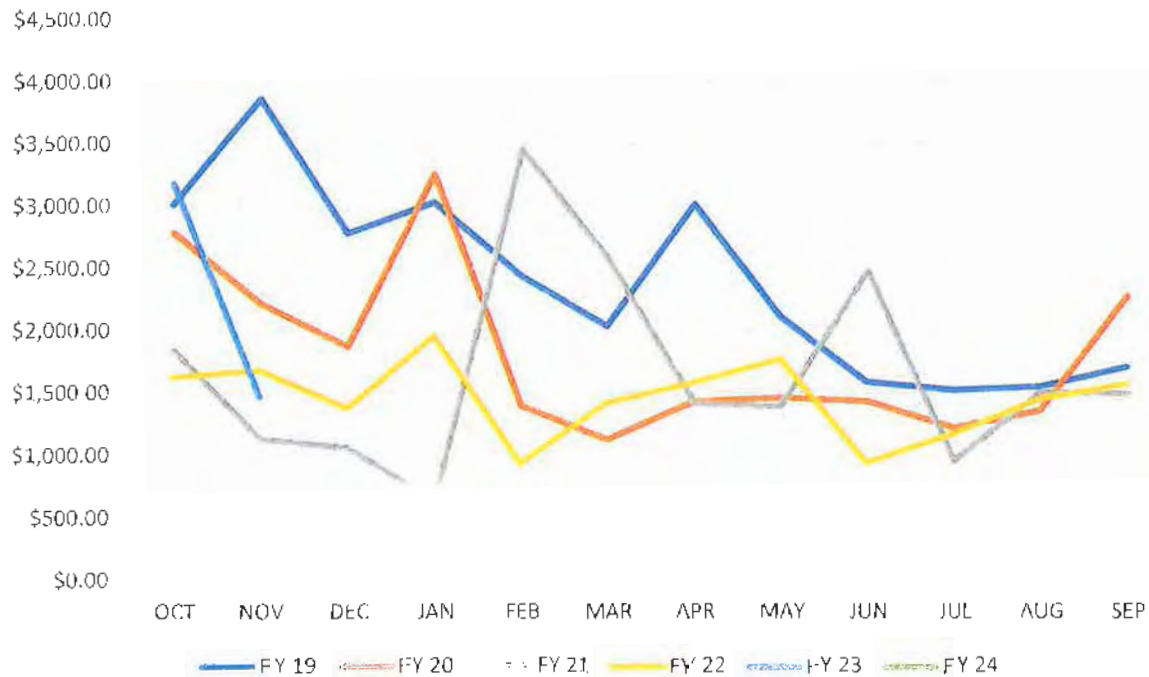


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$3,016.37	\$2,786.00	\$1,844.00	\$1,632.00	\$3,188.00	
NOV	\$3,867.41	\$2,221.00	\$1,133.00	\$1,686.00	\$1,476.00	
DEC	\$2,783.10	\$1,869.00	\$1,062.00	\$1,379.00		
JAN	\$3,031.40	\$3,256.00	\$628.00	\$1,957.00		
FEB	\$2,440.44	\$1,395.00	\$3,449.00	\$938.00		
MAR	\$2,037.24	\$1,125.00	\$2,579.00	\$1,420.00		
APR	\$3,015.00	\$1,430.00	\$1,411.00	\$1,585.00		
MAY	\$2,110.00	\$1,459.00	\$1,390.00	\$1,772.00		
JUN	\$1,590.00	\$1,432.00	\$2,474.00	\$943.00		
JUL	\$1,525.00	\$1,218.00	\$952.00	\$1,170.00		
AUG	\$1,550.00	\$1,356.00	\$1,500.00	\$1,452.00		
SEP	\$1,706.00	\$2,270.00	\$1,490.00	\$1,572.00		
TOTAL	\$28,671.96	\$21,817.00	\$19,912.00	\$17,506.00	\$4,664.00	\$0.00

PLUMBING PERMIT FEE REPORT



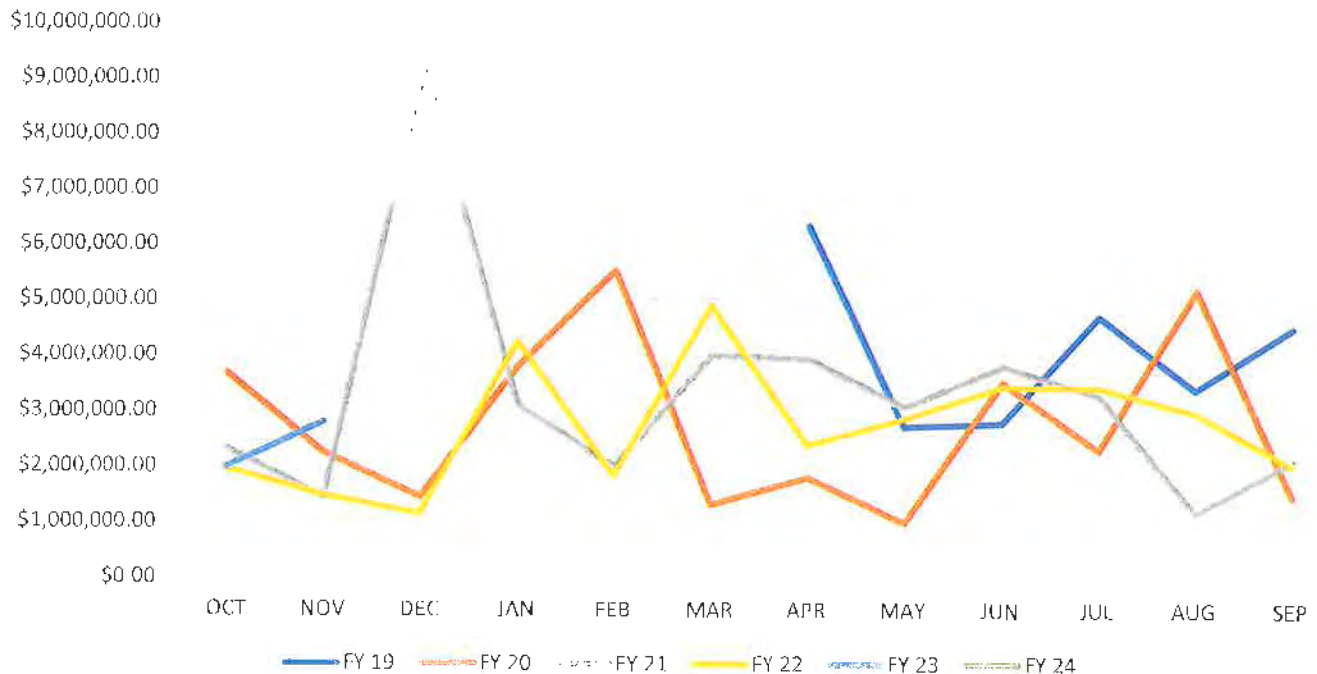


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ALTERATION COST

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT		\$3,657,414.56	\$2,313,298.53	\$1,961,462.00	\$1,989,945.24	
NOV		\$2,242,421.52	\$1,440,841.88	\$1,490,891.09	\$2,807,970.23	
DEC		\$1,449,915.40	\$9,160,479.89	\$1,165,362.58		
JAN		\$3,789,363.81	\$3,088,758.57	\$4,239,155.17		
FEB		\$5,519,900.00	\$2,010,259.40	\$1,847,029.62		
MAR		\$1,321,570.04	\$4,010,607.80	\$4,906,297.30		
APR	\$6,338,617.35	\$1,803,157.19	\$3,939,394.49	\$2,392,827.18		
MAY	\$2,731,410.75	\$1,003,140.58	\$3,080,108.00	\$2,874,220.30		
JUN	\$2,792,442.43	\$3,519,844.50	\$3,807,580.85	\$3,445,719.17		
JUL	\$4,717,293.00	\$2,300,478.87	\$3,279,350.11	\$3,436,811.93		
AUG	\$3,393,250.74	\$5,175,949.96	\$1,182,881.00	\$2,982,874.58		
SEP	\$4,502,737.63	\$1,475,857.57	\$2,123,077.05	\$2,038,273.27		
TOTAL	\$24,475,751.90	\$33,259,014.00	\$39,436,637.57	\$32,780,924.19	\$4,797,915.47	\$0.00

ALTERATION COST



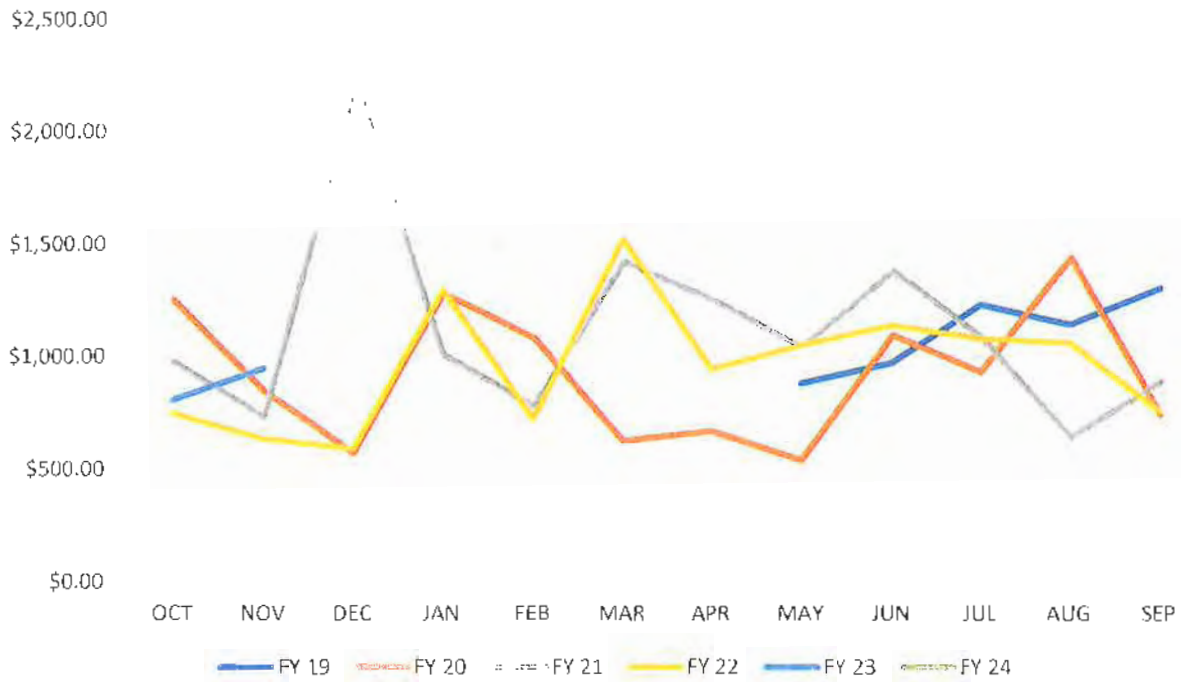


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

STATE SURCHARGE PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT		\$1,247.45	\$973.01	\$747.36	\$808.73	
NOV		\$845.65	\$729.40	\$635.64	\$947.61	
DEC		\$569.37	\$2,225.95	\$589.14		
JAN		\$1,277.63	\$1,006.45	\$1,293.24		
FEB		\$1,079.31	\$776.87	\$721.09		
MAR		\$623.46	\$1,417.90	\$1,521.83		
APR		\$666.54	\$1,250.09	\$943.11		
MAY	\$881.45	\$537.83	\$1,043.38	\$1,049.80		
JUN	\$972.50	\$1,093.02	\$1,378.01	\$1,139.84		
JUL	\$1,230.25	\$928.44	\$1,085.45	\$1,078.15		
AUG	\$1,141.48	\$1,437.49	\$642.86	\$1,061.67		
SEP	\$1,303.66	\$740.55	\$887.71	\$753.23		
TOTAL	\$5,529.34	\$11,046.74	\$13,417.08	\$11,534.10	\$1,756.34	\$0.00

STATE SURCHARGE PERMIT FEE REPORT



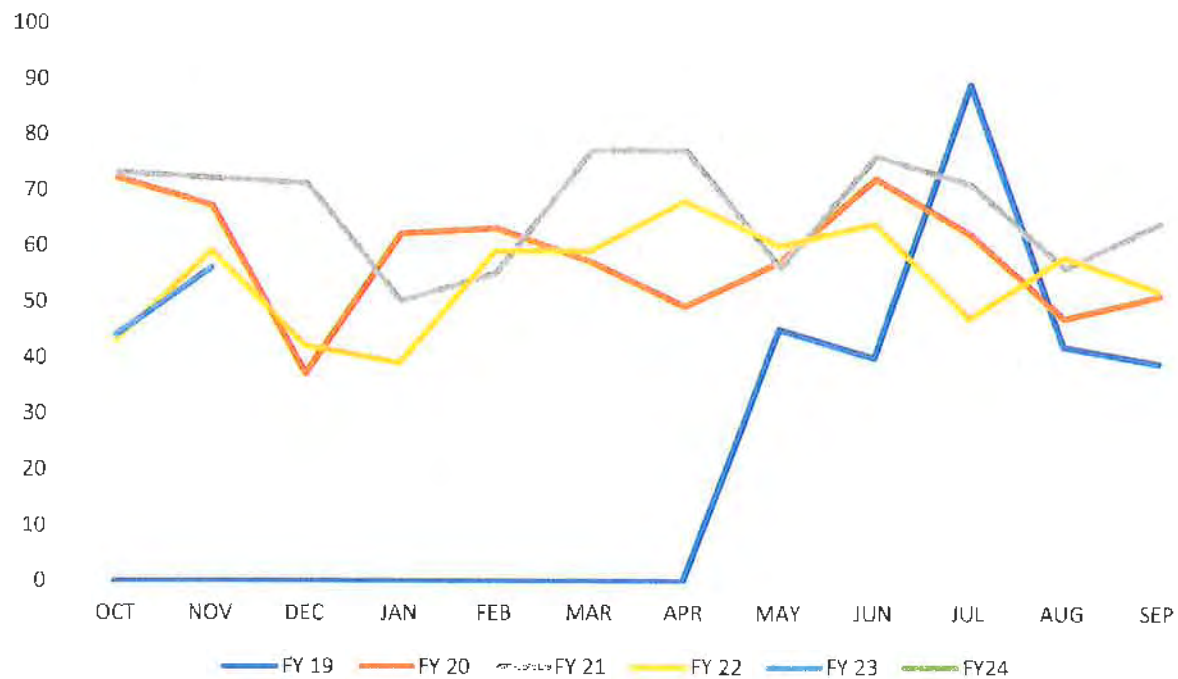


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PLAN REVIEW ACTIVITIES PERFORMED BY THE BUILDING DEPARTMENT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY24
OCT	0	72	73	43	44	
NOV	0	67	72	59	56	
DEC	0	37	71	42		
JAN	0	62	50	39		
FEB	0	63	55	59		
MAR	0	57	77	59		
APR	0	49	77	68		
MAY	45	57	56	60		
JUN	40	72	76	64		
JUL	89	62	71	47		
AUG	42	47	56	58		
SEP	39	51	64	52		
TOTAL	255	696	798	650	100	0

OF PLAN REVIEW ACTIVITIES



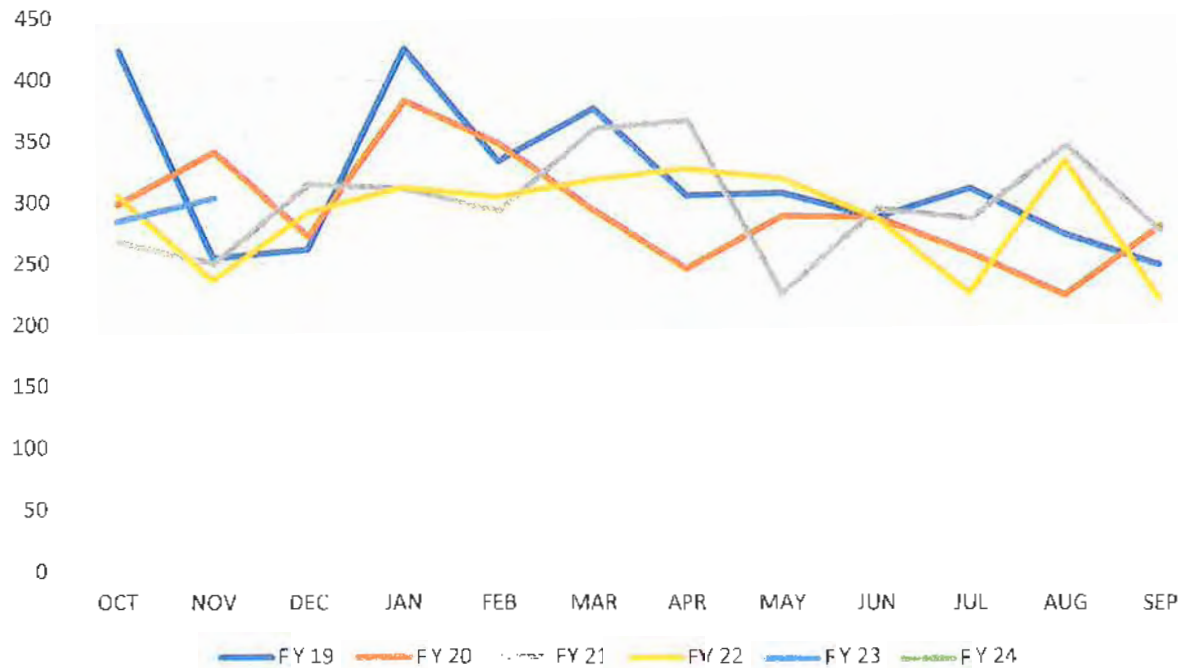


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

NUMBER OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	424	298	268	306	285	
NOV	255	341	250	237	304	
DEC	262	272	315	292		
JAN	426	383	311	313		
FEB	334	348	293	305		
MAR	377	294	360	319		
APR	306	246	367	328		
MAY	308	289	226	320		
JUN	288	288	295	288		
JUL	312	259	287	227		
AUG	275	225	347	335		
SEP	250	281	277	223		
TOTAL	3817	3524	3596	3493	589	0

NUMBER OF INSPECTIONS PERFORMED



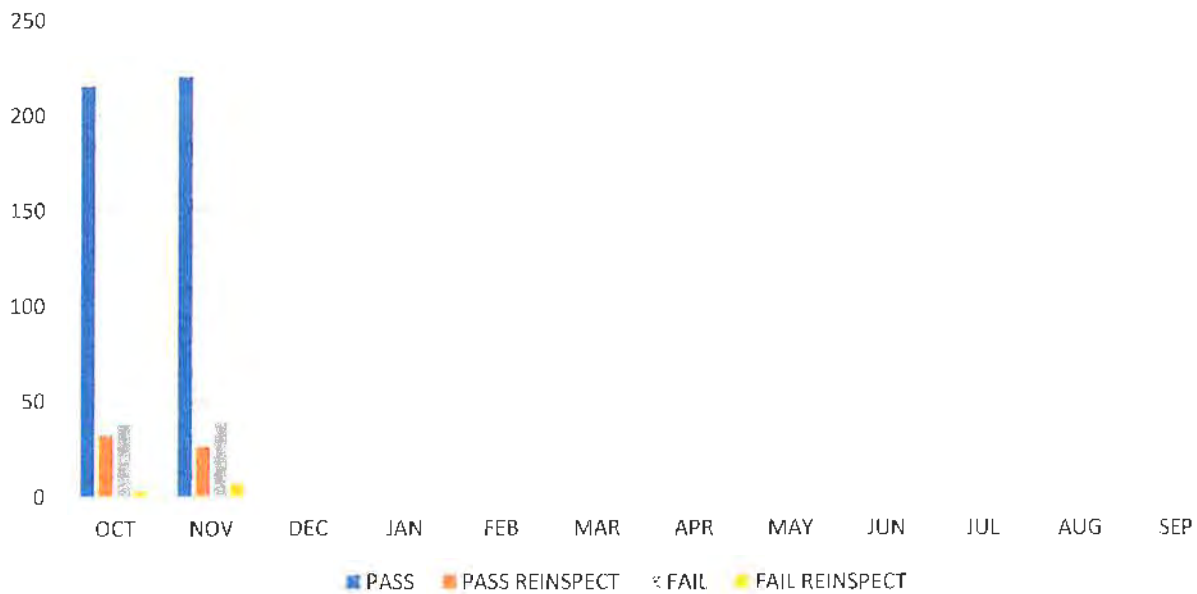


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

FY 23 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	215	32	38	3
NOV	220	26	39	7
DEC				
JAN				
FEB				
MAR				
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
TOTAL	435	58	77	10

FY 23 INSPECTION RESULTS



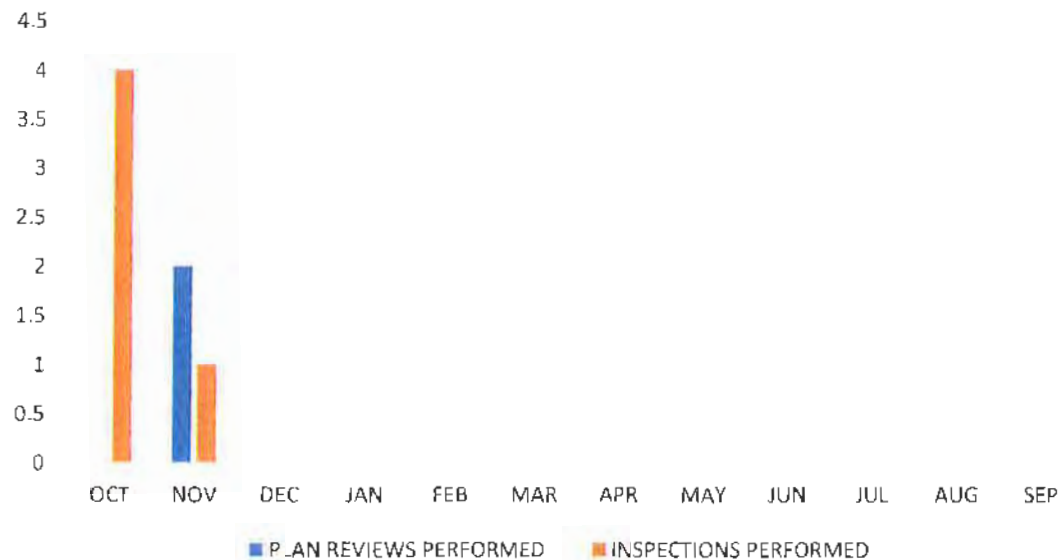


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PRIVATE PROVIDER PLAN REVIEW AND INSEPTIONS PERFORMED IN FY 23

	PLAN REVIEWS PERFORMED	INSEPTIONS PERFORMED
OCT	0	4
NOV	2	1
DEC		
JAN		
FEB		
MAR		
APR		
MAY		
JUN		
JUL		
AUG		
SEP		
TOTAL	2	5

PRIVATE PROVIDER PLAN REVIEW AND INSPECTIONS FY23



COSAB NEW SFR CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
2956	31 VERSAGGI DR	P2002022	SFR-D	1/26/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3070	115 D ST	P2100133	SFR-D	2/4/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3176	129 14TH ST	P2101217	SFR-D	9/24/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3747	529 RIDGEWAY RD	P2100925	SFR-D	7/15/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4186	13 13TH LN	P2200376	SFR-D	1/24/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4411	110 RIDGEWAY RD	P2200064	SFR-D	10/18/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4634	301 S FOREST DUNE DR	P2201349	SFR-D	8/2/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4657	135 13TH ST	P2200427	SFR-D	1/20/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4723	282 RIDGEWAY RD	P2200346	SFR-D	1/3/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4734	23 OCEAN PINES DR	P2200462	SFR-D	1/28/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4828	106 F ST	P2200648	SFR-D	3/31/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4894	107 E ST	P2201127	SFR-D	6/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5016	103 WHISPERING OAKS CIR	P2200667	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5018	507 F ST	P2201176	SFR-D	6/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5193	937 DEER HAMMOCK CIR	P2200808	SFR-D	4/6/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5346	5 15TH ST	P2201519	SFR-D	9/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5370	9 11TH ST.	P2300307	SFR-D	12/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5470	386 OCEAN FOREST DR	P2201087	SFR-D	5/25/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5644	399 OCEAN FOREST DR	P2201148	SFR-D	6/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5662	129 WHISPERING OAKS CIR	P2201164	SFR-D	7/5/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5666	105 KINGS QUARRY LN	P2201335	SFR-D	7/26/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5724	254 RIDGEWAY RD	P2201288	SFR-D	7/12/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5839	133 ISLAND HAMMOCK WAY	P2201408	SFR-D	8/4/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6034	618 OLD BEACH RD	P2300195	SFR-D	11/4/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6076	16 5TH ST	P2300034	SFR-D	10/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6356	1105 LAUGHING GULL LN	P2300216	SFR-D	11/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
4891	3920 A1A S UNIT 4	P2200457	COM BUILD OUT	1/27/2022	COMMERCIAL BUILDING ALT.-- BUILD OUT UNIT 4 - BEACH NAIL BAR	COM
5363	3920 A1A S UNIT 1/2	P2200978	COM BUILD OUT	5/10/2022	COMMERCIAL BUILDING ALT.-- BUILD-OUT UNITS 1 & 2 COUSTEAU ICE CREAM	COM
5728	3920 A1A S UNIT 3	P2201245	COM BUILD OUT	6/30/2022	INTERIOR BUILD OUT -- UNIT 3 -- PROPOSED DRY CLEANER DROP OFF & ALTERATIONS	COM
5989	1015 A1A BEACH BLVD	P2201480	COM BUILD OUT	8/25/2022	COMMERCIAL BUILDING ALT.-- TMOBILE - TENANT BUILDOUT	COM
6012	3930 A1A SOUTH UNIT 8	P2201526	COM BUILD OUT	9/2/2022	COMMERCIAL BUILDING ALT.-- TENANT BUILD-OUT--THE ART HOUSE	COM
6065	3920 A1A S UNIT 5/6	P2300180	COM BUILD OUT	11/3/2022	COMMERCIAL BUILDING ALT.-- TENANT BUILD OUT - UNIT 5/6 PAROR DOUGHNUTS	COM
6417	3920 A1A SOUTH UNIT 7	P2300294	COM BUILD OUT	12/6/2022	COMMERCIAL BUILDING ALT.-- UNIT 7 INTERIOR TENANT BUILDOUT FOR AT&T RETAIL STORE	COM
6459	116 SEA GROVE MAIN ST	P2300352	COM BUILD OUT	12/16/2022	COMMERCIAL BUILDING ALT. -- BUILD-OUT	COM

Application Id Range: First to Last

Issue Date Range: First to 12/27/22

Expiration Date Range: First to 09/07/24

Applied For: N Open: Y

Application Date Range: First to 12/27/22

Use Type Range: First to Last

Hold: N

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: N

Work Type Range: COM ADDITION to COMMERCIAL NEW

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

COSAB FY'23 ZONING REPORT

Application Id	Parcel Id	Property Location	Building Code	Activity Type	Inspector	Date	Status
6119	1711000000	201 B ST	ZONING	Z-VARIANCE	BONNIE M	10/18/2022	APPROVED
6133	1725610250	103 WHISPERING OAKS CIR	ZONING	Z-VARIANCE	BONNIE M	10/18/2022	APPROVED
6527	1725610380	224 BIG MAGNOLIA CT	ZONING	Z-VARIANCE	BONNIE M	12/19/2022	OPEN
6528	1725610380	224 BIG MAGNOLIA CT	ZONING	Z-TREE REMOVAL	BONNIE M	12/19/2022	OPEN

Application Id Range: First to Last Range of Building Codes: ZONING to ZONING
Activity Date Range: 10/01/22 to 01/25/23 Activity Type Range: Z-APPEAL to Z-VARIANCE

Inspector Id Range: First to Last
Included Activity Types: Both

Sent Letter: Y

COSAB FY'23 TREE INSPECTIONS

Application Id	Property Location	Building Code 1	Description of Work 1	Issue Date	Description
6216	402 B ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	10/13/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6389	134 13TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/21/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6404	6 MICKLER BLVD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/17/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
Totals					

Application Id Range: First to Last

Issue Date Range: 10/01/22 to 12/27/22

Expiration Date Range: First to 09/07/24

Applied For: N Open: Y

Application Date Range: First to 12/27/22

Use Type Range: First to Last

Hold: N

Building Code Range: TREE to TREE

Contractor Range: First to Last

Completed: Y

Work Type Range: First to Last

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

Range: First to Last
Violation Date Range: 07/01/22 to 12/27/22
Ordinance Id Range: First to Last

Use Type Range: First to Last
User Code Range: First to Last

Open: Y
Completed: Y
Void: Y
Pending: Y

Customer Range: First to Last

Inc Violations With waived Fines: Yes

Violation Id: V2200032 Prop Loc: 3848 A1A S
Viol Date: 07/11/22 Status: Completed Status Date: 09/14/22 Comp Name: Amanda Rodriguez
Comp Phone: (202)280-4869 Comp Email: rodriguez.amanda.lucia@gmail.com

Ordinance Id	Description
CC 9.02.10	Sec. 9.02.10. - Noise

LDR 6.08.00 OUTDOOR LIGHTING STANDARDS

Description: AC Unit and New light fixtures causing noise and light pollution East of Alvins Island

Created	Modified	Note
09/14/22	09/14/22	Sound issues have been rectified
07/11/22	07/11/22	Local PD were called out to measure the decibel levels. Awaiting a response from the local PD to affirm the recorded levels.
07/11/22	07/11/22	Spoke with General Manager of Alvins Island. Parts have been delivered for AC, just waiting for AC contractors to fix the issue. waiting to hear back about the lighting situation and if there are timers to be installed.

Violation Id: V2200033 Prop Loc: 201 3RD ST
Viol Date: 07/25/22 Status: Completed Status Date: 10/10/22
Comp Name: JOSHUA PATTERSON Comp Phone: (904)557-5252 Comp Email: JTP@G-ETG.COM

Ordinance Id	Description
LDR 3.09	Sec. 3.09.00. - Transient lodging establishments within medium density land use districts.

Description: Transient Rental usage without permit or BTR

Created	Modified	Note
10/10/22	10/10/22	Mr. Kuc has completed his 30+ day inspection and all paperwork has been submitted
09/13/22	09/13/22	Mr. Kuc has submitted paperwork for a 31+ day rental at 201 3rd St. Fees have been paid. Awaiting inspection to complete process.
07/25/22	07/25/22	Recieved E-mail with a link to AirBNB for transient rentals at 201 3rd St. Certified mail has been sent to 201 3rd St. and 130 Lauren Place

Violation Id: V2300001 Prop Loc: 3930 A1A SOUTH
Viol Date: 12/05/22 Status: Open
Comp Email: Comp Name: Comp Phone:

Ordinance Id	Description
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FBC 105.1 PERMITS 105.1 Required.

Description: Work without permits, Also covered up work before inspection.

Created	Modified	Note
12/05/22	12/05/22	Building Official Brian Law noticed upon inspection that work had been done without issuance of permit. The work in question was attempted to be covered up before inspection. -Stop Work Oder posted.



MINUTES

SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING

THURSDAY, NOVEMBER 17, 2022, AT 6:00 P.M.

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

I. CALL TO ORDER

Chair Bandy called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

III. ROLL CALL

Present: Chair Lana Bandy, Vice Chair Sandra Krempasky, and Members Craig Thomson, Nicole Miller, and Edward Edmonds.

Also present: City Clerk Dariana Fitzgerald and Grounds Foreman Tom Large.

Chair Bandy advised that she would like to change the order of topics to accommodate audience members who may want to make Public Comments. Also in attendance is Fish Island Community Alliance, this year's recipient of an Anastasia Island Environmental Stewardship Award (AIESA), and that SEPAC would like to thank them for their excellent work.

Ms. Elizabeth Smith introduced herself and said that she, along with her husband Greg and their third board member Maureen Wong, formed the non-profit Fish Island Community Alliance in January of this year in response to a proposed development at Fish Island Road which is land owned by the City of St. Augustine. She said that she was really concerned about the role it plays in providing habitat and resilience in this area. They formed the Alliance with the goal of giving a voice to the people that are very concerned about overdevelopment as well as to serve as a platform for environmental education and that they are thrilled that the City of St. Augustine voted in late March to create a passive park on that land. She said that they are grateful for their 800 plus members and believed that the rise in membership enabled them to be a powerful voice. They can now pivot to a greater goal of environmental education in the area and recently worked with the Water Warriors this summer for their environmental youth camp and look forward to more events in the future. She thanked SEPAC for recognizing their work and looked forward to learning more about what SEPAC is doing.

Chair Bandy thanked Ms. Smith and said that education is a huge topic for SEPAC, but sometimes it is a challenge. She said that SEPAC is willing to help any way they can. Ms. Smith advised that they have three social media platforms as well as a newsletter and that they reach a lot of people and that they would be happy to help convey an environmental message.

Member Karen Candler arrived at 6:06 p.m.

Chair Bandy moved on to Item V.2.b first to allow Public Comments.

IV. APPROVAL OF MINUTES OF OCTOBER 6, 2022, REGULAR MEETING

Motion: to approve the minutes of October 6, 2022, with correction of typographical errors.
Moved by: Member Candler. **Seconded by:** Member Edmonds. Motion passed unanimously.

Discussion ensued regarding the Public Comments received from Item V.2.b. which took place before the approval of the minutes. Member Edmonds said that there seems to be an issue regarding resident notification, and he suggested to get a procedure in place so that we know what needs to happen. Vice Chair asked what notification he is referring to. Member Edmonds said regarding the public comment earlier about SEPAC not giving notification about planning and projects. Member Thomson asked if Member Edmonds was suggesting to have a procedural item on here so if SEPAC is notifying the public of something, specific questions regarding Code, etc. Member Edmonds said yes. Vice Chair Krempasky advised that in this particular case we did get the information to the neighbors. Member Edmonds said that that would be one of his questions that perhaps SEPAC does not know what the notification requirements are, and we should be informed about it. City Clerk Fitzgerald advised that this particular situation has no legal notification requirements, and they already went above and beyond what is required. Vice Chair Krempasky advise that SEPAC does not need to notify every resident in the City, because you only need to notify those within a certain distance of the property that is going to be affected. City Clerk Fitzgerald advised that that type of notification is only required for certain situations and SEPAC's project does not qualify under Florida law. She said that the notification that SEPAC sent was a decision that the Board made and was not legally required. Vice Chair Krempasky said that having resident approval is a courtesy, and that this is technically City property, but not according to Ms. Dean. She said that SEPAC has approved projects on other parkettes in the City.

Chair Bandy said that at the end of the meeting we could discuss other things such as the procedural questions, etc. She moved on to Item V.1.

V. PRESENTATION OF REPORTS:

1. Vision Plan Discussion

Chair Bandy advised that Member Thomson provided some Vision Plan information in the agenda packet, and she provided a handout for Section E: Resiliency and Sustainability [Exhibit C]. She asked everyone to give feedback and suggestions, which could possibly be merged together. She said that Section E of the Vision Plan starts out with the definition that Member Thomson provided, and she came up with a resiliency definition. She said that she used the wording that was already in the Vision Plan along with their format, so that it might be approved more easily by the Commission.

Vice Chair Krempasky said that this is a work in progress. Chair Bandy said that this is what SEPAC has written and that she would like to talk through it, edit it, and get some ideas to provide feedback to the Commission. Member Edmonds asked if this was a long-term Vision Plan. Chair Bandy said yes that it is for the entire City.

Vice Chair Krempasky said that she thought from the last meeting that SEPAC decided to call Section E "Sustainability and Environmental Planning". Member Thomson said that he would have changed the Chair's definition of resiliency to read: Resiliency is the capacity to resist

and recover from the adverse effects of climate change. Member Candler asked if we need resiliency. Member Thomson said that we could take it out. Chair Bandy asked if SEPAC wants to change the definition of resiliency to read as Member Thomson just suggested. Member Miller advised that she did not think that resiliency is within the scope of SEPAC, that resiliency should be removed, and that the first sentence should be removed so that it focuses solely on sustainability and environmental planning. Chair Bandy said that SEPAC may not be experts, but if we think something is important then maybe the City needs to find an expert to talk about it. She said that she only put resiliency in because she thought that was what this Section of the Plan included and that she would remove it to only have Member Thomson's definition of sustainability. Member Candler advised that the next sentence needs to be changed to remove the word "both" because it is not about both things anymore. Chair Bandy said that she would change the second sentence to read: "that this is crucial to its future". She read through the rest of the first paragraph and asked for any changes.

Chair Bandy advised that she went through the seven topics that were discussed at the previous meeting and that she added bullet points and asked for feedback and suggestions. She said that she would like to change the first bullet point to read, "Maintain/improve the City's urban tree canopy". Member Thomson asked how you improve the canopy other than pruning, etc. and that we are talking about replacing the canopy. Vice Chair Krempasky said that the City loses trees from storms all the time and that the purpose of this section is to keep up with the loss or to have even more. She said that the word "restore" is okay. She suggested to add another slash mark to add the word "enhance". Chair Bandy agreed. Member Thomson said that there might be push back against the bullet point "develop new, stricter regulations related to tree removal". Chair Bandy advised that the Commission told us to put our dreams into this. Member Thomson said that there is a State Statute saying that the City cannot restrict a homeowner from removing an existing tree from their property. Member Candler asked why do we have a Code that says we can restrict them. Member Thomson advised that the State Statute from two years ago got rid of a large percentage of the tree ordinance that we had adopted and that you need a permit to remove trees from your property. He said that he assumed that was what was being suggested that we do not want residents removing trees. Member Candler said that it is still in the Code that you cannot remove a tree over a certain size. Member Thomson said that that is only for new development. Vice Chair Krempasky said that no one can remove a tree over thirty-six inches. Member Thomson said that you can remove it if it is on your property and it is not new development.

Discussion ensued regarding the Code for the removal of trees; that they would have to go before the Planning and Zoning Board for approval; etc.

Member Miller suggested that if SEPAC agrees that it should be in the Code, that they will decide whether it can be in there. Member Thomson agreed. He said that SEPAC used to ask for a copy of paperwork from any trees that have been removed and that the City is supposed to be keeping track of it. Chair Bandy said that she included the bullet point specifying "only licensed arborists/trimmers" because of an incident that happened in her subdivision. Member Thomson liked the bullet point regarding enforcing regulations with financial penalties. Member Edmonds asked if the Commission would decide whether any of this has any teeth. Chair Bandy said yes.

Member Thomson asked about including his suggestions to initiate an adopt-a-tree program for residents, to establish an urban tree farm on Public Works property and to use those trees for the adopt-a-tree program, and to designate urban tree streets. Chair Bandy advised that she only had his "2022 SAB Smart City Vision Plan" document and she asked him to provide his additional information. She asked Foreman Large for his comments. Foreman Large said that these are good suggestions, but a lot of this would be hard to do because Public Works does not have the hands to take care of it. Vice Chair Krempasky said that if it is in the Vision Plan, then the Commission could make it a priority and get people to help run the program. Member Thomson said that his third suggestion was to have designated urban streets. He said that 2nd Avenue and Mickler Boulevard run north and south and have expansive right-of-ways and would work well for the designated urban streets. He said that the City has done it on the Boulevard with the Avenue of Palms which makes it essentially a tree street now.

Member Thomson suggested to approve regulatory codes, to enforce pruning and maintenance of the urban tree canopy including the Avenue of Palms, and to establish fines for over trimming trees/hurricane cutting palm trees including scarring from weed eaters at the base. He said that that is a big issue he has with how the Avenue of Palms is being maintained; the seed pods have not been trimmed in two years, and the maintenance is scarring the bottom of the trees to the point of almost killing some of them. Vice Chair Krempasky said that the Comprehensive Plan specifically states that the City shall maintain landscaping requirements and the Land Development Regulations to conserve remaining native vegetation. Chair Bandy said that she noted it as "companies" that are damaging trees and to penalize them for it, but Member Thomson is saying that we need to ensure the "City" maintains things properly. Vice Chair Krempasky said that the hurricane cuts are illegal per our tree ordinance, but that there is no way to enforce it. Member Thomson said that he did not believe that there were any fines associated with it either. Chair Bandy said that we cannot fine ourselves if it is the City doing it. Member Candler suggested to have a separate line that states that the City also abides by those guidelines. Chair Bandy said that she could add a bullet point that it maintains the trees properly including no hurricane cutting, scarring with trimmers, etc.

Chair Bandy moved to number two regarding controlling stormwater runoff/pollution, and she said that a lot of it is education. Member Thomson said that in the Code and the Comprehensive Plan it states that the City shall prepare a Master Drainage Plan, update the Vulnerability Study, and use other new technologies. He said that one thing that was on SEPAC's agenda for two years and never went anywhere was to adopt a right-of-way ordinance, which includes providing roadside swales on all residential streets, allowing for dry retention of the first half inch of rainfall runoff from adjoining properties. He said that twenty-five years ago you had to have a swale in your driveway, and you could not fill in the right-of-way, and now there are site plan approvals and people are filling in, paving, and landscaping.

Member Miller asked when this is due to the Commission. City Clerk Fitzgerald advised that it is an ongoing project and that they would like to have the comments by December, but it is already so late in the month.

Vice Chair Krempasky asked if flooding should be added to number two. Member Thomson said that you cannot really control flooding. Member Candler said that you could try. Vice Chair Krempasky said that you could create places for the water to go. Member Thomson said that he did not understand. He said that flooding is defined as standing water for a period of

more than 24 or 48 hours. He said that the swales or dry retention take a little bit of water and hold it, then release it into the soil. Member Miller suggested adding something somewhere about flood prevention to conduct initiatives to reduce flooding.

Chair Bandy said that she does not have the wording for the adoption of the right-of-way ordinance and asked if it was written anywhere. Member Miller said she has the email with the Vision Plan and that she would provide the feedback to the City Clerk.

Chair Bandy said that Member Miller's work is keeping her from attending some SEPAC meetings and she asked if it was specific to being on Thursdays. Member Miller said that Mondays and Tuesdays are a little more feasible for her, but that she would prefer Tuesdays. City Clerk Fitzgerald advised that SEPAC could discuss changing the meeting date and have a motion and vote on it for the meetings going forward. She advised that City Manager asked if SEPAC would want to move the December meeting anyway to a later date because it is only two weeks away and with the Thanksgiving holiday there would be no way to get the minutes completed in time.

Motion: To move the meetings to the second Tuesday of each month. **Moved by** Member Miller. **Seconded by** Member Thomson. Motion passes unanimously.

Chair Bandy said that we will meet the second Tuesday of each month beginning December 13, 2022.

Member Thomson asked if there was any reason that we could not send our email suggestions through the City Clerk to forward to each Member. City Clerk Fitzgerald said that if you are planning on conducting a conversation through emails, then it would be a Sunshine Law violation even if it is through her. Member Thomson said that there would not be replies and that Member Miller wanted to send suggestions through the City Clerk to be forwarded to the other members. City Clerk Fitzgerald advised that it would be okay as long as members do not reply to her comments by email, and it is discussed at the next meeting..

Chair Bandy said that if SEPAC's suggestions do not need to be to the Commission before December 13th, that she would recommend taking it home, make suggestions/changes, and we could discuss it again in December.

Member Thomson said that he liked the definition and the way it showed the seven items and to forward that to the City Manager. Chair Bandy advised that they already had the list of seven. She said that her next update to the Commission would say that SEPAC has some great ideas and would try to finalize them next month. Member Thomson said that if any Member has suggestions that they want SEPAC to be aware of before the next meeting to send it to the City Clerk to forward to the other Members. Member Miller advised that she would create suggestions for the Vision Plan and would come prepared to discuss them on December 13th. Member Thomson suggested that she send them in advance of the meeting. Member Miller advised that she would not have them in advance. Chair Bandy said that she would bring her computer and that everyone could gather their comments then.

Member Miller left at 7:14 p.m.

Chair Bandy moved on to Item V.2.a and she asked Foreman Large for his update report.

2. Reforestation and Landscaping Projects

a. Mickler Boulevard

Foreman Large said that he hoped everyone had a chance to go by and see Mickler Boulevard. He advised that not much has been done lately because Public Works is still doing storm pickup and afterwards would be doing holiday lights. He said that he would wait to see if anything comes up and maybe pull some weeds. He advised that they have the signs and posts and would be able to mark them. He said that the current sign says what is going on and that it would be replaced with the new sign when the plantings start coming up. Vice Chair Krempasky asked if the current sign would be taken to Public Works to reuse. Foreman Large said yes.

Chair Bandy said that SEPAC supplemented the seeds with plants, that some of them do not look very good, and she suggested purchasing a few more plants for less than \$50. Member Edmonds asked if there was any impact from all the recent rain. Foreman Large said not from this storm but that there was a lot of water and weeds from the prior storm. Member Candler said that the area could use a couple more plants.

Motion: to authorize \$50 to purchase additional plants to improve Mickler Boulevard. **Moved by** Vice Chair Krempasky. **Seconded by** Member Thomson. Motion passed unanimously.

Chair Bandy advised that she and Foreman Large would get together to make the purchase. Member Candler asked if mulch would be needed to define the garden. Foreman Large advised that he did not think that mulch would be good in that area in case it gets more water and the mulch would go into the drains. Member Candler said what about pine straw. Foreman Large advised that the pine needles would smother the seeds and he suggested to wait until something comes up and then reevaluate what is needed. Chair Bandy advised that it may be a while before the seeds emerge.

Chair Bandy moved on to Item V.2.c

b. Parkette Planning/Green Infrastructure

Vice Chair Krempasky asked if she should give background information before any comments. Chair Bandy asked for clarification on how to handle audience questions. City Clerk Fitzgerald advised that normally the Commission would address any questions later.

Robin Streit, 114 D Street, St. Augustine Beach, FL, thanked SEPAC for the beautiful work they have done; has concerns because this green space is right next to her house, and it is not an eyesore to her; read the questions from her handout [Exhibit A].

Laurel Dean, 205 A Street, St. Augustine Beach, FL, is a co-founder of St. Augustine Beach Residents' Association (SABRA); three different times the Commission tried to put in a parking lot without consulting the property owners which is the very first thing that SEPAC needs to think about; three times they put something in at the cost of the taxpayers and three times they took something out; people were given one-day notice that the place where they walk their dogs and their kids play would be changed; SEPAC has not provided notice and the plazas are actually common elements and everyone in those areas has a vested interest; we live on 50x90 lots which were developed with the plazas as open space for the residents who do not have room in their yards; they play frisbee and soccer and

landscaping it would close that off; appreciates SEPAC for their good work; the root of this encounter is because SEPAC did not notify the property owners.

Vice Chair Krempasky advised that this is the second or third meeting that SEPAC has had with the residents but that the public was not directly invited each time. She advised that she made color copies of the plan and that the resident that has been in contact with SEPAC the most was kind enough to leave copies of the sketches for her neighbors. She advised that SEPAC is not making a decision tonight but that we have been talking with the residents.

Ms. Dean advised that that is not proper and to leave a notification for the property owners. City Clerk Fitzgerald advised that SEPAC did mail notification in the summer to all the property owners adjacent to the parkettes.

Ms. Streit said that she did not get a notification for this meeting, and it is right next to her house; if there is a decision to be made, that she would like to approve it at this meeting if possible.

Ms. Dean advised that there are 350 lots in Coquina Gables; that everyone owns a portion of those plazas as their common element whether they are adjacent or not; that if you did not notify everyone in Coquina Gables, then you have not properly notified the public.

Chair Bandy said that SEPAC is not saying that it is an eyesore. We are just trying to beautify the City, and in SEPAC's opinion this would beautify the City, but that we would not do something that people would not like. She advised that it is a lot of money that SEPAC would be putting into it and hopefully it would make the residents happy. She advised that the unlandscaped parkettes are more at risk of being used by the City for other things such as parking, which she assumed the residents would like even less than the landscaping. She asked the residents to keep that in mind because it is another reason why SEPAC is hoping to do a little work on each of the parkettes and that you can see some of the work that has been done on the Boulevard. She advised that nothing intrusive like walking paths or benches would be done, it would be pretty low impact, and when the Vice Chair shows you the design plan that you would be able to decide about it.

City Clerk Fitzgerald suggested that SEPAC give their presentation first, which might cover some of the questions.

Vice Chair Krempasky advised that she, Foreman Large, and the landscape architect went out to this parkette on the northeast corner of D Street and 2nd Avenue. She said that Foreman Large is very familiar with the parkettes and knows where the water pools on that lot. She said that this is designed to be in that pooled area to help absorb the water more quickly and it is a pretty way to do it. She showed a landscape design draft [Exhibit B-1] on the overhead. She advised that it has a Cabbage Palm with grasses and is pretty generic because each of the parkettes is different. She advised that SEPAC met in late October with a new landscape architect that came up with an adaptation, which is in the agenda book. She noted that Ms. Streit's orange trees would not be disturbed or incorporated into this design. She advised that the area would have two fifteen-foot-long fences from the corner going in each direction and that the rest of the landscaping would continue out on the east side for a total length of forty feet. The second landscape architect is not a fan of straight edges and wanted the flower beds to curve around and

that she also specified the types of plants in her plan that would work well for rain gardens.

Member Thomson advised that SEPAC has been discussing this for about two years and that it is not just a beautification project. He said that SEPAC is trying to introduce the sustainability aspect and green infrastructure. He said that the rains are getting heavier, the water is pooling more, and that particular parkette holds water. The Oak tree that was planted there can take on a lot of water and absorb it into the roots, so it functions as green infrastructure. He said that the area has a sustainability issue because of the runoff that pollutes and gets into the waterways and that SEPAC is trying to control the runoff by coming up with a strategy to use some of the fifty-two plazas in the City neighborhoods and not on the ones on the Boulevard. He advised that the concept plan would be easy to maintain, would help absorb excessive stormwater, and support a biosphere such as pollinator boxes, wildflower projects, etc. He said this is much larger than just a beautification project, it is a way of sustainability that SEPAC thinks is important to the City in the long run.

Vice Chair Krempasky advised that this is supposed to be an example for other residents to do things such as rain gardens. She said that the definition of a rain garden is a garden that collects rainwater, holds it for a limited time, and filters it before slowly releasing the water into the ground [Exhibit B-2]. It collects rainwater from impervious surfaces such as pavements, driveways, waterlogged yards, etc. allowing the water to slowly seep back into the ground to prevent runoff from leeching into the waterways which is the purpose of the project. She advised that the project would only take up a small portion of the parkette and that the rest would still be maintained by mowing.

An audience member asked about the Oak tree. Vice Chair Krempasky advised that the Oak tree is in the middle of the parkette. An audience member spoke away from the microphone and was inaudible for the minutes.

City Clerk Fitzgerald advised that there should not be comments from the audience.

Vice Chair Krempasky asked Foreman Large to point out where the Oak tree on the design. Foreman Large pointed out where the house on D Street and 2nd Avenue is located from the design standpoint and that the Oak tree is away from the project area, closer to the street corner. Vice Chair Krempasky advised that SEPAC would not be taking anything away except for some grass to prepare the soil.

Member Thomson suggested that a survey of the 50x100 foot plaza would be helpful because the fencing and plantings would only cover about twenty percent or less of the existing plaza. He advised that SEPAC has tried to work with the adjacent property owners for every plaza that has been developed and to listen to their concerns and suggestions. He advised that the final decision would be made by the Commission.

Vice Chair Krempasky advised that SEPAC received email comments from a D Street resident, Karen Mathis, thanking SEPAC for requesting resident input on the proposed D Street parkette, that she is in favor of using native plants to support the adsorption of water, and looks forward to the approval of the project [Exhibit B-3].

Chair Bandy said that the main point is that SEPAC would never take away green space and only wants to enhance it a little so that it is hopefully preserved forever.

Ms. Streit asked for someone to email her the answers to her questions which would make her more comfortable with SEPAC's decision. Vice Chair Krempasky asked if she would want her to come to her house. Ms. Streit agreed and said to contact her.

Kathy DeBeurs, 403 D Street, St. Augustine Beach, FL, lives at the corner of 4th Avenue and D Street; said that Foreman Large came and talked to them about their parkette; asked if the City would take care of the beautified parkettes; she pays to have it mowed now otherwise it would be a jungle.

Foreman Large advised that the City mows the parkettes but that they are not on a schedule so they may not look like a residential yard.

Vice Chair Krempasky advised that the plant selection and the configuration would not require a lot of maintenance which is one of the main reasons to create a rain garden as a demonstration, but that the parkette next to 403 D Street is higher. Ms. DeBeurs advised that after the storm, the standing water was gone the next day. Vice Chair Krempasky said that SEPAC is not going to do this at every parkette and that this is a project to deal with green infrastructure to stop standing water. Foreman Large advised that he spoke with Ms. DeBeurs when the first project was to do a fence and palm trees, to break up the public land from the private land, and not a rain garden. Chair Bandy advised that it could still be a possibility since some places are not appropriate for a rain garden since they do not have standing water. She said that the alternative design could be done if the neighbors approve.

Vice Chair Krempasky advised that SEPAC had two locations that the landscape architect, Native Plant Consulting, was going to look at, but that SEPAC decided to just do the one parkette for now. She said that the architect realizes that residential input is valuable to SEPAC and that this project would not go through without the resident's approval which would then be presented to the Commission for their final approval. She said that she would answer Ms. Streit's questions before SEPAC does anything.

Member Miller asked if SEPAC's agendas and minutes are posted to the City's website or only upon request. City Clerk Fitzgerald advised that they are posted on the website and meeting schedules are also displayed on the roadside board. Member Miller advised that she is very encouraged that residents are here in person but if anyone cannot make it, then SEPAC's past conversations on this topic are available.

Chair Bandy asked for any further Public Comments. Being none, she thanked the residents for coming and moved back to V.2.a, approval of the minutes.

Chair Bandy said that we covered green infrastructure with the residents today and that the Vice Chair would be talking with them more. Member Candler asked if the Vice Chair would be answering the list of questions from one of the residents. Vice Chair Krempasky said yes and that she would like to get some feedback from SEPAC as to whether they like this plan. She said that after we get resident buy in and Commission approval, then decide whether we want to sole source the project to Native Plant Consulting because of the labor issue or have Southern Horticulture weigh in as well. City Clerk Fitzgerald advised

that it would depend on the cost of the project, if it is over a certain amount then we have no choice but to get multiple quotes. Vice Chair Krempasky said that Mr. Adams said that SEPAC could write a letter stating that none of the other landscaping firms can take on this project. City Clerk Fitzgerald advised that you would need the justification letter and as much proof to back it up to defend it to the auditors.

Chair Bandy said that she could get a quote from Southern Horticulture and that the Vice Chair could get a quote from Native Plant Consulting. Vice Chair Krempasky said that she did not think it was proper to take their design to someone else. Chair Bandy said that we paid for it so that way they would get some money in case we do not go ahead with it. Member Thomson agreed that you could shop their plan if you paid them for the design and he said that they are our designer on this project. Vice Chair Krempasky said that they would be doing everything. Member Thomson said that when they put in their bid to do the work and then we get a bid from someone else that we do not have to take the low bidder. Vice Chair Krempasky advised that she was told that it is usually \$2,000 for a rain garden and SEPAC already has \$4,000. Chair Bandy said that she believed that the \$2,000 was for a really small rain garden and that she did not know if she went all out on the plan or if she did it knowing that we only have \$2,000 that we wanted to spend. Vice Chair Krempasky said that when she spoke with Laura from Native Plant Consulting, who is not the designer, that she initially said that they wanted to start with a smaller project like this. She said that rain gardens can be complicated and that this one is simple and takes advantage of a shallow depression. She said that she believes that SEPAC has the money to do the entire project including the palms.

Vice Chair Krempasky said that she needs feedback from SEPAC stating that this is our design now and that we can shop it wherever we want to. Member Thomson advised that he would like to make one correction to the plan and that it would be good to have the dimensions. He said that it is on scaled paper and there is a notation that specifies that one inch equals ten feet and then another notation specifies a fence section as being fifteen feet and it is really less than an inch so it would have been ten feet and it should extend all the way down and should be noted that it is fifteen feet and forty feet to clarify the area. Vice Chair Krempasky said that Dr. Kaczmarzky suggested not using Fakahatchee Grass because it gets large and shaggy looking and that he recommended Lovegrass which is a pretty purple grass. She asked if you are saying that this is our design now and that we could use it however we want.

Member Thomson asked if there was one Cabbage Palm or three. Vice Chair Krempasky said that it would look like a grove. Chair Bandy asked if each circle represented one plant. Member Candler said that they label them by designs so there are three Cabbage Palms. Member Thomson said that the plant list should include the quantity of each plant. Member Candler said that she believed that their point was just to label them. Member Thomson said there is only one Wax Myrtle, and it does not give the diameter of it or the height of the Cabbage Palm. Chair Bandy said that we would need to get their quote first and then shop it from that. Member Thomson said as long as everybody else does not know what the others are bidding. Chair Bandy said that we would only tell the other bidders how many of each of the plants, their sizes, and that it needs to include the plans and installation. Member Thomson suggested to go back to the designer and ask for the plant list to include the amount and size of each plant. Foreman Large advised that it

should also include the maintenance of it because Public Works would not be able to do a lot of it and he said that he agreed that it would be necessary to know the quantity and size of each plant. Chair Bandy advised that we would need to have that by the next meeting if possible and then we would be able to get other quotes. Chair Bandy asked the Vice Chair to ask the designer for that information. Vice Chair Krempasky agreed.

Chair Bandy asked if everyone was in agreement that SEPAC paid \$200, so we own this plan and we can now implement it however we like. Member Thomson said that he is curious why we did not put the tallest Cabbage Palms in the corner. Foreman Large said because there is an Oak tree there and its canopy would be too tall, so it was moved out away from the Oak tree. Member Thomson thanked Foreman Large and said that that clarified a lot. Vice Chair Krempasky said that it was really good that Foreman Large was there and that the designer spent several hours deciding what plants to use based on how much shade/sun was in the area. Chair Bandy asked if Foreman Large felt good with the design. Foreman Large said yes. Vice Chair Krempasky agreed as well and said that it is similar to what Mr. Dix designed except this designer is only suggesting three palms. She advised that the designer made her plant suggestions while she and Foreman Large were there and it is going to be very colorful. Foreman Large advised that the designer chose some of the plants because we already have them so they would not have to be purchased such as the Wax Myrtles, Cabbage Palms, and the Fakahatchee Grass.

Chair Bandy asked if the designer would be taking them from Public Works and planting them. Member Thomson advised that we have talked about having a yearly maintenance contract on some of these projects separate from the initial planting. He said because Public Works is supplying roughly a third of the plants, that it should bring the cost way down and would we be able to identify those plants to the other bidders. Member Edmonds asked if supplying those plants/trees would bring the project under the threshold of the requirements for having a bid. Foreman Large said that he doubted that it would bring it under \$1,000 because of the labor alone. Member Thomson asked if Public Works would supply the Wax Myrtle and the Fakahatchee Grass. Foreman Large said yes. Member Thomson said that the Fakahatchee Grass is the biggest plant in the Mickler Boulevard project and the Grass would not overwhelm the scale of the D Street project. He asked how large the Beautyberry is. Foreman Large advised that it could grow to around six-foot tall and that it would branch out and be taller than the Palmettos. Member Thomson said that he appreciated the time and effort of the Vice Chair and Foreman Large for going out to the site with the designer.

Chair Bandy advised that SEPAC has decided that the Vice Chair would ask the designer for the quantity and size of each plant and find out what tasks they would be doing for the project. She said that SEPAC could have that information for the December meeting and then get their quote along with the other required quotes.

Member Thomson said that it was a positive meeting and that if we can get those questions answered that there would not be a lot of resistance.

Vice Chair Krempasky said that it is hard to say that the reason we are trying to separate this is to have a defined line between the resident and the public green space because that neighbor has had the advantage of seeing that green space all these years, but SEPAC wants to use that property for ecological purposes and that it would not disturb her

orange trees. Member Candler asked if the orange trees were on her property. Foreman Large advised that they are close. He said that a lot of the people that he has talked to in the area like the green space for kids to play and that this project would not be large enough to affect that. Vice Chair Krempasky agreed and said that the rest of the parkette would still be open space and that the fifteen-foot area would provide definition to the resident that lives on the other side. Foreman Large advised that if Chair Bandy meets with the neighbor that we could stake it out to give them a visual idea of exactly how big it would be. Vice Chair Krempasky asked Foreman Large to let her know when he has a chance to do it. Member Thomson said that a survey would need to be done if there is going to be a fence and would probably cost around \$500. Foreman Large agreed.

Member Thomson advised that there is an unvacated alleyway to the north of the parkette, it is his understanding that the City owns that property, and he asked if SEPAC could get a legal response if the parkette includes that alleyway, and if this plan could be put into the alleyway. He said that it could help reduce the effect on that individual neighbor's orange trees. Vice Chair Krempasky advised that her orange trees are on the forty-foot side of the project. Member Thomson said that if the plan just moved to the north that the Cabbage Palms would not shade the orange trees as much. City Clerk Fitzgerald advised that it may depend on what you would want to put in the easement, that even after an alley is vacated it is generally with the instructions that no permanent structures or long-standing plants are allowed because it is still an easement for potential utility access. Member Thomson asked to fact-check that information because you are saying that the City cannot put landscaping in an unclosed alleyway. City Clerk Fitzgerald said that it would depend on what type of landscaping, a tree would not be recommended but a bush would be easy to remove. Member Thomson asked where she got that information from. City Clerk Fitzgerald advised from the alley vacations that the Commission has done and the instructions that are given to the residents afterwards. Member Thomson asked if there is a document every time they vacate an alley. City Clerk Fitzgerald said yes. Foreman Large said that no permanent structures are allowed in vacated alleys. City Clerk Fitzgerald advised that she would consider a tree to be permanent. Member Thomson said that a structure is something that is built. City Clerk Fitzgerald advised that the point is that if the City and/or a utility company needed to access the alleyway, that they would need to remove anything that is in the way. Member Thomson said that he understands that for a utility easement but as a Tree Board we would love to see trees put in the alleyways and that our concern is that when the alley is vacated that they cut down all the trees and put in grass.

Vice Chair Krempasky asked Foreman Large if he would let her know when he has time to revisit the site to determine where the north end would be. Foreman Large advised that he would check with his supervisors. Member Thomson said that he is asking a specific procedural question regarding a City owned right-of-way and if this plan could be moved to the north. Vice Chair Krempasky said that it would be under a huge Oak tree. City Clerk Fitzgerald advised that the same conditions would apply now and after it is vacated because it is still an easement for utility access and they have the right to remove anything in their way, including a tree. It would be at more risk of being removed in that alleyway as opposed to in the parkette. Chair Bandy said that after it is staked out it could be compared to the plan to determine which plants would encroach into the alleyway if it were moved to the north. Member Thomson said that if you look at this plan and put a

fifteen-foot space in there, which is pretty wide, that it would be better to establish now whether the green space includes the alley.

Someone from the audience asked if Public Comment would be allowed on this topic. City Clerk Fitzgerald advised yes, after SEPAC is through with their discussion and calls for Public Comments.

Member Thomson requested that the City Manager verify if the green space associated with this parkette included the alleyway to the north. City Clerk Fitzgerald asked if he was requesting it for the part that would be vacated or for the entire alley. Member Thomson said fifteen-foot of green space associated with this parkette. City Clerk Fitzgerald advised that she could ask the City Manager, but to be aware that if that alley is vacated, that the northern half would go to the northern property owners.

Chair Bandy advised that the City Clerk would handle the City Manager verification request and let SEPAC know at the next meeting and that the Vice Chair and Foreman Large would go stake it out and determine whether we include the alleyway and what plants would be there. Member Thomson asked for the verification to be in a memo from the City Manager.

Chair Bandy opened Public Comments.

Maureen Long, 1821 Castile Street, St. Augustine, FL, suggested that the City's website should specify that SEPAC is an advisory board and does not make decisions which could alleviate some residents' concerns; that this is resiliency for their property; they may be confused and think that a rain garden means that the water would sit there; the residents were upset and believe that they should have been notified because it has something to do with their property; from her work on a County review board, the neighbors are not always told unless it is specific to their address; maybe the Commission can make a statement for the record; appreciated what SEPAC is doing and enjoyed the recent film series at the library.

Vice Chair Krempasky advised that Chair Bandy did an excellent job for the last film series pulling together a wonderful panel and presentation.

Chair Bandy moved on to Item V.2.c.

c. Urban Forestry and Planning Projects

Foreman Large advised that he does not have an update at this time. Member Thomson asked how many trees we are trying to plant for the year. Foreman Large advised whatever number of trees SEPAC purchases for the projects and that there are also some leftovers. He said that he has to replace an Oak tree on Mickler Boulevard and one on 13th Street, that he has one Holly, two Simpson Stoppers, and a bunch of trees from Lowe's leftover. He suggested for SEPAC not to purchase any more trees for FY 2023 and that he would use the leftover trees.

Member Thomson requested that Foreman Large come back with a presentation of the number of trees that are in the Public Works nursery and a plan for where Public Works proposes to plant them. He advised that SEPAC has given direction in the past and we could designate specific streets so that the plantings are not spread out, which would help

with watering. He said that the initiative should come from Public Works as part of the tree program that they help restore the tree canopy. Foreman Large advised that he would not be able to do a presentation anytime soon. Member Thomson asked if he would be able to just provide a paper with the information requested. Foreman Large advised that he would do his best, but that Public Works is currently spending all its work hours picking up storm debris and afterwards would be spending its hours putting up Christmas lights before the Nights of Lights and Surf Illumination events.

Member Thomson asked what Russell Adams' title is. City Clerk Fitzgerald advised that he is a Project Manager to primarily manage grants and projects. Member Thomson said that this is a project. Chair Bandy asked if this could wait until early next year and advised that Foreman Large provided SEPAC with a list of the trees in the nursery at a prior meeting. Member Thomson asked why it was on the agenda. He said that we should discuss what we are doing and to make a decision on it. Chair Bandy advised that we are not doing anything right now. Member Thomson said that SEPAC is charged with doing something. Chair Bandy advised that SEPAC is not doing the Environmentally Friendly Landscaping Recognition topic right now either, but it is still a project.

Vice Chair Krempasky said that she appreciated that SEPAC has some trees that could be planted when Public Works has the manpower to do it and she suggested to give Foreman Large the time that he needs to do a presentation. Member Thomson asked what about Director Tredik or someone else giving the presentation. Vice Chair Krempasky advised that they are all busy. Foreman Large asked SEPAC to provide suggestions for where to plant some of the trees. Member Candler said that Foreman Large has asked that of SEPAC several times. Foreman Large advised that he would definitely look at the areas when he has time. Member Thomson said that twice he had designated 2nd Avenue for plantings, and nothing has been done. He said that if it comes from SEPAC, it does not go anywhere and he suggested that Public Works should do it and then give the information to SEPAC. He said that SEPAC is an advisory committee and advised the Commission that we want to plant trees to restore the urban canopy. Foreman Large said that you also advised us to put plants on 2nd Avenue and that he would take those suggestions and see what can or cannot be done. He said that Public Works likes having SEPAC's input and he asked to continue to provide it even if the planting cannot be done in that area because of pipes or drainage. Member Thomson said that if Foreman Large picks the space then he would know in advance if it would work. Foreman Large advised that it is a time restraint and that they try to do their best.

Vice Chair Krempasky said that when Mr. Adams attended the meeting he provided the nursery information, said that trees would be planted near 13th Street after the storm debris is cleared. She said that we have had another storm since then and that it is unrealistic to pressure Foreman Large to do this. She said that SEPAC needs to come up with a plan for the rest of the year for the \$1,850 that SEPAC has left.

Member Thomson said that he is just trying to follow these minutes every month. He said so there is a plan that Mr. Adams indicated for trees to be planted on 15th Street. Foreman Large advised that the residents would like a tree planted near 121 15th Street, he also has to replace a tree on Mickler Boulevard, and that those are the two trees that Mr. Adams was talking about. Vice Chair Krempasky asked if they were Live Oaks. Foreman Large said yes. He advised that he talked with other residents on Mickler Boulevard and

that some would like trees, but the tree canopy on their yard is already full and there is no use putting a tree under a tree. He said that he would like to put more trees in, but it would depend on having the workforce to do it. Member Thomson said that not having time and workforce has always been an issue and he suggested to hire someone to plant the trees that we already have. Chair Bandy advised that some of the landscapers do not have enough employees to do the projects either. Member Thomson said that you would need to plan ahead for planting the trees in the winter. He said that we need to organized, have a budget, have a schedule, and review the progress every month. Chair Bandy said that SEPAC has been pretty good about having budgets and schedules, etc. and that she understands the concerns about the tree canopy and they are working on it.

Chair Bandy moved on to Item 3.a.

3. Educational Programs

a. Environmentally Friendly Landscaping Recognition

Chair Bandy advised that we do not have any applicants for this program and that maybe we could revisit Member Thomson's idea to find some yards that look like they qualify and talk to those residents. Member Candler said that if we identify some yards and get some of the signs up, that it might generate more interest. Chair Bandy suggested that each member could possibly identify a few yards to bring back to the next meeting. Member Thomson said to take a picture of the yard and submit it with the address to the City Clerk to forward to the members. Member Edmonds said that taking pictures may raise some privacy issues and he suggested to circulate the criteria. City Clerk Fitzgerald advised that the criteria is on the City's website. Member Edmonds said that he would use the criteria as he looks at yards to know what he is looking for. Member Thomson asked if there is a hard copy of the application because he would like to have it with him as he goes around. Member Edmonds said that it is a good idea to identify those properties and to have a discussion. Chair Bandy suggested not to approach anyone until we decide what we are going to do and how many are in town, etc. Member Thomson said that if we identify the address that anyone could go on Google Earth and see it.

Chair Bandy moved on to Item 3.b.

b. Environmental Speaker and Film Series

Chair Bandy advised that the last series had pretty poor attendance. She said that it had a panel of four speakers that were excellent and that one even drove from Gainesville. She said that the people in attendance seemed to enjoy it and had a lot of questions. Vice Chair Krempasky advised that we changed the time to 6:00 p.m. Chair Bandy advised that we changed the time from 5:00 p.m. to 6:00 p.m. for people that work until 5:00 p.m. and may want to attend. Vice Chair Krempasky suggested to have the January event at 5:30 p.m.

Chair Bandy said that the dates next year are January 26th, March 23rd, August 24th, and October 26th. She said that having the dates ahead of time provides time to get good ideas for the topics, films, and speaker and that it may be easier to come out with a full list for the year rather than struggle each time coming up with a new topic. She said that she

believed she gave a film list out at a previous meeting. Member Candler asked what day of week they fall on. Vice Chair Krempasky advised that they are on Thursdays.

Chair Bandy said that aside from the attendance, it was a great program, and the library is excited about it and would like to continue.

Chair Bandy moved on to Item 3.c.

c. Newsletter Topics

Chair Bandy said that she did not know if anyone noticed, but last month SEPAC included just one Newsletter article which was Alistair's picture and a summary of what he did. She said that she did not think that having multiple articles with links, etc. was very effective for the amount of work that goes into it. She said that if anyone has a specific topic that they would like covered next month, that it would be the only article submitted for the main page of the Newsletter. Member Candler said that it was simpler and that she liked that idea. Chair Bandy advised that she would need to submit it by November 20th for the December Newsletter. She suggested not covering Mickler Boulevard again but to possibly cover the Landscaping Recognition again.

Chair Bandy moved on to Item VI.

VI. OTHER COMMITTEE MATTERS

Member Thomson said that at the last meeting we brought up Milkweed and he asked what the resolution was on it. Chair Bandy advised that there was no resolution. She said that she emailed Director Tredik and asked if we could come to a compromise because SEPAC wants to plant Milkweed and he does not like the idea so she asked if it could be added to the November Commission agenda and that she did not hear back until it was too late. She said that the City Manager asked if it could be on the December Commission agenda, and she is not sure that she would be available for that meeting. She said that she wanted to create a PowerPoint presentation and talk about Milkweed as well as the Mayor's Monarch Pledge. She suggested doing it in January since there is no urgency.

Member Thomson asked if SEPAC could make a recommendation to the Commission as an advisory committee and then document it in a letter. Chair Bandy advised that she already sent a summary to the Commission regarding what SEPAC wants to do and the obstacle that we are facing, so they know that the issue exists, and that SEPAC would be coming to them for advice. Member Thomson said that SEPAC really needs a representation/communication person that could talk to the Commission for us and that it would probably need to be the City Manager. Chair Bandy said that she communicated SEPAC's thoughts to them and she asked what else we need to do. Member Thomson said that attending the meetings could be a hardship and he suggested that we discuss it thoroughly as a group and determine if there is a Land Development Regulation that states that Milkweed is a poisonous plant that should not be used in the City. He said that otherwise, Mr. Tredik's objection seems arbitrary. He said that SEPAC could recommend to the Commission through the City Manager that not only are we allowed to use Milkweed but that we consider it as part of Monarch protection. Chair Bandy asked if Member Thomson is saying that he does not want SEPAC to appear in front of the Commission to plead our case. Member Thomson said that it should be a recommendation coming from SEPAC. He read from something and stated that, "in order to accomplish the goals and policies of sustainability in the

Comprehensive Plan, recommendations to the City Commission via the City Manager's office must make specific recommendations and these recommendations should be presented to the Commission via the monthly reports prepared by the City Manager's office". He said that in the back of the Commission agenda books is a report from every department on a monthly basis. He said that he believed that the City Manager would be the official that would make SEPAC's recommendations to the Commission which should be part of the public record in those reports. He said that we need a procedure if we think this is an important program. We make this recommendation, and the Commission should decide if it is in the City's best interest, not the Public Works Director. Chair Bandy advised that she sent the notice to the Commission and was going to talk to them about it. She said that she does not understand Member Thomson's comments and asked if he does not want SEPAC to talk directly to the Commission. Member Thomson said that he did not think that SEPAC should talk directly to them. Chair Bandy said that SEPAC is making recommendations to the Commission and that is our goal. Member Thomson said that SEPAC does not have an official presenting it and that the Commission would ask the City Manager for his input. He said that his job as City Manager is to at least present our recommendations to the Commission. Chair Bandy asked when and where he was going to do that. Member Thomson said that he does it every month with a program of action required, etc. Vice Chair Krempasky said that if the City Manager puts it on the agenda, it is because he wants the Commission to hear it. She said that she has talked to at least one Commissioner that wants to hear about it. Member Thomson said that they need to hear about it, and it needs to be through an official channel. Vice Chair Krempasky said that should be the Chair of this Committee. Member Thomson said that it does not carry the same weight as having the City Manager review it and put it on the agenda.

City Clerk Fitzgerald advised that anything that SEPAC would like to be a topic on the agenda could be requested of the City Manager. She said that SEPAC would need to have a memo written by a representative, usually the Chair, on behalf of SEPAC stating its position along with any background information and the City Manager could add it to the agenda books for the Commission. Chair Bandy advised that SEPAC has done that before, but that Member Thomson is saying that we would have to go to all the meetings. Member Thomson said yes if you want to sit around possibly until the end of the meeting. Chair Bandy said that she agreed that it was not the most fun thing to do but it is SEPAC's job. Member Thomson said no it is not, it is to advise. Chair Bandy said that she feels that SEPAC needs to be in front of them if we are going to advise them rather than have the City Manager do it. Vice Chair Krempasky agreed. Member Thomson said that this is as bad the bee boxes, and that he is looking for an official way to get an answer. Chair Bandy said that we had an official way on the pollinator boxes and the original answer was no. Member Thomson said all we needed to do was write a letter saying that we disagree. Chair Bandy advised that the City Manager was aware of the situation and that he did not proactively come out. Vice Chair Krempasky said that we were advised to take it to Planning and Zoning which is what we did and eventually we prevailed.

Chair Bandy said that it is silly that we have to put so much effort into some of these things that seem like common sense. Member Thomson said that we need an official representative and that he believes that it should be the City Manager. Member Edmonds said that the larger question would be how SEPAC operates with the Commission. He said that if we are seen as an actual advisory committee, then surely advice would be sought, but if we are giving advice that has not been sought, then there is a deficiency in that relationship. He said that we would need to review what SEPAC's mandate is and what the Commission expects from us. Chair Bandy said that they

rarely ask for SEPAC's advice but that they did for the recycling. Member Edmonds asked how much they value the input from the committees. Chair Bandy said that she believes that the Commission values SEPAC's input because SEPAC presents things that often get approved.

Vice Chair Krempasky said that the Commission asked SEPAC to participate in the Vision Plan and that we would be invited back to review the next draft. She said that the Commission is seeking advice from SEPAC and that she believes that Member Thomson thinks that we should be advising the Commission on anything that we think they need to be aware of. She said that we serve at their will and when they ask us for advice, that we are compelled to give it.

Member Candler said that if SEPAC goes before the Commission regarding Milkweed that our presentation should be that we would like to apply to be a Monarch City. Chair Bandy said that we want to join the Mayor's Monarch Pledge and present the details and say that the City of St. Augustine is a part of it. She said that she spoke to someone from the City of St. Augustine and that they have not had any negative reactions and in fact the residents are asking how to get Milkweed. Member Candler asked if we are ready to argue Director Tredik's point about Milkweed being poisonous. Chair Bandy advised that she has recommendations from experts such as scientific evidence from the University of Florida. She said that we would include signage warning people not to eat the plants and also recommend that the Milkweed be planted in the back. She said that cities across the country are planting Milkweed with no bad reactions.

Member Thomson said that we had a couple pages of minutes on this topic last month and now a couple pages tonight. He said that the action item is that you are intending to address the Commission possibly in January. Chair Bandy said yes because she is not sure that she could commit to the December meeting.

Member Thomson asked what the outcome was from the presentation regarding a Stormwater Utility Fee at the last Commission meeting. City Clerk Fitzgerald advised that the Commission approved the resolution advising the Tax Collector that the City is considering the fee which is the first step in a long process, but that it is not obligatory in any way and could be cancelled or changed any time before next September. She advised that the details would still need to be ironed out.

Member Thomson requested that the Stormwater Utility Fee be added to SEPAC's agenda as New Business for discussion and possible recommendation. He also would like a status report on the Stormwater Master Plan that is being developed along with a draft copy of it. He said that SEPAC should have been fully involved with the Vulnerability Study and we were not. He said that it is important to put it on our agenda because green infrastructure is in our Comprehensive Plan to develop the Master Plan and to use green infrastructure and new technology. He said that if we are going to get involved in this, that we would need to not only talk about rain gardens, but also talk about how to improve the sustainability issue and storm drainage. He read from something that said that "The City of St. Augustine has established a progressive Stormwater Utility Fee which should be used as a model for St. Augustine Beach. It encourages the conservation of rainwater and reduction of stormwater runoff. Currently the City of St. Augustine Beach is not permitting site drainage plans and enforcing impervious surface Land Development Regulations. Code Enforcement is being hampered by the lack of permitting and assessment of the illegal site development and increase of the residential and commercial impervious surface area, the ISR enforcement." Chair Bandy advised that she was in a Commission meeting where someone said that pervious pavers were illegal. Member Thomson said that SEPAC spent two years talking to

the Building Department about what impervious pavers are. He said that essentially it was that if you were developing a piece of property that your impervious ratio could not exceed seventy percent or fifty percent for residential. He said they were using what is called an "alternative impervious paving system" and you could do the entire property with it. He said that they are using what is referred to as "permeable pavers" and saying that they were porous and they are not, they have less than ten percent. He advised that now those terms are in the Code along with the building height and are revised and more specific. He said that we need to be careful and that we want pervious areas which should be at least as good as grass at absorbing water.

Chair Bandy asked what is the action item that he is asking to be done. Member Thomson said that in the Vision Plan outline there was something about "permeable", and that you need to be careful that the terms are correct. Chair Bandy asked Member Thomson to review it and mark it up for the next meeting. Member Thomson agreed. He said that we have discussed these issues for three or four year now and that we need to set goals and policy of this advisory committee and present our issues to the Commission as recommendations. Chair Bandy said that SEPAC is not just sitting here waiting to see what the Commission wants from us. If we know that there is a hot topic or something that we see going on in the City that we think is not correct for the environment, to take it upon ourselves and make recommendations. Member Thomson said that Chair Bandy brought up a hot topic regarding the development of the Ocean Hammock and Hammock Dunes Parks and that the group, Fish Island Community Alliance, who received the Anastasia Island Environmental Stewardship Award (AIESA) this year advised specifically to maintain a passive park. He suggested enlisting them as supporting a passive park in that area. He also suggested that the Chair should write them a letter asking for their support. Chair Bandy asked if we should include Fish Island Community Alliance's picture and recognition in the Newsletter. SEPAC agreed to include it in the Newsletter. Chair Bandy asked the City Clerk to forward some pictures to her.

Vice Chair Krempasky advised that she did not think that SEPAC should get involved with the Stormwater Utility Fee at this point. She said that basically we are trying to support Director Tredik in asking the Commission to take the first step and that she believes that he and the Commission both know that SEPAC would support this action. She said that our suggestions may muddy whatever Director Tredik is working on but that she would not mind getting an update on the progress. Member Thomson said that we would only support it with conditions. He said that right now most of properties that are in the City's developable areas are over the allowable, so why would you charge people for stormwater issues that have been caused by something else. He agreed that you should be charged, but it should represent the conservation issues that we are trying to do. Vice Chair Krempasky agreed but said that she thinks Director Tredik is fighting an uphill battle trying to get a basic broad fee put on the taxes. City Clerk Fitzgerald said that Director Tredik proposed at the last Commission meeting that he would like to do a Request for Qualifications (RFQ) to get a specialized person to do a proposal with multiple options, to look at the 170 Florida cities that have Stormwater Utility Fees, to mix and match what they are doing and come up with something that would work for the City, then take it to the Commission as a starting point. She said that maybe after that is complete, then SEPAC could start looking at it. Vice Chair Krempasky advised that several months ago Director Tredik asked for this, and he was told that he could not have a consultant for this project, so he is making progress. She said that she liked the City Clerk's suggestion to wait and look at the RFQs. Member Thomson said that we are on a barrier island, so instead of 170 inland cities, he would like someone to look at a barrier island. City Clerk Fitzgerald said that Director Tredik provided some similar locations during his

presentation at the meeting. Member Thomson asked if St. Augustine was one of them. City Clerk Fitzgerald said yes and that she believed that it also included other nearby coastal cities, which gives several examples for them to pull from.

Chair Bandy advised that she would include this discussion in her notes to the Commission indicating where SEPAC stands at this point, that in general SEPAC would probably be behind a Stormwater Utility Fee, and that we look forward to any updates. Member Thomson said that it is the same thing as trash and recycling. Chair Bandy said that we can add that to our thoughts on the Vision Plan too. Member Thomson said that the idea is to encourage conservation and not to have everyone pay for more pipes for stormwater and to give credits for rain gardens, rain barrels, and whatever else we can.

Member Thomson suggested that trash collection should have either a small or large trash can and that the residents would pay a monthly collection rate that would be a higher rate for a larger can. Vice Chair Krempasky advised that the City cannot afford it. City Clerk Fitzgerald advised that the City tried it for commercial customers, which failed, and we are now putting forth a proposal to do away with it and she did not think that there would be support for it. Member Thomson said that the question is whether we are encouraging conservation or not and to show the cost difference to the Commission and ask if it is worth it. City Clerk Fitzgerald said that it sounds good on paper, which is what the City thought when it implemented it for commercial, but in reality those customers came in monthly to nickel and dime every charge such as asking for a reduced rate because they did not fill up their large trash can. Member Thomson said that the City Clerk is talking about administrative issues, and he is talking about sustainability/conservation issues. City Clerk Fitzgerald said that one issue impacts the other and that administration will always be a concern, that she personally agreed with Member Thomson, but logistically the City does not have the staff to manage that kind of rate structure for the entire City. She said that he would need to come up with a detailed proposal of how to do this with a two-person staff. Member Thomson said that he is not trying to reinvent the wheel, this is happening all over the place, and that he was just saying that conservation is key. Chair Bandy said that each Member could do anything they want to the Vision Plan and SEPAC would talk about it at the December 13th meeting.

Chair Bandy moved on to Item VII.

VII. ADJOURNMENT

Motion: to Adjourn. **Moved by** Member Candler. **Seconded by** Vice Chair Krempasky. Motion passes unanimously.

Chair Bandy adjourned the meeting at 8:24 p.m.

Lana Bandy, Chair

ATTEST

Dariana Fitzgerald, City Clerk

Dariana Fitzgerald

From: craig thomson <craigthomsonaa@mac.com>
Sent: Wednesday, November 23, 2022 2:42 PM
To: Dariana Fitzgerald
Cc: Craig Thomson
Subject: SEPAC Environmental landscaping, recognition, residential properties in Sea Colony

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.

Dariana

Attached is a list of properties that I viewed in C colony which I believe qualify for recognition. Please forward this info to other SEPAC members.

Environmental landscaping sites in

Sea colony...

896 Ocean Palm Way

916 Ocean Palm Way

923 Ocean Palm way

893 Ocean Palm Way

835 Ocean Palm Way and adjacent lot
Photo



Sent from my iPhone



MINUTES

SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING

TUESDAY, DECEMBER 13, 2022, AT 6:00 P.M.

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

I. CALL TO ORDER

Chair Bandy called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

III. ROLL CALL

Present: Chair Lana Bandy, and Members Craig Thomson, Karen Candler, and Edward Edmonds.

Vice Chair Sandra Krempasky and Member Nicole Miller were absent.

Also present: City Clerk Dariana Fitzgerald and Public Works Director Bill Tredik.

IV. APPROVAL OF MINUTES OF NOVEMBER 17, 2022, REGULAR MEETING

Motion: to approve the minutes of November 17, 2022, with the changes discussed. **Moved by:** Member Thomson. **Seconded by:** Member Edmonds. Motion passed unanimously.

Chair Bandy moved on to Item V.1 and she noted that there are some residents in attendance.

V. PRESENTATION OF REPORTS:

1. Vision Plan Discussion

Chair Bandy advised that they have the version of the Vision Plan that they discussed last month [Exhibit A] along with Member Thomson's suggestions that were sent to the City Clerk [Exhibit B] and hopefully everyone received those. She stated that she had draft on her laptop and that she could make the edits as they go. She advised that they would work from the draft, go through it, and submit it to the Commission later this week.

Chair Bandy advised that the first suggestion was to rename Section E by removing the word "Resiliency" from the title and to remove the first sentence along with any other wording related to resiliency in the first paragraph. She asked for any other suggested changes. Member Thomson said that it sounded okay.

Chair Bandy moved on to the seven bullet points of Section E. She said that Section E.1 is to maintain/restore the City's urban tree canopy and that Member Thomson would like to add several items as listed in his draft such as to initiate an Adopt-a Tree program for residents, to establish an urban tree farm at Public Works, and to designate urban tree streets. She said

that SEPAC briefly discussed the urban tree farm last month, and she asked how it would be different from the current nursery. Member Thomson advised that it would be maintained as a source for plantings and that it may need to be improved such as having a timer installed, etc. similar to how they water in a nursery, which may cost \$500. Public Works Director Tredik advised that they have a nursery now and a tree farm might be pushing it because of the limited space. Member Thomson suggested calling it an "urban tree nursery". Director Tredik advised that the plants are just stored there until they can be planted. Member Thomson advised that it is not just storing them, it is acclimating them and that we have planted 750 palms in the City and found that this is the best system. Director Tredik advised that Public Works would continue to do so. Chair Bandy suggested to say "continue to maintain and enhance the nursery" because if you enhance it you are making it better. Member Thomson said that that was fine with him. City Clerk Fitzgerald advised that some of the comments from the Commission were that they wanted to avoid being too specific about projects, etc. because things change over time and that it should be a general vision.

Chair Bandy moved on to Member Thomson's next suggestion, to designate urban tree streets and to plant ten trees per year. Member Thomson said that it is a project that has a cost associated with it, but that it is part of what we are trying to do each year. Chair Bandy pointed out that there is already a bullet point to "continue to plant trees, especially in those places outlined in our Urban Forest Management Plan". She said that it should not specify planting ten trees a year. Member Thomson said that we want to plant trees but that the procedure has gotten to where SEPAC is supposed to make the recommendations and there is no general program. He said that the Avenue of Palms was a project that was approved by the City, and we planted 750 palm trees. He said that the north/south streets like 2nd Avenue and Mickler Boulevard have a large right-of-way and to take that concept and move into the center of the City. He said that it is definitely a project and that it could be left out of the Vision Plan and use Chair Bandy's statement, but if it is a vision of the City's, then it would be nice to get it in there. Chair Bandy suggested to either leave it out knowing that it is a project that SEPAC would recommend in the future, or to make a sub-heading to "continue to plant trees and to consider projects such as...". Member Thomson said that that would be fine and to say that it would be similar to the Avenue of Palms. Chair Bandy made the change to read "to consider projects such as an urban tree street project similar to the Avenue of Palms."

Member Thomson advised that he spent a lot of time on his Item D trying to incorporate more information [Exhibit B-1]. Chair Bandy asked if this was a separate thing from the Urban Forest Management Plan (UFMP). Member Candler said that she thinks it replaces the last four bullets in Section E.1 which are more specific, and Member Thomson's is more general. Member Thomson said that they could all be grouped together because they are all recommendations within the UFMP. Chair Bandy asked if we should make the fines, etc. a sub-head of tree protection. She asked if the new, stricter regulations regarding tree removal should be under Member Thomson's Land Development Regulations (LDRs) heading or leave them separate. Member Thomson suggested to put it under the LDRs because that is where they would be posted. Chair Bandy said that we have seven items and some sub-bullet points. She said that she may revise it and move some things into sub-bullet points before she sends it to the Commission such as the Adopt-a-Tree program, educating the public, and encouraging residents to plant which are the same thing.

Chair Bandy moved on to Section E.2, which Member Thomson changed the heading to read "Reduce Stormwater Runoff And Downstream Water Pollution". Member Candler asked what the difference is between "reduce" and "control". Member Thomson said that controlling it could be putting in a pipe to drain to the intercoastal which is what we are doing now, and to reduce could be using a rain barrel, etc. Chair Bandy advised that she would change the heading to Member Thomson's suggestion. She read Member Thomson's item 2.a to adopt a right-of-way ordinance which requires roadside swales, etc. Member Thomson said that he knows that it is ambitious. Director Tredik advised that it is not realistic because we have curb and gutter streets in a lot of places and cannot do swale systems when there is a central stormwater system, such as the one at The Ridge. Member Thomson suggested to change it to say, "where feasible". Director Tredik agreed and advised that it would not always be possible to treat the first half inch of runoff due to space restrictions. Member Thomson said that we are talking about rain gardens and are trying to encourage residents to use them to reduce their runoff. Director Tredik recommended not specifying the amount of runoff but to try to maximize the amount of retention that can be achieved because in some cases it may be more than a half an inch. Member Thomson suggested to say, "and/or maximize, and where feasible". Director Tredik advised that it would leave more flexibility and that the goal is to try to hold some of that water back.

Chair Bandy read Member Thomson's item 2.b and said that it is very specific. She said that the original Item 2 talks about creating rain gardens and other green infrastructure projects in City green spaces and asked if it would cover it. Member Thomson advised that what SEPAC is doing on Mickler Boulevard is basically a dry retention area with the wildflowers and that there are other areas like that where there could be a rain garden/dry retention area. Chair Bandy advised that she would change the original Item 2, second bullet, to read, "Create rain gardens, dry retention areas, and other green infrastructure projects to City spaces".

Chair Bandy moved on and read Member Thomson's next two suggestions under Item 2.b pertaining to encouraging the retention of the first half inch of stormwater runoff for commercial and residential properties. Member Thomson said that they could be combined to reduce the wording but that it is to encourage people to reduce their runoff. Chair Bandy suggested adding a sub-bullet under "Educate the public about illicit discharge..." and say "encourage residents and businesses to retain the first half inch of runoff... as described from Member Thomson's handout, Section 2.b [Exhibit B-2]. Member Thomson advised that it is trying to get the residents and businesses on board to conserve their runoff and suggesting ways to do it. Member Candler said that referencing the "first half inch of runoff" is too specific. Chair Bandy advised that she would say "to encourage businesses and residents to use rain gardens and rain barrels" because there could be a lot of sub-head bullet points to it. Member Edmond said that it is easier to incentivize commercial properties to do it. Member Candler said commercial as well as residents.

Chair Bandy moved on to the next bullet point under Item E.2, "Require the use of pervious pavers where possible". Member Thomson suggested that it should say to "encourage the use" and "permeable pavers". Member Candler suggested to specify who we are encouraging to use permeable pavers. Member Edmonds agreed that it should be more specific, such as for new construction. Member Thomson suggested a credit for using permeable pavers.

Chair Bandy moved on to Item E.3, "Reduce the City's fossil fuel usage", and she asked for feedback whether to change the heading to Member Thomson's suggestion, "Adopt climate

change initiatives to reduce the use of fossil fuels". She said that the goal is to reduce fossil fuel usage and that the initiatives are the bullet points under that heading. Member Candler said that the fossil fuel reduction is part of the "Climate Change Action Plan". Member Thomson suggested to adopt a climate change plan with initiatives to reduce the use of fossil fuels and to strike Items 3 and 4 and combine them together. Chair Bandy said that she would revise Items 3 and 4 to read, "Develop a Climate Change Action Plan to help reduce the City's...". Member Thomson said "with initiatives to reduce the use of fossil fuels" and to list the initiatives that are currently bulleted in Item 3 from Exhibit A-1. Director Tredik recommended not to use a number target right now because it may be possible to reduce the per-capita fossil fuel but not our overall consumption in the short-term. Chair Bandy advised that the current version does not have numbers and is more generic, but that Member Thomson's recommendations do have numbers.

Member Thomson said that he would like to move on to his Item 3.c [Exhibit B-2]. He said that there was a remark that we could not afford to invest in electric vehicles or equipment of any kind, but he asked if investing a little each year by the year 2030 would be too aggressive. Director Tredik advised that there are certain things that we could almost certainly transition to electric by 2030, but that there is equipment that would be more challenging. Member Thomson moved on to his item 3.d and said that Public Works has some specialty vehicles and that he understands that they are not going to go away. Director Tredik advised that as equipment and vehicles are retiring that he would certainly explore electric alternative options. Member Thomson said that there are three SUVs and four 4x4 trucks in the City's parking lot. Director Tredik advised that he could not speak to those vehicles.

Chair Bandy advised that the current bullet point states, "Purchase electric/hybrid vehicles for the City" and that she could add "when replacements are needed". She said she knows that it is not as specific as Member Thomson's, but would we be okay with that. Member Thomson said that this is the most critical thing that the City could be doing. Member Candler said that having a goal is not a bad thing. Director Tredik suggested to set a target number of possibly 25% reduction by the year 2030, 50% by 2040, etc. Member Thomson said that we want to do as much as the Federal and State are doing and if we do not try locally, then we are going to fail globally and nationally. Chair Bandy suggested not specifying the exact goal, but to just say something about "setting reasonable goals to monitor our progress". She advised that this is the Vision Plan, and that SEPAC could work with the Commission on what those goals should be. Member Thomson said that we all agree that we want to reduce the use of fossil fuels and so all we are debating now is how quickly we could do it and how to phrase it. Chair Bandy suggested to say, "to purchase electric/hybrid vehicles for the City when replacements are needed and setting appropriate yearly goals". Member Thomson said that some of his wording regarding "maximizing the fleet miles per gallon efficiency, etc." came out of the Southeast Florida Regional Climate Change Action Plan so it is not new. Chair Bandy said that it already states to "use battery operated equipment where possible, especially in Public Works" which should cover Member Thomson's 3.e. Director Tredik said that Public Works has a lot of pickup trucks that could easily be converted to electric vehicles as they are replaced over time. He said that even garbage trucks would have the potential and some cities have them, but the jury is still out on how well they function, how long the batteries last, the expense to replace the batteries, etc., and that he would be checking out Ocala which got a grant to get five electric garbage trucks. He advised that he could explore that possibility, they would cost more, but there may be grants to help. Member Thomson

said that the long-term cost of gas is not going to go down either, so you would need to calculate usage. He said that there are three areas such as how to reduce energy use in our government buildings which is related to his Item 3.b. Chair Bandy suggested to add to her Item 3 bullet point "invest in solar clean energy for City buildings (i.e., City Hall and Public Works)" and she asked if it should say "invest in" or "shift to". Member Thomson suggested to use "shift to". Chair Bandy agreed. Director Tredik advised that you would not be able to strictly run off solar on our roof, but we could insulate the building better and do other things to help. Member Thomson suggested that someone could do a study. Director Tredik advised that he is for solar but discourages saying solar exclusively. He said that FPL is growing solar fields as well. Member Thomson said that is a shift to clean energy.

Chair Bandy asked if her Item 3 first bullet point goes together with Member Thomson's Item 3.a. She suggested to add to her bullet point "track progress over time" which would set goals. Member Thomson said correct. Chair Bandy advised that that leaves Member Thomson's Item 3.d which is assuming that they are going to use fuel. Member Thomson said that everything is fuel right now. Member Candler suggested to have one bullet point that says, "purchase electric/hybrid vehicles when it is time to replace them". Member Thomson said to "maximize miles per gallon fuel efficiency" and turn it into one bullet point. He asked about the possibility of battery operated lawn equipment. Director Tredik advised that it might work for some things, and that they would need to swap out the batteries two or three times a day. He said that battery tools have some advantages, but others have disadvantages with power and torque. Member Thomson said that we are just trying to encourage the use of battery-operated equipment. Director Tredik advised that he has no problem with encouraging the use of them and that his goal is to make the City greener, but it is going to take a little time.

Member Candler said that everything else has been about the City except for the bullet point to "develop/encourage public transportation for tourists". Chair Bandy said that the City can encourage it because we are asking the City to encourage homeowners to use solar and that she could remove the word "develop". Member Thomson suggested to say "encourage clean energy public transportation" because buses are now battery/solar operated. City Clerk Fitzgerald suggested to add to the bullet point so that it still covers public transportation in general and encourages the use of green/fuel efficient public transportation where possible. Member Thomson said that the City of St. Augustine has electric bike rentals now and that if the City had several locations around town, that people would be able to get around easily with them. Member Candler said that she wished that the City had a shuttle service to take people up and down the Boulevard. Member Thomson said that it has been talked about. Chair Bandy said that she would change it to read, "encourage the use of public transportation, particularly green/fuel efficient transportation where possible" and she would remove "especially for tourists" because it should be for everyone.

Chair Bandy moved on to Member Thomson's Item 4.a and said that it could go under her Item 5 and that she could add the word "residential" to the second bullet point. Member Thomson asked if she could combine the "ecological repair of the biosphere" concept with her Item 5 title. Chair Bandy said yes. She said that she would alter the second bullet point to read, "use/encourage environmentally friendly landscaping techniques on public/residential land". She said that she would add Member Thomson's number 5 to Item 6's title, to "reduce solid waste and increase recycling".

Chair Bandy moved on to Item 7 regarding “control coastal erosion and continue to restore dunes” and she asked for any suggestions for bullet points. Member Thomson advised that he sent City Manager Royle a letter which had pictures of the Pier Park situation. He said that dune restoration projects with sea oats were very successful. He said that from D Street north to A Street and 11th or 16th Streets had sea oats planted by the City that are still there. Director Tredik said there were mixed results from Nicole’s storm damage and that the dunes we have now are a result of the past renourishment projects which provided the sand that turned into the dunes. He said that the problem with the area just south of 16th Street is that it sticks out, it will continue to erode, we would have to continue to renourish it, and that it will not be a sustainable spot a hundred years down the road. He said that at some point, barrier islands take the shape that they take and usually it is a cataclysmic event, such as Summer Haven, which is very expensive to put it back the way it was. He said that the dredging of the main inlet continues to make that area poor because the natural accumulation of sand does not occur like it did before the inlets were there, which he believes is why the Army Corp of Engineers keeps funding it. Member Thomson said that is absolutely why they are funding it. Director Tredik said that renourishment is going to have to keep happening, and encouraging that and working with State and Federal agencies to encourage regular nourishment to have more sand to keep the dunes growing, but we would always have a weak spot right there. He said that the Army Corp did an environmental study and they decided that there is no way to build a dune system north of around 13th Street that would last long-term.

Member Thomson said that we could say “continue the dune restoration and beach renourishment projects which protect the coastal property owners”. Director Tredik advised that we could look at other resiliency efforts in that area such as to encourage innovative ideas for energy dissipation and to continue to look at that in our long-range plans. Member Thomson asked if that would be looked at with the City or the County. Director Tredik advised that he believed that it would be with the County and the State. Member Thomson suggested to coordinate with the County and the State. Director Tredik advised that there are people that are trying to dissipate wave energy that could be investigated along with the feasibility of alternative mitigation efforts and/or opportunities. He said that at some point we would need a bigger seawall there which would require coordination of State, Federal, and local levels. Member Thomson said that the City adopted the Vulnerability Study which stated that it needed to be eight to twelve feet higher than it is now. Member Candler asked if the seawall is the reason for the erosion. Director Tredik advised that the seawall does not cause the erosion, the topography and the currents cause it, and the renourishment idea is to try to keep the waves away from the seawall. Member Candler said that making the wall taller is not the answer, the answer is to fix the problem. Member Thomson said it may not be the answer, but it was adopted by the Commission. Director Tredik said that we are in a battle against nature, and it will win if we do not do something to delay it as long as we can and possibly survive it. Member Thomson said that the question is what are we doing now to make that a possibility. Director Tredik said that the world can make a difference now to see a more normal barrier island but that we may need a wall in the interim to keep us going. Member Thomson said that the entire Florida coast is facing the same problem.

Chair Bandy said that Member Thomson gave her “Building Back the Sand Dunes” which talks about sand fencing, and she asked if we would want that. Member Candler said that most of it was done by residents. Director Tredik said that he did not know the history but that it could be both. Member Thomson said that what we want to do is encourage the dune restoration

recommendations from the Department of Environmental Planning, which is what the brochure is about. Director Tredik said to also encourage and continue the dune walkovers. Member Thomson said that we should coordinate efforts with the County as much as possible for dune walkovers to protect the dune system. Director Tredik said that the City is doing a lot but would not have enough money to do all of them. He said that four of them are under construction right now at 3rd, 4th, 5th Streets, etc. Member Thomson asked if the City was being reimbursed by the County for those projects. Director Tredik advised that the City is paying half from ARPA (American Rescue Plan Act) funds and the St. Augustine Port, Waterway and Beach District is paying the other half. He said that the County built the original walkovers and has no plans to expand that number, but some should be repaired this year. Member Thomson asked if the City could ask the Army Corps of Engineers to reassess their long-term renourishment plans based on the era of climate change. Director Tredik said they could have those discussions and that it is currently on a five-year cycle but that they advanced this one slightly because of the erosion. Member Thomson said that there was an oceanographer hired and that there were three options; 1) to dredge and put the sand on the beach; 2) to use jets which continue the flow of sand from north to south; 3) to do a dogleg on the jetty so that the sand could flow south. He said that the cheapest solution was to do the barge and pipe it and that it might be worth reassessing it with the County's help with long-term sustainable approaches. Chair Bandy said to explore innovative approaches. Member Candler asked if anyone knows how much sand was lost during Ian and Nicole. Director Tredik said that he did not know the numbers, but that he had pictures from a couple years ago that showed a hundred foot of beach and that it was twice that amount before. He said that we lost everything that was left in the northern half and quite a bit in the rest of the City too.

Chair Bandy said that having Director Tredik here was helpful and we now have some bullet points for Item 7. She said she would add; 1) to continue beach renourishment and continue dune planting projects to protect our coastal property; 2) use sand fencing to help build dunes by collecting and dropping wind-driven sand; 3) coordinate with County for dune walkovers to keep people off the dunes. City Clerk Fitzgerald suggested to phase it as "County and/or other special districts" because the City is working with a special district right now. Director Tredik advised that the goal is to reduce impact to the dunes. Chair Bandy said that it is hard to keep people off the dunes even though there are signs everywhere. Member Candler said that some streets north of her have put up ropes to keep people off the dunes. City Clerk Fitzgerald said that she believed that it was done by County Beach Services. Director Tredik said that the majority of people do not know any better and there should be an educational campaign to reach vacation rental properties and business owners to tell their people to stay off the dunes. Member Candler said that one of the Guy Harvey managers complained about the new dune signs because it was put where they have their weddings and she said maybe that is part of the problem.

Chair Bandy said that she has two more: 1) to coordinate with the County/State/Federal and encourage innovative ideas for energy dissipation, a bigger seawall, etc.; 2) to work with County/State/Federal agencies to explore innovative approaches to encouraging the retention of sand on the beaches. She said that she could combine the two: "to coordinate with County/State/Federal agencies and encourage innovative ideas for energy dissipation, a bigger seawall, retention of sand on beaches, etc. Member Thomson suggested to say, "natural retention of sand on beaches".

Chair Bandy said that was it for the categories, but that Member Thomson had the addition of “publish a yearly climate change and sustainability scorecard”. Member Thomson said that he would like to have it as a separate category because it is important to SEPAC and to the City, but it is more related to the climate change initiative, and it could be put under Item 3, “Develop a Climate Change Action Plan and City Environmental Scorecard” which would help us assess our progress in reducing the use of fossil fuels. Member Candler suggested to have it last to wrap up Section E with a scorecard report. Chair Bandy said that it could be its own Item 7. Director Tredik has concerns about the amount of work needed to develop a scorecard because it is a very time-consuming process, etc. Member Thomson said that there are only six items and then a grade and that it does not have to be fancy. Director Tredik said that it could possibly be graded with a survey. Member Thomson said that the people who are interested in sustainability may be the ones that judge it. Chair Bandy advised that to do this right, you would need to look at certain categories, goals, etc. She said that she looked on the internet to see if other cities were doing these surveys and that she did not find a lot. Member Thomson said that Gainesville has a dashboard and a Climate Change Action Plan specifically to reduce fossil fuel energy use per each department. He said that you go on the dashboard monthly and see the reductions and/or increases. Chair Bandy said that we can put it on here and talk about it. Member Thomson suggested to remove the word “publish” and use “develop” instead and to send it out to each department to score themselves which puts it out there that there is a review.

Chair Bandy said that we are done with the Vision Plan topic and that she has everything she needs to make the changes and that she would send it to the Commission. Member Thomson asked if it could be emailed to SEPAC beforehand. City Clerk Fitzgerald advised that she could forward it, but that they could not talk about it. Chair Bandy advised that she would copy it to the City Clerk.

Chair Bandy moved on to Item V.2.a.

2. Reforestation and Landscaping Projects

a. Mickler Boulevard

She said the seeds are down and some plants are in but that she has not gotten with Foreman Large about any new plants. Director Tredik said that there is nothing new to report and that they are just waiting for the seeds to sprout. Member Candler said that she saw a daisy looking flower there and that she also saw that Southern Horticulture had some caterpillars. Chair Bandy advised that the native ones should not be blooming now because we have to encourage the Monarchs to go south to Mexico.

Chair Bandy moved on to Item V.2.b.

b. Parkette Planning/Green Infrastructure

Chair Bandy advised that since the Vice Chair is not here, we will have to wait to find out the feedback she received from the neighbors regarding the latest rain garden plan. She said that the Vice Chair provided the City Clerk with a quote from Native Plant Consulting [Exhibit C]. She stated that the quote includes the plants and labor for \$1,617.76 which is in SEPAC’s budget. Director Tredik advised that we will need to get three quotes and that he noticed that it does not say anything about future maintenance. Chair Bandy said that

SEPAC needs to find out what they would recommend for the frequency of the maintenance and the cost. Director Tredik said that they would need to replace plants if they die, keep it functional and attractive, and that Public Works is at a point where they are looking to contract out more of this kind of work because we do not have the staff to manage it. He said that whenever it can be included in a contract, then that is the way he would like to go for the future. Member Candler asked Director Tredik if he had any recommendations of anyone that SEPAC could contact. Director Tredik said that he would get with Foreman Large about it. Chair Bandy said that she talked with Wacca Pilatka in Jacksonville and that he could probably look at the plan and provide a quote as well as Southern Horticulture. City Clerk Fitzgerald suggested doing a search for landscapers in the St. Johns County area, send them the plan, and see what you get back. Member Thomson said that we have used Southern Horticulture and Leonardi's in the past. Chair Bandy said that she has concerns whether the labor would be available. Member Thomson said that they would be signing a contract with Public Works, and he asked who would be sending the bid out. City Clerk Fitzgerald advised that SEPAC should collect quotes since this is a SEPAC project. Member Thomson suggested to remove the cost information from Native Plant Consulting's quote and only provide the gallon and/or size of the plants along with the plan, drop it off to Leonardi's and Southern Horticulture, and ask for it back within a month. Chair Bandy advised that she was just going to email it. She said that we would solarize the area for site preparation.

Member Thomson said that last month he asked for specific information regarding the back corner of this parkette and whether we should use the alley way, and that City Manager Royle's response was that we could use 7.5 feet of the alley way. He said that the Vice Chair was very specific talking with Foreman Large about the big tree and that we may not want to move it to the north because things would be shaded. He said that he drove by the site and that he would stick to wherever the Vice Chair and Foreman Large want to locate it. Chair Bandy said that before we move forward, we have to make sure that the neighbors are happy. Member Thomson asked how many meetings have we had. He said that it is just a recommendation, that SEPAC does not approve it, and that they would need to come to the City and state that they do not want to do this. Chair Bandy said that she does not want to make anyone mad enough to destroy it. Member Thomson said that it is City property. Director Tredik advised that he would not plant it if the neighbors were adamantly opposed to it. Member Thomson asked if the plan had been distributed to the neighbors. Chair Bandy advised that the Vice Chair was going to go talk with the neighbors to get their feedback and that we do not have an update at this point, but we can still move ahead with getting the quotes.

Chair Bandy moved on to Item V.2.c.

c. Urban Forestry and Planning Projects

Director Tredik advised that there are no updates to report at this time.

Chair Bandy moved on to Item V.3.a.

3. Educational Programs

a. Environmentally Friendly Landscaping Recognition

Chair Bandy advised that the City still has not received any applications from the public. She said that Member Thomson went out and looked at some homes in Sea Colony and Sea Oaks. Member Thomson said that he did not turn the Sea Oaks information in to the City Clerk but that he has about four to six suggestions there along with the five homes in Sea Colony which he proved in the agenda packets. Chair Bandy advised that she also has a few candidates and she suggested that we look at Dr. Kaczmarzsky's former property as well. Member Thomson said that he also has two suggestions in Coquina Gables. He said that the beauty of Sea Colony is that they kept the original dune topography and by doing that it also kept a lot of the trees. He said that there must be planting regulations because it is almost all native plants, and that Sea Oaks may have something similar but that he was not sure about Island Hammock. Director Tredik said that there had been concerns about doing this within a gated community because the general public would not be able to go through there to view the yards. Chair Bandy said that it could educate the people who live in that community. Member Thomson said that we could get examples from various neighborhoods and that it would help distribute the signage that SEPAC wants to do and then we could do an article about it.

Chair Bandy said now that we have some perspective homes, how should we approach this. Member Thomson said that it would be appropriate to mail the questionnaire and say that your residence has been recommended. Chair Bandy advised that the packet is pretty large and heavy to mail so we would want to be confident that the recommendations meet most of the criteria. Member Candler said that they would just need to fill out the form and that we are just inviting them to apply. Member Thomson agreed. Chair Bandy had concerns about spending the money to mail the packets out. Member Edmonds suggested to send a letter asking them to download the details if they are interested. Member Candler suggested to say that their home has been recommended to SEPAC for recognition.

Chair Bandy suggested to gather more addresses for discussion at the next meeting and to decide what the letter should say, etc. City Clerk Fitzgerald agreed, and advised that the packets would cost several dollars each to mail. Member Candler said that if they are interested, that they could go to the website. Member Thomson suggested that the letter should let them know that the packet can be viewed at City Hall as well. City Clerk Fitzgerald advised that there is only one packet available which included brochures, etc. that we could not reproduce. Member Thomson said that they could view it at the counter. City Clerk Fitzgerald advised that the letter should just direct them to the website, which has the links to everything that is in the packet.

Chair Bandy asked everyone to gather addresses for next month to be discussed along with the letter or postcard, etc.

Chair Bandy moved on to Item V.3.b.

b. Environmental Speaker and Film Series

Chair Bandy advised that the next film series at the library is January 26th. She said that the Vice Chair had some suggestions and that she also found one called "Where the Butterflies Go" which is about people that travel from Canada to Mexico trying to save

Monarch butterflies from extinction. She said that we would need to find an expert on butterflies that could come speak. City Clerk Fitzgerald suggested to see if Flagler College has an entomology department. Chair Bandy said that she would check on it. She advised that the Vice Chair's suggestions are: 1) "Wasteland Florida" which is about water quality in southwest Florida; 2) "The Great Florida Riverway" which is more than an hour long regarding the need to restore the connectivity of the Silver Springs, Ocklawaha, and St. Johns Rivers, and; 3) "What's the Rush", by Doug Tallamy, which is a twenty-five minute film about a grassroots, science-based solution to the biodiversity crisis and why it is so urgent. Member Thomson agreed that it was critical and that is what Dr. Kaczmarek was going towards, which ties into our environmentally friendly landscaping projects, and that he also liked the butterfly film.

Chair Bandy said that we have all of our dates for next year so we could consider the butterfly film as well as the others. City Clerk Fitzgerald suggested that "Where the Butterflies Go" could be combined with "What's the Rush", for a similar discussion or to ask Member Miller if she knows any possible speakers. Chair Bandy asked the City Clerk to check with Member Miller for those two films. City Clerk Fitzgerald agreed. Member Candler said that she did not think that the films should be done together. Chair Bandy said that we are always looking for topics and that this gives us two for this year and that we only need four. She said that it would be great if all of SEPAC could attend the films and to encourage your friends to attend. She said the next film is January 26th, at 5:30 p.m. at the Sea Grove library. Member Edmonds said that timing could be an issue for working people. Chair Bandy said that it was at 6:00 p.m. last month and we did not get as many attendees as the previous film. Member Edmonds suggested 5:45 p.m. to try something different. Chair Bandy agreed.

Chair Bandy moved on to Item V.3.c.

c. Newsletter Topics

Chair Bandy said that SEPAC's Newsletter topic is due December 20th and that she would love to put something about the January film series but that she did not know if we would have it fully scheduled at that point. Member Thomson suggested the Environmentally Friendly Landscape Awards. Chair Bandy said that she could do the Awards again. Member Thomson suggested to do something, like asking if the old City Hall building was worth saving because there is already an article in there asking for ideas about it. Chair Bandy had concerns for SEPAC taking a stand on whether it is worth saving. Member Thomson said that it is historic City property.

Chair Bandy moved on to Item VI.

VI. OTHER COMMITTEE MATTERS

Member Thomson said that there is something called "The Environmental Corner". He said that we used to have Arbor Day drawings from elementary school kids displayed in the City hall lobby and that we had talked about doing more for an environmental, educational display. The City said that they did not want additional displays in the lobby but now we have the St. Johns County Sports Corner with six glass cases, and he suggested that the City should have an environmental display case. Chair Bandy agreed that it would be a good idea but that she did not know how many

people would go look at it and she asked if there are other places in the City to do it. She said that we had discussed possibly working with the library to have things that people could check out, etc. Member Thomson said that there are people in the lobby during the Commission meetings. Member Candler said that it is a great idea.

City Clerk Fitzgerald advised that the one display case with the historical pictures is the City's, but that she did not believe it would work there, and the other cases were purchased by the Sports Association and are not for our use. She said that there is a possibility of discussing it with the City Manager and the Commission to purchase another case with SEPAC's money, otherwise there is a bookshelf for fliers that could be used. Director Tredik said that he is in favor of it because it would help with our National Pollution Discharge Elimination System (NPDES) permitting and it would be another way for us to provide outreach which would help when we do our bi-annual reporting to the State. Member Candler asked if it could be a wall instead of a case. Chair Bandy asked how much the cases cost. Director Tredik advised that they are not cheap. City Clerk Fitzgerald advised that the one case has been here almost as long as the building has and the others were purchased by the Sports Association, so the cost is unknown. Member Thomson asked if the cases had a long-term contract. City Clerk Fitzgerald said no, it was just a verbal agreement with a community organization that did not have a place to display their artifacts. Member Thomson said that you told us that we could not have display cases there. City Clerk Fitzgerald said that she previously advised that the City staff would not maintain it and that you were free to use the shelves in the hallway. Member Thomson said that was the library and book in your office but that we wanted to extend the poster display to a more informative display. Chair Bandy asked Member Thomson if he would want to research it to get ideas for the case, the prices, etc. and then we could approve it next time. Member Thomson agreed. Director Tredik advised that he just did a quick look online and that a large case would be around \$2,000. Member Thomson suggested a wall-mounted billboard case which may or may not have glass.

Member Thomson said that those cases are huge and are taking up a lot of wall space. City Clerk Fitzgerald advised that the City Manager approved the cases, and she believed that the Commissioners also agreed and that he may want to discuss it with them.

Chair Bandy said that we are all in agreement that it would be a great idea and we will see what we can do. She advised that SEPAC's next meeting would be January 10th.

Chair Bandy moved on to Item VII.

vii. ADJOURNMENT

Motion: to Adjourn. **Moved by** Member Thomson. **Seconded by** Member Edmonds. Motion passes unanimously.

Chair Bandy adjourned the meeting at 7:45 p.m.

Lana Bandy, Chair

ATTEST

Dariana Fitzgerald, City Clerk

Max Royle

From: Lana Bandy <lcbandym@yahoo.com>
Sent: Tuesday, December 27, 2022 1:50 PM
To: Comm England; Comm Samora; Comm Rumrell; Comm George; Beth Sweeny; vsnydermorgan@gmail.com
Cc: Max Royle; Dariana Fitzgerald; Melinda Conlon
Subject: SEPAC Update for December
Attachments: Vision Plan Updates 12 27 22.docx

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Dear Commissioners,

SEPAC met on December 13; here's an update on our activities.

1. We spent the majority of our meeting discussing the **City's Vision Plan**. In an attachment to this email, I'm including our suggestions for the "Sustainability & Resiliency" section. We are happy to discuss this at your convenience.
2. Vice Chair Krempasky received one cost estimate for the plants and labor to create a parkette **rain garden**. We are now going to get some other bids. We are also still meeting with neighbors in the D Street/2nd Ave area to discuss the project further.
3. We have received no applications for our **Environmentally Friendly Landscaping Recognition** program. SEPAC members will gather addresses of prospects and send them letters describing the program and encouraging applications.
4. Our next program in the **Environmental Speaker and Film Series** is January 26 at 5:45 pm. The film is "Flight of the Butterflies," which is a good overview of Monarch butterflies. We will also discuss the Monarch crisis.
5. Speaking of Monarchs, I'm happy to report that Public Works Director Tredik attended our December meeting, and we have come to an agreement on planting **milkweed**. I'm looking forward to using it in the back of some of our public planting areas next year! I'd still love to discuss the Mayors' Monarch Pledge at a future Commission meeting.

Our next meeting is January 10 at 6 p.m.

Thanks for all your support this year, and I look forward to an even better 2023!

Best,
Lana Bandy
Chair, SEPAC

COMMISSION REPORT

December 2022

TO: MAYOR/COMMISSIONERS

FROM: DANIEL P. CARSWELL, CHIEF OF POLICE

DEPARTMENT STATISTICS November 21st – December 28th, 2022

CALLS FOR SERVICE – 1908

OFFENSE REPORTS - 49

CITATIONS ISSUED - 83

LOCAL ORDINANCE CITATIONS - 13

DUI - 0

TRAFFIC WARNINGS- 166

TRESSPASS WARNINGS - 11

ANIMAL COMPLAINTS - 14

ARRESTS - 12

- **ANIMAL CONTROL:**
 - St. Johns County Animal Control handled 14 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES –

- Christmas with Cops and Claus – December 14th
- Kilo's Presents for Pets
- SJSO CARE and C.H.E.K.S. Luncheon – December 19th

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: MONTHLY REPORT
DATE: 12/28/2022

Finance

The Finance Department is preparing information for the FY22 audit which will be performed at the end of January. Tax revenue has started to roll in, however with the large number of projects we have in the works, we are writing some large checks to pay for them. I will be paying close attention to cash flow for the next several months until we begin to receive our reimbursements from grants/appropriations. This is something that will continue to be an issue as we must pay all expenses up front and wait for reimbursement.

Communications and Events

Melinda is working hard for our final event of the holiday season, **Light Up the Night! – December 31st, Fireworks at 8:30pm.**

Please come out and join her!

Technology

The IT Department has no updates.

Potential Financial Impacts To The City

Police Department

Replacement radios	\$300,000 one-time purchase
Potential communication service fees from SJC	\$250,000 annually
Body Cameras (should SJC implement & Commission approves)	\$50,000 annually

Public Works

Ocean Hammock Park Completion	\$600,000 one-time purchase
Paving of City Streets	\$250,000 annually
Hammock Dunes Development Plan	\$50,000 one-time purchase
4th Street (City's 1/3 share)	\$75,000 one-time purchase
Study regarding undergrounding utilities	TBD
Removing sediment from canal between SR A1A & Mizell	TBD
Replacing pumps for Sandpiper & Linda Mar subdivisions	TBD

MEMORANDUM

Date: December 30, 2022
To: Max Royle, City Manager
From: William Tredik, P.E., Public Works Director
Subject: Public Works Monthly Report
December 2022

GRANTS

Public Works is managing the following active grants:

- **Mizell Pond Weir and Stormwater Pump Station**
Districtwide Cost Share – St. Johns River Water Management District
Grant amount \$632,070
Project Stage: Project complete / closeout underway
- **Mizell Pond Weir and Stormwater Pump Station**
HMGP grant – FEMA/FDEM
Grant amount \$1.81 Million
Project Stage: Project complete / closeout underway
- **Ocean Hammock Park Phase 2**
Florida Recreation Development Assistance Program
Grant amount \$106,500
Project Stage: Construction
- **Ocean Hammock Park Phase 3**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$60,000
Project Stage: Bidding
- **Ocean Walk Drainage Improvements**
Legislative Appropriation Request
Grant Amount - \$694,000
Project Stage: Final Design/Bidding
- **C.R. A1A/Pope Road Storm Surge Protection – Phase 1 Design**
HMGP grant (Dorian) - FEMA/FDEM
Grant amount \$52,500
Project Stage: Design

- **Dune Walkovers**
St. Augustine Port, Waterway and Beach District
Grant amount \$335,000
Project Stage: Construction
- **Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements**
Legislative Appropriation Request
Grant amount \$1,200,000
Project Stage: Design Consultant Procurement
- **7th 8th and 9th Street Drainage**
Legislative Appropriation Request
Grant amount \$90,000
Project Stage: Design Consultant Procurement

DRAINAGE

Mizell Pond Outfall Improvements (HMGP Project No. 4283-88-R) [CLOSEOUT] –

The project includes repairing and improving the damaged weir, replacing stormwater pumps and improving the downstream conveyance. FEMA will reimburse of 62.6% of the total construction cost plus \$632,070 paid by the St. Johns River Water Management District (SJRWMD) FY2021 districtwide cost-share program. Construction is complete and project closeout is underway.

Ocean Walk Drainage Improvements [FINAL DESIGN] – Design 90% complete. SJRWMD permit received. Outfall easement acquisition underway. Bid documents anticipated in January with bidding immediately following.

Oceanside Circle Drainage [BIDDING] – Plans complete; SJRWMD permit received. Construction out for bids. Bids to be opened on January 19, 2023. Construction to commence in early 2023.

C.R. A1A / Pope Road Storm Surge Protection [DESIGN] – The project will prevent storm surge from Salt Run from entering the City at Pope Road. Design and permitting is underway.

Magnolia Dunes / Atlantic Oaks Circle Stormwater Resiliency improvements [Procurement] – Grant agreement complete. The City is reviewing consultants' statements of qualifications for project design and permitting. Recommendation of award is scheduled for February 6, 2023. Design is scheduled to take place in FY 2023 and into FY 2024. Construction is anticipated to commence in late FY 2024 and be completed in FY 2025.

7th, 8th, 9th Street Drainage Improvements [Procurement] – The City has received the executed grant agreement for the subject project and is proceeding with selection of a design consultant. The City is negotiating with its continuing contract engineering

consultant, CMT, on a fee to design and permit the project. Design is scheduled for FY 2023 with construction in FY2024.

PARKS

Ocean Hammock Park Phase 2 [CONSTRUCTION] – Phase 2 improvements include handicap accessible restrooms (including a sanitary lift station and force main), an outside shower, water/bottle fountain, an additional handicap parking space in the parking lot, two (2) picnic areas near the parking lot, an informational kiosk, and a nature trail with interpretative signage. Construction is funded by park impact fees, ARPA funds, and a \$106,500 grant from the Florida Recreation Development Assistance Program (FRDAP). Restrooms were ordered in July. Site preparation is underway. Construction scheduled to be completed in April 2023.

Ocean Hammock Park Phase 3 [BIDDING] – Design and permitting is complete. Phase 3 includes improvements to the interior of the park including, a picnic pavilion, observation deck, education center, additional trails with interpretative signage, bike and kayak storage, and an accessible connection to the parking lot and the beach walkway. Construction of a portion of the Phase 3 improvements will be funded by a \$60,000 grant from the Coastal Partnership Initiative. Project bidding is anticipated in early CY 2023.

Stormwater Master Drainage Plan [PLAN DEVELOPMENT] – CMT is developing the Stormwater Master Drainage Plan Update. Upon completion of the preliminary assessment, a public meeting will be scheduled to discuss initial findings, gather additional information and feedback, and to discuss the areas in need of stormwater improvements for inclusion in the Stormwater Master Drainage Plan Update.

Streets / Rights of Way

2nd Street Improvements and Extension [CONSTRUCTION] – Construction is underway. A change order will be issued to include the piping of the 3rd Lane ditch. Utilities and stormwater piping construction is underway. FPL is currently completing design of the underground power.

A Street to 1st Street West Parking Lot – Conceptual Design complete. Commission presentation occurred July 11, 2022. Preparation of permit plans underway. Construction planned for FY 2023

A Street Sidewalk and Drainage Improvements [PRE-CONSTRUCTION] – The County has rescheduled construction to commence in the beginning the week of January 3, 2023.

PENDING ACTIVITIES AND PROJECTS

1. LAND DEVELOPMENT REGULATIONS CHANGES. The City Commission at its June 6, 2022, meeting considered an ordinance concerning erosion-resistant materials and the resurfacing of parking lots. It wasn't passed. The City Attorney and Public Works Director will prepare language for a new ordinance.

2. UPDATING VISION/STRATEGIC PLAN. Former Commissioner Margaret England during her term as Mayor worked with the City Manager on developing a Vision Plan. Because of the goals and projects stated in it, it could take the place of the strategic plan. Commissioner England presented the Plan at the Commission's May 2, 2022, meeting. The Plan was discussed by the Sustainability and Environmental Protection Advisory Committee (SEPAC) at its June 2nd meeting. The Comprehensive Planning and Zoning Board discussed it at its June 21st and July 19th meetings. The Commission then held a workshop on October 5th at 5:30 p.m. with SEPAC and the Planning Board to review the Vision Plan. Comments from those attending the workshop were made to the Plan and SEPAC at its November 17th and December 13th meetings. The next step is for the Commission to review a revised draft of it at the Commission's February or March 2023 meeting.

3. PARKING IMPROVEMENTS. At this time, the only parking project is paving the dirt plazas on the west side of the Boulevard between A and 1st Streets. Money to pay the costs will come from the \$3.5 million that the City has been allocated from the American Rescue Plan Act. The Public Works Director approved the scope of work from a civil engineering consultant to do the design and permitting phase starting in March 2022 and \$15,000 was spent for this phase. Concept plans for two options were reviewed by the City Commission at its July 11th meeting. The Commission selected the option where vehicles will enter the parking lot from 1st Street with the exit on A1A Beach Boulevard. The conceptual design is complete; work on permits is underway; construction will be done in 2023.

There are no plans at this time for the Commission to consider paid parking.

4. JOINT MEETINGS:

a. With the County Commission: No date has been proposed yet in 2023 for a meeting.

b. With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC): No date has been proposed yet in 2023 for a meeting.

5. UPDATING PERSONNEL MANUAL. The entire Manual will be reviewed by an attorney familiar with Florida public sector personnel regulations and laws. The consultant has been hired and the Finance Director, City Clerk and City Manager had a Zoom meeting with her on October 11th to discuss the scope of work. After the start of 2023, the consultant will make suggested revisions, which will later be reviewed by the City Commission.

6. GRANTS. The City has received grants from the following agencies:

a. Florida Recreation Development Assistance Program, \$106,500, for restrooms at Ocean Hammock Park. City match will be \$35,500. Total project is an estimated between \$400,000 and \$500,000. The Governor approved the appropriation and the contract with the Florida Department of Environmental Protection has been signed. The restrooms have been designed by a local architect and the Public Works

Department has done the site design. The St. Johns River Water Management District has approved the permit. Because the original bid was well over the estimate, the Public Works Director purchased prefabricated restrooms. Also, because inflation has increased the costs significantly, the Director has negotiated with the vendor to lower them. Construction is scheduled to begin in the first quarter of 2023.

b. Coastal Partnership Initiative: The Public Works Director applied for a Partnership grant for \$60,000 to construct the improvements to Ocean Hammock Park, which the state approved. The City will advertise for bids once it has received a signed contract from the state. Construction is planned to start in the spring of 2023.

c. St. Johns River Water Management District Cost Share Program for the new weir at the City's Mizell Road retention pond. The amount provided was \$600,000. The project was finished in December 2022. This topic will no longer be included in this Report.

7. NON-CONFORMING BUSINESS SIGNS. The City's sign code has a height limit of 12 feet for business signs. A number of businesses have signs that exceed that height. According to the code, these signs must be made conforming by August 2023. The Building Official and his staff will notify the businesses of this requirement and will work with them to bring these signs into conformity.

8. FLOODING COMPLAINTS. Citizens have expressed concerns about the following areas:

a. Ocean Walk Subdivision. The subdivision is located on the east side of Mickler Boulevard between Pope Road and 16th Street. Earlier in 2020, the ditch that borders the subdivision's west side was piped. Ocean Walk residents complained that the piping of the ditch caused flooding along the subdivision's west side. To improve the flow of water, the Public Works Director had debris cleared from the Mickler and 11th Street ditches. At its October 5, 2020, meeting, the City Commission asked the Public Works Director to prepare a Request for Qualifications, so that the Commission could consider an engineering firm to review the Ocean Walk drainage issues. The deadline for responses to the RFQ was November 23, 2020. The Public Works Director prepared an addendum, which was advertised before Thanksgiving. The deadline for the RFQ was December 8, 2020. A committee of City employees reviewed the three proposals that were submitted and recommended the City be authorized to negotiate with the Masters Design Group of St. Augustine. The Commission approved the authorization at its January 4, 2021, meeting. At its March 1st meeting, the Commission approved the contract with Matthews. In March 2021, the City was notified that its request to the Florida Legislature to appropriate \$694,000 for Ocean Walk drainage improvements was approved and in late May 2021 the City was notified that the appropriation had survived the Governor's veto. The grant agreement has been executed and a contract has been signed with the Matthews Design Group of St. Augustine for the design and permitting phase of the project. Preliminary design is nearing completion. Matthews provided an update report on the design/planning phase of the project to the City Commission at its July 11th meeting. Permit plans are nearly complete. Another update was provided by a representative of the civil engineering consultant, the Matthews Group, at the Commission's November 14th meeting. The City will advertise for bids in the spring of 2023.

b. Oceanside Circle. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. A survey has been done to determine the road's right-of-way and the final design of a new road is underway by the City's civil engineering consultant. The final plans are done and the St.

Johns River Water Management District has issued a permit. A request for bids is now being advertised with January 19, 2023, the deadline for receiving bids. The Commission will be asked at its February 6, 2023, meeting to award the bid.

c. St. Augustine Beach and Tennis Complex and the Sabor de Sal subdivision. The area has two ponds: one for the condo complex, the second between properties along Ocean Trace Road and along Sabor de Sal Road. Both are small. The condo complex pond floods during periods of heavy rain, threatening adjacent condo units. Each pond is privately owned and there is no outlet or pipe for stormwater from each. The area needs to be included in the update, currently being done, of the City's master stormwater management plan. The updated plan will be completed in March of April 2023. A solution to the Ocean Trace area flooding will involve the City, private property owners, the St. Johns River Water Management District and possibly the Florida Department of Transportation. On November 21, 2022, the Public Works Director and the City Manager met with residents of the area to hear their concerns and discuss possible solutions. The Director will ask the Water Management District whether the condo complex pond can be dredged and the classification, if any, of the Sabor de Sal pond. Engineering expertise will be needed to develop a plan for solutions to the management of stormwater for the area.

d. A Street east of the Boulevard. After discussion and several onsite meetings with then-Vice Mayor Samora, A Street residents and County/City staff members, the County informed the City's Public Works Director in mid-January 2022 that the project will include a drainage inlet structure along the south side of A Street with a five-foot wide, six-inch thick concrete sidewalk on the north side. The County has asked the contractor for an updated cost estimate. According to the County Road and Bridge Department, construction will begin in January 2023.

e. Pipes under Pope Road and A1A Beach Boulevard. Application for \$550,000, 75% of which will come from the Hazard Mitigation Grant Program. The contract with the Florida Division of Emergency Management has been executed. The Public Works Director prepared Request for Qualifications for a design consultant. The responses were reviewed and ranked by a City staff committee and the Commission at its September 12th meeting authorized the City Manager to negotiate with the firm ranked first, the Matthews Design Group. The contract was executed in October and design of the project has commenced.

f. Magnolia Dunes/Atlantic Oaks Circle. Thanks to the efforts of Vice Mayor Rumrell, state representative Cyndi Stevenson and state senator Travis Hudson, \$1,200,000 was put in the state's Fiscal Year 2023, which went into effect on July 1, 2022. The appropriation survived the Governor's veto pen. The Florida Department of Environmental Protection prepared a grant agreement, which was signed in late October 2022. The next step is for the City to advertise a Request for Qualifications for a design consultant to do design and permitting work. Once the consultant is hired, the design phase will be done in 2023 with the construction done in 2024. The grant agreement expires on September 30, 2025.

g. West end of 7th, 8th and 9th Streets. The Legislature in its 2023 budget approved an appropriation of \$90,000 for this project. The City has signed a grant agreement with the Florida Department of Environmental Protection. The City will select a consultant to do the design and permitting work in 2023. Construction should begin in 2024.

9. STORMWATER UTILITY FEE. The Commission decided at its October 4, 2021, meeting that the time to levy the fee wasn't right in light of the recent increase in the non-ad valorem fee for the collection of

household waste and recyclables and the increase in property taxes due to the rise of property values in the City. The Commission discussed the fee at its October 3, 2022, meeting and approved having a public hearing on November 14th meeting. At that meeting, the Commission approved a resolution stating the City's intent to adopt the non-ad valorem assessment. The next step will be for the Public Works Director to develop a proposed range of the fee to be charged. The range will be presented to the Commission in February or March.

10. RENOVATING THE FORMER CITY HALL AND CIVIL RIGHTS MONUMENT. On March 23, 2022, the City Commission held a workshop, the purpose of which was to discuss with citizens the renovation of the second floor of the former city hall at pier park, future uses of the building and a civil rights monument. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, made a PowerPoint presentation that described the building's history and the \$500,000 historic grant that can be spent on renovating certain features of the building, such as the upstairs windows and exterior awnings, and a smaller \$25,000 grant that can be spent on interpretative signage for the building. Ms. Stone highlighted that the building's designation as historic by the federal government enhanced its eligibility for the \$500,000 grant. The outcome of the workshop is that the building is to be used as a cultural arts center with the second floor possibly having artists' studios and a small museum. Artwork outside the building, such as a new civil rights monument to replace the old one that commemorates the 1964 civil rights struggle to integrate the adjacent beach, would be created. City staff will work with Ms. Stone and the Cultural Council on such matters as the building's structural strength, building code requirements to renovate the second floor, accessibility to the second floor for the public, fund raising and seeking citizens to serve as volunteers on a citizen advisory committee. The money from the \$500,000 grant must be spent by June 2024.

On July 12th, Ms. Christina Parrish Stone and Ms. Brenda Swan of the Cultural Council met with the Public Works Director and the City Manager and reported that the Council was advertising for proposals from architectural firms for the civil rights monument. Also discussed was where the monument would be located. One possible site is on the concrete walkway next to seawall and the stairs to the beach, so that the monument will be positioned where visitors can see it and the beach where the civil rights wade-in occurred in 1964. Ms. Stone will present the plans for the sign to the City Commission in early 2023. The \$25,000 grant must be spent by March 31, 2023.

Ms. Parrish Stone provided an update report to the Commission at its October 3rd meeting. The next report will be provided in February or March 2023.

11. BEACH RESTORATION. According to the County's Coastal Manager, two million cubic yards of sand will be put on the beach from the middle of the state park south to the northern boundary of Sea Colony. The project will be done between June 30 and December 30, 2023. The federal government will pay the entire cost. A representative from the Army Corps of Engineers will provide an update report at the City Commission's January 9, 2023, meeting.

12. NEW YEAR'S EVE FIREWORKS SHOW. At the City Commission's March 7, 2022, the City's Events and Communications Coordinator, Ms. Conlon, provided a report to the Commission about the December 31, 2021, fireworks show, which featured just the fireworks: no bands, food vendors, kids zone, etc. The Commission had no recommendations to change the event for the next New Year's Eve. The contract for the fireworks will be signed in October. The \$25,000 for the fireworks is provided from the bed tax by the County Commission. The contract for a 20-minute fireworks show was signed in October. The City's

Events Coordinator, Ms. Melinda Conlon, worked with the fireworks company on the music that accompanied the fireworks show.

13. INTERGOVERNMENTAL PROJECTS. When the Commission discussed the strategic plan at its February 1, 2021, meeting, more involvement with the County and St. Augustine was mentioned as desirable. Below is a summary of the City's current involvement with various area governmental entities.

a. Mobility: At the City Commission's August 11, 2021, meeting, St. Augustine's Public Works Director, Reuben Franklin, March 2021, presented his city's mobility plan. St. Augustine has received a grant to create a transportation connector in that city. If money remains from the grant, the two cities may discuss having a connector between them.

b. River-to-Sea Loop: This is a Florida Department of Transportation, St. Johns County, St. Augustine and St. Augustine Beach project to construct 26 miles of a paved bike/pedestrian trail as part of the 260-mile trail from the St. Johns River in Putnam County to the ocean in St. Johns County. The Loop will then go south through Flagler and Volusia counties to Brevard County. This is a long-term, multi-year project. At this time, the Loop will enter St. Augustine along King Street, go across the Bridge of Lions, south along State Road A1A to the State Park, through the Park and into our City, then along A1A Beach Boulevard to State Road A1A. Though possibly not feasible in all locations, the goal is to have a wide, bike/pedestrian trail separate from the adjacent road.

In January 2022, the County Traffic Operations Division informed City staff that no meetings concerning this project have been held for over a year. The Loop's final route has yet to be determined. It might be through the State Park into our City to A1A Beach Boulevard, or along Pope Road from Old Beach Road to the Boulevard.

c. Transportation Development Plan: The development of the plan involves several agencies, such as the County, St. Augustine, our City, the North Florida Transportation Organization and the Sunshine Bus System. On February 25, 2021, the City Manager attended by telephone a stakeholders' meeting for an update on the development of the plan's vision, mission goals and objectives. Most of the presentation was data, such as population density, percentage of residents without vehicles, senior citizens and low income and minority residents in the County and the areas served by the Sunshine Bus. The next stakeholders' meeting has yet to be announced. The agenda will include transit strategies and alternatives and a 10-year implementation plan.

d. Pedestrian Crosswalk Safety Signals. On A1A Beach Boulevard, the County Public Works Department has put flashing signals at the crosswalk between the Sea Colony subdivision and the shopping center, and at the crosswalks between the Whispering Oaks subdivision and Ocean Hammock Park, 16th Street and 11th Street. The County will put signals at two other locations: in the vicinity of pier park and at F Street.

14. BEACH ACCESS WALKOVERS. The Public Works Director asked the St. Augustine Port, Waterway and Beach Commission at its May 17, 2022, meeting, for an appropriation to buy half the costs to construct new walkovers at 11 access points to the beach. The Port Commission approved a match of \$335,000, or a 50% match, for the walkovers. At its June 6th meeting, the City Commission approved the City's match of \$335,000 coming from ARPA funds. The City has entered into an agreement with a contractor to design, permit and construct the first phase of the project. Survey work for 16th Street walkover has

been completed. However, a walkover likely will be done there because of beach erosion. Construction of the 10 walkovers will be done in two phases. Walkovers are under construction at 3rd, 4th, 5th, and 8th Streets. Phase 2 for additional walkovers will be done after the beach renourishment project is finished at the end of 2023.

15. HAMMOCK DUNES PARK. At its May 2, 2022, meeting, the Commission considered having a Request for Qualifications prepared for a planner to develop a master plan for the Park, which is located north of the shopping center. The planner could be paid with ARPA funds. The Commission asked that the Request for Qualifications include the following: consideration of wildlife corridors in the Park, a pedestrian/bicycle trail, access to State Road A1A and a parking area or lot. The Commission at its June 6th meeting approved the wording for the Request for Qualifications. However, as other projects, especially drainage ones, require attention, advertising the RFQ will be delayed.

16. UNDERGROUNDING OF UTILITIES. At its May 2, 2022, meeting, the City Commission reviewed a request from the City Manager for referenda topics for the 2022 primary or general election. One possible referendum topic discussed was the undergrounding of utility lines. The Commission reviewed information concerning this topic at its June 6th meeting and decided to hold a workshop in August with representatives from Florida Power and Light. At its July 11th meeting, the Commission held a workshop for Tuesday, August 2nd with representatives from FP&L. The outcome was for City staff to prepare a Request for Qualifications for companies experienced with assisting cities with planning for undergrounding projects. The Commission reviewed the proposed RFQ at its September 12th meeting and decided not to advertise it but see whether the voters approve the additional one-cent sales tax at the November general election. As the tax wasn't approved, the topic of undergrounding will be on the agenda for the City Commission's meeting on January 9, 2023.

17. UPDATING STORM DRAINAGE MASTER PLAN. The City has hired CMT, a civil engineering consultant, to do the update. Work on it has started. Before the study is completed in the spring of 2023, a meeting will be held to obtain public comment to assist in the development of the plan.

18. TRAFFIC SIGNAL ON STATE ROAD A1A AT MADRID STREET AND THE ENTRANCE TO MARSH CREEK SUBDIVISION. This has been requested by City residents. The signal would benefit the residents of two private, gated subdivisions, Whispering Oaks and Marsh Creek, and one ungated subdivision, Sevilla Gardens, with public streets. In response to emails from the City Manager, the Florida Department of Transportation responded that there aren't enough residents in Sevilla Gardens to justify the signal and the two gated subdivisions would be responsible for having a traffic study done, and, if the study showed the signal was justified, paying for the signal. The City Manager forwarded this information to a Whispering Oaks resident, who said he would contact Marsh Creek. At the Commission's December 5th meeting, Commissioner George said she would contact the Marsh Creek Homeowners Association about the traffic signal proposal.

19. NEW STREETLIGHTS ON 11TH STREET

The City has asked Florida Power and Light to put two new lights on the north side of 11th Street between Mickler Boulevard and the entrance to the Ocean Ridge subdivision.

20. CITY MEMENTO. The memento would be an inexpensive token that Commissioners could give to citizens and officials of other cities. After discussing a design for the memento at two meetings, the Commission at its November 14, 2022, approved a coin type memento. The City Clerk has XXXXXX

21. OPENING 4TH STREET BETWEEN A1A BEACH BOULEVARD AND 2ND AVENUE. This is a platted street, most of which is unpaved. The City's policy is that costs to open and pave such streets are paid by the owners of the lots adjacent to them and the City. The owners are charged an assessment. At its November 14, 2022, meeting, the City Commission approved the City Manager notifying the owners of the City's intent to open the street and charge them an assessment. In early December, the Manager sent the notification letters to the four owners. None to date has responded.