



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, APRIL 3, 2023, 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 Undine C. George, Beth Sweeny, and Virginia Morgan.

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, Public Works Director Bill Tredik, and Assistant Public Works Director Ken Gatchell.

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON MARCH 6, 2022

Motion: To approve the minutes of regular Commission meeting on March 6, 2023. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle advised that Item VII.B.2 will have a speaker, Gretchen Smith, and that Item VII.D would not be on the agenda because the speaker is not present.

City Manager Royle advised that the Commission has been sent additional information for Item XIII.3, Budget Resolution 23-07, versions A, B, and C, for the replacement of the Police Department roof and that Item XIII.4 for City Attorney Services, has requested postponement until the May meeting.

Mayor Samora moved on to Item VI.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

There were none.

Mayor Samora moved on to Item VII.A.

VII. PRESENTATIONS

A. Interview of Mr. George O'Brien III, Candidate for Membership on City's Sustainability and Environmental Planning Advisory Committee

Mayor Samora welcomed Mr. O'Brien, thanked him for volunteering, and asked him for his background information.

Mr. O'Brien Said that he understands how important it is to find good volunteers, that he had worked as an executive for YMCA for fifteen years, retired in 2020, and relocated his family to St. Augustine. He lives on 10th Street, has investments in this area, is semi-retired, and is currently a real estate investor. He said that this area stood out as a place to raise his family and he thought it would be good to get involved so that it stays this way.

Mayor Samora asked if he was familiar with SEPAC's schedule and if he thought that he would be able to attend the meetings on a regular basis. Mr. O'Brien said yes.

Commissioner Sweeny said that she appreciated his willingness to serve and asked if he has implemented any sustainability measures in his real estate dealings that might aid in our community. Mr. O'Brien said not really. He said that he is from western Pennsylvania and some of the green initiatives are not necessarily as prominent there but that he has served on some committees for areas similar in culture to this area and that he is personally passionate about some of those initiatives that are important to the City.

Motion: To approve Mr. George O'Brien III's application. **Moved by:** Commissioner George, **Seconded by** Vice Mayor Rumrell. Motion passed unanimously.

Mayor Samora welcomed Mr. O'Brien and asked him to get with the City Manager and the City Attorney to become familiar with the Sunshine Laws, etc. Commissioner George advised Mr. O'Brien not to speak to any other SEPAC members about City business because it would be a violation of the Sunshine Law but that he could always feel free to come to the Commissioners.

Mayor Samora moved on to Item VII.B.

B. Proclamations:

- 1) To Recognize April 2023 as Sexual Assault Awareness Month
- 2) To Proclaim April 2023 as Water Conservation Month
- 3) To Proclaim Wednesday, April 26, 2023, as Arbor Day in the City
- 4) To Proclaim May 2023 as Older Americans Month

Ms. Gretchen Smith, Water Conservation Coordinator, St. Johns River Water Management District, spoke about water conservation and said that sustainability is a big deal in Florida especially since the most recent hurricane season. The most important thing that we can do from a sustainability standpoint is water conservation since there are a thousand people moving to Florida every day. She said that water conservation allows all of us to make little changes to make sure that we have the water that we need, such as only watering lawns two days a week or not at all if there has been rain, etc. She said that they love partnering with the City and would help any way they could.

Mayor Samora thanked her for bringing the proclamation to the City, which is a great reminder to everyone to play a role in conserving water.

Motion: To approve Proclamations. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora noted that a representative of the Betty Griffin Center was present to receive the proclamation for Sexual Assault Awareness Month.

Mayor Samora moved on to Item VII.C.

C. Report by Ms. Melinda Conlon, Communication and Event Coordinator, Concerning 2022 Events in the City

Ms. Conlon presented a PowerPoint recapping the events from 2022 as well as the upcoming events for this year. She thanked the Public Works and Police Departments and said that the City could not do these events without them. She advised that the City gave away over four hundred and fifty trees for Arbor Day 2022, and she thanked SEPAC for providing the trees and for volunteering at the event. She went on to discuss the Art & Bark in the Park event, which she said had a great band and was sponsored by the St. Johns Cultural Council. She said that the City partnered with the Matanzas Riverkeeper in May for a successful Beach Boulevard cleanup. She advised that she partnered with the Wednesday Market for the Full Moon Harvest Luau in September and that the St. Johns Cultural Council sponsored the performance. She moved on to the Northeast Florida League of Cities dinner in October, which was not a public event but was held for the first time in two years due to Covid and she wanted to mention it. She moved on to the holiday season events, which kicked off with the Beach Art Walk in November and was partnered with the Art Studio and Paul Slava has been a great partner to the City with this and other events. She said that there are a lot of businesses that host the artists up and down the Boulevard as noted in her PowerPoint presentation. She moved on to the Surf Illumination event in December partnering with the Civic Association, as well as the Holiday Market partnering with the Wednesday Market, and finally the New Year's Eve Fireworks show. She advised that certain people/entities have helped the City each year such as Bill Brothers of the Anastasia Square Shopping Center, Anastasia Baptist Church, and a very special thanks to Old Town Trolley for providing the shuttle which totaled thousands of dollars in donations. She also thanked the sponsors such as Burkhardt Distributing, Embassy Suites, Florida Power & Light, Kookaburra, St. Johns County Parks and Recreation, etc. She also thanked WSOS 103.9 for being the radio host, the Tourist Development Council (TDC) for sponsoring the fireworks, and Santore for providing the fireworks show.

Ms. Conlon advised that 2023 would have a repeat of the 2022 events with possibly an additional art fair. She advised that the first event this year would be Arbor Day on April 26th at the Wednesday Market with the tree give-a-way.

Mayor Samora asked if there were any format changes or significant changes to any of the events. Ms. Conlon said no. She advised that every year we get a little better and learn how to make each event more successful.

Commissioner Morgan asked if Prince Pele was retiring. Ms. Conlon said yes. After fifty years they are retiring and have chosen the City's 2023 event as one of their last because they have enjoyed it so much.

Mayor Samora moved on to Item VII.E

D. Update Report of City's Master Stormwater Plan by Civil Engineering Consulting Firm, Crawford, Murphy and Tilly

This Item was not discussed.

E. Audit Report for Fiscal Year 2022 by Representatives of James Moore and Associates

James Halleran, CPA, James Moore and Associates, presented a PowerPoint [Exhibit A] for the audit year ending September 30, 2022, and said that they as auditors are responsible for providing an opinion of the financial statements. He advised that there are a few more reports than usual due to being subject to a Federal single audit as well this year. He advised that there are almost \$5 million in Federal awards this year, such as the American Rescue Plan Act (ARPA) and the weir

grant. He moved on to the next slide [Exhibit A-2] and discussed the Independent Auditor's Reports and noted that the auditing standards changed the formatting of the report, such as moving the opinion up to the top. He said that the City implemented a new accounting standard this year related to leases, which operating leases were previously just expenses on the books and are now required to be recorded as "right-to-use" assets and a liability. He advised that there were two prior year comments that were corrected this year and there is one comment that was listed as a recommendation before that has been upgraded to a material weakness. He read the definition of each and said that they are also in the Auditor General letter. He said that there was one significant deficiency which came about while they were doing the ARPA testing, which the City took the standard allowance on, and when the City implemented a new payroll system that the old policy was still in place that stated that salary employees were still supposed to be approving the time sheets, which was not occurring. He said that either the policy needs to be changed or make sure that there are still enough controls in place to document the time for salary and hourly employees. He said that the comments at the end of all the financial statements require a management response to correct them going forward.

Mr. Halleran moved on to the Auditor General requirements [Exhibit A-3]. He said that he had been doing this for twenty-eight years when it was allowable to give verbal comments to clients, but now, unless it is clearly inconsequential, it has to be a written recommendation to our governmental clients. He pointed out that there was one repeat comment from the prior year on the building permit side and that there is a state statute that limits the amount of funds that can be accumulated in the building permits, which is difficult because it is based off of a four year average and the building cycle is not a four year trend. The City would need to either work down that balance, rebate the funds back, or reduce the dollar amount of the permit fees. He advised that there are two new recommendations for this year: budgetary compliance in the General Fund, Parks and Recreation and Debt Service were over budget from what was approved. He said that the City had sixty days (until November 30th) to make any budget amendments, but that did not happen, and that is why the comment is there. The last one was the calculation of compensated absences, which is the accrual of sick time and vacation time, and they found some differences there and made recommendations to improve that tracking.

Mr. Halleran moved on to the next slide which showed the General Fund's three-year trend, and he described the different fund balances [Exhibit A-4]. He said that the Unassigned Fund Balance would ultimately be responsible for covering the deficit fund balance of the weir project. Every city in Florida needs to have some money set aside for emergencies, such as storms, working capital, and cash flow. When you look at the 2022 expenditures of roughly \$8,000,000, you will see that the City is sitting at about five and half months in the Unassigned Fund Balance and that the Government Finance Officers Association (GFOA) minimum requirement is two months [Exhibit A-5]. He said that there would be some FEMA expenditures this year, but you do not know when you will get your money. Commissioner Sweeny asked if there is a State requirement. Mr. Halleran said no. He moved on to the next slide [Exhibit A-6], which depicted the City Fund Balance Policy at a minimum of twenty percent. He moved on to [Exhibit A-7], Financial Highlights, which looks at the big picture of what happened for the year, such as the planned increases in charges for services (i.e., trash services), operating grants (i.e., ARPA funds), capital grants (i.e., weir project), and increases in property taxes. He advised that the ARPA funds are sitting there for the Commission to decide how to spend and that the restriction has been released and the City now has options such as using it for matching funds. He said that the overall expenses decreased primarily due to Other Post-Employment Benefits (OPEB), which is basically health insurance in the future for retirees. He moved on to [Exhibit A-8] and said that a new ARPA Fund was created in FY 2022 to easily track what is going on with the funds. The City has \$6.6 million in note/bond debt at a normal pay down debt, such as financing the purchase of tasers for the Police

Department at \$61,000. The City also has leases, such as garbage trucks and police vehicles at \$449,000.

Mr. Halleran moved on to [Exhibit A-9] and said that the City employees are part of the Florida Retirement System (FRS), which has pluses and minuses. The plus is that the City does not have to manage it, the minus is that you do not have any control over the contribution rate and that the overall plan increased this year.

Mayor Samora asked what were the two prior year comments that were corrected. Mr. Halleran advised that the Impact Fee Fund, which was to ensure that we had separate funds in the accounting system to track the impact fees, to review pay changes because we noted an error, and interfund activity was another error in the prior year that was corrected as well. Mayor Samora asked if there was a limit for what could be held in the City's General Fund reserves. Mr. Halleran said no.

Commissioner Sweeny asked if the net pension liability was a number on paper or was it a number that the City has to pay that went up \$3 million. Mr. Halleran advised that the City is picking up its proportionate share of the State's retirement system (FRS).

Commissioner George asked if Mr. Halleran had any recommendations for the Commission with regards to the comments from this report. Mr. Halleran suggested that the Commission should ask for a mid-year update from the Finance Department regarding the corrective actions to the comments. Commissioner George said that it sounds like it may be a software transition issue. Mr. Halleran said yes, the time sheet issue and the others were year-end adjustments for quarterly revenue and receivables, which he believed that the Finance Director and the outside consultant could accomplish going forward. He said that it is hard to cut off accounts payable when dealing with contractors who may be late providing information. Commissioner George asked if he would be confident with the staff responses. Mr. Halleran said yes.

Commissioner Sweeny asked where to find the staff responses in the packet. Mr. Halleran said on the last page.

Mayor Samora thanked Mr. Halleran.

Mayor Samora moved on to Item VIII and said that everyone is welcome to address the Commission on non-agenda items and would have three minutes to speak and to please fill out a speaker card.

VIII. PUBLIC COMMENTS

Mike O'Steen, 202 Azalea Avenue, St. Augustine Beach, FL, showed an email that he received regarding a shed that he was building without a permit [Exhibit B]; found a Stop Work Order blowing around in his yard; the notice stated that he did not contact the City but said that he went to the City that day; he did not apologize for his wife being rude because she was upset; he did not continue to build the shed he only put a primer coat on because it was molding; he went and spoke to Code Enforcement Officer Timmons who said to call him if he needed anything and that he has called twice and has not received a call back; he feels that the office gets annoyed with him coming there and all he wants to do is get it done right; they want fourteen copies and he does not know what to do except go there and ask questions; he received a notice to appear before the Code Enforcement Board in April and he asked what it was about and a young lady told it that he needed to call Mr. Timmons and he told her that he does not call him back so she said that she would have him call him and that was a week ago; he said that he has a problem with the email because they put in what they want to say and nothing about the problems he has had with them not doing what they say they are going to do; wants this to be over and does not like people saying that he is being rude.

Mayor Samora advised that it is now on the public record, and he asked the City Manager to follow up with the Building Official, staff, and Mr. O'Steen to get it resolved.

John Lawler, 4 Ocean Trace Rd, Unit 318, St. Augustine Beach, FL, spoke a month ago regarding the St. Augustine Beach and Tennis Condos and they are very interested in the Stormwater Master Plan, but it seems to have been scrubbed tonight; we want to work with the City as soon as the Plan is finalized.

Jim LeClare, 115 Whispering Oaks Circle, St. Augustine Beach, FL, asked to get back on track for the Hammock Dunes Park; there should be some effort put in to some sort of access to the beach for people that live on A1A South and that the bank has been sold recently and maybe the City could negotiate to get access through there and maybe have a workshop; to possibly put together a group to clean up both parks; thanked everyone for the work that has been done and that we are coming together as a community.

Carter Edwards, 4 Ocean Trace Road, Unit 217, St. Augustine Beach, FL, asked if there were any updates for the drainage issues in Ocean Trace area. Mayor Samora advised that after Public Comments he would follow up with the Public Works Director.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, asked several months ago about rubberizing Splash Park and to keep it in mind for the upcoming budget or if there are ARPA funds left over; Splash Park's slide should be looked into for safety concerns; suggested that a "No Parking" sign be put at A1A South and Madrid Street where there has been discussions regarding a new traffic signal; questioned whether Sea Colony has the proper permits for extending their walkway to the beach and whether it would cause a safety hazard; behind the Campbell House there was dead vegetation which has been replanted and may have been caused by chemicals which may have needed permits; showed Folio article [Exhibit C].

Ellen Avery-Smith, 61 Magnolia Dunes Circle, St. Augustine Beach, FL, thanked the Police Department for their presence on A1A Beach Boulevard for bicyclist safety.

Cathy Stone, 826 A1A Beach Blvd, St. Augustine Beach, FL, sent an email on March 10th regarding the Stormwater Utility Fee and nothing is on the agenda about it, so she read it aloud; asked to increase the millage rate by 0.5% and add it to the agenda for May; knows that there is a need for the Stormwater Utility fees and does not know why her email fell on deaf ears and asked it to be added to the record.

Wellesley Sweeny, 652 Sun Down Circle, St. Augustine Beach, FL, sang "Happy Birthday" to Commissioner Sweeny, her mother.

Mayor Samora closed Public Comments and asked the City Manager to get with staff to resolve Mr. O'Steen's issue. Mayor Samora asked Director Tredik if there were any updates for St. Augustine Beach and Tennis. Director Tredik advised that he expected it to be part of the discussion on May 1st when the Stormwater Update is presented.

Mayor Samora asked if the City does any vine maintenance of the parks. Director Tredik said they do invasive species removal in Ocean Hammock Park but have not done anything at Hammock Dunes Park. Commissioner Sweeny asked if that could be an initiative that SEPAC could take on. Mayor Samora suggested that SEPAC could discuss it. Commissioner Sweeny suggested to educate the public or have volunteer days to clean it up.

Mayor Samora asked if the drainage issues for Ocean Trace would also be done on the May 1st presentation. Director Tredik said yes. Mayor Samora asked if Public Works was still doing maintenance at Splash Park. Director Tredik said yes but that they have not explored a new surface and that it is something they could look at and evaluate the pros and cons prior to the budget. Mayor Samora asked if Sea Colony had permits for the boardwalk extension to the beach.

Building Official Law advised that this is the first that he has heard of it. Mayor Samora said that it might be something to look in to. Building Official Law said that DEP should have been contacted and that he would send a Code Enforcement Officer tomorrow but that they are down one Officer right now.

City Manager Royle said that Item XIII.5 is a proposal from Building Official Law for the renovation of a meeting room in City Hall using Building Department funds and that he would pass the information out later to be added to that agenda item tonight.

Mayor Samora said that he received a memo and asked how it should be addressed. City Manager Royle advised that the Vice Mayor was going to bring it up under Commissioner Comments. Mayor Samora suggested doing it now.

IX. COMMISSIONER COMMENTS

Vice Mayor Rumrell said that he received a lot of calls from people on the Boulevard near Blackfly about pedestrians being hit and killed. He said that the weekend of the Widespread Panic concert there were two fatalities in front of the Amphitheatre, another in front of Blackfly, and two days ago another pedestrian avoided a scooter driver who broke their clavicle and has major road rash. He said that the City of St. Augustine's Public Works Director Reuben Franklin and Mayor Tracy Upchurch reached out and asked if the City would be interested in signing a letter addressed to Florida Department of Transportation (FDOT) asking them to start studying this. He said that he shared this with City Attorney Blocker today and he believed that everything seemed to be okay and that he would let the City Attorney explain it. He said that it is really to get their attention with the Sheriff, the County, and the two cities together to get FDOT to look at lighting and taking care of the Boulevard which comes into our jurisdiction. He provided copies of a draft letter to FDOT [Exhibit D].

Mayor Samora thanked him for bringing it to the Commission's attention and said that it is great. He said that he has no issues signing it and asked if a consensus would be needed. City Manager Royle said that a consensus would be helpful.

Commissioner George asked if they were open to including the language to lengthen it down into the Boulevard. She said that there have been a few cyclists and pedestrians hit on the Boulevard over the past couple of months. Chief Carswell advised that there have been two since the beginning of the year. Vice Mayor Rumrell said that he would bring that point up to them as well as down to the four-lane road area because there are not that many lights from the Bridge of Lions heading south. Commissioner George said that we typically get the response that the funding for this is all on us even though it is County owned.

Commissioner Morgan said that she is glad to see this in the light of the unfortunate things that have happened lately.

Commissioner Sweeny thanked the Vice Mayor for taking this on and that she saw that it was talked out at the City of St. Augustine's meeting last week and that it is good to see everyone working together on this.

Vice Mayor Rumrell advised that he would report back to the City of St. Augustine, sign a copy, and get it back to them.

Commissioner George thanked the Commission for approving her excused absence last month. She said that she had an update on the traffic light issue that Mr. Binder brought up at A1A South and Madrid Street. She advised that she made contact with each of the different entities within Marsh Creek and that she heard back from the County and FDOT and they answered all her questions and that is the progress so far. She is waiting to see if there is a consensus with all the

entities on the west side of the highway because it looks like the cost will be around \$1 million. She said that there does not seem to be any interest in cost participation by the State or the County necessarily and that there is no indication of enough accidents there at this time. She said that it is a matter of feasibility. Mayor Samora asked where the \$1 million estimate came from. Commissioner George advised FDOT and the County. She said that there are different phases, and the net sum ended up being around \$1 million.

Commissioner Sweeny asked if the Commission ever sends staff to participate in Leadership St. Johns. Commissioner George said that she has gone as a Commissioner and that it was amazing. Commissioner Sweeny said that they just had an education day and hosted the group at the college. She said that she would love to see the City budget for it next year to be able to send a staff member as a leadership growth opportunity and also as a great network to continue to build relationships between the City staff and other entities because there is a lot of value in the program.

Mayor Samora moved on to Item XII.

X. PUBLIC HEARINGS

There were none.

XI. CONSENT

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

There were none.

XII. OLD BUSINESS

1. Non-Conforming Business Signs: Proposed Changes to Section 8.00.10 of the Land Development Code (Presenter: Brian Law, Building Official)

Building Official Law said that after last month's meeting the Planning and Zoning Division and the City Attorney listened to what was said about the existing sign ordinance and that we are not proposing an ordinance, but more of a consensus. The Commission has a proposal drafted by the City Attorney and Ms. Thompson, City Planner, and that there are some items that he would like to discuss with the Commission first before we propose any changes and that we could possibly begin the ordinance process next month.

Building Official Law pointed out in Section 3.b the proposed change from sixty days to twelve months and he said that an appropriate time frame is something that the Commission would have to decide for the City and that the "sixty days" reference in Section 4.c would mimic whatever is decided today. He moved on to Section 5.a and said that they are trying to not link certain responsibilities to a job title, and he recommended to change it to read "*If the City determines any sign...*" because it may not be the Building Official, it may be the Code Enforcement Officer. He also said that it states to correct the condition "*within forty-eight hours*", which is not reasonable. He advised that some of these commercial buildings are owned by corporations located elsewhere in the country and he would not be able to notify them within forty-eight hours. He asked that the Commission look at those specific items as Section 8.00.10 is being discussed as well as the definition on Page 3, which also indicates twelve months, and it should be reflected in all three spots.

Mayor Samora asked if there were any other specific concerns. Building Official Law said that he would like to have a consensus so that he could draft an ordinance with the City Attorney for the

Planning and Zoning Board meeting in May and then back to the Commission in June and July. He advised that he also had Code Enforcement send out another letter alerting the previous sign notice recipients about the Commission meeting today. He said that they currently have one permit application from Hampton Inn and that they were made aware that there would be potential legislative going on today and that they are going to proceed with the sign permit anyway.

Mayor Samora said that the Commission asked them to revisit this, and it looks like they captured the intent that the Commission was looking for.

Commissioner George suggested to keep the first part of the language in the last sentence of the strikethrough in Paragraph 1.b to read that, *"The City Building Official shall maintain a list of all legal non-conforming signs in the City."* She said that we still need to know how many there are and where they are, etc. She suggested that Paragraph 2.a should end with the same reference to the fifty percent threshold. She said that this is not related to any change but simply an opportunity to review what we have and that it seemed to be a potential inconsistency. She pointed out that other sections such as 2.c reference additional language and she suggested adding the language, *"to the extent that the cost of repair or restorations is fifty (50) percent or less of the cost of replacement of such sign."* She said that we are not trying to create a loophole or inconsistency within the ordinance and that it was odd that the last sentence in Section 2.a was not as detailed. Building Official Law said that he believed that the Code was written exactly the way it should be. He advised that Section 2.a is saying that we know that we have twenty-five legal non-conforming signs right now but that the City has no interest in pursuing legal non-conforming signs because as the code changes, so could the setbacks. He said that Section 2.c specifies fifty percent which is the trigger in every building code, and we would not allow them to rebuild it because of the substantial damage. Section 2.a tells us that we acknowledge that the sign is there and was built at a different time, but Section 2.c says that it is a non-conforming sign. He gave the example of the Guy Harvey sign that became tilted at a thirty-five degree angle after Hurricane Matthew, and it was right over a County lift station.

Commissioner George said that she is not wedded to the idea that it needs more detail, it was just something that she noted and if the Building Official and the Commission are comfortable with it, that she is fine with it as well. She said that she agreed with Section 3.b and that the twelve months kind of struck her that it might be too long because we do not want deteriorating properties. She suggested a possible time frame of ninety days but definitely not more than six months. She moved on to Page 3 and said that it seemed like the definition of "destroyed" is a different standard than the definition implied by the fifty percent rule, which reminded her of some that she had seen in the County. She said that she understands why you would specify the supports, but she wanted to have some discussion and feedback as to whether it should be different or needs to be modified. Building Official Law said that he believed that the City Attorney may have added that and that he thinks that it is there because they are specifically honing in on the upright supports. He said that because of the engineering it would take to repair it that it could easily exceed fifty percent. Commissioner George suggested to add, *"or fifty percent of fair market value of the sign."* She said that obviously those are two different standards. Building Official Law advised that the fifty percent triggers refer to substantial damage, which is a definition used in many governments such as FEMA and the International Building Code. He said that he would be reluctant to even mention substantial damage because it is so honed in to one thing. Commissioner George said that it seems odd that we have a standard in the other sections and that it must be removed or rebuilt to the extent of the cost of repairing it or restoration is fifty percent or more and that when we define "destroyed" it does not include that definition. She said that she does not know if it is a problem but that any attorney could make it a problem and that a simple fix might be to add "or" to "destroyed" to include that fifty percent rule. She went

back to the Building Official's opening comments when he referenced Section 5.a to change the language from "*If the Building Official...*" to "*If the City...*" and asked if we have a definition of "City" in the Code already, otherwise we could say the Building Official or his delegate. Building Official Law said that some of the City Manager references were changed to City Manager/designee before he was here and that he could do similar language using Building Official/designee. Commissioner George referenced the term of "*forty-eight hours*" in Sections 5.a and 5.b and said that she would defer to a longer term with her initial thought being to send notice within a reasonable number of business days. Building Official Law advised that he would like to have at least five business days, but that it could not be used for Section 5.b because it is talking about the correction of the sign and sign contractors are several months out right now. He said if the sign presents a life, health, or safety issue, then the City reserves the right to remove the sign if the owners are unwilling, which would trigger an emergency convening of the Code Enforcement Board in a worst case scenario.

Mayor Samora asked how long an unsafe sign would be allowed. Building Official Law said that is why he brought this to the Commissioner's attention.

Commissioner Sweeny asked if there needed to be clarification of language to specify "*upon receipt of the notification within forty-eight hours*". Commissioner Morgan said that as the Building Official mentioned that notification could be posted at the business not knowing whether the business owner is local and if that would suffice. Building Official Law referenced a situation he had in Jacksonville where an abandoned hurricane damaged sign had to be removed and that they had a welder and a crane cut the sign down at the owners' request and expense. He said that he wants to make sure that the Code is being fair in the event that a sign suffers unfortunate damage and to give them plenty of time.

Commissioner George referred to the City Attorney for due process issues of notice, etc. to find a solution for those timelines. City Attorney Blocker advised that you want to make sure to notify a registered agent/designated owner and that he believed that the Code defines the notification process and that non-local owners would need to be notified properly. He said that the City does have the right to take down the sign if they feel that it is an emergency situation. He suggested to build in more time and that defining notifying agents/delegates is important and that he would work together to make sure it is addressed.

Mayor Samora asked if we need to define what an "*unsafe*" sign is. City Attorney Blocker advised that there are other cities of similar size that define things a little more clearly and that we could tailor it to the needs of the City and maybe even leave it somewhat open-ended to allow for some discretion of staff. He said that he would defer to the Building Official whether having more definition would or would not be helpful. Building Official Law said it would not be because he is the City's licensed Building Code Administrator for life, health, and safety and that when something like this happens, he answers to the Florida Building Code and that no Commissioner has overriding power. He said that if he deems it to be a threat, that three letters would be sent by different methods (i.e., certified, hand delivery, and regular postage). He advised that he would act very quickly if he felt there was a threat.

Commissioner Morgan referenced Section 3.b regarding the timeline change from sixty days to twelve months and she suggested anywhere between ninety days to six months would be more appropriate. She said that she would also like to see that language consistent throughout. She moved on to Section 5.a which references a "*forty-eight hours*" timeframe and the question of whether that is enough time for the owner to make a correction. She asked if a situation made the sign unsafe or if there were a state of emergency, would that affect the timeline. City Attorney Blocker said that if there were a state of emergency, then local government would have broad discretion within that, and if it is defined in the Code as being a safety issue, then the Building

Official would be able to remove it. He said that this is to give a business owner an opportunity to take action and the City would not incur any cost. He advised that if there is a hurricane, the City could take action if it poses any risk, which is already something in place today. He said that you would hope that a business owner would take immediate action and remove the sign within a five-day period.

Building Official Law advised that if there is a damaged sign without any substantial threat to life or property, that he would still move fast and ask that the business owner contact an engineer to evaluate it, such as the recent incident at Circle K. He said that there are many methods to protect citizens but that natural disasters are treated differently. Commissioner Morgan gave a scenario of a sign that already has damage, there is a hurricane on the way, and asked whether we would have to follow Sections 5.a and 5.b or could we remove it before the storm. Building Official Law said that any decisions made would teeter on the line of the Code and that we would get a ruling from the City Attorney and if we are not able to do it, then he would contact an engineer.

Commissioner Sweeny said that Section 4.a does not specify the period of time it has to remain vacant in order to be discontinued. Building Official Law read Section 3.b which states the time frame that continues on to the next Section and if a sign has been abandoned without a face for sixty days that it would lose its status. Commissioner Sweeny questioned whether anything should be added to address a change in ownership. Building Official Law advised that there had been significant discussion on it and that he had said that it would be very challenging to enforce it because a business may sell while the building/landowner stays the same. Commissioner Sweeny suggested linking it to a change in property ownership rather than the business. Building Official Law advised that the Commission could change it to the property owner and that he would support it, but that he would have concerns. He said for instance if Wendy's sells to a different corporation, it is still Wendy's but with different owners, and it is difficult to determine who the owners are when there are corporations involved. He said that if the sign were in good standing that he would hate to burden a new property owner with a \$30,000 sign.

Mayor Samora said that business owner changes would be really hard to track and that it would be worth considering it for property owner changes, which would be an opportunity to get some of these signs into conformance because part of the transaction could be to bring the sign into conformance. Building Official Law reminded the Commission that this would have been an irrelevant point until we started discussing this Code and doing away with the non-conforming signs.

Commissioner Sweeny said that she does not want to penalize the current property owners and that she is very sensitive to that which is the whole point to try to ease everyone into this. She said that if we are going to stick with the original intent of enforcing the twelve-foot height that we need to take some steps to get there and that she would defer to the Building Official and the City Attorney to determine the best way to do it. Commissioner George suggested the language *"change of use"*. Building Official Law said that he liked that language because a change of use is a permitted event and the sign conformance could be encapsulated with the permit, otherwise he would have to search every business in the City to determine any change of ownership. Commissioner George said that it would be a silent penalty to the occupant and that applying it to a change of ownership seems a little dicey. City Attorney Blocker said that that language could be added to capture some of it if the goal is to phase the non-conforming signs out and that they could work on it and bring it back to the Commission. He said that the purpose today was to address some unanswered questions, to get feedback, and that they could put some triggers in it based on use, sale, etc. and also look at what other cities of similar size have done. Commissioner George advised that it was implemented in 2016.

Commissioner Morgan asked if the Building Official thought that a change of use would be easier to implement/enforce from his standpoint. Building Official Law said that in accordance with the Building Code, a change of use is changing the occupancy. He said for example 301 A1A Beach Boulevard was previously a residence and is being converted into a real estate office, which is required to be permitted and also requires that the building be brought up to current Codes and using the "change of use" language is right in line. City Attorney Blocker advised that we would want to make sure to define what a "change of use" is so that it is understandable and clear. Commissioner George asked if a retail tenant moves out and another retail tenant moves in would it be considered a change of use. Building Official Law advised that the Building Code does not consider that a change of use because it is the same use and occupancy. He said that with the selling of the building/property that the City could be behind as much as six months.

Commissioner George asked if it could include a list of the current non-conforming signs when it comes back to the Commission next month because the change of use could have some unintended consequences and that she would not want to create a stigma on a property that would have remained the same use if it would create a huge financial burden. Building Official Law said yes. Commissioner George said that it would also help address the question of the intent and she would not want to burden a business that has a perfectly good sign with plenty of years left.

Vice Mayor Rumrell questioned Section 3.b regarding the language "*ceases to be used*". He said that as a realtor he may market a commercial piece of property, such as Wendy's, which could take sixty to ninety days to market properly. If he gets an offer, a commercial property has a due diligence period of one hundred to one hundred and eighty days. He said that during the due diligence period they are trying to find a tenant and so he thinks that the proposed change to twelve months is fair as long as the maintenance side of it is fifty percent or better whether the owner still has to maintain the sign. He said that he would not want to punish a corporation from buying it and having to use a sign that is probably sixteen foot tall and drop it down to twelve foot on a major highway and that he has an issue with that because it could take up ten months to market and sell a property and he would not want the sign to be the reason that they backed out. He suggested that it could be an exception that would apply only to the four-lane highway because we do not have any really high signs left. He said that it may take six months for a hotel to get a flag and that there are other things that have to happen and that he wants to be mindful of the businesses and that we look at the twelve months not as a free pass. He said that he did not think that the City has enough signs to junk up the community and that we have to look at our property owners and businesses and make sure that they are protected to some degree as well.

Commissioner George said that she understands the Vice Mayor's point about maintenance being a differentiating factor but it comes down to the question of the Commission's intent to implement the aesthetic goal. She said even in that context it becomes part of the start-up cost as opposed to an unexpected cost mid-stream. Mayor Samora said that it would depend on the intent and that another qualifier is that it is not in use, so not every business would be shut down.

Vice Mayor Rumrell said that he is fine with everything else as well as adding to keep the list. He said that he personally gets the non-conforming to conforming but had he been on that prior Commission, he probably would have voted to grandfather in all the signs and leave the fifty percent rule as the triggering mechanism for them to come into conformance because every new sign has to be conforming. So, it is really the grandfatherization of these twenty-five signs. Building Official Law said yes and that it has been dwindling over the past five-plus years since he has been with the City. He named several of the signs that have conformed and said that the Anastasia Plaza/Publix is on their list right now. He said that it is interesting because of the number of

tenants in the plaza and that sometimes a variance may be the right course. Vice Mayor Rumrell said that Publix is a tenant that may lose revenue with a smaller sign.

Mayor Samora opened Public Comment.

Charles Lassiter, 320 Redwing Lane, St. Augustine Beach, FL, has the plaza at the south end of A1A South; after listening today, he has a much more palatable view of what the City is trying to do vs. the letter he received stating that he has until August or they are going to tear his sign down and he has to spend \$40,000 for a new one; the City is on track if it wants the twelve foot height for the aesthetics of the City because we are not a Palm Beach, Boca Raton, etc.; his plaza is small with eight units and there is a problem with change of use for the individuals inside, which should be looked at as well; he said that he has been educated tonight.

Ellen Avery-Smith, Rogers Towers Attorneys, 100 Whetstone Place, Suite 200, St. Augustine, FL, last month she spoke about her Dunkin' Donuts client at Circle K; thanked the City for doing this and said that it has come a long way; she sometimes advises clients in their real estate business, even if they are a franchise, to have a different Limited Liability Corporation (LLC) for ownership of each property; sometimes they consolidate and put the LLCs back into one company; sometimes under the franchise agreements, if they fail the Dunkin' Donuts standards, then corporate can come in and take over; the change of use is probably a great idea to trigger it; the estimate for Dunkin' Donuts' sign is over \$30,000 and may take up to a year due to labor and supply issues; it would probably take six months to a year from ordering the sign to get it in and install it.

Troy Blevins, Jalaram Hotels, 14 Riberia Street, St. Augustine, FL, has a legal non-conforming sign [Exhibit E]; partnered with the City and the parkettes and they maintain it; the sign is set back a little bit and is probably about sixteen-feet high; this is one company that has fourteen different LLCs and the owner has been pushing those to his sons and would be more in favor of the change of use; we have brand standards when it comes to our signs and it has to get corporate approval so anything less than six months would be hard to do; gave an example of a crosswalk that was ordered last month and would not be in until August, which is on the government side; there are a lot of delays in construction and he would prefer the full twelve months; if his sign gets destroyed it would be a challenge to stay under the twelve foot height limit and still have visibility.

Mayor Samora closed Public Comment.

Commissioner George asked for clarification on the last Public Comment regarding a six month timeline for getting corporate approval because in that case it would be for a new sign. Mr. Blevins said only if it breaks that threshold of fifty percent and said that the monument is worth more than the physical sign, but it is still part of his sign. Commissioner George said that the business is still operating and the sign is still there, and she asked under what circumstances would Best Western be seeking approval for a new sign that could result in that current sign being vacant for more than six months. Mr. Blevins said that we have franchise agreements with Best Western and we own the hotel and Best Western is their franchise for their flag. He said that Hampton Inn is a better performing hotel than Best Western so if he gets a Hampton flag it would change the skin on it and it would be less than fifty percent and does not change the use but it still creates the space that is our asset. He said that Best Western gives the owners a lot more leeway than Hilton or Marriott. He said that he could live with the six months, but does not want to be pressured into something that is out of his hands. Commissioner George thanked Mr. Blevins for his clarification. Building Official Law said for the record, permits are not required for a face change as long as the structural elements are there. Commissioner George said that she did not think that Mr. Blevins' example impacted the question of the six months vs. twelve months. Building Official Law said that once a building permit is applied for, then the Florida Building Code takes precedence, and

the permit is good for one hundred and eighty days unless there is an approved inspection and that he would consider that the same method to use for signs. He said that once the sign was applied for that they would have one hundred and eighty days to get an approved inspection or request in writing for an extension so there is a mechanism for material shortages, etc.

Vice Mayor Rumrell said that he believed that Wendy's is listed by a realtor now and if they were to put their realty sign in there then it would no longer be considered inactive. But on the flip side he does not know if he would want to see a bunch of realtor signs on them to keep them active. Building Official Law said that he would not consider that as being the spirit of the Code. He said that we may make a strict interpretation of the Code, which is our job, but that there is always the avenue of appeals of the Planning and Zoning Board. Vice Mayor Rumrell asked if it could say "coming soon". Building Official Law advised that if that happened that he would consult with the City Attorney, ask for a ruling, and enforce that ruling. He said that the reason that they have not done anything with Wendy's is because we are engaging in this dialog today, the sign is not in structural disrepair, and they held off on Code Enforcement action until the Commission gives him leeway.

Mayor Samora asked for a consensus of guidance and he recapped the discussion starting with Section 1.b and said that the consensus is to keep the list active. He moved on to Section 2.a, which is regarding the fifty percent language. Commissioner George advised that Building Official Law said that the language in Section 2.a is better the way it is. City Attorney Blocker agreed. Mayor Samora said that Section 3.b was the timeline of twelve months. Commissioner George said that as a value overall to the initial intent of trying to transition without creating a hardship on existing businesses and that she is comfortable to continue discussion for a six month timeline and that she thinks that twelve months is too long. Commissioner Morgan, Vice Mayor Rumrell, and Mayor Samora all agreed with six months and Vice Mayor Rumrell said that he is still at twelve months.

Mayor Samora moved on to Section 4.a. Commissioner George said there needs to be further attention for Section 4.a to ensure consistency and to leave that for staff to determine. Building Official Law asked if the six month window would be moved to that section as well. Vice Mayor Rumrell said that in Section 4.c that the sixty days should change. Commissioner Sweeny said that Section 4.a is meant to be read in conjunction with Section 3.b, so we need to either change Section 4.a or just clarify and keep it consistent. And Section 4.c was meant to be more consistent with the six months.

Mayor Samora recapped Section 5.a to be changed to *"If the City Manager/designee..."*. Building Official Law advised that he would prefer that it state the *"If the Building Official/designee"* and that he would also change it for any other Section that specified the Building Official and he reminded the Commission that this Code is designed to last for fifteen years. Mayor Samora moved on to Section 5.b. Commissioner George said that she is comfortable getting further advice from staff for Sections 5.a and 5.b unless there is further direction needed from the Commission. Building Official Law said that there was prior discussion for proposing five business days. Mayor Samora said that the Commission supports the five business days for notification. Building Official Law advised that the correction of the sign would be another five business days once we have the returned receipt from the certified letter. Commissioner George suggested adding language at the end of Section 5.b for the City to act if there is immediate danger vs. waiting a total of ten days. Building Official Law read Section 5.b and said that he believed that it already gave him authority to act. Commissioner George suggested adding a Section 5.c that states *"notwithstanding of the foregoing if the City Building Official deems it to be substantial imminent danger"*. City Attorney Blocker advised that they could add language to define it and then let the Commission decide.

Commissioner Sweeny asked if the City Attorney would clean up the notification language in it. City Attorney Blocker said yes.

Vice Mayor Rumrell asked for clarification of the correction within five days such as if there is a storm. He said that it may take fifteen days whether the City removes it, or the owner does it. Building Official Law advised that part of his job is to read the Code and its intent and make the best decisions with the tools that he has. He said that when disasters happen, we operate in the same manner just a lot faster.

Mayor Samora said that the Commission has decided against defining "unsafe signs". He said that we also discussed "change of ownership" vs. "change of use". Commissioner George said that it would be worth looking at the language that staff presents. Commissioner Sweeny said that she would like to see a more legal definition with the "change of use" included which would help her to decide. Building Official Law advised that Ms. Thompson would be presenting this next month and that they would take the exact definition out of the Florida Building Codes.

Commissioner Morgan read Section 6.b and said that it reflects twelve months and that it should also be made consistent. Commissioner George referenced Section 6.a and said that the Commission discussed adding the language "*or fifty percent fair market value threshold*" as a part of the definition of "destroyed". Mayor Samora said that it makes sense, and it is consistent.

Building Official Law advised that he has enough information to bring it back to the Commission and that it would most likely be in a non-ordinance form.

Mayor Samora moved on to Item XIII.2.

XIII. NEW BUSINESS

2. Solid Waste Collection for Vacation Rentals: Ordinance 23-02, First Reading, to Change Language in Chapter 10 of the City Code (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik advised that this is the first reading of Ordinance 23-02 to provide for a commercial non-ad valorem assessment for solid waste and recyclables for transient rental properties and that this has been discussed at several meetings in the past. He recapped and said that in 2020 the Commission modified Chapter 10 of the Code in an attempt to eliminate "can counting". He said that commercial properties, with the exception of condominiums, were required to purchase City waste carts to match their consumption based on the "can count" method. He said that commercial customers include businesses, transient rentals, and condominiums. In 2022, to simplify the billing, we brought the condominium units into the residential non-ad valorem assessment, which simplified the billing for both the City and the Condominiums. In October of 2022, the Commission voted to begin the process of creating this commercial solid waste assessment off the transient rentals and in November of 2022 you passed Resolution 22-16 expressing the intent to implement this non-ad valorem assessment, which was submitted to the Tax Collector. He said that Ordinance 23-02 modifies Section 10-13 of the City Code to exempt commercial service premises from the requirement to purchase City waste carts if they pay for solid waste collection/disposal and recycling services via a non-ad valorem assessment. He said that we took a hard look at the existing Code, which was fairly well written and just needed a little tweak to give commercial businesses that are paying a non-ad valorem assessment a way to not have to purchase a waste cart. He said that the only change is the addition of the last sentence in Section 10-13 (l) (1).

Commissioner George asked for clarification whether this is payment to the City for solid waste collection. Director Tredik said yes because the City would be the entity implementing a non-ad valorem assessment and they would no longer be required to purchase a waste cart, which also means that they would not be required to pay the weekly fees per cart that get passed by a

resolution each year. It would be included in their tax bill, and they could use any trash can they want. Commissioner George asked if there would be any non-conforming can charges. Director Tredik said no. He explained that it would all go away, it would reduce the paperwork on the Finance Department/Purchasing side, and it would also reduce the time it takes Public Works to log the non-conforming cans/overages.

Commissioner George questioned what would happen if a business used a lot more than whatever we have calculated the non-ad valorem assessment fee to be. Director Tredik advised that it is the same for residential units that put out more trash than others and that it would never be completely balanced. He said that the intent is to have one fee for transient rentals. Commissioner George asked if it would be an opt-in or out situation for the property owner. Director Tredik said no, that is not the current plan and that they would be notified of the non-ad valorem assessment. He said that he believed that the City Code does provide language for opting out but that he would have to research it. Commissioner George read the change as being that they could opt-out. Director Tredik said no that it means that they would not be billed a monthly fee and would not have to purchase City waste carts. Commissioner George asked if the City would be getting rid of all the carts. Director Tredik said that the carts would be phased out for all but the traditional commercial businesses such as restaurants, etc.

Commissioner George said that she really does not understand, and she asked why we would even keep that language. She said being an owner of a duplex that has a law office and a transient rental, that she does not understand how we are doing what we are doing with the ordinance that we have or where we are going with this. She said that maybe she needs to sit down with Director Tredik after the meeting. Director Tredik said he would be happy to do that. He said that is simply to provide language that if you are paying it through a non-ad valorem assessment, then you no longer are required to purchase the City waste carts or pay the monthly cart fees. He said that if we need to tweak the language, that he would get with the City Attorney and do so. Commissioner George said that it is not one or the other, so it is not optional. Director Tredik said it is not optional, it is just providing an alternate payment method rather than monthly billing. Commissioner George said it is either pay by can or non-ad valorem assessment. Director Tredik said no, there will be no more pay by can. Commissioner George asked what are the two options that we are providing. Commissioner Morgan said that Section (s) states that the other option is to have a private hauler so if they are exempt for this reason why wouldn't the other be exempt for their reason.

City Clerk Fitzgerald advised that currently all commercial businesses in the City have two options for garbage. Option one, they can contract with a private hauler, which is not always an option for transient rentals because most private haulers will not do single-can collection in a residential neighborhood. Option two is to have collection through the City, which is what the current Code in Chapter 10 allows, and they are billed every month based on a flat rate established by how many City cans they have purchased. She said that the Commission passed a resolution last October to explore a non-ad valorem exclusively for transient rentals so that they would be billed one flat rate in their taxes like residences and all we are attempting to do with this modification of Chapter 10 is to allow for that to be done and it does not lock us in to anything or change our current operation until such time the non-ad valorem is passed. If it is not passed, this is simply a framework that allows for a future change.

Mayor Samora asked specifically about multi-use properties that have a business below and transient rental above. Finance Director Douylliez said that by holding a Business Tax Receipt (BTR), you are a commercial customer and not a residence. Therefore, they would both be considered commercial and would both have to pay for the service. If it is a one-owner building and the owner has contracted with the City to provide waste carts for that business, then they

can tell us how many carts they want and provide them for both spaces because it is a commercial building. She said that transient rentals are not considered residences.

Commissioner Sweeny asked if there was a reason that we are passing this now. Director Tredik said that the reason is because it takes two readings to pass the ordinance and we are looking at bringing in the recommended transient rental non-ad valorem assessment rate in May. We need to pass that in order to have a Public Hearing in June which would need to be noticed twenty days in advance. He advised that a resolution has to be passed by August to have an agreement with the Tax Collector, so there is a set schedule of events, which is why we wanted to bring this to the Commission first to talk about the ordinance and have the second reading and determine the appropriate rate at the next meeting.

Mayor Samora suggested for Commissioner George to follow up with the Finance Director because of her situation with a business downstairs that has waste carts with the City, and if we make this change, there is no opt-out for the transient rental upstairs and they would get billed a non-ad valorem. Finance Director Douylliez said yes, unless the building owner decides to provide trash services for the whole building just as if they contracted for a dumpster. Mayor Samora said there is an opt-out option there.

Commissioner George asked if her building would be receiving non-ad valorem assessments for both transient rental and commercial even though she only puts out one can every week. Finance Director Douylliez said no. She said that the owner would need to provide the exemption form stating that they are providing trash services for their building and have estimated their trash services to be one cart, two carts, etc. and that is what they are providing for that building as a whole which would allow that transient rental not to be billed for the non-ad valorem assessment. She said that if the building is sold and the new owner says, "no transient rental", that it would trigger the non-ad valorem for the owner and the business below would pay the City on its own for the waste cart service.

Commissioner George said that the current situation is very weird and that she has paid for two carts but can only have possession of one cart. If she takes possession of both carts, then she would be billed every week for two carts. She said that maybe one week a year she needs both carts but if she puts out a non-conforming can, then she would get billed for that can plus an extra \$23 for a non-conforming can. She said that this ordinance states that the fees will be set by a fee schedule that the Commission will review and that she has never once as a Commissioner reviewed any such fee schedule. She said that it is a small issue and that she is probably the only person in the City that is impacted by it and that she does not want to waste her time or the City's time on it but that it needs cleaning up. She said that this definitely sounds like it is a better method. Director Tredik said that we did pass resolutions with the fees. Commissioner George said that she did not remember seeing that. City Clerk Fitzgerald advised that it was passed and went into effect October 1. Commissioner George apologized for misstating.

Mayor Samora agreed that it needs to be cleaned up and that we are working to do that. He said that it is not just affecting Commissioner George because we are seeing more and more businesses downstairs with transient rentals upstairs and that we are going to continue to see it so we want to make sure to get it right.

Director Tredik said that Commissioner Morgan was correct that Section (s) allows for the option to contract with a licensed, franchised, private hauler but that we have not seen many that are willing to do single-can pick up for just a few properties in the City.

Commissioner Sweeny asked what subparagraph (h) referenced since it was not in the agenda books but is part of the proposed change. Commissioner George read from subparagraph (h) as saying, *"commercial service premises which generate or have historically generated more than an*

average of ten (10), thirty-two (32) gallon waste receptacles or equivalent volume of solid waste per week will not be eligible for City solid waste collection services and must secure private hauler for solid waste collection and disposal services.” She said that if you are creating so much of a volume that exceeds ten cans, then you would have to hire a service and the City would not manage it anymore.

Commissioner Sweeny asked why we are exempting them from complying with this. City Clerk Fitzgerald said that the intention is to exempt them from being double billed. She said they are either going to pay in non-ad valorem taxes or be billed through the City’s monthly services.

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 23-02. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XIII.3.

3. Replacement of Roof for Police Station and Building C: Award of Bid and Approval of Budget Resolution 23-07 (Presenter: Bill Tredik, Public Works Director)

Public Works Director Tredik handed out an updated PowerPoint presentation [Exhibit F]. He advised that there have been concerns for roof leaks in the Police Department; inspections were conducted, and damage and leaks were found, which were evident from above and below as well as structural damage to the wall dormers on either side of the building. He said that the roof is pretty old, reaching the end of its life, and repairing it would be expensive. He said that it makes a lot more sense to replace it and that it was originally in this year’s budget but was eliminated for budgetary reasons and that we thought we could get one more year out of it. He said that it needs to be addressed now so that the damage does not get worse or into the truss system. He said that the recommendation was to replace the roof and go out to bid, which we did on March 4, 2023. He advised that we planned to open the bids earlier but extended the opening to March 28th and that is why everything is not in the package together.

Director Tredik said that we looked at three different options for roofing material. One was architectural asphalt shingles which is what is on City Hall, and the other two were painted metal with exposed fasteners or with hidden fasteners. He said that we also added the cost of the wall dormer repairs because we did not know how much the cost would be structurally. He provided a slide [Exhibit F-2] showing the different roofing materials and the pros and cons of each. He said that the architectural shingles come in a variety of colors, textures, and tab configuration choices and they are relatively easy to repair. He said that the cons are that they do not have a very long product life at only fifteen to twenty years, are more vulnerable to wind damage, require more maintenance, and are less energy efficient. He moved on to describe the two metal roofing options and said that the difference is that with an exposed fastener you are attaching the roof panels by screwing through the metal decking. He said that they have a high durability, but maybe not as much as the hidden fastener, and are more energy efficient than asphalt shingles. They have a shorter life than the hidden fasteners because of those penetrations and are a little more likely to leak. He said that for a commercial building you often see a standing seam and have a sleeker look than the exposed fasteners, which is a matter of preference. He said that he is concerned about the maintenance aspect because the City would need to maintain the roof as well as concerns for the life span not being as long as the hidden fasteners. The hidden fasteners are probably considered the Cadillac of roofs with minimal maintenance, high durability, and energy efficient. The cons are the cost, but when you look at cost, it is important to look at short-

term vs. long-term expenses and spreading over the years, it is more cost effective for a seventy-year roof.

Director Tredik moved on to the next slide and said that the City received five bids [Exhibit F-3]. He advised that the reason two of the bidders are in bold is because they addressed all the bid items. He moved on to the next slide which broke down the bid considerations and total costs [Exhibit F-4]. He discussed bidders 1, 2, and 4 and why they were not recommended for award of the bid, which left two bidders: A to Z Custom Homes and Thomas May Construction Company. He said that A to Z Custom Homes was the low bidder on the asphalt shingles, the hidden fastener painted metal roof, and the wall dormer repair. Thomas May Construction was the low bidder on the painted metal roof with exposed fasteners. He said that from his perspective and a maintenance perspective that he does not feel comfortable recommending the exposed fasteners because of the pros and cons that he discussed. Hidden fasteners cost more, but have a longer life, and he recommended to go with either the asphalt shingles or the hidden fastener metal roofing.

Director Tredik moved on to the next slide [Exhibit F-5] and said that the Police Department roof replacement was not in the current FY 2023 budget and would require a budget resolution, but that Building C is in the current budget and would not require a budget resolution. He asked that the Commission consider these alternatives and choose one to go with and that there are different dollar amounts for Budget Resolution 23-07 depending on which roof the Commission chooses.

Mayor Samora asked if Building C was included in each bid and how much was budgeted this year for the roof. Finance Director Douylliez said that \$40,000 was inclusive of all the repairs needed to Building C. Mayor Samora confirmed that the \$40,000 was not exclusively for roofing. Finance Director Douylliez concurred. Commissioner Sweeny asked how much the other repairs for Building C would cost. Finance Director Douylliez said that she does not believe that we have gotten any quotes yet, but that the Building Official may be able to provide further information. Building Official Law said that he has been on the Police Department's roof and that it is past its end of life and that the dormers, which are architectural features, are rotted and have leaked around improper flashing and have bull ants. He strongly recommended not using exposed fasteners because the neoprene washers will rot. He said that this is our Police Department, we need something fitting of the City, and that asphalt shingles would need to be replaced three times before that metal roof would fail. He said that these buildings are over twenty years old and are in need of repair. He advised that a metal roof with hidden fasteners is the right answer if the City can afford it. He said that Building C has water seeping up from the ground on the south side where the ground level is higher than the floor level of the concrete even though it is a concrete block wall, which has one disadvantage of soaking up water. He advised that the water is permeating through to the sheetrock and the baseboard and there is mildew evident on the bottom of the baseboard, which could be cut away and is not a huge expense. The PTAC (Packaged Terminal Air Conditioner) unit by the generator has been abandoned and they have a piece of plywood in there. He said those are split face blocks and would be a little more challenging to get and install but it can be done. He said the unit on the west side is the one that has been abandoned with the installation of central air last year. He advised that he could assist Public Works and do an infill of blocks, stucco it, and to make a band for a City seal, etc. so that we do not have to recoat the entire building. The building is in need of elastomeric paint and the stucco is cracking. He said that the majority of the \$40,000 will be made available for roofing.

Mayor Samora questioned how much those repairs would cost. Building Official Law said that his estimate would be \$10,000 but it would depend on whether City staff has time to do it such as cutting the concrete out for the bollards, etc.

Mayor Samora said that he has questions about the resolutions. Finance Director Douylliez advised that there are three options for pricing. She said that in the top right-hand corner of each resolution there is an A, B, and C which follow the options that Director Tredik has on his last PowerPoint page [Exhibit F-5]. Option A would be going with the asphalt shingles which is the lowest cost option, and we would need to pull \$30,000 into our budget this year but it would not come from reserves because we currently have approximately \$81,000 in our emergency contingency line for excess revenues over expenditures for this year's budget. She recommended that the other options come out of the reserves. She said that the main reason that she would not want to use all of the \$81,000 that is allocated for emergencies is because we found out last week that one of the air conditioning units at City Hall has issues and that they have done an emergency repair and if it fails, we could be looking at another \$20,000 hit.

Mayor Samora said that he is a little confused with the numbers looking at Option B vs. Option C because there is roughly a \$25,000 difference in cost but only a \$10,000 difference in the budget resolution. Director Tredik advised that there were different prices in the Building C work between A to Z Custom Homes and Thomas May who was actually cheaper on the Building C price which is why it is not exactly apples to apples. He said that he totaled it and then removed the Building C cost because it would not require a budget resolution. Commissioner Sweeny asked how much he pulled for the Building C costs. Director Tredik said that he believed it was \$10,000 for A to Z, but that he would have to go back and look at it. Commissioner Sweeny asked if it was pulled from the Building C cost that was budgeted. Director Tredik advised that he reduced the budget resolution by the amount that was already in the budget for Building C which was done in different amounts for different vendors for the hidden vs. the exposed fasteners and that is why the numbers do not match. He said that if you went with the painted metal hidden fasteners that the contract would be for \$102,785 which would include all the work for the Police Department and Building C and the dormer/architectural feature repair and the same thing for Option 2 because we have different vendors and different prices for the various items. Vice Mayor Rumrell asked if the \$128,460 for Thomas May included everything as well. Director Tredik said yes. Commissioner Morgan said that Director Tredik did not recommend the Thomas May bid so there is no budget resolution for it. Director Tredik said correct.

Vice Mayor Rumrell asked if there was a reason why there was only a \$3,000 difference in the A to Z Custom Homes price for the exposed fastener roof and the hidden fastener roof which would last seventy years. Director Tredik said that that is a really good question and he believed that the answer is that they really want to do this job. He said that he was concerned about it and called him to make sure that it was not an error and that he was assured that it was not an error.

Commissioner George asked if the Police Department building structure could hold a second story if we ever needed to expand. Building Official Law said that it is a block building, which is a great base for a second floor, but we would have to reevaluate the footers because they may need to be widened, which is achievable. He said that all the City's buildings have good bones and that is why he is so adamant about having a good roof. He said that if the City ever decided to add a second story to any building that it would require a complete rewire, new mechanical, new plumbing, etc., and given the City's lack of real estate, it may become an option, but it would be expensive. Commissioner George asked if it would be preferable vs. expanding the footprint as far as cost. Building Official Law advised that the Police Department sits in a unique area and cannot go west but could expand to the backside, which would take a redesign. He said that if you attach to the existing building, unless you keep the Police Department in their home, and continue to build and then collapse down into the separate buildings out back and it could be encapsulated into a new design which would keep them operational. He said that electrical would need to be upgraded which is not a big deal, they have a self-contained air conditioning system, and they could have a sub-panel in the new addition to feed all the wiring which would be very minimal

interference with police operations. He said that the building would have to be abandoned to go vertical.

Commissioner George asked Chief Carswell if he sees the Police Department running out of space in the next twenty years. Chief Carswell advised that if they ran out of space it would mean that they have added a significant number of administrative staff, not police officers, and he believed that they are pretty far off from that. Mayor Samora asked the Chief if he wanted to comment about the roof. Chief Carswell said that obviously he would pull for the strongest, longest lasting roof because during storms that building is where all the police officers stay.

Commissioner George asked if the City's insurance policies would replace the metal roof if it were destroyed in a hurricane. City Clerk Fitzgerald advised that the City's policies would cover the buildings whatever materials they are made of.

Commissioner Sweeny asked if this would increase or decrease our insurance premiums. Building Official Law said that there have been insurance rate hikes for roofs that are eleven to fifteen years old or older, which is non-negotiable whether you buy a lifetime shingle or not because the insurance companies do not care. He said that insurance companies love metal roofs because they perform better. He gave the example of the Embassy Suites Hotel which installed a lifetime shingle roof, and some blew off during the last storm. He said that hidden fasteners cannot really be inspected and that he would do during the process and that the roofer would be issued a permit, which would come up in the event of a disaster or roof failure and that we would have every document that the insurance company would need. He said that residential qualifies for discounts for metal roofs, but he did not know if government buildings would qualify for any discounts.

Commissioner Sweeny said that looking at Resolution C, which is for the painted metal roof with the hidden fasteners, that she does not understand how they are both increases. Finance Director Douylliez advised that one is the revenue account, and one is the expenditure account and that she has to increase the revenue in order to increase the expenses. Commissioner Sweeny asked if we show where the revenue is coming from on the resolutions. Finance Director Douylliez said no, it closes out during our audit and will funnel into the net of the reserves. She said that on Option A there is an increase and a decrease because she decreased the emergencies and contingencies. Commissioner Sweeny said that is where she got confused because there was an increase and decrease on one and not the other. She asked if Finance would be comfortable if the Commission decides on the more expensive option coming from the reserves. Finance Director Douylliez said yes, that the auditor explained that we have a lot of reserves right now. She said that we had a lot of projects budgeted last year with revenues and there were a lot of expenses that were not realized in our projects and that money funneled back into reserves. The City has a lot of projects that it is going to have to fund but right now she feels comfortable taking out the additional money.

Commissioner Morgan asked if Building Department money would be able to cover any of this. City Manager Royle said no. Someone spoke away from the microphones and asked what about when City Hall is reroofed. Building Official Law said that we could do a linear translation of the square footage of what the Building Department actually occupies and that the Building Department does not occupy the Commission Room, but it would be more than happy to pay a share. He said that you should start budgeting for City Hall's roof in ten years and that he believed that it was replaced in 2018.

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

Motion: To approve Budget Resolution 23-07.C for painted metal roof with hidden fasteners in \$102,785. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XIII.5.

4. City Attorney Services: Request for Approval of Addendum to Contact with the Douglas Law Firm (Presenter: Jeremiah Blocker, City Attorney)

This item was not discussed.

5. Meeting Room Renovation and Budget Resolution 23-08 (Presenter: Brian Law, Building Official)

Building Official Law said that as you heard from the auditor, the Building Department is still in surplus of its five-year average, which he recalled to be about \$230,000. He said that last month he asked for \$60,000 to renovate the Building Department restrooms, which takes it down to about \$170,000. He said that in this budget resolution we are asking for \$85,000, which takes us down to \$95,000. He said that if he took \$135,000 from his reserve and divided that by five, that he could add that much more to what he can hold in reserves because he is allowed to hold a five-year average, and this would amend his operating budget for this year. This would leave \$60,000 in reserves and after these projects are underway, he wants to earmark that money to replace the windows with impact, low-emissivity (low-e) glass. He explained that the meeting room space used to be larger, but a portion of it was needed to house the engineers, so it was divided and finished for office space. He said that the City has not shown any interest in renting the remaining meeting room space and that City staff as well as the Commission have nowhere to have a meeting. He said right now they are meeting on fold-out picnic tables, which is problematic for him because he meets with developers and designers, and he uses interactive monitors in his department which have been a huge success. He described some of the proposed renovations such as flooring, paint, installing occupancy sensors to comply with the energy code, modifying the air conditioning, a twelve top conference table, etc. He said that he is asking to piggyback contracts with Thomas May Construction Company. He said that even though he is calling this a Building Department meeting room, it is a City facility, and all departments could use it and it could also be used for overflow seating for Commission meetings if needed. He said that this is completely out of the Building Department reserve money, it supports the auditor's recommendation, and he would like to proceed as quickly as possible.

Mayor Samora asked the Finance Director for her comments. Finance Director Douylliez said that her only comment is that she would like to see that repeat comment come off of the audit report.

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

Motion: To approve Budget Resolution 23-08. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XIV.

XIV. STAFF COMMENTS

City Attorney Blocker wished Commissioner Sweeny a happy birthday.

Finance Director Douylliez said that she is thankful that the audit is completed and that they are working hard to correct the other deficiencies to make sure that they are not recurring on the audit report. She said that she just sent the first six months of data to ClearGov to begin the budgeting process for the upcoming budget cycle, which should be uploaded by April 6th, and she can start scrubbing the data and send it to the Department Heads for their input.

Public Works Director Tredik advised we submitted a St. Johns River Water Management District cost-share for Ocean Walk subdivision. He went to the website today and we ranked sixth out of thirty-four and if the governing board approves the current list, we would get funded \$354,000 for Ocean Walk.

Building Official Law advised that City Planner, Jennifer Thompson, has taken over the CRS (Community Rating System) Coordinator position and that she has navigated her first five-year community assisted visit. He said that we are retaining our current rating with the hopes of moving forward with some of Public Work's things, which would be big points for them. He said that they also completed their annual certification with no deficiencies.

City Manager Royle read a letter of appreciation that he received from a citizen on Ocean Pines Drive regarding the professionalism of the Building Department [Exhibit G]. The Commission congratulated him and his staff. Building Official Law said that the Commission would be seeing him next month because that resident applied to sit on the Planning and Zoning Board.

City Manager Royle presented the Commission with the new City coins and said that if they needed more to let him know. He said that they were due to the City's Events and Communication Coordinator and the Commission's guidance.

Commissioner Sweeny asked for an updated list of where we are with ARPA funds. City Manager Royle advised that it is part of the Finance Department's monthly reports in the agenda books as pages 46-47.

Mayor Samora said as a reminder that City offices are closed on Friday, April 7th for Good Friday, SEPAC meets on April 11th hopefully with their new member, Planning and Zoning Board is April 18th, and the Arbor Day event at Pier Park, Wednesday, April 26th, at 11:00 a.m. with the tree give-a-way.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 9:00 p.m.



Donald Samora, Mayor

ATTEST:


Dariana Fitzgerald, City Clerk

Annual Audit 2022

Presentation to: City of St. Augustine Beach
Presented by: James Halleran, CPA



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Daytona Beach, FL 32114
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Exhibit A-1
Date 4-3-2023

Independent Auditors' Reports

Financial Statements (pages 1-3) – Unmodified Opinion

Internal Control and Compliance – Uniform Guidance (pages 45-47)

and

Internal Control and Compliance – Government Auditing Standards (pages 48-49)

- » 2 prior year comments corrected
- » 1 prior year AG recommendation modified as new material weakness, see 2022-001*
- » 1 new significant deficiency* - financial statements and single audit, see 2022-002*

*Page 55: Management's Response to Findings



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Exhibit A-2
Date 4-3-2023

Independent Auditors' Reports

Management Letter Required by Chapter 10.550, Rules of the Auditor General (pages 50-52)

- » 1 prior year comment – corrected
- » 1 prior year comment – modified in the current year, see 2022-001*
- » 1 prior year comment – repeated in the current year, see 2022-004*
- » 2 new recommendations*

Florida Investment Statue Accountants' Examination Report (pg. 53)



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Exhibit A-3

Date 4-3-2023

General Fund (Page 11)

<u>Fund Balance</u>	<u>9/30/2022</u>	<u>9/30/2021</u>	<u>9/30/2020</u>
Nonspendable	\$ 83,887	\$ 76,811	\$ 59,290
Restricted	749,301	774,286	1,089,540
Committed	-0-	-0-	-0-
Assigned	-0-	650,000	425,000
Unassigned	* <u>3,709,218</u>	* <u>2,343,828</u>	* <u>1,041,529</u>
Total	\$ <u>4,542,406</u>	\$ <u>3,844,925</u>	\$ <u>2,751,307</u>

*Unassigned general fund balance would ultimately be responsible for covering the deficit fund balance in Road and Bridge and/or Weir Project.

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Exhibit A-4

Date 4-3-2023

General Fund Balance and GFOA Policy

Total <u>assigned/unassigned</u> fund balance	\$3,709,218
2022 expenditures and transfers out	\$7,995,377
Assigned/unassigned fund balance as a % of expenditures and transfers out:	46.4%
GFOA minimum rec. = 2 months	At least 16.7%

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Exhibit A-5

Date 4-3-2023

General Fund Balance City Policy

Total unassigned fund balance \$3,709,218

2022 expenditures \$7,641,324

Unassigned fund balance as a % of expenditures: 48.5%

City Fund Balance Policy At least 20%

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Exhibit A-6
Date 4-3-2023

Financial Highlights

Charges for services increased \$367K (25.9%)

Operating grants increased \$3.0M (369%)

» \$3.5M of ARPA funds

Capital grants increased \$1.6M (256%)

Property taxes increased \$181K (4.3%)

Overall expenses decreased \$876K
(-11.6%)

» Public Safety expenses decreased \$400K (-13.2%) mainly due to changes in pension and OPEB liabilities



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Exhibit A-7
Date 4-3-2023

Financial Highlights

New ARPA fund in FY2022

» \$3.5M grant for revenue loss standard allowance

Notes & Bonds Payable - \$6.6M (\$61K new financed purchase of tasers)

Leases - \$449K (\$293K new)

» Implementation of GASB No. 87, Leases

Subsequent Events

» No material subsequent events requiring disclosure



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Exhibit A-8
Date 4-3-2023

Pensions and OPEB

Net Pension Liability (NPL) - Impact of FRS

- » Overall the NPL increased \$3.9 million from the prior year
- » Recording of NPL share from FRS
 - » \$4.97 million total NPL
- » Recording of NPL share from HIS
 - » \$930,067 total NPL

OPEB - Impact of Implicit Rate Subsidy

- » \$875,253 total OPEB liability
- » Decreased \$1.07 million



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Exhibit A-9
Date 4-3-2023

QUESTIONS?

Exhibit A-10
Date 4-3-2023

Government Services

James Moore is a full-service firm that provides all the traditional accounting, auditing, and tax services.

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- » Retirement Plan Advisory Services
- » Operational Excellence
- » Strategic Planning
- » Transition Planning & Leadership Development
- » Business Advisory


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Exhibit A-11
Date 4-3-2023

CONTACT

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PARTNER

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Exhibit A-12

Date 4-3-2023

Description: Building shed without a permit.

Created	Modified	Note
02/22/23	02/22/23	Since the Stop Work Order, work has continued on the shed.
02/21/23	02/22/23	Home owner came by the Building Department to obtain additional information and ask some more questions as to what he needed. He also appologized for his wife's actions towards staff on 02/17/23.
02/17/23	02/22/23	Home owners came by the building department to complain about the Stop Work Order and were rude towards Building Department Staff. Building and zoning along with the permit tech explained what was needed and provided appropriate paper work to the home owners.
02/17/23	02/17/23	The Building official informed Code Enforcement of the construction of a shed which could be seen from 11th Street. Upon Code Enforcement investigating this, the sheds location was determined to be at 202 Azalea Ave. A review of open building permit/s for this address revealed there was no permit/s obtained for the shed. A stop work order was posted on the shed with literature explaining the violation. Contact with the owner of the property and/or builder yielded negative results, and a Code Enforcement business card was left at the door.

Violation Id: V2300042
Viol Date: 02/21/23
Comp Email: geno607@yahoo.com

Prop Loc: 213 B ST
Status: Open

Comp Name: Gene Bryan

Comp Phone: (904)501-3226

Ordinance Id Description

Exhibit B
Date 4-3-2023

FOLIO

3.22

ENTERTAINING

E-1987

Protect
OUR
Wetlands!

What
about
US?

Save
OUR
Boardwalk

LITTLE MICE VS. LITTLE MEN

A COMMUNITY COMING TOGETHER TO SAVE A COMMUNITY BOARDWALK



MARCH 30 - APRIL 9, 2023

FAIR IS FOR **EVERYONE**

FOR VISITOR INFORMATION, GO TO WWW.EXPLORECLAY.COM • FOR ENTERTAINMENT INFO, GO TO CLAYCOUNTY

Exhibit C-1
Date 4-3-2023

LITTLE MICE VS. LITTLE MEN

Words and photos by *Carmen Macri, Ambar Ramírez and Tysen Romeo*



Exhibit C-2
Date 4-3-2023

We arrived at the quaint neighborhood of Whispering Oaks around 9 a.m. and were greeted by one of the many friendly residents. After a quick introduction and a few firm handshakes, we were escorted on a quick walk across A1A Beach Boulevard to Ocean Hammock Park Walkway.

The walkway is located on a city-owned, 18-acre parcel of wetlands and dunes leading directly to the beach, one of the few public access- es in the area. It is about one-third of a mile long, and the sights along the way are what make it so special. The walkway begins with an arch- way of lush trees that encapsulates you with foliage so thick, you are completely sheltered from the sun. Because the walkway is elevated high above the ground, the wildlife that inhabits the area underneath is protected, as are the residents. Built for and funded by the commu- nity over 14 years ago, the boardwalk is a staple piece to the morning, afternoon and evening routines of many residents. The wooden board- walk remains in near-perfect condition.

Tony and Joni Brown were sitting on one of the built-in benches with their 18-month-old mutt, Penny Lane. When we approached, we were immediately greeted by hellos and tail wags. The Browns moved to St. Augustine Beach a few years ago and chose this location solely for the boardwalk. They wanted to live in a quiet beach town with easy access to the ocean. That's why when Tony caught wind of the plans to remove the boardwalk, he took matters into his own hands. He was not going to let a few entitled residents take away his perfect retirement. Tony helped create a "Save Beach Boardwalk in Ocean Hammock Park" petition which now has over 5,000 signatures.

It all began when a blue house was built about six feet away from the boardwalk. The \$3 million home was constructed by an "out-of-towner" in the Sea Colony neighborhood, one of the last remaining beachfront lots in St. Johns County. Despite the fact that the Microsoft executive and his wife appear to only use the home as a get-away and not as a full-time residence, they want to demolish the 14-year-old walkway and have a new one built elsewhere because of its proximity to their "vacation" home, though they chose to build on the lot knowing the boardwalk was there.

While Sea Colony has multiple private walkways to the beach, three residents of the neighborhood are considering pledging \$600,000 to "relocate" the Ocean Hammock boardwalk. The wetlands below are home to some of Anastasia Island's native wildlife, some of which are protected endangered species. Not only would the cost of rebuilding the boardwalk be directly taken from and paid for by surrounding res- idents' tax money, but tearing up the boardwalk would cause havoc to the surrounding ecosystem. Building a ground-level concrete path (think big sidewalk) in its place would result in destroying the lush foli- age that surrounds the area and putting the wildlife in danger.

After a 10-minute hike underneath the green canopy and above the moss-covered ponds, we reached the end of the boardwalk where we were met with blue skies and a breathtaking view of St. Augustine Beach. Jeremie Sherman's puppies were the first to greet us. Sherman has been a part of the community for five years and specifically chose this location for the public boardwalk. Like most of the nearby resi- dents, Sherman uses the boardwalk daily.

"Our boardwalk is used by many residents and visitors with mobility issues," Sherman expressed. "Having a concrete path without hand- rails and secure footholds creates danger to the people and liability for the city."

We know what you're thinking. How could anyone, let alone the mem- bers of the St. Augustine City Commission, even consider tearing down a safe, well-kept and popular boardwalk just because of "Mr. Blue House" (Campbell)? Well, not to stir the pot, but it's interesting to note Sea Colony is also home to St. Augustine Mayor Don Samora, Vice Mayor Dylan Rummell and U.S. Rep. Mike Waltz.

"The majority of the city commissioners live in Sea Colony, and al- though they deny a conflict of interest, I beg to differ," Sherman ex- plained. "The issue was never addressed until Mr. Campbell built a multi-family fourth residence as close to the boardwalk as legally per- mitted. He then offered the city money to offset the cost of tearing down the boardwalk. This is entitlement at its finest. The majority of the residents along the north border of Sea Colony bought or built their houses after the existence of the boardwalk. Seems they should have noticed it before they moved there."

According to Sherman, another reason Sea Colony residents want to tear down the boardwalk is because of "privacy and security" after an issue involving vandalism in the neighborhood. Shortly after the incident, reports revealed the vandals did not come from the board- walk but from inside Sea Colony. And as Sherman put it, if they are so worried about privacy, additional fencing and shrubbery would rectify the problem. (Or don't build a house six feet away from a public board- walk.)

After speaking with Sherman, we were introduced to Mary and Mar- tin Zydell. Martin is Mary's 90-year-old father who recently suffered a stroke and can no longer speak or walk on his own, so she wheels him down the boardwalk every day, which is now his only way of being out- doors. Because the current boardwalk is elevated, it also gives Martin, who is in hospice care, a perfect view of the beach. Normally a very quiet man, Martin immediately lights up and communicates to the best of his ability when they are facing the ocean, Mary said.

"Dad and I use the boardwalk several times a week, especially on the weekends and when the weather is good," she explained. "Since dad is now only able to move around using a wheelchair, this boardwalk is an integral part of his ability to see the beach. Visiting the beach is one of the reasons that he moved to St. Augustine in the first place."

Mary moved to St. Augustine beach in 2017, and during her time here, she has been able to work closely with a group of environmentalists on Anastasia Island. The group studies the endangered Anastasia Beach Mice by tracking their movements, breeding patterns, feeding patterns, etc.

"I hope that the city will consider the views of all of their constituents, but more importantly, do everything they can to reduce the impact on our local wildlife, as this is one of the few natural areas left in the immediate beach area," Mary explained. "I personally feel that if the paths are at ground level, with the heavy foot traffic that will follow, it

Exhibit C-3 23

Date 4-3-2023

will inhibit the natural movement of the property's wild residents. In addition, many people will feel free to move around the entire property, making it much more difficult to reduce damage to the natural area as well as contain and collect the trash that people bring in."

Before the elevated walkways, there had been issues of water moccasins and rattlesnakes attacking residents and pets. In the span of just one month in 2014, three St. Augustine Beach residents' dogs died from snake bites. According to a News4Jax report, residents had pleaded with the city for an elevated walkway through the dunes. If the city proceeds with the plans to tear down the Ocean Hammock boardwalk and create a ground-level pathway, potentially dangerous wildlife encounters would become a recurring event. We spoke with another resident of the area, Jim LeClare, who voiced his frustration with the boardwalk fiasco.

"Many residents are angry, especially as Sea Colony extends one of their multiple private elevated boardwalks to the beach while proposing the public get relegated to grade-level paths," LeClare said.

It's important to note that while the informal proposal to tear down the boardwalk is coming from Sea Colony residents, it is the Florida taxpayers, Florida Recreation Development Assistance Program (FRDAP) and Florida Communities Trust (FCT) that get the final say. Undine George is a board member on the City Commission of St. Augustine Beach and cannot "wholeheartedly" support the idea of tearing down the boardwalk. As someone who manages public resources, George knows it is the responsibility of public officials to make decisions that are in the best interests of the greater community, rather than personal preferences or opinions of a select few.

"There is already so much distrust in government, and for a local government like St. Augustine Beach to prioritize the personal preference of such a small minority over the voices of such a huge majority, and without any evidence of a benefit to the greater public, would be a travesty," George stated.

As we began our trek back to the main road, reflecting on the protests made by the community, we bumped into Doug Gibson and his 2-year-old dog, Apollo. Gibson and Apollo are regulars on the boardwalk, using it up to three times a day. It was during their afternoon walk when Gibson shared some shocking news regarding a city commission meeting held last spring. It was the first meeting that the boardwalk removal was proposed with a representative of Sea Colony saying he didn't want this to become a battle between the residents of Sea Colony and the "little people." But little did he know, those "little people" would not be ignored.

Not only would tearing down the boardwalk destroy the unique ecosystem surrounding the area, but it would also destroy a community staple that means a great deal to the residents of Anastasia Island.

While there are a handful of people in favor of relocating the boardwalk, there are over 5,000 residents against it.

In an effort to hear both sides of the story, we reached out to St. Augustine Beach Mayor Don Samora and Vice Mayor Dylan Rumrell. Rumrell was unavailable to comment, but after a few back-and-forth emails, we were able to set up a phone call with Samora. It was during this phone call that the mayor shed some light on his side of the story, as well as the city's role.

"Ocean Hammock Park is a beautiful, 18-acre oceanfront park that the city saved from development that was slated to be a couple hundred homes and some oceanfront condos," Samora explained.

In order to fund the park, the city took it to a referendum where taxpayers had the chance to vote to pay for the park through taxpayer bonds. For the rest of the funding, the city purchased the park with grant money from the Florida Communities Trust. But to even get the green flag to continue plans for development, the city had to submit a park management plan.

Within the park management plan, there are multiple phases. Currently, the park is in phase two of development, which is the addition of amenities like bathrooms, picnic tables and small walking trails for the community to enjoy the whole property. Phase three is the part of development that has yet to be determined.

There had been talk of building an additional central walkway, pavilions and an observation tower which would also bring in more traffic to the park (and possibly endanger the local wildlife) which is when Mr. Blue House and other Sea Colony residents informally proposed tearing down the current boardwalk in order to protect their "security and privacy." But during a City Commission meeting held in February, a new option arose giving the city the chance not to go through with phase three at all.

"That's where the city is looking at all options. We want to get this right," Samora shared. "This park will outlive me and the other commissioners. It's gonna be a park for my children, my grandchildren, and we wanna make sure we do it right. And that's why we're taking our time and considering every option."

Hopefully, the city commission of St. Augustine Beach listens to the majority of its residents to keep the current boardwalk intact and scratch phase three completely. Considering the addition of a cement walkway would still heavily interfere with the surrounding habitat and wildlife, it appears avoiding the conflict completely would be in their best interest.

For more information on the "Save Beach Boardwalk in Ocean Hammock Park" petition, scan the QR code.



Exhibit C-6
Date 4-3-2023

April 3, 2023

Mr. Greg Evans, P.E.
District Two Secretary
Florida Department of Transportation (FDOT)
1109 South Marion Avenue
Lake City, FL 32025-5874

Dear Mr. Evans:

We are writing to you as representatives of the City of St. Augustine, the City of St. Augustine Beach, St. Johns County, and the St. Johns County Sheriff's Office. We would like to request pedestrian safety improvements along Anastasia Blvd in St. Augustine, Florida. We are concerned about the safety and well-being of our residents and visitors who use this busy road as pedestrians and cyclists.

Anastasia Blvd is a major thoroughfare that connects downtown St. Augustine with the beaches and attractions on Anastasia Island. It is also a popular route for tourists, locals, and students who walk or bike to enjoy the scenic views and historic landmarks. One of the main attractions along this road is the St. Augustine Amphitheatre, which hosts many events throughout the year that draw large crowds of pedestrians and cyclists. However, the current conditions of the road are not conducive to safe and comfortable walking or biking. Some of the issues include:

- High speed limit and heavy traffic volume
- Poor lighting and visibility at night or in bad weather
- Insufficient crosswalks and pedestrian signals
- Frequent driveways and curb cuts that create conflicts with vehicles
- Lack of bike facilities

These issues pose a serious risk to the safety and well-being of pedestrians and cyclists who use Anastasia Blvd on a daily basis. There have been multiple crashes over the years. Some of these crashes resulted in injuries or fatalities. The crashes are alarming, and we wish to understand how to make this important corridor safer for all users. We believe this respectful request supports the vision and goals of FDOT, which aims to create a transportation system that is safe and accessible for all users.

We ask that you conduct a feasibility study for these improvements as soon as possible and provide us with a presentation of the findings along with a timeline and budget for their implementation.

Thank you for your attention and consideration of this matter. We hope to hear from you soon about your plans and actions to improve pedestrian safety along Anastasia Blvd.

Sincerely yours,

Nancy Sikes-Kline, Mayor, St. Augustine

Christian Whitehurst, Chair, St. Johns County Commission

Rob Hardwick, Sheriff, St. Johns County

Don Samora, Mayor, St. Augustine Beach

Exhibit D
Date 4-3-2023





Exhibit: 4E-2
Date: 4-3-2023



CITY OF ST. AUGUSTINE BEACH

*Regular City Commission Meeting
Monday, April 3, 2023*

Item 3 – Replacement of Roof for Police Station and Building C

William Tredik, Public Works Director

1

ROOF REPLACEMENT BIDS

Bid Item	Location	Construction
1	Police Department	Architectural asphalt shingles
1-A	Police Department	Painted metal – exposed fasteners
1-B	Police Department	Painted metal – hidden fasteners
2	Building C	Architectural asphalt shingles
2-A	Building C	Painted metal – exposed fasteners
2-B	Building C	Painted metal – hidden fasteners
3	Police Department	Wall dormer repairs

2

Exhibit F-1
Date 4-3-2023

ROOFING OPTIONS – ARCHITECTURAL ASPHALT SHINGLES 15 TO 20 YEAR PRODUCT LIFE

- Pros
 - Lowest initial cost
 - Variety of colors / textures
 - Easier to repair
- Cons
 - Shortest product life
 - More vulnerable to wind damage
 - More maintenance
 - Less energy efficient



3

ROOFING OPTION – METAL (EXPOSED FASTENER) 20 TO 40 YEAR PRODUCT LIFE

- Pros
 - High durability / wind resistance
 - Less expensive than hidden fastener
 - Energy efficient
- Cons
 - Shorter life than hidden fastener roofs
 - More expensive than asphalt shingles
 - Less aesthetically pleasing
 - More likely to leak
 - More maintenance than hidden fastener



4

Exhibit F-2
Date 4-3-2023

ROOFING OPTION – METAL (HIDDEN FASTENER) 50 TO 70 YEAR PRODUCT LIFE

- Pros
 - Longest product life
 - No exposed fasteners / less leaks
 - Minimal maintenance
 - Highest durability / wind resistance
 - Aesthetically pleasing / many color options
 - Energy efficient
- Cons
 - Highest initial cost



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BIDDERS

Bidder #	Company	Bid Considerations
1	Nexgen Restoration & Roofing	Did not bid on Building C Roof nor Police Dept. wall dormer repair
2	Minorcan Construction Group	Did not bid on metal roof alternatives
3	A to Z Custom Homes	Submitted bid on all items
4	J&M Residential Services, LLC	Did not bid on Police Dept. wall dormer repair
5	Thomas May Construction Company	Submitted bid on all items

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Exhibit F-3
Date 4-3-2023

BID CONSIDERATIONS

- Bidder 1
 - Only bid on the Police Department roof
 - Police Department asphalt shingles price was not the low bid.
 - Not recommended for award.
- Bidder 2
 - Did not bid on metal roof alternates
 - Total shingles + wall dormer repair cost of \$69,597.90 was not the low bid.
 - Not recommended for award.
- Bidder 4
 - Did not bid on Police Department wall dormer repair
 - Total asphalt shingles price of \$42,216.17 was not the low bid.
 - Total metal roof alternatives were not the low bid
 - Not recommended for award.

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BID COMPARISON (TOTAL COST)

Item	A to Z	Thomas May
Architectural asphalt shingles + wall dormer repair	\$40,435.00	\$45,870.00
Painted metal roof (exposed fastener) + wall dormer repair	\$99,775.00	\$74,744.00
Painted metal roof (hidden fastener) + wall dormer repair	\$102,785.00	\$128,460.00

- Recommendation
 - Due to the pros and cons of the various roofing types discussed earlier, staff recommends installation of either architectural asphalt shingle or hidden fastener painted metal roofing.

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Exhibit F-41
Date 4-3-2023

BUDGETARY CONSIDERATIONS

- Police Department Roof Replacement is not in the current FY 2023 Budget and thus requires a budget resolution.
- Building C Roof Replacement is in the current FY 2023 budget and thus does not require a budget resolution.

9

ACTION REQUESTED

One of the following three actions is requested:

1. Authorize staff to enter into a contract with A to Z Custom Homes, in the amount of \$43,435 for architectural asphalt shingle roof replacement for the Police Department and Building C. Approve Budget Resolution 23-07 in the amount of \$30,430.00.
2. Authorize staff to enter into a contract with the apparent low bidder, Thomas May Construction Company, in the amount of \$74,744 for painted metal (exposed fastener) roof replacement for the Police Department and Building C. Approve Budget Resolution 23-07 in the amount of \$67,740.00.
3. Authorize staff to enter into a contract with A to Z Custom Homes, in the amount of \$102,785.00 for painted metal (hidden fastener) roof replacement for the Police Department and Building C. Approve Budget Resolution 23-07 in the amount of \$76,105.00.

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Exhibit F-5
Date 4-3-2023

Dear Mr Royle,

I wanted to take just a moment of your time to express how grateful I am for your team in the St Augustine Beach building department. I have lived in St Augustine Beach for twenty years now. I moved here to attend Flagler College, fell in love and never left. My wife and I have owned a home here for many years now, but had limited need to enter the city offices until recently.

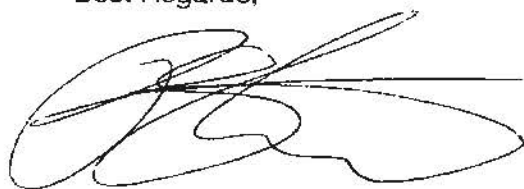
The last two years we have been building a home, and it has been tumultuous to say the least. Nearing completion we ran into some issues for paperwork and other things that threatened to put my little family of five in a huge financial pickle with a readjustment of our homes interest rate, and repayment of closing costs. Despite the problems all stemming from issues on the builders side, your team; specifically Brian, Glen, Jen, Joseph and Lacey, took compassion and while doing everything to the letter of the book really worked with me to not only correct the issues in the right way, but extremely timely.

I was so impressed by the level of professionalism and willingness to do things as streamlined as possible. It is the complete antithesis of what in todays world it is normally like receiving customer service of any kind.

Additionally, as a thank you, I wanted to do something for the department and attempted to provide gift cards, not a single city employee would take them, not even one I have known as a friend for over a decade. You have a dedicated, loyal, professional team and while I am sure you know, I wanted to make sure you heard it from a residents mouth.

Thank you again so much for all that you and your team do, I am forever grateful for how they handled my families situation.

Best Regards,

A handwritten signature in black ink, appearing to be 'Rhys Slaughter', with a stylized, flowing script.

Rhys Slaughter
23 Ocean Pines Drive
904-466-5453

Exhibit G

Date 4-3-2023