



AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, JUNE 5, 2023, AT 6:00 P.M.

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

NOTICE TO THE PUBLIC

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

RULES OF CIVILITY FOR PUBLIC PARTICIPATION

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

"Politeness costs so little." – ABRAHAM LINCOLN

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON MAY 1, 2023
- V. ADDITIONS OR DELETIONS OF THE AGENDA
- VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA
- VII. PRESENTATIONS
 - A. Request by St. Johns County Clerk of the Circuit Court and Comptroller, Mr. Brandon Patty, to Update the Commission and Public About the Functions of His Office
 - B. Proclamation for the City to Acknowledge Pride History and the 53rd Anniversary of the Stonewall Inn Resistance

- C. Stormwater Management: Presentation by Mr. Craig Thomson, Member of the Sustainability and Environmental Planning Advisory Committee

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

X. PUBLIC HEARINGS

1. Ordinance 23-02, Final Reading, to Change Language in Chapter 10 of the City Code Concerning Solid Waste Collection for Vacation Rentals (Presenter: Patricia Douylliez, Finance Director)
2. Ordinance 23-03, Final Reading, Pertaining to Changes to the Land Development Regulations, Section 6.01.03 (Building Setback Requirements), 6.03.05 (Design Standards for Off-Street Parking and Loading Areas) and 12.02.06 (Concept Review) (Presenter: Jennifer Thompson, City Planner)
3. Appeal of Decision by the Comprehensive Planning and Zoning Board to Grant a Variance to Reduce Rear and Side Setbacks for New Swimming Pool and Related Improvements at 1020 Saltwater Circle, Sea Grove Subdivision. Appellant Mr. Michael McGrath, 1024 Saltwater Circle (Presenter: Jennifer Thompson, City Planner)

XI. CONSENT

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

4. Budget Resolution 23-10, to Amend the Fiscal Year 2023 General Fund Budget for Ocean Hammock Park Expenses

XII. OLD BUSINESS

5. Ordinance 23-04, Second Reading, to Change Section 8.00.10 of the Land Development Regulations Concerning Business Signs (Presenter: Jennifer Thompson, City Planner)
6. Vacation Rentals: Discussion of Rates for Non-Ad Valorem Assessment or Annual Billing (Presenter: Patricia Douylliez, Finance Director)
7. Installation of Electric Power on 2nd Street West of 2nd Avenue: Budget Resolution 23-09 to Appropriate Money (Presenter: Jason Sparks, City Engineer)
8. Ocean Hammock Park: Rejection of Bid for Projects in Phase 3.1 of the Management Plan and Discussion Whether to Request the Florida Communities Trust to Allow Deletion of Projects from the Management Plan (Presenter: Max Royle, City Manager)
9. Vision Plan: Consideration of Holding Workshop in June (Presenter: Max Royle, City Manager)

XIII. NEW BUSINESS

10. Former Police Garage Adjacent to Pier Park: Discussion Whether to Renew Lease with the Civic Association (Presenter: Max Royle, City Manager)
11. Financial Planning: Review of Long-Range Financial Plan (Presenter: Patricia Douylliez, Finance Director)

12. Commission Meetings in July: Consideration of Holding Regular Meeting on Monday, July 10, 2023, Because of July 4th Holiday on Tuesday After the First Monday on July 3rd; and Scheduling Meeting on Monday, July 31, 2023, to Set the Tentative Property Tax Millage for Fiscal Year 2024 (Presenter: Max Royle, City Manager)
13. Florida League of Cities' Annual Conference: Designation of Commissioner to be City's Voting Delegate (Presenter: Max Royle, City Manager)
14. City Attorney Services: Request for Approval of Addendum to Contract with the Douglas Law Firm (Presenter: Charles Douglas, City Attorney)

XIV. STAFF COMMENTS

XV. ADJOURNMENT

NOTICES TO THE PUBLIC

1. **SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE**. It will hold its monthly meeting on Thursday, June 8, 2023, at 6:00 p.m. in the Commission meeting room at City Hall.
2. **COMPREHENSIVE PLANNING AND ZONING BOARD**. It will hold its monthly meeting on Tuesday, June 20, 2023, at 6:00 p.m. in the Commission meeting room at City Hall. Topics on the agenda may include: a) request for variance to reduce rear and side setbacks for placement of 192 square-foot shed at 202 Azalea Avenue; b) request for variance to exceed maximum 35% lot coverage for a new three-story, 4,822 square-foot house at #7 15th Street; c) request for variance to expand non-conforming structure by more than 25% of gross floor area for construction of an addition to a house at 13 Oak Road; d) concept review to remove existing 48,555 square foot Publix Supermarket in Anastasia Plaza for the construction of a new 54,964 square foot Publix; and e) request for variance to reduce minimum number of parking spaces and reduction of landscaping buffering requirements for new Publix Supermarket in the Anastasia Plaza, 1033 A1A Beach Boulevard.

NOTE:

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

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

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



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, MAY 1, 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, and Commissioners Undine C. George, and Virginia Morgan.

Vice Mayor Dylan Rumrell and Commissioner Beth Sweeny were absent.

Also present were City Manager Max Royle, City Attorney Charlie Douglas, Police Chief Daniel Carswell, Police Commander T.G. Harrell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Public Works Director Bill Tredik, Assistant Public Works Director Ken Gatchell, and Engineering Director Jason Sparks.

Motion: To excuse the absences of Vice Mayor Rumrell and Commissioner Sweeny. **Moved by** Mayor Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item IV.

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON APRIL 3, 2022

Motion: To approve the minutes of regular Commission meeting on April 3, 2023. **Moved by** Commissioner Morgan, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item V.

V. ADDITIONS OR DELETIONS OF THE AGENDA

City Manager Royle suggested to postpone Items XII.5 and XIII.7 until the June 5, 2023, Commission meeting. He introduced Ken Gatchell, the incoming Public Works Director, and said that he will take over for Bill Tredik, who is leaving us after this meeting, and that next to him is the new Engineering Director, Jason Sparks.

Mayor Samora moved on to Item VI.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

City Manager Royle advised that Public Works Director Tredik asked to combine Item XII.6 with Item X.1 and to discuss the transient rentals first and then there may be no need to pass the

ordinance on final reading. It was the consensus of the Commission to combine Item XII.6 with Item X.1.

Mayor Samora moved on to item VII.

VII. PRESENTATIONS

- A. Sons of the American Revolution Law Enforcement Commendation Award to Sergeant Brandon Hand of the City's Police Department

Mr. Paul Sapp, of the St. Augustine Chapter of the Sons of the American Revolution, provided background information about the organization and said that they love to give awards to first responders. He said that Sergeant Hand was selected as the St. Augustine Beach Police Department's Officer of the Year 2023 and is a fixture in the community, has a proactive approach to policing, and has been increasingly proficient at recognizing impaired driving. He described two cases involving Sergeant Hand and said that he is a leader, a field training officer, a taser and driving instructor, an honor guard member, and that his dedication to the community is being commended. He presented the award to Sergeant Brandon K. Hand.

Mayor Samora thanked them for recognizing Sergeant Hand and he thanked Sergeant Hand for all he does for the community.

- B. Interview of Mr. Rhys Slaughter, Candidate for Position of Junior Alternate, Comprehensive Planning and Zoning Board

Mr. Slaughter stated that he received a phone call asking him if he would be interested in volunteering for the Board. He said that he did not hesitate, that he thinks that it is really interesting and would like to know the inner workings a little better. He has lived here for over twenty years and loves the area and would only want to see it change in good ways.

Mayor Samora asked if he was aware of the schedule and time commitments. Mr. Slaughter said yes.

Commissioner George advised that she has known Mr. Slaughter for a long time and has known him to be a wonderful businessman and a great member of the community and that he would be a great addition.

Motion: To appoint Mr. Rhys Slaughter to the position of Junior Alternate on the Comprehensive Planning and Zoning Board. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora asked Mr. Slaughter to get with the City Manager and the City Attorney regarding the Sunshine Laws, etc.

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

Mr. Scooter Sheldon, PE, Crawford, Murphy and Tilly (CMT) presented a PowerPoint [Exhibit A]. He provided background information and said that the Stormwater Master Plan does not include the entire City, it is specific areas of the City that drain to the large stormwater pond on Mizell Road, which is depicted on the map. He explained that the covered area is approximately 1,050 acres, or 1.64 square miles, and that the City is only a little over 2 square miles, so it covers the majority of the City. He moved on to the next slide and explained that the purpose was to update the 2004 model performed by Stone Engineering, which was acquired by CMT. He said that since 2004 that there were 116 projects that were done within that Stormwater Master Plan area, and we needed to determine whether those impacted the model results. He said that the area shown in purple, which is most of the area on the map, had some sort of permit for stormwater, and that

CMT went through those permits to assess how they impacted drainage and that some were significant. He advised that the vertical datum was also updated to keep with FEMA standards. He showed an aerial overlay that depicted how the City has changed over the past twenty years as shown in the spatially referenced model from his PowerPoint presentation. He advised that this model is critical because it allows us to check the length of pipes, which would allow us the opportunity to confirm whether it is correct. He advised that they have also been able to add lidar (light detection and ranging) topography elevation data from St. Johns County's GIS database at no additional cost to the City, which identifies drainage patterns.

Mr. Sheldon said that there are some interesting features of this model, such as allowing us to see animation of how the water would act during an event, which could help us determine if something is undersized in a certain area, so that we can propose the right improvements and test them in the model.

Mr. Sheldon moved on to the rest of the slides, which discussed the goals of the model such as identifying conceptual projects, cost estimates, and maintenance and operation needs. He said that they would be most interested in clusters that appear to be flooding in the model, which would be backed up by City staff to determine if it is a true flood area. He advised that they have focused their improvements on the areas that are some of the oldest parts of the City, such as the 2nd Avenue drainage project, which has been a recurring area of improvement. He went on to discuss the conceptual projects and their estimated costs such as 11th Street, 16th Street, Mickler Boulevard, Ocean Trace Road, A Street, and Ocean Woods Drive. Commissioner George asked if the increased pipes would allow for the connection to A1A Beach Boulevard from 11th Street. Mr. Sheldon said that they would be maintained as two separate systems and that the next project on 16th Street would help alleviate flooding on A1A Beach Boulevard.

Mr. Sheldon continued on to the 16th Street project, which currently has a ditch that does not really do much and it would be better if it were a pipe to reduce maintenance issues. He moved on to the Mickler Boulevard projects and said that they would like to see drainage improvements and armoring in the ditches to reduce maintenance and erosion and to grade it properly so the water flows where we want it to go. Commissioner Morgan asked if the Mickler Boulevard project would tie into the 11th or 16th Street improvements. Mr. Sheldon said both, but that piping the entire thing is not the best solution because the City would lose temporary rainwater storage and that the best solution would be to armor the ditch.

Mr. Sheldon moved on to the Ocean Trace project and said that the existing ponds do not currently have an outfall, which ends up flooding into the parking lots. He advised that the only solution is to pump the stormwater because there is no feasible way to use gravity to flood into the west side of the Boulevard where we want it to go. He proposed to hydraulically connect the two ponds and pump out of the large pond and run a pressurized stormwater main. He advised that right now we show it going all the way to the Ocean Trace pond but with a modification to the pond they could treat the water and may be able to discharge it into the system and not have to take the pipe all the way to the pond. He said that those are the kind of details that we just do not know at this point, it would be very involved, and costly. He said that this is not in the model area but that he wanted to highlight it because it is a drainage concern, and that they would like to develop it further.

Mr. Sheldon moved on to the A Street project and said that they are proposing a "shortcut" between the 2nd Avenue and the Mickler Boulevard ditch at A Street, which would take pressure off of both systems because the water goes both ways. Commissioner George asked if it would alleviate flooding along A Street. Mr. Sheldon said that in addition to the pipeline connecting the two, that they would anticipate adding inlets to those areas to alleviate local flooding concerns because the water right now essentially gets into one of these two systems, which is not very

efficient. He said that adding some inlets would be a benefit. Commissioner George asked how many inlets would be proposed along that stretch. Mr. Sheldon advised probably about ten inlets, but he was not sure. Commissioner Morgan said that there is a drainage pipe at 11th Street that would be replaced with a larger one, and she asked if there is an existing one at A Street. Mr. Sheldon advised that they would be adding a new trunk line to the system.

Mr. Sheldon moved on to the Ocean Woods backyard drainage project and that this area was recently repiped so you would think that it would not have drainage issues but that the model shows flooding there for a twenty-five-year storm event, which is what all these models were based on. He proposed increasing the pipe size and said that it would tie into the 16th Street drainage improvements. He moved on to the next slide, which showed an overview map that contained several projects, which he did not mention because they were small such as Lake Shore Drive at 16th Street with just one pipe to help the pond drain better. He advised that some of the developments on the east side of the Boulevard could benefit from drainage improvements to get them into the main trunk line. He said that looking at the maps side-by-side you can see that most of the issues are clustered in certain areas and that is where they focused a lot of their drainage improvements.

Mayor Samora asked if he modeled the system after the improvements had been made. Mr. Sheldon said yes and that he would have a map in the full report. Mayor Samora asked if the projects were ranked in order of importance. Mr. Sheldon said they were not, but that they had talked with City staff to determine what is important. He said that he plans to deliver his final report to the Commission in June. Mayor Samora said that it would be important to know which projects need to be done prior to others.

Commissioner George asked if the modeling allowed him to project the completion of a project and then see what the overall impact would be. Mr. Sheldon said yes and that is how they sized some of the improvements, determined what was needed, and how it would perform. Commissioner George asked if CMT did the consulting for the Ocean Woods project. Mr. Sheldon said that he believed so. Commissioner George asked why the Commission was not consulted to provide the larger pipes. Mr. Sheldon advised that the model updates were not performed prior to that and that it looked okay previously, which is why we do these updates. He said that this was found while he was doing the improvements at 16th Street and to keep moving upstream until the problem is fixed. Commissioner George said that CMT is our standing contract for engineering/consulting services and asked if the City's file would be updated for these projects so that the same modeling/imaging could be referenced in the future if we need to make adjustments, so that we do not find out about it a year later. Mr. Sheldon said absolutely and advised that part of what they did was to put in all of the City's projects that have been done by anyone into the model to see how they performed and that it is living software.

Someone spoke from the audience. Mayor Samora advised that we do not typically do a question-and-answer at this point but that he would allow it this one time and he asked that the audience member come to the podium.

Lauren Farrell, 11 Sabor de Sal Road, St. Augustine Beach, FL, asked which ponds were being referred to. Mr. Sheldon advised that part of this project would be to connect those two ponds and to propose a pump station that would benefit both.

Mayor Samora moved back to the presentation.

Mr. Sheldon moved on to the summary portion of his presentation of all the projects that are being proposed and he said that it is a large range of costs and that they would not presume that it would be done all at once or that the City would pay for all of it. He said that they would expect that there would be grants and that having this model is a great first step to applying for grants.

He advised that these are rough estimates because in five or ten years we do not know what the cost will be.

Mr. Sheldon moved on to the operations and maintenance needs portion of his presentation and said that there are four categories for stormwater needs. He advised that the first need would be pump stations and that now is a great time to start that program because the pumps at the large stormwater pond are brand new, which is a great time to maintain them. He said that the estimate of \$57,000 - \$127,000 factors in replacement every twenty years. He advised that there is about a hundred thousand linear feet of piping in the City and that they would propose putting that into four rotating quadrants similar to the ditch maintenance. He said that if he does some of the ditch armoring projects the price for maintenance would come down significantly because the Mickler ditch alone is a large maintenance issue. He moved on and said that the fourth category is pond maintenance and that the City currently contracts with Lake Doctors for \$7,140 per year. He advised that he added one other cost, Master Plan Updates should be done every five years to keep it current, which would make the cost very minimal because if you do not know how the system is working then you would not know how to maintain it. He advised that he anticipated finishing the project and delivering a report to the Commission next month.

Mayor Samora asked if the model should be updated as projects are completed, or would that be too frequent, and could that cost be built into the cost of a project. Mr. Sheldon said absolutely. He said that for budget purposes he wanted to give it a timeframe to divide it but that ideally, we would use the model to develop and design the project and once completed, put it back into the model to make sure that it is performing the way that it should.

Commissioner Morgan asked if the report would include CMT's recommendations for the order of priorities and the timeline so that we know how many people it would affect, the cost, etc. Mr. Sheldon advised that CMT could provide a relative timeline.

Mayor Samora opened Public Comments.

Janice Lauroesch, 7 Sabor de Sal Road, St. Augustine Beach, FL, does not know why they were never put into the drainage system that everyone else has; old records from the 1970s reflect that there was an agreement made between the developer and the City and we got a retention pond; it is not just parking lots flooding, there are condos/timeshares; people are losing their back yards; hoped that they would also consider the significance of the impact and not just the number of people impacted; the City has allowed people to put in bulkheads, which did not used to be allowed and now water goes into other lots; wanted to make sure that the new Public Works Director is brought onboard because this is a huge problem every time that it rains.

Athena Calvin, 5 Quail Court, St. Augustine Beach, FL, asked what informs this model; she has lived on the island for thirty years, twenty-five at Ocean Woods; there was no standing water/flooding issue on 16th, 11th, or Mickler Boulevard until the pipe was put in; this is a very expensive proposal; maintenance to the Mickler ditch would be occasional cutting or clearing twice a year; the ecological impact would be significant; could not imagine paving that area because where would it be absorbed; has never seen water flood from 11th Street to Pope Road in twenty-five years.

Beatrix Friederich, 4 Ocean Trace Road, St. Augustine Beach, FL, is on the Board of Directors for the St. Augustine Beach and Tennis Condominiums; prepared a speech but would just wing it; they hope that the project on Ocean Trace Road will be pushed forward because it is a serious issue; lives in one of the townhouses next to the pond and it is rough when you have the water next to your front door because the drainage comes up with just a twenty minute rain event; they have attended every meeting and have been consistent and want to push this and show the City that we are serious about it; there are over a hundred condos, the parking lot flooding is tremendous, and there are a lot of older people that cannot get out; the Beach Club and Spanish

Trace are also other big condo buildings as well as Ocean Trace single family homes; the presentation does not look like we would be on top of the priority list; hopes that the City does not forget about Ocean Trace on their list.

Mayor Samora closed Public Comments on this topic and moved on to allow Mr. Sheldon to reply.

Mr. Sheldon said that he would start with Ocean Trace since there were two questions about that area. He said that he cannot stress enough that the City staff has always asked for CMT to come up with something for Ocean Trace, so it is a priority for the City. He advised that the new Engineer, Jason Sparks, knows about the issues for the area and that it would stay at the forefront for City staff.

Mr. Sheldon moved on to the question regarding what informs the model and said that it is very complicated. He advised that they look at rainfall data, soil data, and land cover data. He said that he did not present it well when he said, "paving it". He said that that is not what it is, it is essentially how it functions. He described it as a web of big concrete rocks with more holes than concrete. The idea is to keep the landscape as natural as possible, but the natural landscape is also what is causing the road to start to fail. He said that the armoring does not have to be part of the plan, but CMT feels that it is the best option for the City long-term. He said that it is important to note that CMT's models are designed for storms, so a twenty-five year, twenty-four hour rain event does not really happen a lot but that it is what the standard is and what we design to. He gave the example that no one designed for the recent rainfall in south Florida, which was twenty-nine inches in six hours and that everyone would flood in that sort of scenario. He said that he could fully address their concerns right now but that he hears them and that the ultimate goal is not to do projects but to have the system serve the City and the residents well.

Someone spoke from the audience and was inaudible for the minutes. Mayor Samora referenced the area that was piped and said that we are addressing it but that it would have been nice to have the model prior. Commissioner George advised that the City must keep good records, and, with no disrespect, the Clerk cannot take our minutes unless the voice is spoken into the microphone, so that is why we cannot do back-and-forth from the audience.

Mayor Samora thanked Mr. Sheldon for his presentation and said that this had been a long time coming. He said that he cannot wait to see the final report, to work with City staff, and to prioritize and get funding for some of these projects. He said that it is obvious that the drainage in the City has people's attention and that there are issues that we have to address.

Commissioner George asked if cities and experts are really holding firm to the twenty-five year standard or are they starting to consider fifty, seventy-five, or even one hundred-year storms, which are becoming more prevalent. Mr. Sheldon advised that the twenty-five year is the standard for the St. Johns River Water Management District permitting, which must meet pre-development and post-development flows. He said that the original purpose of this model was to create a regional stormwater treatment system so that everything within the system did not have to be permitted every time someone wanted to increase their driveway. He said that there are certain pushes now towards resiliency, which includes water drain events, sea level rise, etc. and those would model up to a five-hundred year storm event. He advised that their model is not currently set up to do that, but it is a great starting place to do it. He said that there are certain features that only work because the water stages do not over-tap. It is not that it cannot be done, it is just that they have not done it but that they have a great framework to start with.

Commissioner George asked what it would take to do it. Mr. Sheldon advised that they would connect things the way that they believed the water flows, which would involve connecting the model any way that the water possibly could flow because that is what happens in a five-hundred year storm event.

Commissioner George said that looking at the one hundred sixteen projects that we have done over the past nineteen years that she could see that everything that he had prepared would take us twenty years to complete and by then it would be irrelevant data again. She said that we have talked about a living plan, but if we do the main skeleton first, she would want that to be built to one-hundred years or at least fifty years. Mr. Sheldon said that while we use the twenty-five year for the basis of improvements, we model the fifty and one hundred in the model, which will be in the full report. He advised that twenty-five years is the current requirement for permitting.

Mayor Samora moved on to Item VIII and opened Public Comments. He advised that anyone wishing to address the Commission on non-agenda items would have three minutes to speak and to please fill out a speaker card. Commissioner Morgan said that there may still be people that wanted to comment about the previous presentation topic, and she suggested to give them the opportunity to comment during Public Comments. Mayor Samora agreed.

VIII. PUBLIC COMMENTS

Doug Conkey, St. Johns River Water Management District, 7775 Baymeadows Way, Suite 102, Jacksonville, FL, congratulated the City on their award for stormwater/flood control/increasing resiliency; thanked the City for their water conservation support for the April Proclamation; every month is water conservation month; the average household water leaks can add up to ten thousand gallons a year, which can easily be corrected and save the average homeowner about ten percent on their water bill; in Florida more than fifty percent of the water is used outside such as for irrigation; irrigation leaks can waste up to sixty-two hundred gallons of water in a month; water conservation is probably the most important action we can take to protect our water supply; St. Johns County Commissioner Dean played a big role in our district; the water supply plan is being developed and you will hear more about it this summer; will provide the City Manager with options to share with the Commission.

Gary Wood, 9 Ocean Trace Road, St. Augustine Beach, FL, there are twelve houses on Ocean Trace and three condos with a street behind us and in the evening the cars race out of that street; has called the Chief about a hundred times because they hit the mailboxes, etc.; asked the County for speed bumps or something to help them and he was told that he would need a recommendation from the City; a lot of people access that road to get to the beach and in the evenings people are drunk; someone is going to get killed and asked for help from the Commission; there is a police car parked there, which is a big help.

Ed Slavin, Box 3084, St. Augustine, FL, congratulated Public Works Director Tredik for his service; he is the best currently living speaker at the St. Johns County Commission; he is relaxed, not scared or stiff like the former City of St. Augustine Mayor, Joe Boles; thanked the City and the Chief for excellent work on the case of Ernesto Torres; was in touch with the Florida Ethics Commission today along with the prosecutor for the Attorney General's office and Mr. Torres is looking forward to a hearing before an administrative law judge of the Florida Department of Administrative Hearings; the City's Police Chief took a major stance against corruption when there was a former Commissioner who tried to fix his wife's DUI case; Mr. Torres called the Chief/Sheriff fifty-one times and was being disrespectful and rude; he needs to be heavily fined and that he could not find any case laws that say voluntary intoxication is a defense to an ethics violation; thanked the Commission for pulling Item 7 from the agenda, which will be moved to June and that the City should bid the contract for the City Attorney because the current firm has had the contract for three years and it needs competition, which is the most fundamental policy in the United States in terms of economic policy; was shocked after Jeramiah Blocker was defeated for reelection as St. Johns County Attorney that he is now the City's Attorney; would like to have a

list from the City Attorney's office of documents with conflicts checked because we should not have a City Attorney that is a developer attorney.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, noticed that we have a lot of trash trucks and some were purchased with recovery funds; if condo owners and/or renters do not use the trash service how are they to benefit from the City purchasing those trucks; for years the City ripped off the condo owners when we took money from the General Fund to subsidize the waste disposal and we finally corrected that, the people are finally paying for the service, and then you turn around and buy trucks with the recovery funds; to make up for that, you should recycle for all the condos because it really would be stealing from the condo owners again; millions of dollars were taken out of the General Fund to subsidize the waste disposal and all that money was cheated from the condo owners; hopes that the City has a really good recycling plan coming up; is amazed that Joe Boles has not been arrested, he is suspended from the Florida Bar for ninety days for stealing from people and he is running an ad in today's newspaper; he is a thief, a liar, and he is the Chair on the Council on Aging Board and nobody is calling for him to resign; the State Attorney, the Sheriff, and the Chief have done nothing so far.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, wished Public Works Director Tredik well; we have a non-functioning streetlight at the corner of State Road A1A and Madrid Street, which is part of a package from when Chief Hardwick was here and was paid for through FPL; without a light, you cannot see Madrid Street; this is the same place that he has been pushing for a "no parking" sign which has not happened yet; conveyed to some Marsh Creek residents Commissioner George's comments that no one is willing to step forward to put the traffic light there; suggested to the Marsh Creek residents that when the politicians come looking for County Commissioner votes to remind them that nothing has been; splash park has had a nice job done at leveling some of the area under the slide; suggested to look at something better than just sand because of the maintenance problems of blowing sand, so that it does not get into the system, and to consider that during the budget along with a revised surface to avoid injuries; asked questions last month about Sea Colony's walkway to the beach about safety with the walkway past the dunes now because every time there is a storm the dunes get eaten away so the walkway is closer to the water than the dunes; asked last month whether Sea Colony had permits and has not heard anything back; since it is replacing part of the existing walkway to their pool main building, is supposed to be ADA acceptable; has concerns for the vegetation that died next to the Campbell House next to Ocean Hammock walkway; there are Anastasia mice and gopher turtles there and he has not heard anything back; last month he gave the Commission a Folio article and pointed out that it is also on Facebook.

Jim LeClare, 115 Whispering Oaks Court, St. Augustine Beach, FL, if the 2nd Street undergrounding benefits the entire community maybe there could be a way that we could all chip in; there would be less chances of storm damage, maintenance, etc.; beyond beautification there could be other reasons that underground utilities make sense; thanked Public Works Director Tredik for his work and the City Manager for his help on a palm question; showed a photo of snake on the Ocean Hammock Park boardwalk in an area that is close to ground level and suggested to put mesh screening up in those few areas.

Mayor Samora closed Public Comments and advised that there are a few things that he would like to follow up on. He asked Chief Carswell to comment about Mr. Wood's concerns. Chief Carswell said that he hears from Mr. Wood about once a month about the incidents and that they are doing their best to get officers out there and have resorted to creative measures by parking patrol cars there. He said that unfortunately it happens during the busiest time of either evening or late afternoon and without dedicated traffic units we just do not have people that can be out there twenty-four/seven. He said that once we get our staff here in July, we will have more resources.

Mayor Samora asked the Chief to let the Commission know if there is anything they could do to help the cause. Commissioner George advised that we have a published/adopted procedure for requesting speed bumps and to the extent if the County wants any formal action or request from the City that she would imagine that the same protocol would apply. She advised Mr. Wood that the City Manager could provide him with the form and a petition to request that the City consider a speed bump on that street.

Mayor Samora asked the Engineering Director about the streetlight that is out on Madrid Street. Engineering Director Sparks advised that he would make note of it. Mayor Samora asked the City Manager for the process to ask for a “no parking” sign. City Manager Royle asked Mr. Binder precisely where he wanted the signs so we could locate the public property in relation to private property and post them correctly. Commissioner George said that the Commission discussed that when we were looking at the replating for that area and to reference back to the minutes because she recalled that it was pretty clear for the location of the signs because of the concern for the construction trucks.

Mayor Samora asked the City Manager if the Building Official made mention of anything about the Sea Colony walkway. City Manager Royle advised that he has not heard anything from the Building Official about it. Mayor Samora asked to follow up on it.

Mayor Samora asked if Public Works would take care of recommendations to keep the snakes off the Ocean Hammock Park boardwalk. Director Gatchell advised that he would look into it.

Mayor Samora thanked everyone for coming and for their comments so that the City can address some of these things.

Mayor Samora moved on to Item IX.

IX. COMMISSIONER COMMENTS

Commissioner Morgan said that she appreciated that there were quite a few people here today and appreciated their comments, which give us more of an idea to help us form our own questions. She appreciated their participation in the discussion about the Master Stormwater Drainage Plan because it is something that we all have been looking forward to hearing more information about and she is looking forward to seeing the final report. She said that Public Works Director Tredik went over everything with her, which was helpful to have that visual, but it may not be as easy to see on the big screen but that she hoped it was helpful for everyone here.

Commissioner George advised that she has not heard any enthusiastic responses from the multiple entities at Marsh Creek regarding a traffic light. She said that the price tag is probably a bit of a deterrent. She said that she would do more pushing to see if they are interested in more information or want to explore it any further. She said that she has been seeing a lot of improvements around town with the undergrounding of the fiber optic cables and that the company has been very responsive so far and doing a decent job. Mayor Samora asked the City Manager if he agreed and if he had much outreach from citizens. City Manager Royle said that he had long emails back-and-forth with one resident and that she has been the most vocal. He said that the company notifies him every morning where there will be working and that he forwards that to the front office staff. He said that other than that, it seems to be going well.

Mayor Samora asked the City Manager if he had any further updates on the beach renourishment. City Manager Royle advised that he talked with the engineer for the Army Corp of Engineers and that they wanted to be here in August. Mayor Samora said that he noticed a new lighted crosswalk at the pier, which was a nice improvement.

Mayor Samora moved on to Item X.1.

X. PUBLIC HEARINGS

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

Public Works Director Tredik advised that we need some guidance from the Commission. He recapped the background information for this item and said that the reason we were trying to do this was to reduce some of the burden on billing and the counting of overages that the Public Works crews are doing. He said that as they dug into this, they realized that there are some issues. He said that this item was going to be to ask for guidance for setting language for the first year of the assessment and to notify the affected property owners twenty days in advance of a Public Hearing. He said that there are some challenges trying to create an equitable non-ad valorem assessment and that we need help to figure this out or have a backup plan for the upcoming year while we work out some of these details.

P.W. Director Tredik asked if the best way to come up with an equitable fee would be by rental property or by the units that we inspect annually. He said that one of the problems they encountered was if they charge transient rentals the same price as they charge a traditional residential non-ad valorem assessment that we would lose revenue going into the next fiscal year. He said that if we base it on parcel ID numbers that we could lose quite a bit because some of those are multiple units on one property vs. if we do it based on the units inspected annually which would be a smaller loss.

P.W. Director Tredik asked if the Commission wanted to continue to move forward with this with the realization that we are going to lose revenue or do we want to consider a different fee for commercial transient rentals than residential. He advised that he does not feel comfortable making a recommendation of a \$400 per year fee for essentially the same service that a residential property is getting without some guidance. He said that the Commission may decide to slow down and work out the details to come up with a balanced, fair approach to assess this and then in the upcoming fiscal year we could come back with some changes to the ordinance. He said that if you opt not to do the non-ad valorem assessment this year, then the ordinance change that we proposed is not necessary yet. He said that it could be done, but that it would not change anything, it only relieves those paying through a non-ad valorem assessment of the requirement to purchase the City carts and to pay a monthly fee. He said that it does not hurt to pass it, but it is not necessary, and if you opt not to go forward with a non-ad valorem assessment, then perhaps you just do not act on the ordinance and the City Attorney could give us guidance whether to table it, have no action, etc.

P.W. Director Tredik said that if we do slow this process down for now, that we may want to seriously look at annual billing as opposed to the current monthly billing, which would take a lot of pressure off of the Finance Department. He said that it could be done with the Business Tax Receipt (BTR) renewals every year, which would simplify the process a lot. He said that we could eliminate the routine counting of unauthorized carts and that the only reason that we have been counting them is to try to “right size” the number of carts that a property is using, which has already been done for a lot of the properties. He said that Public Works could do annual, semi-annual, or even quarterly audits to see if they are “right sized”. If they were continuously in excess of the cans that they purchased, then we would communicate with them to try to get them to purchase an additional cart. This would eliminate the Public Works crews from doing this overage count for every single pickup. He said that these changes would require changes to the Code that he has drafted and would pass along, which could be done by the upcoming June meeting.

P.W. Director Tredik asked whether the Commission wanted to slow it down to focus on what we have or go forward with the non-ad valorem assessment and come up with a rate that would collect the same revenue as we are currently making.

Mayor Samora asked if the loss of revenue or trying to come up with an equitable rate was giving the staff pause. P.W. Director Tredik said both. Mayor Samora asked for the numbers. P.W. Director Tredik said that if we charge the fee based on parcel ID, we would lose about \$55,000 in revenue a year. Commissioner George asked if it was because there are multiple units within a particular parcel ID, which we are currently billing for each separate unit, or is it because of the can counting. P.W. Director Tredik advised that it is both and to make it equitable you need to find a way to collect the right amount from those heavy users and a lesser amount from those only putting out the minimum. He said that the other option they thought of was to look at the units that they inspect every year, but we would still be losing about \$22,000 in revenue each year if we hold it at the \$335 that the current residential properties are paying. He said that the Commission would need to decide whether commercial and residential should pay the same for the same service.

Mayor Samora asked if there was anything mandating that they have to pay the same rate or could we decide on a different rate. Finance Director Douylliez advised that they could have a different rate, which is one of the things that the Commission would have to provide guidance on. She said that before we could move forward with a non-ad valorem that we would have to establish what the rate range would be so that going forward it would be the same as the residential or we could inflate it.

Commissioner George asked how many units, or percentage of units, constitute the high consumption usage. P.W. Director Tredik advised that he has those numbers, but that he has not teased out the percentages. Finance Director Douylliez said that we have to keep in mind with a non-ad valorem not to set too many levels because it would be difficult for us to quantify and then change it annually with the certification of the tax roll. Commissioner George said that the reference to the number of bedrooms must be commensurate with that such as a six bedroom home would probably have three cans out each week vs. a one or two bedroom unit. P.W. Director Tredik said that that is a commonsense interpretation, but that it may not always hold true because of how often it is rented and so all we really have is the number of carts that they purchased. Commissioner Morgan said that that goes with your suggestions to go by either parcel ID or by inspections. She said that if we went by the inspections, we would have a better idea of how many occupants they have and how much garbage they are generating. P.W. Director Tredik said yes and with a large house, two or three families may rent together and would be one inspection vs. a property that has four smaller units that they rent out, which would be four inspections. He said that there are challenges with keeping it equitable. Commissioner Morgan said that either way there would be some sort of loss of revenue or some other issue that is going to be lost and we have to figure out which one we want.

P.W. Director Tredik said that by deferring this, doing a little more work, and going into the next fiscal year with a streamlined process, that we do not lose that revenue. He said that we will not catch as many overages but that it is not a large percentage.

Mayor Samora said that if we streamline the existing process and keep it in place, we would still lose revenue somewhere. He said that we could have a different rate to help offset some of that \$22,000 loss. He said that the reason that he thought we started this was to streamline the entire process and get away from the can-counting, etc. and he asked if we are giving up on that. Finance Director Douylliez said no. She said that the process is very cumbersome for billing to track the collections, to make sure that they are being paid on time, and that the services are appropriately given to those residences by charging for the overages. She explained that it is becoming

challenging because customers are saying that it was not their garbage, or they would rather continue to pay for the overages vs. purchasing another cart. She advised that they have been doing a lot of credits, using a lot of labor to track the overages, entering them into the database for billing, etc. She said that by streamlining the process initially and fine tuning the transient rentals and the inspections by verifying the number of bedrooms, or defining it as a house size, or whatever the Commission comes up with as an equitable method for charging those fees within a non-ad valorem, that we could tailor it beginning this upcoming year to start billing with the renewal of the BTRs. It would be no different from paying an annual fee in your taxes, just billed with the BTRs based on the current service level that they have now. She said that our guys would be able to see each week whether someone is putting out an excessive amount of garbage and they can alert their supervisor who could then start documentation and/or photographs. We could then reach out to the customer and let them know that they have an overage, which would need to come into compliance based on our Code by purchasing another cart and then we could bill them for the difference that year. That would take a lot of the billing and collection off of the Finance Department and it also eliminates the challenge with people who sell their homes mid-year because we are not notified sometimes until months later. She said that sometimes people will tell us three months later that they do not owe us for the services because they sold the home, they were not billed in their taxes, and we were not notified. Now we have to do our due diligence and figure out who to bill, and whether they are keeping it as a transient rental or converting it to a residence, etc. and there is potential lost revenue in that aspect as well. She said that we need to clean up the Code, bill it annually, and tell them that they either have to remain commercial or residential until the next certification of the tax roll. It would make it much easier for Public Works and for Finance.

Mayor Samora asked if there was action needed tonight to move forward for the timeline for a non-ad valorem. Finance Director Douylliez advised that she has spoken with the Tax Collector's office and that we would not have to alert them again if we postpone it until fiscal year 2025. She said that we need action for whether we are going with one of the other suggestions and we could put something together for June to modify our Code to go towards annual billing and however we want to structure the audits of the services. She said that we could bring that back in June.

Mayor Samora asked if action would be needed tonight if we still want a non-ad valorem. P.W. Director Tredik said not tonight but that the next meeting would be the latest because we would have to set rates in June, have a Public Hearing in July, and get the approval of the agreement in August.

Commissioner George said that the second reading tonight is not the final reading. P.W. Director Tredik said that is the final reading. Commissioner George said that we could final the ordinance and still look at these other options. P.W. Director Tredik yes or you could table the ordinance and bring it back at the next meeting. Finance Director Douylliez said that if we are going to make modifications to it for annual billing vs. monthly billing that we will have some additional changes as well. She said that we are currently billing one hundred sixty-four transient rentals, which is a significant amount of time for each department to manage.

Commissioner Morgan said that she liked all of the suggestions, especially streamlining it because that alone would save us money. She said that since all the Commissioners are not here tonight, and there are still possibilities that we would want to discuss, that it would be her preference to decide next month.

Mayor Samora said that he would like to take Public Comment and to possibly table it until the next meeting. He said that if we have questions for P.W. Director Tredik we should take advantage of that tonight.

Commissioner George confirmed that the main difference between the annual billing and the non-ad valorem is that annual billing has greater flexibility to figure out a more equitable fee. Finance Director Douylliez said yes. Commissioner George said that a non-ad valorem requires more consistency. P.W. Director Tredik advised that staff would need to bring the range recommendations to you at the next meeting and we would request that you authorize us to advertise. He said that if you tabled the whole thing, that staff would need to come up with recommendations and he asked for guidance as to what those recommendations might be. He said that if we were to break even and base it on the number of units inspected, that it would be a rate of \$429.60 per year vs. the current residential rate of \$335 per year, which would be almost \$100 more. Finance Director Douylliez said that to put it into perspective based on the one hundred sixty-four properties that we currently bill, not considering how many inspections they do on one particular parcel number, that it would be \$626 per year. Mayor Samora asked if that is what they are being billed for now. Finance Director Douylliez said that would be the average rate if we took the whole billing and divided it by the one hundred sixty-four transient rental properties, which we currently bill. She said trying to find an equitable number by structuring it with residential and taking it by the number of units inspected leaves us a lot to work with.

P.W. Director Tredik said that a single cart a week is currently paying \$343 per year. Finance Director Douylliez agreed. P.W. Director Tredik said that it would be a significant increase for the smaller transient rentals.

Commissioner George asked for clarification on the \$429 and \$626 amounts. Finance Director Douylliez said that you would take the total revenue that we receive from what we bill each year divided by the total number of properties that we bill. City Clerk Fitzgerald advised that we have one hundred sixty-four transient rentals and that some of them are duplexes, triplexes, or quadplexes. We are currently billing them monthly as one single property and if we keep it that way, which is where the \$626 rate comes from. She said that if we break it down and bill each unit, then every duplex would pay times two, triplexes times three, etc. and that is where it breaks down into the \$429 rate. P.W. Director Tredik advised that there are two hundred and thirty-nine inspections.

Commissioner George asked why we are only billing once for a duplex. City Clerk Fitzgerald advised that they are billed that way if it is all the same owner for simplicity of billing, so we are not billing the same person twice for two units, but if it is separate owners, that she believed that they have different billing. Commissioner George said that it would be like a condo or a townhouse but if you have a duplex with the owner living in one unit and renting out the other unit or any other hypothetical scenario, that the point is that there are two households that are only paying for one trash service. Finance Director Douylliez advised that if they are transient rentals, it is based on the needs of their services. She said that if they chose to have one sixty-four gallon cart for both units, then that is all that we are billing them for. Commissioner George said that her point is that we need to reexamine that practice because if there are two households then it seems fairer that both households should have to contribute whether it is residential, transient rental, or commercial. Finance Director Douylliez agreed but said that our policy for BTRs is that they need a BTR per strap/parcel ID number, so they only get charged for one BTR therefore they only have to set their service levels based on their current need. Commissioner George asked if that also meant that if they are in medium-density residential that they are using one license for two units because she thought that we clarified that that was not the case. Finance Director Douylliez said that it is the case. City Clerk Fitzgerald said that she believed that there was discussion about it in the past but up until the one hundred limit was reached, these were all being counted as one historically. When we got close to that limit, it was too late to break them out or risk violating our own ordinance.

P.W. Director Tredik advised that many of these rentals have more than one cart, so they are paying more than \$343.

Commissioner Morgan said that using the inspection method would capture that difference with multiple units under one parcel ID number. P.W. Director Tredik said yes. Commissioner Morgan said that the smaller transient rentals with one cart would be about the same rate as the residential rate. Finance Director Douylliez said yes pretty close. She said that she is aware of at least one parcel that has four transient rental units and that they would recognize a significant decrease in their cost vs. someone with a sixty-four gallon cart who would see a significant increase.

Commissioner George said that the parcel ID number should not be the standard, which is the one thing that is really clear for policy decisions and that it should probably be per unit. She said that we probably have Certificate of Occupancies (COs) for each unit and that we have mechanisms to determine allocation by unit.

Mayor Samora said that guidance for the next meeting would be a range because we already know that the base would be somewhere around \$343 and that the BTR method, which we are not even considering, would have been \$626. P.W. Director Tredik said that you would want to see a range starting at the current lowest rate and going up or the residential current fee, which is closing in towards the top of the range now. He asked whether to start at the lowest commercial or the current residential rate. Mayor Samora suggested to use the lowest commercial rate. P.W. Director Tredik said that was helpful and that staff could come forward with a recommendation. He advised that the Commission could refine it at that point, pick an appropriate fee, and do the Public Hearing.

Commissioner George said that she believed that the Commission agreed that doing it annually is better whether it is through a non-ad valorem or not. Mayor Samora advised to continue to streamline the process and that the inspection method seemed like the best option so far.

Mayor Samora opened Public Comment.

Sharon Freeman, 7 B Street, St. Augustine Beach, FL, has owned a vacation rental at 7 B Street for the past fifteen years; why is the City focusing on vacation rentals and waste disposal and not on the increase of full-time residents, condos, hotels, etc.; as a vacation rental owner, things have increased considerably over the past several years; used to have a \$50 inspection fee that went up to \$250 and now it is \$400; contributes over \$15,000 in bed tax to the County and State, which is helpful to the City; property taxes increased from \$8,000 to \$14,000 in the last few years; we have so many Flagler College students that come to live at the beach, full-time residents who have moved here, condos, etc.; is paying about \$90 a month to have garbage collected; is being forced out of business; lives in Serenity Bay and sees more garbage in that neighborhood; has two carts from the City and keeps her garbage limited to those two carts.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, sounds like the City has really complicated this; when Melissa Burns broke down the numbers he thought it was \$456 not \$429; does not understand why the City cannot simplify it; you are billing people that have vacation rentals; he is all over the City every day and could tell who is putting out the garbage; the City should fine people who put their garbage out on Saturday for next week's pick up; Pope Road has some of the worst offenders; you only need one price, the non-ad valorem, and everybody pays the same; you are counting cans and you complicated it; you have four trucks and are spending money; years ago the City had the opportunity to get a private contractor for a lot less money; the City should go with one price of \$429 for the non-ad valorem and stop counting cans and move on.

Mayor Samora closed Public Comment.

Mayor Samora thanked Ms. Freeman for her perspective from the transient rental side. He responded to her question regarding not addressing the residents, condos, etc. and advised that the City had already addressed those first. He said that as a homeowner, you know that your trash service used to be in your taxes as a single line and then we itemized it. He addressed Mr. Reynolds' point regarding the can counting and advised that the City is cleaning up the process and trying to bring transient rentals into the same non-ad valorem structure as the residents, which is just the next step, and we are trying to make it fair. He said that the Commission appreciates the business that they bring to the City.

Commissioner Morgan said that it sounds like we have good options and she asked P.W. Director Tredik if he had enough guidance. P. W. Director Tredik said yes that he believed that staff had enough guidance.

Motion: To table Ordinance 23-02 until the next scheduled meeting. **Moved by** Mayor Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Motion: To table Items 1 and 6 until the next scheduled meeting. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XI.2.

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)

2. Proclamation to Declare Week of April 30-May 6, 2023, as Professional Municipal Clerks Week

Motion: To approve the proclamation to declare the week of April 30-May 6, 2023, as Municipal Clerks Week. **Moved by** Commissioner Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor Samora moved on to Item XII.3.

XII. OLD BUSINESS

3. Non-Conforming Business Signs: Continuation of Discussion of Proposed Changes to Section 8.00.10 of the Land Development Code (Presenter: Jennifer Thompson, City Planner)

Planner Thompson advised that this item has been reviewed several times at other meetings and that this was to get a draft ordinance. She advised that if the Commission decides to go ahead with it, then we could have our first hearing at the next Planning and Zoning Board meeting, then it would come back to the Commission the following month, and the month after for the second and final readings at which time you could still change things if need be.

Commissioner George said that the discussion from the last meeting has been well integrated.

Commissioner Morgan said that number 3.b is a little confusing. Planner Thompson advised that it is a little wordy and that we could probably eliminate the language, "for a non-conforming use". She advised that that was the original way it was written and that she noticed that a lot of it is a little confusing. Commissioner Morgan said that it made sense to streamline it a little bit. Commissioner George said that if it is a non-conforming use, which also has a non-conforming sign and the non-conforming use ceases to operate for six months, then the sign should be removed. City Attorney Douglas advised that he interpreted it the same way. He said that the fact that it is a non-conforming use to begin with has an affect on a sign that is also non-conforming. Commissioner George advised that it triggers a need to remove the sign in that case. City Attorney Douglas advised that they should be read together. Commissioner Morgan said that there are

definitions in here but nothing that distinguishes what those two things are, which makes it confusing. Commissioner George said that from the discussion last month that she thought that the intent was if there is a non-conforming sign, regardless of whether or not the use was non-conforming, that if the sign was not used for a period of six months, that it should be removed and brought into conformity. Commissioner Morgan said that she agreed with that. Commissioner George said that it does not appear to be anywhere else in the ordinance and for that reason, she would support removing that second reference for non-conforming use.

Commissioner Morgan questioned the language, “parch and conceal” in Section 4.d because to her the word “parch” means dry or thirsty, not to conceal. Planner Thompson said that it should say “patch” and once again, that was the original Code.

Commissioner George said the modification to Section 3.b opens it up to create a standard for a sign regardless of the use and she questioned whether we needed it under Section 3 or whether we even need Section 3.a. Commissioner Morgan suggested that instead of having a Section 3, that maybe it could be moved to make a Section 2.d.

Mayor Samora said that the proposal was to remove the language “for a non-conforming use” in Section 3.b and to clean it up since we already addressed non-conforming signs in Section 2, and move Sections 3.a and 3.b under Section 2 as 2.d and 2.e.

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

Motion: To approve draft for formal reading with noted changes. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XII.4.

4. Ordinance 23-03, Second Reading, Pertaining to Changes to the Land Development Regulations, Sections 6.01.03 (Building Setback Requirements) and 12.02.06 (Concept Review) (Presenter: Jennifer Thompson, City Planner)

Planner Thompson advised that Section 6.01.03 B states that decks under 30 inches are exempt from permitting. However, the Florida Building Code does not exempt them, and the Building Official is requesting that the Code be altered to reflect decks under twelve inches may be exempt from permitting.

Commissioner George said that she was surprised that it went so high because it always used to be twelve inches.

Mayor Samora questioned whether the “thirty inches” referenced in Section 6.01.03 B.1.a should also be changed to “twelve inches”. Planner Thompson advised that decks less than that height can be two feet from the property line, which is referenced above in Section B.1. Mayor Samora said that any deck that exceeds thirty inches is subject to setbacks. Planner Thompson confirmed.

Planner Thompson moved on and said that Section 6.01.03 C is being proposed for a mechanism to allow for an administrative waiver for errors in setback measurements. She advised that this is a code that we lifted from St. Johns County and based on the requirements in Sections C 1, 2, 3, and 4, if someone has a small surveying error of ten percent or less, that we would be able to give them an administrative waiver for the error in the measurement.

Commissioner George said that she was suspicious of it in the memo but when she saw it in the ordinance draft that she liked how there is the condition that they have to have that flexibility of the ten percent on the other side. She said that if it was just a blanket ten percent that she would be opposed to it, but that this is an interesting way to allow for flexible setbacks. Mayor Samora said that he had the same concern and that he was happy to see it addressed.

Mayor Samora asked if the largest setbacks were twenty-five feet. Planner Thompson said yes. Mayor Samora said that the side setbacks are typically ten feet. Planner Thompson confirmed.

Commissioner George said at this stage she is comfortable with it but when you put in measurements that are that small there have been some pretty feisty exchanges when two feet encroaches on someone's view. She said that over the years we have had different setbacks already so there is some staggering in place, and she believed that it is a good policy.

Planner Thompson moved on to Section 6.03.05 regarding compact parking spaces, which are mentioned in the Code, but there are no size requirements or anything stating how many compact parking spaces there could be. She said that she went online to other cities' codes to see what they were doing. She advised that compact parking spaces must be a minimum of eight feet wide and sixteen feet long. She said that she and Building Official Law discussed how many parking spaces would be allowed for compact parking and they determined that up to five percent would be allowed for a parking lot of twenty spaces, which would be equal to one compact parking spot.

Mayor Samora said that when you say that a parking lot of twenty spaces could only have one compact space that it seems pretty restrictive. Planner Thompson said that they were trying to play on the safe side, but it could be ten percent. Commissioner Morgan suggested that there could be a percentage, but that there could be an exception built in for small lots. She said that a lot of twenty spaces should have two compact spaces. Commissioner George said that we already have a parking issue, and we want more parking spaces, so if we could allow a business to squeeze in an extra spot that would be a good thing. She suggested to bring information back to the Commission such as what the average size lots are, etc. Commissioner Morgan said that we also do not want to create a situation where there are too many compact spaces jammed into one spot and then they can call it enough parking when it is not.

Planner Thompson moved on to Section 12.02.06 regarding concept reviews that states that variances and conditional use permits must be submitted for concept review, which historically has never been done by the City. She advised that the parts of the Code that refer to variances and conditional use permits contradict this part of the Code. Mayor Samora said that this just cleans that up.

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

City Attorney Douglas read the ordinance title.

Mayor Samora said that the Commission needs this to come back with the requirement for compact parking. Commissioner Morgan said that the last bit about the five percent would not be rounded up, which is something to maybe consider. Commissioner George said right, to eliminate that language.

Motion: To approve Ordinance 23-03 on second reading. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XIV.

5. Underground Electric Power for 2nd Street, West of 2nd Avenue: Budget Resolution 23-08 to Pay Costs (Presenter: Bill Tredik, Public Works Director)

This item was postponed until June 5, 2023.

6. Transient Rentals: Setting Ranges for Solid Waste Collection, Disposal, and Recycling Fees (Presenter: Bill Tredik, Public Works Director)

This item was discussed in conjunction with Item X.1.

XIII. NEW BUSINESS

7. City Attorney Services: Request for Approval of Addendum to Contract with the Douglas Law Firm (Presenter: Charles Douglas, City Attorney)

This item was postponed until June 5, 2023.

XIV. STAFF COMMENTS

City Clerk Fitzgerald thanked the Commission for passing the Professional Municipal Clerks Week proclamation.

Finance Director Douylliez wished Public Works Director Tredik well in his future endeavors.

Mayor Samora asked Chief Carswell about the e-bike ordinance. Chief Carswell advised that the last time he spoke with City Attorney Blocker that he was close to completing it and that he would follow up. He said that he attended a training/conference last week, which was all northeast Florida law enforcement and government agencies. He said that there was a lot of e-bike discussion from a lot of similar sized agencies and that campus agencies were having problems with e-bikes. He advised that he has a Florida Police Chiefs conference coming up in August and they may be pushing for some legislature as well.

Engineering Director Sparks said that he is very honored to have been selected for this position and that he would do his best to protect, sustain, and preserve, the City's infrastructure. Mayor Samora said that Public Works Director Tredik has done a wonderful job, has had a lot on his plate, and left a lot for you to do.

Public Works Director Tredik thanked the Commission, the City Manager, and the entire staff and said that everyone has been great to work with. He said that it has been a pleasure to have been here for the past four years but that it was time to try something a little different. He said that you may see him on a City Board one day or come in for public comments because he does have opinions on Ocean Hammock Park. He said that there is some good news that is in his monthly report such as receiving the seventy-five percent increase on the weir, which totals another \$390,000 that we will get back for the project as well as receiving the district cost share grant for Ocean Walk, which he believed was \$354,000. He advised that we are finding ways to deal with the rising costs but that it will be a battle in the future as well as a challenging budget year.

Mayor Samora thanked P.W. Director Tredik and said that the City really appreciated the work that he has done, that he has been a great steward for the City, and that he has really reshaped the Public Works Department. He said that he has brought a ton of funds and projects to the City to make it a better place for everyone.

Mayor Samora gave the monthly reminders. He said that Mother's Day is Sunday, May 14th and he wished happy Mother's Day to everyone; SEPAC meets on Tuesday, May 9th at 6:00 p.m., Planning and Zoning Board meets on Tuesday, May 16th and that they have a very full agenda; Memorial Day is Monday, May 29th and City offices will be closed and our town will be full of visitors. He also reminded everyone that the Art and Bark in the Park event is at Lakeside Park on May 13th from noon to 5:00 p.m. and that he also heard that the City's Arbor Day event went well.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

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

Mayor Samora adjourned the meeting at 8:33 p.m.


Donald Samora, Mayor

ATTEST:

Dariana Fitzgerald, City Clerk

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: May 23, 2023

SUBJECT: Presentations

- A. Request by St. Johns County Clerk of Court and Comptroller, Mr. Brandon Patty, to Update the Commission and the Public About the Functions of His Office
- B. Proclamation for the City to Acknowledge Pride History and the 53rd Anniversary of the Stonewall Inn Resistance
- C. Stormwater Management Proposal by Mr. Craig Thomson, Member of the Sustainability and Environment Planning Advisory Committee

ITEM A. MR. BRANDON PATTY

As of the date of this memo, we have not received any written information from Mr. Patty's office. We have been told that he simply wants to introduce himself and speak about the functions of the County Clerk of the Court's office.

Should we receive information before your meeting, we'll forward it to you by email.

ITEM B. PROCLAMATION

It is attached as page 1. Members of the local Pride community may be at your meeting to speak about it.

ITEM C. STORMWATER MANAGEMENT

Attached as pages 2-3 is a letter from Ms. Sandra Krempasky, Chair of the Sustainability and Environmental Planning Advisory Committee (SEPAC), in which she explains the reasons for the presentation.

Attached as pages 4-27 is the information prepared by Dr. Sandy Bond that Mr. Thompson has provided for the presentation. On pages 17-21 are Dr. Bond's "Sustainable Solutions."

You can decide whether to ask SEPAC to make a prioritized list of the Sustainable Solutions and their costs, so that money for the two highest ranked ones could possibly be included in the City's FY 24 budget.

Proclamation

WHEREAS, 236 years ago, our founding fathers wrote the United States Constitution whose preamble states, "We the people, in Order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America;" and

ALTHOUGH the United States of America has made considerable progress toward a more perfect union, this progress has not come all at once, and our country still strives to establish justice, welfare, liberty, and tranquility for all; and

WHEREAS, on March 31, 2022, President Joe Biden Proclaimed March 31st Transgender Day of Visibility; and

WHEREAS, on June 26, 2015, the United States Supreme Court held that the fundamental right to marry belongs to same-sex couples in all 50 states, a victory for all who fought for equality and recognition of their unions; and

WHEREAS lesbian, gay, bi-sexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) people are valued members of our families, community, and history; and

WHEREAS We continue to support all LGBTQIA+ people including those who are black, brown, indigenous, people of color, and white people regardless of their various intersectionality; their gender, gender identity, sexuality, race, class, disability, nationality, and location;

WHEREAS it is with most profound regard that we recognize the struggles of our neighbors, family members, friends, and all of past and present peoples of St. Augustine who have suffered, fought, and died for loving whom they love. Particularly we remember the victims of anti-gay violence in Florida including the 49 lives taken on June 12, 2016, at the Pulse Nightclub in Orlando.

NOW, THEREFORE, I, Donald Samora, under the authority vested in me as Mayor of the City of St Augustine Beach, Florida, do hereby proclaim the City of St. Augustine Beach's acknowledgment of pride history and the 53rd anniversary of the Stonewall Inn resistance, moreover, I will call upon all citizens to celebrate the progress that we have made, the contributions of the LGBTQIA+ community to our city, to stand as an ally with our friends and neighbors in the face of prejudice wherever it exists, and to embrace the great diversity within our community.

IN WITNESS of which, I, Donald Samora, hereunto set my hand and cause the Official Seal of the City of St. Augustine Beach, Florida, to be affixed this 5th day of June 2023.

Mayor Donald Samora

ATTEST:

City Manager Max Royle

Max Royle

From: Sandra Krempasky <sandra.krempasky@gmail.com>
Sent: Friday, May 12, 2023 11:59 AM
To: Comm Samora; Comm Rumrell; Comm George; Beth Sweeny; Comm Morgan
Cc: Max Royle; Dariana Fitzgerald
Subject: SEPAC Recommendations re Stormwater Utility Fee
Attachments: 2019 Sea Level Rise & Our Sustainable Future prepared by Prof. Sandy Bond.pdf; 2021 Green Infrastructure Article Prepared by Prof. Lonnie Kaczmarzsky.pdf

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

Dear Mayor and Commissioners:

At our meeting on Tuesday, May 9, SEPAC discussed the use of the stormwater utility fee. I was asked to send these recommendations to you. Member Thomson would also like to make a brief presentation regarding this information at your June 5th Commission Meeting.

SEPAC has previously provided critical research documents regarding the use of green infrastructure to mitigate flooding from rainfall events, rising sea level, seasonal high tides, as well as tropical storms and hurricanes. (attached)

SEPAC recommendations/requests:

- 1) Verify and publicize that the future stormwater utility fees will include the design, engineering and construction costs for adding green infrastructure projects to provide flood mitigation in our City.
- 2) Verify and publicize that the future stormwater utility fees will recognize and incentivize the need to reduce runoff and conserve rainwater.
- 3) Verify that the Building Department and Public Works Department will promote best practices and policies to reduce excessive runoff and conserve rainwater on both residential and commercial property within the City.
- 4) Publicize and hold a community workshop to inform the general public about the adoption of the stormwater utility fee and its intended use in the City, including green infrastructure. The workshop should include members of PZB, SEPAC and city staff.

Please review the attached documents for additional information regarding the sustainability and environmental planning aspects of adding green infrastructure to our City's stormwater management system.

Attached:

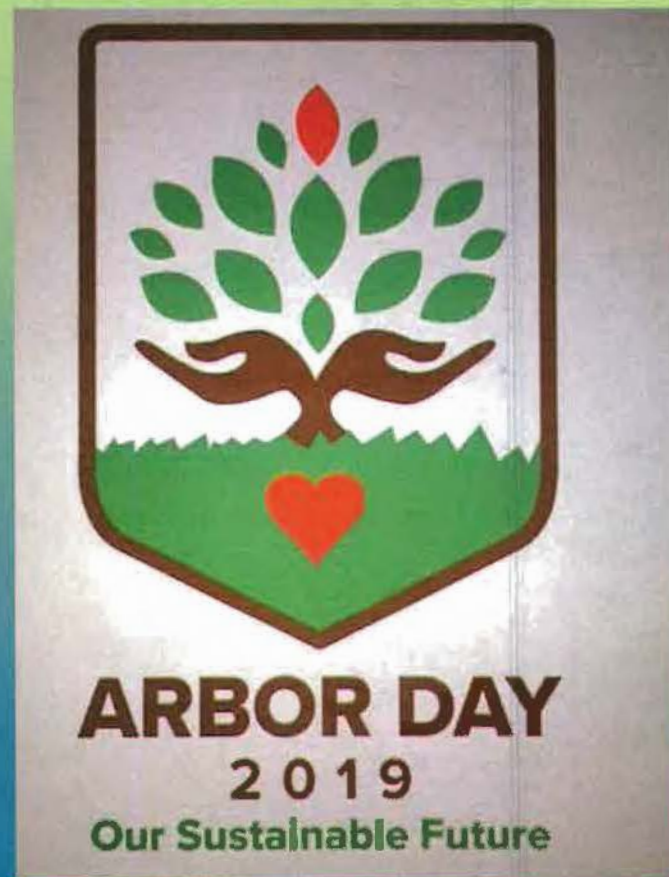
2019 powerpoint presentation prepared by Prof. Sandy Bond on Sea Level Rise and Stormwater Management

2021 article prepared by Prof. Longin Kaczmarek on Stormwater Management and Green Infrastructure

Please feel free to contact me with any questions. Thank you!

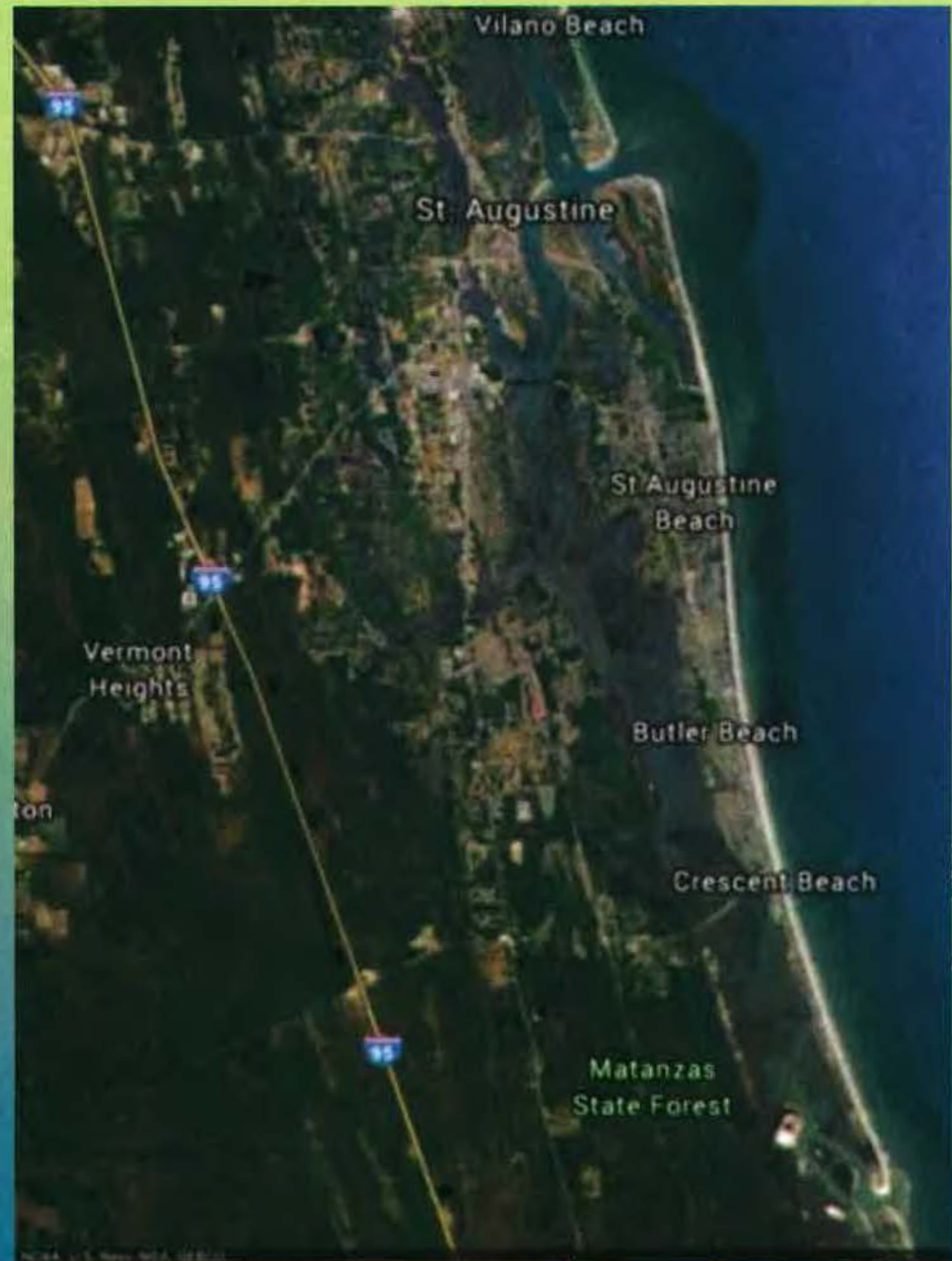
Sandra Krempasky
Chair, SEPAC

Sea-level rise & Our Sustainable Future



Our Sustainable Future

All of Anastasia Island Is Impacted By Sea Level Rise



SEA-LEVEL RISE & OUR SUSTAINABLE FUTURE

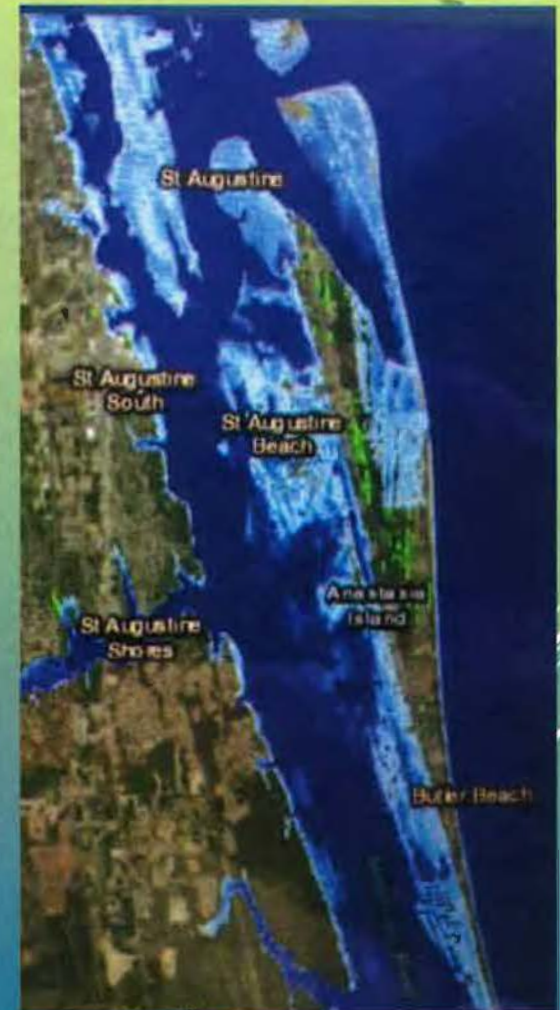
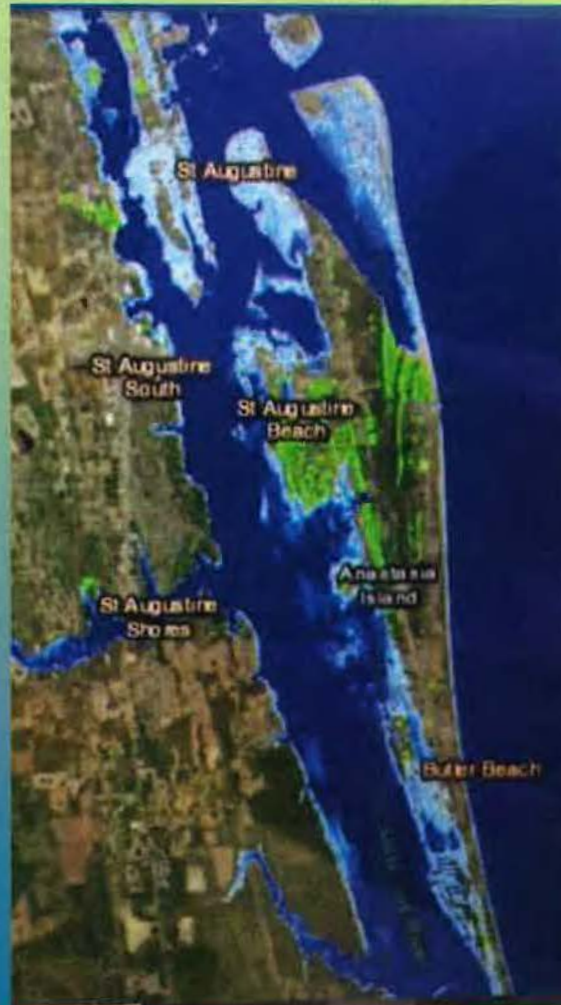
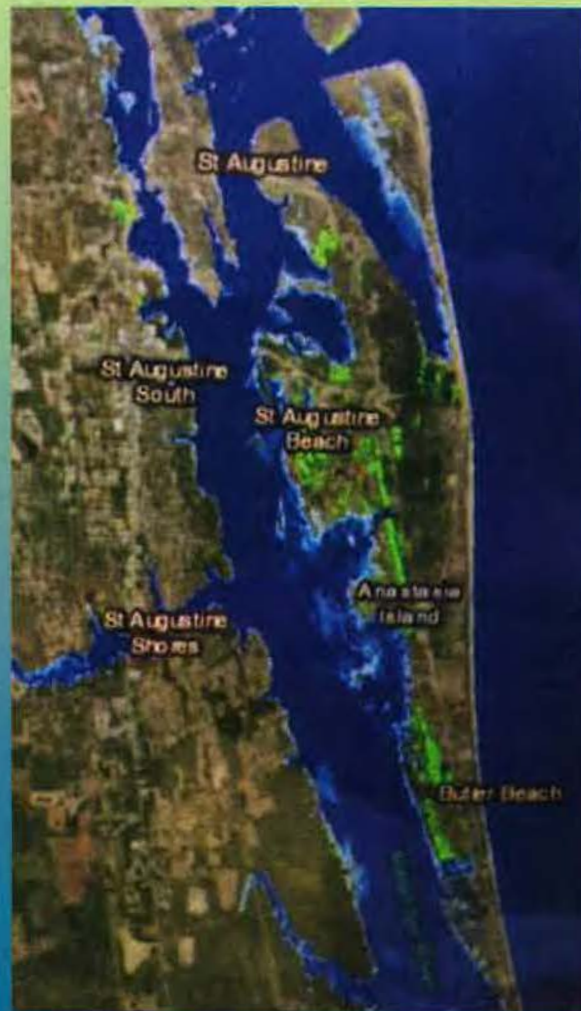


Questions facing the City of St Augustine Beach

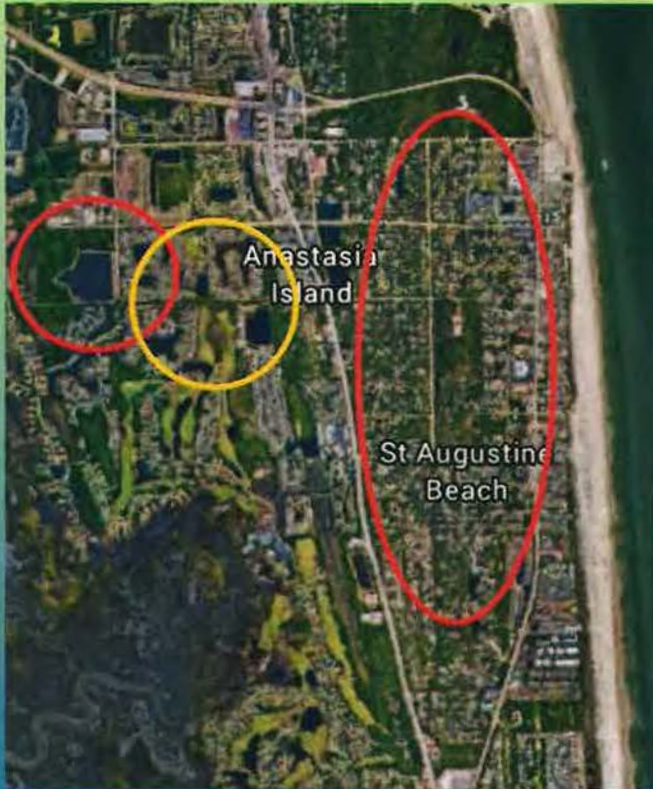
1. What is the threat of flooding due to sea level rise?
2. Why has flooding become more of a threat?
3. How can we improve our storm water drainage system to become more resilient to sea level rise?

1. What is the Threat of Flooding

SLR – 2ft, 4ft, & 6ft



Stormwater Drainage Issues



- ▶ The COSAB has a 1100 acre drainage basin which directs our storm water run off to the main retention pond on Mizell Road.
- ▶ In addition, portions of county developments drain into this retention pond

2. Why has Flooding become more of a Threat

- ▶ The original floodplain capacity for storing stormwater runoff has been reduced over the past 30 years by:
 - ▶ developers filling many low lying properties
 - ▶ an increase in allowable Lot Coverage
 - ▶ the increased paving of local street ROW's.
- ▶ The flooding effects of sea level rise and increased rainfall events are thus compounded by the reduction in natural areas which would allow for retention and absorption of flood water.

Increased Threat of Flooding

Increased lot coverage & increased paving produces more site run-off



Our Sustainable Future

Cost impact of Increased Stormwater Run-off

- ▶ Our stormwater drainage system is costing taxpayers hundreds of thousands of \$ each year, yet it is inadequate to protect the City from anticipated catastrophic flooding events.
- ▶ Property's located within the cities floodplain are the most vulnerable
 - ▶ Hundreds of residential and commercial buildings may be severely damaged.
 - ▶ Buildings with main floor elevations below 10 ft MSL which become damaged by more than 50% will be required to be removed or reconstructed to current building codes.

Cost Impacts, continued:



- ▶ Two years ago the City's major retention pond failed during hurricane season
 - ▶ Currently under repair, it is estimated new construction will cost approximately one million dollars.
 - ▶ Yet this repair is not guaranteed to solve the City's future flooding issues.

Stormwater Drainage Issues



City officials have noted: ***“that at times of high tide and a surge, the intercoastal waterway backs up through the storm water system throughout the city adding to flooding issues.”***

Impact on Real Estate Prices

- ▶ While projections of flood risk events exist, little is known *how these might impact on real estate prices*
 - ▶ other than in a cumulative sense by estimating the likely number of properties to be impacted x the property tax value of these
 - ▶ For example, the Southeast Florida Regional Climate Change Compact Technical Ad hoc Work Group calculates the area could lose as much as **\$4 billion** in taxable real estate from flooding caused by a one-foot rise in sea level
 - ▶ ***What would be the costs to the City of St Augustine beach of lost taxable real estate revenue?***

3. Can Our Stormwater Drainage System Become More Sustainable?

- ▶ Sustainable & cost-efficient solutions are needed to control storm water runoff at its source
 - ▶ The city should encourage residential on-site rainfall conservation
 - ▶ to reduce the risk of neighborhood flooding ,
 - ▶ to decrease run-off/pollutants from reaching our local waterways, &
 - ▶ to protect the islands fragile ground water system which supports our natural tree canopy.
 - ▶ Reestablish city wide street ROW swales to increase the natural retention of stormwater in our 1,100 acre flood basin.

3. Sustainable Solutions

Re-establish ROW Swales to keep stormwater onsite



3. Sustainable Solutions, continued:

- ▶ Sustainable & cost-efficient solutions continued:
 - ▶ Add native trees and rain gardens to increase absorption and evaporation of stormwater flooding in city ROW's and Parks
 - ▶ Encourage residential on-site rainfall conservation by taxing excessive commercial and residential stormwater runoff with a special Stormwater Utility Fee, similar to the City of Saint Augustine.

3. Sustainable Solutions

Use native plants & porous paving systems to reduce stormwater run-off



3. Sustainable Solutions

Reforestation & replanting of City parkettes



3. Sustainable Solutions

Citizens & businesses leading by example
(2019 Anastasia Island Environmental Stewardship Award
1st Place Southern horticulture)



References

- ▶ City of St Augustine Beach (2019). Arbor Day Logo
- ▶ Google Maps (2019). Satellite Map of Anastasia Island
- ▶ Stone, L. (2017). Photo of Trade Wind Lane
- ▶ NOAA (2019). Sea Level Rise maps, <https://coast.noaa.gov/slr/#/layer/slr> [accessed 6 May 2019]
- ▶ Craig Thomson (2019), neighborhood photos.

The City of St. Augustine Beach

Sustainability & Environmental Planning Advisory Committee's (SEPAC) Newsletter

The mission of SEPAC is to make the city's natural resources sustainable and to improve them.

What is SEPAC Concerned About?

Can our city reduce the growing impacts from flooding, save money, and improve our environment at the same time using green infrastructure?

What is "Green" Infrastructure?

According to the US Environmental Protection Agency (USEPA), green infrastructure refers to natural systems including forests, wetlands, native plant communities, oyster reefs, dunes and their sea oats, which provide benefits for human well-being, such as flood protection, better water quality, and climate regulation. In contrast, "gray" infrastructure refers to man-made structures such as dams, stormwater drain pipes, pumps, seawalls, bulkheads, roads, and retention ponds.

Today, one of the top infrastructure issues for coastal cities like ours is stormwater management. Our city, like other coastal cities, is experiencing an increasing rate of sea-level rise, intensifying rainfall, flood, and storm events due to global warming and climate change.

According to the USEPA, green infrastructure is a cost-effective, resilient approach to managing flooding, which provides many other benefits, like reducing pollution and increasing biodiversity. It uses vegetation, permeable pavement, bioswales, dry pond detention areas, and landscaping to store, infiltrate, and evapotranspire stormwater and reduce flows to sewer systems. <https://www.epa.gov/green-infrastructure/what-green-infrastructure>

The City of St. Augustine Beach owns around 50 small plots of land called "parkettes", some of which may be utilized and altered for green stormwater reduction strategies to help reduce flooding, rather than turning them into paved parking lots. These would also improve other natural ecological functions, for example, by installing rain gardens, vegetated **bioswales**, and dry detention ponds in the parkettes it could add natural habitat and beauty. According to Florida Dept. of Environmental Protection (FDEP), dry detention basins can provide flood control by temporarily detaining runoff during storm events. These dry "ponds" control peak flows of runoff water and help remove water pollution that comes from yards and streets. Between rain events, a dry pond looks like a large, grassy low area. When it rains, the pond fills with water. They hold water for 48-72 hours to allow sediment and pollutants to settle out. After the rain event, the water can then be released via drains into our wet retention pond when it can better accommodate it. See our city's first bioswale (see photo) created by SEPAC on Mickler Blvd.! We need volunteers to help weed out the non-native invasive Beggarweed (call 904-471-2122).



https://www.eurekalert.org/pub_releases/2019-08/ps-dbc080919.php

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_011366.pdf

https://floridadep.gov/sites/default/files/Post_Construction_Storm_Water_Management_in_New_Development_0_0.pdf

<https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/SPU/SPU%20-%20BMP%20Manual%20Documents/BMPMan-Ch17-DryDetBasin-20090601-DWQ-SPU.pdf>

https://www.virginiadot.org/business/resources/LocDes/Part_II_C_BMP_Design_Manual.pdf

<https://floridadep.gov/rcp/coral/documents/low-impact-development-green-infrastructure-pollution-reduction-guidance-water>

<http://nrcsolutions.org/rain-gardens/>

<https://cfpub.epa.gov/npstbx/files/MassAudubonRGBrochure.pdf>

SEPAC Wants to Increase Our City's Tree Population to Help Reduce Flooding

According to the US Forest Service, the urban forest is a part of the solution for mitigating stormwater runoff. Prioritizing planting as many of the largest trees possible by our city in parkettes, right-of-way easements and alleys, and educating and incentivizing the residents to do the same on their own properties, is as important as funding and building a multi-million-dollar "gray" stormwater system to reduce flooding in our city. But planting the right species of trees in

the right places is important, especially to accommodate for overhead and underground utilities. For example, SEPAC only chooses native, salt-tolerant, flood-tolerant, and drought-tolerant trees in the city's parkettes and right-of-ways, such as Southern Red Cedar, Live Oak, and Bald Cypress. To learn more about native plants for your yard see www.fnps.org/

Increasing the city's tree canopy is a relatively inexpensive investment in reducing stormwater. According to the USEPA, trees are valued for their beauty, keeping homes cooler with their shade, and many other benefits they bring to our landscapes and neighborhoods. But trees are increasingly recognized for their importance in managing runoff. Their leaf canopies help reduce erosion caused by falling rain. They also provide surface area where rain water lands and evaporates. Roots take up water and help create conditions in the soil that promote infiltration. For example, the Ohio, Kentucky, Indiana Regional Council of Governments (OKI) and its team of national partners are developing a guide for local decision makers to integrate trees into stormwater management design. The guide is being designed to help overcome the widespread lack of understanding, acceptance, and credibility of using trees for managing stormwater.

<https://www.fs.fed.us/research/urban-webinars/give-me-the-numbers.php>

https://www.fs.fed.us/research/docs/webinars/urban-forests/give-me-the-numbers/UFCFeb2017_TeagueSlides.pdf

<https://ncpis.epa.gov/Exe/ZyPDF.cgi/PI00H2RQ.PDF?Dockey=PI00H2RQ.PDF>

<https://www.epa.gov/soakuptherain/soak-rain-trees-help-reduce-runoff>

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5269813.pdf

Is Sea Level Rise Adding to Our City's Flooding Problems?

According to NOAA (National Oceanic and Atmospheric Administration); sea level has risen 8–9 inches (21–24 centimeters) since 1880. In 2019, global sea level was 3.4 inches (87.6 mm) above the 1993 average - the highest annual average in the satellite record (1993-present). This includes an increase of 0.24 inches (6.1 mm) from 2018 (in just one year!). As seawater increasingly warms and land ice melts, the rate of sea level rise is accelerating: it has more than doubled from 0.06 inches (1.4 millimeters) per year throughout most of the twentieth century on average to 0.14 inches (3.6 millimeters) per year from 2006–2015. In many locations along the U.S. coastline, high-tide flooding is now 300% to more than 900% more frequent than it was 50 years ago. So, yes, sea level rise is adding to our city's flooding problems, especially if an extreme high tide occurs with a heavy rainfall event. And increasing saltwater intrusion from sea level rise will kill our coastal trees that are not salt-tolerant.

<https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level>

https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion?qt-science_center_objects=0#qt-science_center_objects

http://seminole.wateratlas.usf.edu/upload/documents/bk_waterwise.pdf

<https://www.pbs.org/newshour/science/rising-sea-levels-are-creating-ghost-forests-of-coastal-trees>

https://e360.yale.edu/features/ghost_forest_rising_sea_levels_killing_coastal_woodlands
(<https://www.tampabay.com/news/environment/2020/11/23/coastal-harm-from-invading-saltwater-happening-right-now/>)

https://floridadep.gov/sites/default/files/Climate%20Change%20and%20Sea-Level%20Rise%20in%20Florida_1.pdf)

Are the Waters Around Anastasia Island Polluted?

According to FDEP, the number-one pollutant in waters around Anastasia Island is highly toxic mercury, which makes its way into our local fish as a result of runoff from our roadways, parking lots, and land. Plants reduce water pollution since their roots not only absorb water and polluting nutrients but a range of anthropogenic toxic compounds, like mercury, for which they have developed some extraordinary detoxification mechanisms. The developing nervous system and brains of children and fetuses are most at risk from mercury poisoning. High levels of mercury are now found in local bluefish, jacks, mackerel, kingfish, sharks, largemouth bass, tuna, tilefish and dolphins (the mammal).

<https://myfwc.com/research/saltwater/health/mercury/environment/>

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiQvvnG0t7xAhUkFVvKFHXG0CyQQFnoECCYQAA&url=https%3A%2F%2Fwww.edf.org%2Fsites%2Fdefault%2Ffiles%2F3370_mercuryPowerPlants.pdf&usg=AOvVawIVqYN_aCzKzbt29wn5brlf

<https://link.springer.com/article/10.1007/s10098-014-0840-6>

<https://www.hindawi.com/journals/ijcc/2011/939161/>

<https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/final-tmdl-reports>

<https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists>

Would Better Laws Help?

Other strategies to address flooding would be adding city codes to (1) enforce downspout pervious disconnection areas between roof run-off and impervious surfaces on properties, (2) have better protections for tree roots during construction activities, (3) require use of pervious pavers, (3) increase pervious areas, like increasing property set-backs, (4) establish bioretention areas, (5) require grassed right-of-way swales, (6) require on-lot water retention, like rain barrels, (7) require planted buffer zones, and (8) require “green” parking rather than paved.

A good overall strategy would be a thoughtful balance of both green and gray infrastructure. Adding more water-absorbing trees, leaving and improving some of our road-side swales, and adding dry detention ponds and rain gardens to beautify our parkettes. This would save

taxpayers' money and add benefits for our local and adjacent ecosystems, like our estuary and its fish, oyster, and shrimp populations.

Green infrastructure is less expensive and has many added benefits. In recent years, federal and state governments have been promoting the funding of local green infrastructure projects for coastal cities along with gray infrastructure. Our city leaders should pursue these funds. See

<https://www.epa.gov/smartgrowth/greening-americas-communities>

https://www.epa.gov/sites/production/files/2015-10/documents/gi_in_cwsrf.pdf

<https://www.epa.gov/cwsrf>

<https://www.nfwf.org/programs/five-star-and-urban-waters-restoration-grant-program>

<https://www.nfwf.org/programs/five-star-and-urban-waters-restoration-grant-program/five-star-and-urban-waters-restoration-grant-program-2021-request-proposals>

<https://www.epa.gov/nps/319-grant-program-states-and-territories>

https://www.epa.gov/sites/production/files/2016-10/documents/uwsg_flyer_october2016.pdf

<https://www.epa.gov/smartgrowth/building-blocks-sustainable-communities#background>

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: May 18, 2023

SUBJECT: Ordinance 23-02, Final Reading, to Change Language in Chapter 10 of the City Code Concerning Solid Waste Collection for Vacation Rentals

Attached as pages 1-6 are the minutes of that part of your May 1, 2023, when you last discussed this Ordinance. You'll note that your decision was to table the Ordinance to your next scheduled meeting, which is June 5th.

Attached as pages 7-12 is Ordinance 23-02. Highlighted in red type are the changes to Chapter 10 that the staff is requesting you make.

ACTION REQUESTED

It is that you vote to un-table Ordinance 23-02, hold the public hearing and then decide whether to pass the Ordinance on its second and final reading.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: ORINANCE 23-02 GARBAGE & TRASH
DATE: 5/18/2023

In follow up to the proposal by Mr. Tredik to amend Chapter 10 of the City code, staff is requesting approval of this second reading to support the potential to bill solid waste fees to transient rentals by a non-ad valorem. The language changes reflect that if a commercial service premise is billed through a non-ad valorem, they are exempt from sections 10-13 (h) and (i)(2) through (4). These sections reference the placement of a dumpster for solid waste removal, paying fees monthly, charges for overage outside the carts, unauthorized receptacles, and un-containerized solid waste. Attached is a copy of the Ordinance for your review.

If further information is needed, please let me know.

Excerpt from the minutes of the May 1, 2023, regular Commission meeting

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

Public Works Director Tredik advised that we need some guidance from the Commission. He recapped the background information for this item and said that the reason we were trying to do this was to reduce some of the burden on billing and the counting of overages that the Public Works crews are doing. He said that as they dug into this, they realized that there are some issues. He said that this item was going to be to ask for guidance for setting language for the first year of the assessment and to notify the affected property owners twenty days in advance of a Public Hearing. He said that there are some challenges trying to create an equitable non-ad valorem assessment and that we need help to figure this out or have a backup plan for the upcoming year while we work out some of these details.

P.W. Director Tredik asked if the best way to come up with an equitable fee would be by rental property or by the units that we inspect annually. He said that one of the problems they encountered was if they charge transient rentals the same price as they charge a traditional residential non-ad valorem assessment that we would lose revenue going into the next fiscal year. He said that if we base it on parcel ID numbers that we could lose quite a bit because some of those are multiple units on one property vs. if we do it based on the units inspected annually which would be a smaller loss.

P.W. Director Tredik asked if the Commission wanted to continue to move forward with this with the realization that we are going to lose revenue or do we want to consider a different fee for commercial transient rentals than residential. He advised that he does not feel comfortable making a recommendation of a \$400 per year fee for essentially the same service that a residential property is getting without some guidance. He said that the Commission may decide to slow down and work out the details to come up with a balanced, fair approach to assess this and then in the upcoming fiscal year we could come back with some changes to the ordinance. He said that if you opt not to do the non-ad valorem assessment this year, then the ordinance change that we proposed is not necessary yet. He said that it could be done, but that it would not change anything, it only relieves those paying through a non-ad valorem assessment of the requirement to purchase the City carts and to pay a monthly fee. He said that it does not hurt to pass it, but it is not necessary, and if you opt not to go forward with a non-ad valorem assessment, then perhaps you just do not act on the ordinance and the City Attorney could give us guidance whether to table it, have no action, etc.

P.W. Director Tredik said that if we do slow this process down for now, that we may want to seriously look at annual billing as opposed to the current monthly billing, which would take a lot of pressure off of the Finance Department. He said that it could be done with the Business Tax Receipt (BTR) renewals every year, which would simplify the process a lot. He said that we could eliminate the routine counting of unauthorized carts and that the only reason that we have been counting them is to try to "right size" the number of carts that a property is using, which has already been done for a lot of the properties. He said that Public Works could do annual, semi-annual, or even quarterly audits to see if they are "right sized". If they were continuously in excess of the cans that they purchased, then we would communicate with them to try to get them to purchase an additional cart. This would eliminate the Public Works crews from doing this overage count for every single pickup. He said that these changes would require changes to the Code that he has drafted and would pass along, which could be done by the upcoming June meeting.

P.W. Director Tredik asked whether the Commission wanted to slow it down to focus on what we have or go forward with the non-ad valorem assessment and come up with a rate that would collect the same revenue as we are currently making.

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Mayor Samora asked if the loss of revenue or trying to come up with an equitable rate was giving the staff pause. P.W. Director Tredik said both. Mayor Samora asked for the numbers. P.W. Director Tredik said that if we charge the fee based on parcel ID, we would lose about \$55,000 in revenue a year. Commissioner George asked if it was because there are multiple units within a particular parcel ID, which we are currently billing for each separate unit, or is it because of the can counting. P.W. Director Tredik advised that it is both and to make it equitable you need to find a way to collect the right amount from those heavy users and a lesser amount from those only putting out the minimum. He said that the other option they thought of was to look at the units that they inspect every year, but we would still be losing about \$22,000 in revenue each year if we hold it at the \$335 that the current residential properties are paying. He said that the Commission would need to decide whether commercial and residential should pay the same for the same service.

Mayor Samora asked if there was anything mandating that they have to pay the same rate or could we decide on a different rate. Finance Director Douylliez advised that they could have a different rate, which is one of the things that the Commission would have to provide guidance on. She said that before we could move forward with a non-ad valorem that we would have to establish what the rate range would be so that going forward it would be the same as the residential or we could inflate it.

Commissioner George asked how many units, or percentage of units, constitute the high consumption usage. P.W. Director Tredik advised that he has those numbers, but that he has not teased out the percentages. Finance Director Douylliez said that we have to keep in mind with a non-ad valorem not to set too many levels because it would be difficult for us to quantify and then change it annually with the certification of the tax roll. Commissioner George said that the reference to the number of bedrooms must be commensurate with that such as a six bedroom home would probably have three cans out each week vs. a one or two bedroom unit. P.W. Director Tredik said that that is a commonsense interpretation, but that it may not always hold true because of how often it is rented and so all we really have is the number of carts that they purchased. Commissioner Morgan said that that goes with your suggestions to go by either parcel ID or by inspections. She said that if we went by the inspections, we would have a better idea of how many occupants they have and how much garbage they are generating. P.W. Director Tredik said yes and with a large house, two or three families may rent together and would be one inspection vs. a property that has four smaller units that they rent out, which would be four inspections. He said that there are challenges with keeping it equitable. Commissioner Morgan said that either way there would be some sort of loss of revenue or some other issue that is going to be lost and we have to figure out which one we want.

P.W. Director Tredik said that by deferring this, doing a little more work, and going into the next fiscal year with a streamlined process, that we do not lose that revenue. He said that we will not catch as many overages but that it is not a large percentage.

Mayor Samora said that if we streamline the existing process and keep it in place, we would still lose revenue somewhere. He said that we could have a different rate to help offset some of that \$22,000 loss. He said that the reason that he thought we started this was to streamline the entire process and get away from the can-counting, etc. and he asked if we are giving up on that. Finance Director Douylliez said no. She said that the process is very cumbersome for billing to track the collections, to make sure that they are being paid on time, and that the services are appropriately given to those residences by charging for the overages. She explained that it is becoming challenging because customers are saying that it was not their garbage, or they would rather continue to pay for the overages vs. purchasing another cart. She advised that they have been doing a lot of credits, using a lot of labor to track the overages, entering them into the database for billing, etc. She said that by streamlining the process initially and fine tuning the transient rentals and the inspections by verifying

Excerpt from the minutes of the May 1, 2023, regular Commission meeting

the number of bedrooms, or defining it as a house size, or whatever the Commission comes up with as an equitable method for charging those fees within a non-ad valorem, that we could tailor it beginning this upcoming year to start billing with the renewal of the BTRs. It would be no different from paying an annual fee in your taxes, just billed with the BTRs based on the current service level that they have now. She said that our guys would be able to see each week whether someone is putting out an excessive amount of garbage and they can alert their supervisor who could then start documentation and/or photographs. We could then reach out to the customer and let them know that they have an overage, which would need to come into compliance based on our Code by purchasing another cart and then we could bill them for the difference that year. That would take a lot of the billing and collection off of the Finance Department and it also eliminates the challenge with people who sell their homes mid-year because we are not notified sometimes until months later. She said that sometimes people will tell us three months later that they do not owe us for the services because they sold the home, they were not billed in their taxes, and we were not notified. Now we have to do our due diligence and figure out who to bill, and whether they are keeping it as a transient rental or converting it to a residence, etc. and there is potential lost revenue in that aspect as well. She said that we need to clean up the Code, bill it annually, and tell them that they either have to remain commercial or residential until the next certification of the tax roll. It would make it much easier for Public Works and for Finance.

Mayor Samora asked if there was action needed tonight to move forward for the timeline for a non-ad valorem. Finance Director Douylliez advised that she has spoken with the Tax Collector's office and that we would not have to alert them again if we postpone it until fiscal year 2025. She said that we need action for whether we are going with one of the other suggestions and we could put something together for June to modify our Code to go towards annual billing and however we want to structure the audits of the services. She said that we could bring that back in June.

Mayor Samora asked if action would be needed tonight if we still want a non-ad valorem. P.W. Director Tredik said not tonight but that the next meeting would be the latest because we would have to set rates in June, have a Public Hearing in July, and get the approval of the agreement in August.

Commissioner George said that the second reading tonight is not the final reading. P.W. Director Tredik said that is the final reading. Commissioner George said that we could final the ordinance and still look at these other options. P.W. Director Tredik yes or you could table the ordinance and bring it back at the next meeting. Finance Director Douylliez said that if we are going to make modifications to it for annual billing vs. monthly billing that we will have some additional changes as well. She said that we are currently billing one hundred sixty-four transient rentals, which is a significant amount of time for each department to manage.

Commissioner Morgan said that she liked all of the suggestions, especially streamlining it because that alone would save us money. She said that since all the Commissioners are not here tonight, and there are still possibilities that we would want to discuss, that it would be her preference to decide next month.

Mayor Samora said that he would like to take Public Comment and to possibly table it until the next meeting. He said that if we have questions for P.W. Director Tredik we should take advantage of that tonight.

Commissioner George confirmed that the main difference between the annual billing and the non-ad valorem is that annual billing has greater flexibility to figure out a more equitable fee. Finance Director Douylliez said yes. Commissioner George said that a non-ad valorem requires more consistency. P.W. Director Tredik advised that staff would need to bring the range recommendations to you at the next

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meeting and we would request that you authorize us to advertise. He said that if you tabled the whole thing, that staff would need to come up with recommendations and he asked for guidance as to what those recommendations might be. He said that if we were to break even and base it on the number of units inspected, that it would be a rate of \$429.60 per year vs. the current residential rate of \$335 per year, which would be almost \$100 more. Finance Director Douylliez said that to put it into perspective based on the one hundred sixty-four properties that we currently bill, not considering how many inspections they do on one particular parcel number, that it would be \$626 per year. Mayor Samora asked if that is what they are being billed for now. Finance Director Douylliez said that would be the average rate if we took the whole billing and divided it by the one hundred sixty-four transient rental properties, which we currently bill. She said trying to find an equitable number by structuring it with residential and taking it by the number of units inspected leaves us a lot to work with.

P.W. Director Tredik said that a single cart a week is currently paying \$343 per year. Finance Director Douylliez agreed. P.W. Director Tredik said that it would be a significant increase for the smaller transient rentals.

Commissioner George asked for clarification on the \$429 and \$626 amounts. Finance Director Douylliez said that you would take the total revenue that we receive from what we bill each year divided by the total number of properties that we bill. City Clerk Fitzgerald advised that we have one hundred sixty-four transient rentals and that some of them are duplexes, triplexes, or quadplexes. We are currently billing them monthly as one single property and if we keep it that way, which is where the \$626 rate comes from. She said that if we break it down and bill each unit, then every duplex would pay times two, triplexes times three, etc. and that is where it breaks down into the \$429 rate. P.W. Director Tredik advised that there are two hundred and thirty-nine inspections.

Commissioner George asked why we are only billing once for a duplex. City Clerk Fitzgerald advised that they are billed that way if it is all the same owner for simplicity of billing, so we are not billing the same person twice for two units, but if it is separate owners, that she believed that they have different billing. Commissioner George said that it would be like a condo or a townhouse but if you have a duplex with the owner living in one unit and renting out the other unit or any other hypothetical scenario, that the point is that there are two households that are only paying for one trash service. Finance Director Douylliez advised that if they are transient rentals, it is based on the needs of their services. She said that if they chose to have one sixty-four gallon cart for both units, then that is all that we are billing them for. Commissioner George said that her point is that we need to reexamine that practice because if there are two households then it seems fairer that both households should have to contribute whether it is residential, transient rental, or commercial. Finance Director Douylliez agreed but said that our policy for BTRs is that they need a BTR per strap/parcel ID number, so they only get charged for one BTR therefore they only have to set their service levels based on their current need. Commissioner George asked if that also meant that if they are in medium-density residential that they are using one license for two units because she thought that we clarified that that was not the case. Finance Director Douylliez said that it is the case. City Clerk Fitzgerald said that she believed that there was discussion about it in the past but up until the one hundred limit was reached, these were all being counted as one historically. When we got close to that limit, it was too late to break them out or risk violating our own ordinance.

P.W. Director Tredik advised that many of these rentals have more than one cart, so they are paying more than \$343.

Commissioner Morgan said that using the inspection method would capture that difference with multiple units under one parcel ID number. P.W. Director Tredik said yes. Commissioner Morgan said that the smaller transient rentals with one cart would be about the same rate as the residential rate.

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Finance Director Douylliez said yes pretty close. She said that she is aware of at least one parcel that has four transient rental units and that they would recognize a significant decrease in their cost vs. someone with a sixty-four gallon cart who would see a significant increase.

Commissioner George said that the parcel ID number should not be the standard, which is the one thing that is really clear for policy decisions and that it should probably be per unit. She said that we probably have Certificate of Occupancies (COs) for each unit and that we have mechanisms to determine allocation by unit.

Mayor Samora said that guidance for the next meeting would be a range because we already know that the base would be somewhere around \$343 and that the BTR method, which we are not even considering, would have been \$626. P.W. Director Tredik said that you would want to see a range starting at the current lowest rate and going up or the residential current fee, which is closing in towards the top of the range now. He asked whether to start at the lowest commercial or the current residential rate. Mayor Samora suggested to use the lowest commercial rate. P.W. Director Tredik said that was helpful and that staff could come forward with a recommendation. He advised that the Commission could refine it at that point, pick an appropriate fee, and do the Public Hearing.

Commissioner George said that she believed that the Commission agreed that doing it annually is better whether it is through a non-ad valorem or not. Mayor Samora advised to continue to streamline the process and that the inspection method seemed like the best option so far.

Mayor Samora opened Public Comment.

Sharon Freeman, 7 B Street, St. Augustine Beach, FL, has owned a vacation rental at 7 B Street for the past fifteen years; why is the City focusing on vacation rentals and waste disposal and not on the increase of full-time residents, condos, hotels, etc.; as a vacation rental owner, things have increased considerably over the past several years; used to have a \$50 inspection fee that went up to \$250 and now it is \$400; contributes over \$15,000 in bed tax to the County and State, which is helpful to the City; property taxes increased from \$8,000 to \$14,000 in the last few years; we have so many Flagler College students that come to live at the beach, full-time residents who have moved here, condos, etc.; is paying about \$90 a month to have garbage collected; is being forced out of business; lives in Serenity Bay and sees more garbage in that neighborhood; has two carts from the City and keeps her garbage limited to those two carts.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, sounds like the City has really complicated this; when Melissa Burns broke down the numbers he thought it was \$456 not \$429; does not understand why the City cannot simplify it; you are billing people that have vacation rentals; he is all over the City every day and could tell who is putting out the garbage; the City should fine people who put their garbage out on Saturday for next week's pick up; Pope Road has some of the worst offenders; you only need one price, the non-ad valorem, and everybody pays the same; you are counting cans and you complicated it; you have four trucks and are spending money; years ago the City had the opportunity to get a private contractor for a lot less money; the City should go with one price of \$429 for the non-ad valorem and stop counting cans and move on.

Mayor Samora closed Public Comment.

Mayor Samora thanked Ms. Freeman for her perspective from the transient rental side. He responded to her question regarding not addressing the residents, condos, etc. and advised that the City had already addressed those first. He said that as a homeowner, you know that your trash service used to be in your taxes as a single line and then we itemized it. He addressed Mr. Reynolds' point regarding the can counting and advised that the City is cleaning up the process and trying to bring transient

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rentals into the same non-ad valorem structure as the residents, which is just the next step, and we are trying to make it fair. He said that the Commission appreciates the business that they bring to the City.

Commissioner Morgan said that it sounds like we have good options and she asked P.W. Director Tredik if he had enough guidance. P. W. Director Tredik said yes that he believed that staff had enough guidance.

Motion: To table Ordinance 23-02 until the next scheduled meeting. **Moved by** Mayor Samora, **Seconded by** Commissioner George. Motion passed unanimously.

Motion: To table Items 1 and 6 until the next scheduled meeting. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XI.2.

ORDINANCE NO: 23-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO GARBAGE AND TRASH; AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE BEACH, CHAPTER 10, GARBAGE AND TRASH, TO AMEND SECTION 10-13 OF THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021 (4), Florida Statutes.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. Amend Article 1 – Section 10-13 of the Code of the City of St. Augustine Beach be and the same is, hereby amended to read:

Chapter 10 - GARBAGE AND TRASH ARTICLE I. – IN GENERAL

Sec. 10-13. - Commercial waste.

- (a) Every commercial service premises, including, but not limited to, hotels and motels and transient rentals, shall pay to the city for the collection and disposal of waste collected by the city, or the availability of such service, the service charges provided in this section.
- (b) After September 30, 2020, commercial service premises having six (6) or more dwelling units are not eligible for City solid waste collection, disposal, and recycling services, except as provided in subsection (c) below, and must secure private collection and disposal services from a City licensed private solid waste management company.
- (c) Commercial service premises having six (6) or more dwelling units which receive solid waste collection, disposal, and recycling service from the City, as of the date of adoption of this ordinance, may petition the City to continue City service for all of its dwelling units beyond

September 30,2020 due to hardship associated with the infeasibility to convert to dumpster service or obtain private collection. Hardship petitions will be reviewed and processed by the City Manager. Denied petitions may be appealed to the City Commission.

- (d) Dwelling units within condominium or apartment complexes which continue to receive solid waste collection, disposal and recycling services from the City after September 30,2020 are not required to purchase waste carts from the city and shall be allowed to place for collection the maximum quantities per dwelling unit provided in Section 10-04 - Residential Waste.
- (e) Condominium or apartment complexes which continue to receive City provided solid waste collection, disposal, and recycling services for its dwelling units after September 30,2020 shall be billed the commercial rate for condominiums and apartment complexes as established by resolution.
- (f) The owner of a building containing a commercial dumpster or commercial trash area may allow up to four (4) commercial service premises within the building to utilize the building's commercial dumpster or commercial trash area associated with the building, upon filing of permission from the owner responsible for the building's dumpster or commercial trash area. When a commercial service premises within a building elects and is authorized to utilize the commercial dumpster or commercial trash area associated with the building, all collection and disposal fees for the electing commercial service premises will be paid by the owner or owners of the building. The owner of the building responsible for the dumpster or commercial trash area must provide a notarized affidavit indicating their authority and agreement to allow the commercial service premises within the building to utilize the building's commercial dumpster or commercial trash area.
- (g) The owner of a building containing up to two (2) commercial services, but not containing a commercial dumpster or commercial trash area may allow both commercial service premises within the building to utilize the same City authorized commercial waste carts. If there are multiple owners of the building, the owners must provide a notarized affidavit indicating their authority and agreement to allow both commercial service premises within the building to utilize the building's City authorized commercial waste carts. When both commercial service premises within a building elect and are authorized by the City to use the same commercial waste carts associated with the building, all collection and disposal fees for the two commercial service premises will be paid by the owner of the building. The Owner of the building will be responsible for purchasing City authorized waste carts of sufficient volume to meet the solid waste needs of the two commercial services premises within the building.
- (h) Commercial services premises which generate or have historically generated more than an average of ten (10) thirty-two-gallon waste receptacles (or equivalent volume) of solid waste per week will not be eligible for city solid waste collection services and must a secure private

hauler for solid waste collection and disposal services, provided the hauler is duly franchised and authorized to collect solid waste within the city.

(i) Authorized commercial containers; collection.

- (1) Commercial service premises shall purchase, from the city, waste carts with a volume between sixty-four (64) and ninety-six (96) gallons for use in city solid waste collection. The number / total volume of waste carts to be purchased shall be based upon historic can count information for each commercial services premises. In cases where historic can count information is unavailable, the business owner will coordinate with the public works director to determine the appropriate "starting solid waste volume" based upon similar businesses. Carts purchased from the city will be uniquely identified and will be picked up during normal solid waste collection schedules without the assessment of additional fees, provided the carts are placed appropriately per Sec. 10-3. - Placement, are in proper working order, and are not overfilled so that the lids do not completely close. Cart purchase prices will be adjusted annually by the City Manager, based upon actual material and labor costs. Commercial service premises which pay for solid waste collection, disposal and recycling services through non-ad valorem assessment are exempt from the requirements of 10-13 (h) and (i) (2) through (4).
- (2) For the disposal of garbage, rubbish, and trash contained in sixty-four (64) through ninety-six (96) gallon waste carts as designated pursuant to subsection (1) hereof, excluding garden trash, each commercial service premises shall pay a monthly charge for each authorized waste cart purchased from the city, Monthly charges for waste carts will be established by resolution.
- (3) Unauthorized receptacles. Solid waste in unauthorized cans, carts, bags or other containers will be logged and assessed additional pickup fees as established by resolution. The volume of any solid waste collected from unauthorized receptacles will be measured and logged. If a commercial service premises utilizes unauthorized receptacles more than six (6) times in a twelve (12) month period, the commercial service premise will be required to purchase additional waste carts of sufficient volume so as to avoid future solid waste overages. An authorized receptacle which is overstuffed so that the lid does not completely close, or not placed per Sec. 10-3. - Placement, will be deemed an unauthorized receptacle, and will be logged and assessed an additional pickup fee.
- (4) Uncontainerized solid waste. Uncontainerized solid waste will be charged additional pickup fees, depending upon the quantity, volume and type of material collected. A fee schedule for uncontainerized solid waste will be set by resolution.
- (5) Change in commercial solid waste volume. If a business undergoes changes resulting in the reduction of solid waste generation, they may request an adjustment of the mandated number / volume of solid waste carts. The business must submit, in writing, to the City

Manager's office, a request for a revaluation of solid waste fee. Upon receipt, the Public Works Department will conduct a random audit of the business's solid waste volume, to determine if a fee reduction is warranted. The random audit will be conducted within a six (6) month period to account for seasonal variation. If it is determined that a fee reduction is warranted, the business must return the appropriate number of waste carts to the city, and the monthly cart fee will be adjusted accordingly. A business may request a reduction of the mandated number / volume of solid waste carts a maximum of once per 12-month time period.

- (6) The owner of a commercial service premises may elect, as provided in subsection (m) hereof, on a form designated by the city manager to exempt the commercial service establishment from collection by the city provided that the commercial garbage dumpster, waste receptacle storage area, waste cart storage area or commercial trash area meets the requirements of Sec. 10-3. Placement (d).
- (j) The quantity of garbage and rubbish which a commercial services premises may place for collection is limited to that which will fit within the business's purchased authorized commercial receptacles. The quantity of trash, white goods, and recyclable material which a commercial service premises may place for collection by the city is subject to the same maximum limits provided for a single-family residence under subsection 10-4(a).
- (k) This section does not prohibit an owner from placing for collection garbage, rubbish, trash, white goods, and recyclable material in excess of the maximum quantities provided under subsection (j) when the city has previously agreed with the owner to collect such excess quantities. Quantities in excess of the maximum quantities will be assessed an additional pickup fee as set by resolution.
- (l) The city will not collect commercial waste contained in a garbage dumpster from any service premises.
- (m) The service charges provided in this section shall be due and by the end of the calendar month in which the invoice for such services is rendered and shall be regarded as delinquent thereafter.
- (n) A commercial service premises may be exempted from payment of the service charges upon written notice delivered to the office of the city manager. stating that the owner elects not to receive any waste collection and disposal service from the city, provided the owner furnishes evidence of a contract for dumpster service. It shall be a violation of this Code punishable as provided in section 10-11 hereof to collect dumpster garbage and trash between the hours of 7:00 p.m. of any day and 7:00 a.m. of the ensuing day.
- (o) The city manager is hereby authorized, from time to time, to determine the cost to the city for the utilization of landfills and to promulgate waste disposal service charges for each equivalent

container to be charged pursuant to this section hereof in accordance with such costs. Such charges shall become effective as of the beginning of the next ensuing fiscal quarter after a copy thereof has been furnished to the city commission, unless the city commission shall, by ordinance, provide some other fee or charge or direct that no charge be made.

- (p) Commercial garden trash collection shall be provided to each commercial service premises once per week and be subject to the same rules governing the collection of uncontainerized and containerized residential garden trash waste. The amount charged by the city for such collection shall be set by resolution.
- (q) Up to two (2) cubic yards of commercial construction debris per week, if generated by the business occupant with a valid building permit, if such a permit is required, is to be collected from each commercial service premises that receives solid waste collection and disposal services from the city. (Construction debris generated by a contractor shall not be collected by the city and the contractor shall be responsible for disposal regardless of whether the waste is residential or commercial)
- (r) Collection of garbage and refuse for commercial service premises may be permitted in excess of one (1) day per week on a subscription basis. Commercial service premises shall pay an additional fee for each additional collection day plus the standard disposal costs as required with basic collection services. Commercial service premises may have up to one (1) additional collection days per week, provided an application for such service is made to the city and the city manager or his designee determines the public works department has capacity to provide the additional service. No garbage or refuse will be collected on Wednesdays, weekends, or City holidays. Fees for the additional collection services shall be set from time to time by resolution of the city commission.
- (s) In lieu of receiving garbage collection service from the city, commercial service businesses may contract with a private hauler for garbage and refuse collection services provided the hauler is duly franchised and authorized to collect garbage within the city.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this ____ day of _____ 2023.

Donald Samora, Mayor

ATTEST:

Max Royle, City Manager



City of St. Augustine Beach Building and Zoning Department

To: Max Royle, City Manager
From: Jennifer Thompson, Planner
CC: Brian Law, Director of Building and Zoning & Bonnie Miller, Sr. Planner
Date: May 18, 2023
Re: Ordinance No. 23-03 pertaining to Code Changes to the City's Land Development Regulations

Attached are the proposed code changes to the City of St. Augustine Beach's Land Development Regulations.

At the May 1st, 2023, Commission Meeting, the proposed code changes were approved except for section 6.03.05 C 10 regarding the percentage of allowed compact parking spaces. This was changed to reflect that the proposed 5 percent could be rounded up rather than rounded down. This would allow smaller parking lots to have at least one compact car space.

Sincerely,

Jennifer Thompson, CFM

Planner

Planning and Zoning Division

Excerpt from the minutes of the May 1, 2023, regular Commission meeting

2. Ordinance 23-03, Second Reading, Pertaining to Changes to the Land Development Regulations, Sections 6.01.03 (Building Setback Requirements) and 12.02.06 (Concept Review) (Presenter: Jennifer Thompson, City Planner)

Planner Thompson advised that Section 6.01.03 B states that decks under 30 inches are exempt from permitting. However, the Florida Building Code does not exempt them, and the Building Official is requesting that the Code be altered to reflect decks under twelve inches may be exempt from permitting.

Commissioner George said that she was surprised that it went so high because it always used to be twelve inches.

Mayor Samora questioned whether the "thirty inches" referenced in Section 6.01.03 B.1.a should also be changed to "twelve inches". Planner Thompson advised that decks less than that height can be two feet from the property line, which is referenced above in Section B.1. Mayor Samora said that any deck that exceeds thirty inches is subject to setbacks. Planner Thompson confirmed.

Planner Thompson moved on and said that Section 6.01.03 C is being proposed for a mechanism to allow for an administrative waiver for errors in setback measurements. She advised that this is a code that we lifted from St. Johns County and based on the requirements in Sections C 1, 2, 3, and 4, if someone has a small surveying error of ten percent or less, that we would be able to give them an administrative waiver for the error in the measurement.

Commissioner George said that she was suspicious of it in the memo but when she saw it in the ordinance draft that she liked how there is the condition that they have to have that flexibility of the ten percent on the other side. She said that if it was just a blanket ten percent that she would be opposed to it, but that this is an interesting way to allow for flexible setbacks. Mayor Samora said that he had the same concern and that he was happy to see it addressed.

Mayor Samora asked if the largest setbacks were twenty-five feet. Planner Thompson said yes. Mayor Samora said that the side setbacks are typically ten feet. Planner Thompson confirmed.

Commissioner George said at this stage she is comfortable with it but when you put in measurements that are that small there have been some pretty feisty exchanges when two feet encroaches on someone's view. She said that over the years we have had different setbacks already so there is some staggering in place, and she believed that it is a good policy.

Planner Thompson moved on to Section 6.03.05 regarding compact parking spaces, which are mentioned in the Code, but there are no size requirements or anything stating how many compact parking spaces there could be. She said that she went online to other cities' codes to see what they were doing. She advised that compact parking spaces must be a minimum of eight feet wide and sixteen feet long. She said that she and Building Official Law discussed how many parking spaces would be allowed for compact parking and they determined that up to five percent would be allowed for a parking lot of twenty spaces, which would be equal to one compact parking spot.

Mayor Samora said that when you say that a parking lot of twenty spaces could only have one compact space that it seems pretty restrictive. Planner Thompson said that they were trying to play on the safe side, but it could be ten percent. Commissioner Morgan suggested that there could be a

Excerpt from the minutes of the May 1, 2023, regular Commission meeting

percentage, but that there could be an exception built in for small lots. She said that a lot of twenty spaces should have two compact spaces. Commissioner George said that we already have a parking issue, and we want more parking spaces, so if we could allow a business to squeeze in an extra spot that would be a good thing. She suggested to bring information back to the Commission such as what the average size lots are, etc. Commissioner Morgan said that we also do not want to create a situation where there are too many compact spaces jammed into one spot and then they can call it enough parking when it is not.

Planner Thompson moved on to Section 12.02.06 regarding concept reviews that states that variances and conditional use permits must be submitted for concept review, which historically has never been done by the City. She advised that the parts of the Code that refer to variances and conditional use permits contradict this part of the Code. Mayor Samora said that this just cleans that up.

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

City Attorney Douglas read the ordinance title.

Mayor Samora said that the Commission needs this to come back with the requirement for compact parking. Commissioner Morgan said that the last bit about the five percent would not be rounded up, which is something to maybe consider. Commissioner George said right, to eliminate that language.

Motion: To approve Ordinance 23-03 on second reading. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XIV.

Sec. 6.01.03. Building setback requirements.

B. Minimum setbacks decks and for non-structural components of a structure.

1. Decks: Any deck ~~less than~~ twelve (12) inches ~~and less~~ above finished grade is not subject to setbacks requirements ~~and does not require a building permit~~. However, this type of deck is not allowed within two (2) feet of an adjacent property line.
 - a. Any deck exceeding thirty (30) inches in height is subject to the setback requirements as specified in the table, ~~and is required to be permitted by the Building Department~~. If the main structure is built to the twenty (20') foot setback line, a deck over twelve (12) inches and less than thirty (30) inches ~~is exempt from permitting and~~ may encroach into the rear yard setback a distance not to exceed eight (8) feet from the principal structure and may encroach into the front setback a distance of five (5) feet from the principal structure. If the main structure is built to the twenty-five (25') foot setback line, a deck may extend twelve (12') feet into the rear setback and for the front, the deck may extend ten (10') feet into the front setback. Permitting shall be required as per the Florida Building Code.
 - b. For second and third level decks, the allowable extension from the main structure built at the twenty (20') foot setback is five (5) feet into the front or rear setback from the main structure. For a structure built at the twenty-five (25') foot setback, the allowable extension is ten (10') feet into the front or rear setback.

C. Administrative Waivers for Errors in Setback Measurements

If an error is discovered in the location of a Building or Structure relative to the minimum setback requirements, the property Owner, or their authorized representative, may file a request for an Administrative Waiver. The review of the request and the final decision shall be made by the Director of Building and Zoning, and shall be made in conformance with the following criteria:

1. Approval of the waiver shall not allow the Structure to exceed the required setback more than ten percent (10%).
2. The corresponding opposite setback must be larger than required by the same distance as the waiver request (to insure that the waiver is not just an attempt to place a larger Building on the Lot) or the waiver request concerns an intrusion of only a small corner of the Building (such as a house too close to the front of a cul-de-sac Lot such that it violates the side setback requirements at the front corner but nowhere else).
3. Any waiver request which does not meet paragraphs a. and b. above shall be denied an Administrative Waiver and must comply with the setback requirements or seek a Variance pursuant to the City of St. Augustine Beach Land Development Regulations Article X Section 10.02.00.
4. A fee of \$53 must be paid to the Building & Zoning Department to apply for the Administrative Waiver.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18; Ord. No. 20-02 , § 6(Exh. 1), 3-2-20; Ord. No. 21-04 , § 2, 6-7-21; Ord. No. 21-15 , § 3, 1-3-22)

Sec. 6.03.05. Design standards for off-street parking and loading areas.

B. Size.

1. Standard parking spaces shall be nine (9) feet by twenty (20) feet.
2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty-two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.
3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
4. Compact parking spaces must be a minimum of eight (8) feet wide and sixteen (16) feet long.
- 4-5. Spaces for handicapped parking shall be the size specified in section 316.1955, Florida Statutes.
- 5-6. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one (1) or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
- 6-7. The comprehensive planning and zoning board may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage.

C. Layout.

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
4. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the City Manager or designee based on the size and accessibility of the driveway.
7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

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8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
 9. No parking space shall be located so as to block access by emergency vehicles.
 10. Compact car spaces should be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters. Up to five (5) percent of the parking spaces required per section 6.03.02 may be designed as compact car parking spaces. The five (5) percent will be rounded up.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18)

Sec. 12.02.06. Concept review.

- A. All major developments, ~~and also any application for a variance or conditional use permit,~~ must be submitted to concept review.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 13)

ORDINANCE NO: 23-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO LAND DEVELOPMENT REGULATIONS AND REVIEW; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH SECTION 6.01.03 FOR SETBACKS, ACCESSARY STRUCTURES, BUILDING HEIGHT, SECTION 6.03.05 DESIGN STANDARDS FOR OFF-STREET PARKING, AND SECTION 12.02.06 CONCEPT REVIEW OF THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021 (4), Florida Statutes.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA;

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. Amend Article VI - Section 6.01.03 Building Setback Requirements as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised, and restated to read:

Sec. 6.01.03. Building setback requirements.

B. Minimum setbacks decks and for non-structural components of a structure.

1. *Decks:* Any deck twelve (12) inches and less above finished grade is not subject to setbacks requirements and does not require a building permit. However, this type of deck is not allowed within two (2) feet of an adjacent property line.

- a. Any deck exceeding thirty (30) inches in height is subject to the setback requirements as specified in the table. If the main structure is built to the twenty (20') foot setback line, a deck over twelve (12) inches and less than thirty (30) inches may encroach into the rear yard setback a distance not to exceed eight (8) feet from the principal structure and may encroach into the front setback a distance of five (5) feet from the principal structure. If the main structure is built to the twenty-five (25') foot setback line, a deck may extend twelve (12') feet into the rear setback and for the front, the deck may extend ten (10') feet into the front setback. Permitting shall be required as per the Florida Building Code.
- b. For second and third level decks, the allowable extension from the main structure built at the twenty (20') foot setback is five (5) feet into the front or rear setback from the main structure. For a structure built at the twenty-five (25') foot setback, the allowable extension is ten (10') feet into the front or rear setback.

C. Administrative Waivers for Errors in Setback Measurements

If an error is discovered in the location of a Building or Structure relative to the minimum setback requirements, the property Owner, or their authorized representative, may file a request for an Administrative Waiver. The review of the request and the final decision shall be made by the Director of Building and Zoning, and shall be made in conformance with the following criteria:

- 1. Approval of the waiver shall not allow the Structure to exceed the required setback more than ten percent (10%).
- 2. The corresponding opposite setback must be larger than required by the same distance as the waiver request (to insure that the waiver is not just an attempt to place a larger Building on the Lot) or the waiver request concerns an intrusion of only a small corner of the Building (such as a house too close to the front of a cul-de-sac Lot such that it violates the side setback requirements at the front corner but nowhere else).
- 3. Any waiver request which does not meet paragraphs a. and h. above shall be denied an Administrative Waiver and must comply with the setback requirements or seek a Variance pursuant to the City of St. Augustine Beach Land Development Regulations Article X Section 10.02.00.
- 4. A fee of \$53 must be paid to the Building & Zoning Department to apply for the Administrative Waiver.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18; Ord. No. 20-02 , § 6(Exh. 1), 3-2-20; Ord. No. 21-04 , § 2, 6-7-21; Ord. No. 21-15 , § 3, 1-3-22)

SECTION 3. Amend Article VI - Section 6.03.05 Design standards for off-street parking and loading areas as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Sec. 6.03.05. Design standards for off-street parking and loading areas.

B. Size.

1. Standard parking spaces shall be nine (9) feet by twenty (20) feet.
2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty-two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.
3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
4. Compact parking spaces must be a minimum of eight (8) feet wide and sixteen (16) feet long.
5. Spaces for handicapped parking shall be the size specified in section 316.1955, Florida Statutes.
6. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress, and egress. The length of one (1) or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
7. The comprehensive planning and zoning board may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage.

C. Layout.

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
4. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the City Manager or designee based on the size and accessibility of the driveway.

7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
9. No parking space shall be located so as to block access by emergency vehicles.
10. Compact car spaces should be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters. Up to five (5) percent of the parking spaces required per section 6.03.02 may be designed as compact car parking spaces. The five (5) percent will be rounded up.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18)

SECTION 4. Amend Article XII - Section 12.02.06 as used in this Appendix of Appendix A –

LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach, and the same is, hereby amended, revised and restated to read:

Sec. 12.02.06. Concept review.

A. All major developments must be submitted to concept review.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 13)

SECTION 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 6. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 7. This Ordinance shall take effect ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the

City of Saint Augustine Beach, Florida this ____ day of _____, 2023.

MAYOR

ATTEST:

CITY CLERK


EXAMINED AND APPROVED by me this ____ day of _____, 2023.

MAYOR

Published in the _____ on the ____ day of _____,
2023. Posted on www.staugbch.com on the ____ day of _____, 2023.

MEMORANDUM

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

FROM: Max Royle, City Manager  mk

DATE: May 17, 2023

SUBJECT: Appeal of Decision by the Comprehensive Planning and Zoning Board to Grant a Variance to Reduce Rear and Side Setbacks for New Swimming Pool and Related Improvements at 1020 Saltwater Circle, Sea Grove Subdivision. Appellant Mr. Michael McGrath, 1024 Saltwater Circle

At its March 21, 2023, meeting, the Comprehensive Planning and Zoning Board reviewed an application submitted by Ryan and Molly Payne for a variance to reduce the rear and side setbacks of their property at 1020 Saltwater Circle in the Sea Grove subdivision. The reason for the reduction request was for the construction of a swimming pool and related improvements. By a 6-0 vote, the Board approved the variance to reduce the rear setback from 10 feet to 5 feet and the side setback from 10 feet to 5 feet. The hardship on which the variance was based was the contours of the property line and the shape of the Payne's property.

On May 11, 2023, within the 30-day window allowed for persons to appeal a Planning Board decision to the City Commission, Mr. Michael McGrath of 1024 Saltwater Circle submitted his appeal request with supporting documentation. The hearing for his appeal has been scheduled for the Commission's June 5th meeting.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-22, the application for the variance submitted by Mr. and Mrs. Payne that the Planning Board reviewed at its March 21st meeting.
- b. Pages 23-42, the minutes of that part of the Board's March 21st meeting when by a 6-0 vote it approved the variance.
- c. Page 43, the notice of the hearing for Mr. Michael McGrath's appeal to the Commission of the Planning Board's decision to approve the variance.
- d. Pages 44-57, Mr. McGrath's appeal application.

PROCESS FOR APPEALS OF PLANNING BOARD DECISIONS

Sections 12.06.03 and 12.06.04 of the Land Development Code state the process. We have attached both sections to this report as page D.

Important points concerning the appeal process:

1. The Commission's review of an appeal is limited to the record and applicable law. This means no new information can be provided to you after the date of Mr. McGarth's written appeal by either party. Your review is thus limited to the original application, the minutes of the meeting when the variance was approved, and the information provided by Mr. McGarth to support his appeal.

Two other points:

- a. While the appeal is heard as a public hearing and the public can speak about it, no new information can be provided by the public concerning it.
 - b. As the Commission will be sitting as a judge concerning the appeal, no Commissioners should individually discuss the appeal and any matter concerning it with anyone in advance of the June 5th hearing.
2. The Commission's decision concerning the appeal: Section 12.06.04.B states that the Commission "shall find whether in its opinion error was made" by the Planning Board in granting the variance and "within the terms of this Code affirm, reverse or modify the decision appealed as it [the Commission] deems just and appropriate."

SUGGESTED PROCEDURE FOR THE HEARING

We suggest the following:

- First, have the City Attorney brief you on the appeal process and the grounds on which you are to consider the appeal and make a decision concerning it and whether there should be any changes to the guidance the City Manager has provided here.
- Ms. Thompson then introduces the case.
- Mr. McGarth, the appellant, then presents his appeal.
- Mr. and Mrs. Payne then provide their response.
- The Planning Board Chair or Vice Chair then explains from the record the reasons for the Board approving the variance.
- Public comment can then be taken.

- The Commission decides whether to affirm (agree with), reverse or modify the Planning Board's decision to grant the variance.

B. A statement of the interest of the person seeking review.

C. The specific error alleged as the grounds of the appeal.
(Ord. No. 91-7, § 2)

Sec. 12.06.04. Appellate hearing.

When a decision is appealed to the city commission, the commission shall conduct the hearing in compliance with the following procedures as supplemented where necessary:

A. Scope of review.

1. The city commission's review shall be limited to the record and applicable law.
2. The commission shall have the authority to review questions of law only, including interpretations of this Code, and any constitution, ordinance, statute, law, or other rule or regulation of binding legal force. For this purpose, an allegation that a decision of the decision-maker is not supported by competent substantial evidence in the record as a whole is deemed to be a question of law. The commission may not reweigh the evidence but must decide only whether any reasonable construction of the evidence supports the decision under review.

B. The city commission shall find whether in its opinion error was made, and within the terms of this Code affirm, reverse or modify the decision appealed as it deems just and equitable.

C. Appeals from the decision of the city commission shall be appealed to the circuit court.
(Ord. No. 91-7, § 2; Ord. No. 92-7, § 16)

Sec. 12.06.03. Notice of appeal to city commission.

The notice of appeal shall contain:

A. A statement of the decision to be reviewed, and the date of the decision.

IMPERVIOUS SURFACE RATIO (ISR) WORKSHEET

IMPERVIOUS SURFACE: Any building, surface, concrete, pool, wet retention/detention areas, pavement or surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

IMPERVIOUS SURFACE RATIO (ISR): The ISR shall be calculated by dividing the total impervious surface area by the total area of the proposed development site or project. Alternative porous paving with a 10% or greater permeability shall not count as ISR coverage.

PERMEABLE PAVERS WITH 10% OR GREATER PERMEABILITY SHALL BE LIMITED TO 15% OF LOT COVERAGE IN LOW AND MEDIUM DENSITY LAND USE DISTRICTS (SEE #8 BELOW).

Site Address 1020 SALT WATER CIRCLE Lot Area 6970 square feet

Impervious Surfaces:

- | | | |
|------------------------------------------------|-------------------------|-------------------------|
| 1. Building footprint | <u>INCLUDES PORCHES</u> | <u>1528</u> square feet |
| 2. Parking & driveway areas | | <u>480</u> square feet |
| 3. Access easements | | _____ square feet |
| 4. Walkways | | <u>88</u> square feet |
| 5. Pools and decks + Equip PAD | | <u>1010</u> square feet |
| 6. Other (screen rooms, patios, porches, etc.) | | _____ square feet |
| 7. Equipment and <u>air-conditioning</u> pads | | <u>18</u> square feet |
| 8. Permeable pavers > 10% permeability | | _____ square feet |

Total Impervious Surfaces: _____ 3124 square feet

3124 ÷ 6970 = 45%
 Total Impervious Surfaces Lot Area Impervious Surface Ratio %

I, Carmen Pollitz _____ (signature) certify that the calculations submitted above for the impervious surface ratio calculations are accurate and complete.

Name CARMEN POLITZ Date 12-10-22

Address 2550 N. STATE ST BUNNELL, FL 32110 Phone 386-302-2881

Email address carmen@aguaconstruction.com



St. Johns County, FL

Apply for Exemptions

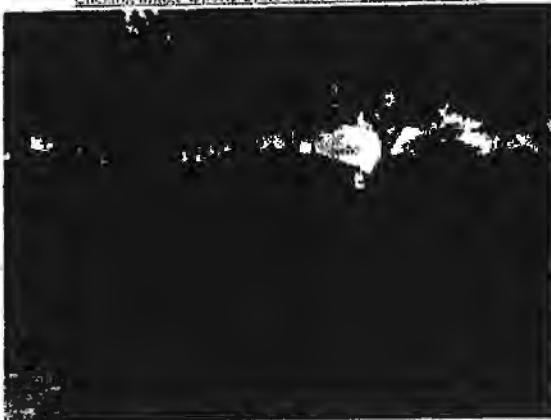
Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

2022 TRIM Notice

Summary

Clicking Image Opens Cyclomedia Viewer in a New Tab



Parcel ID 1629640310
 Location Address 1020 SALTWATER CIR
 SAINT AUGUSTINE 32080-0000
 Neighborhood Seagrove St. Augustine Beach (SF) (2301.01)
 Tax Description* 53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 5 LOT 31 OR4949/1108
 * The Description above is not to be used on legal documents.
 Property Use Code Single Family (0100)
 Subdivision Seagrove St. Augustine Beach Unit Five
 Sec/Twp/Rng 33-7-30
 District City of St Augustine Beach (District 551)
 Millage Rate 15.8076
 Acreage 0.160
 Homestead N

Owner Information

Owner Name Payne Ryan, Molly 100%
 Payne Molly 100%
 Mailing Address 309 SAN NICOLAS WAY
 SAINT AUGUSTINE, FL 32080-0000

Building 1
 Year Built 2006
 Actual Area 2846
 Conditioned Area 2062
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Concrete Siding

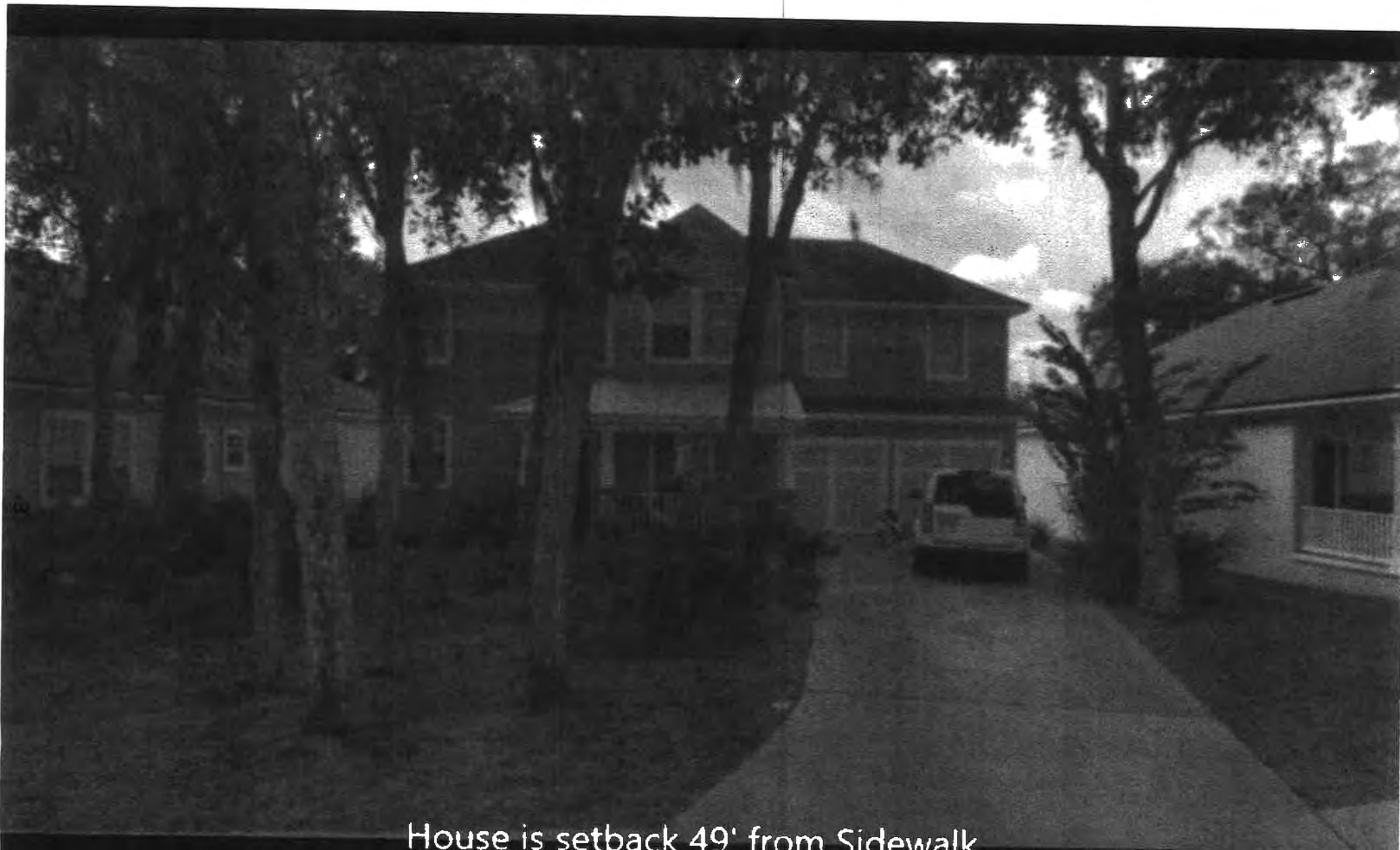
Roof Cover Composite Shingle
 Roof Structure Gable Hip
 Interior Flooring Carpet, Ceramic Tile
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 4
 Baths 3.5

Description
 HALF SCREEN PORCH
 BASE AREA
 FINISHED GARAGE
 FINISHED OPEN PORCH
 FINISHED UPPER STORY - FORCED
 FINISHED DECK
 Total SqFt

Sketch Information

EXISTING: 1528
 + 88 SIDEWALK
 + 18 A/C PAD
 + 480 DRIVEWAY
 = 2114SF TOTAL
 TOTAL PROPOSED 1010SF
 3124SF
 3124 ÷ 6970 = 45%
 IMPERVIOUS
 55%
 PERVIOUS

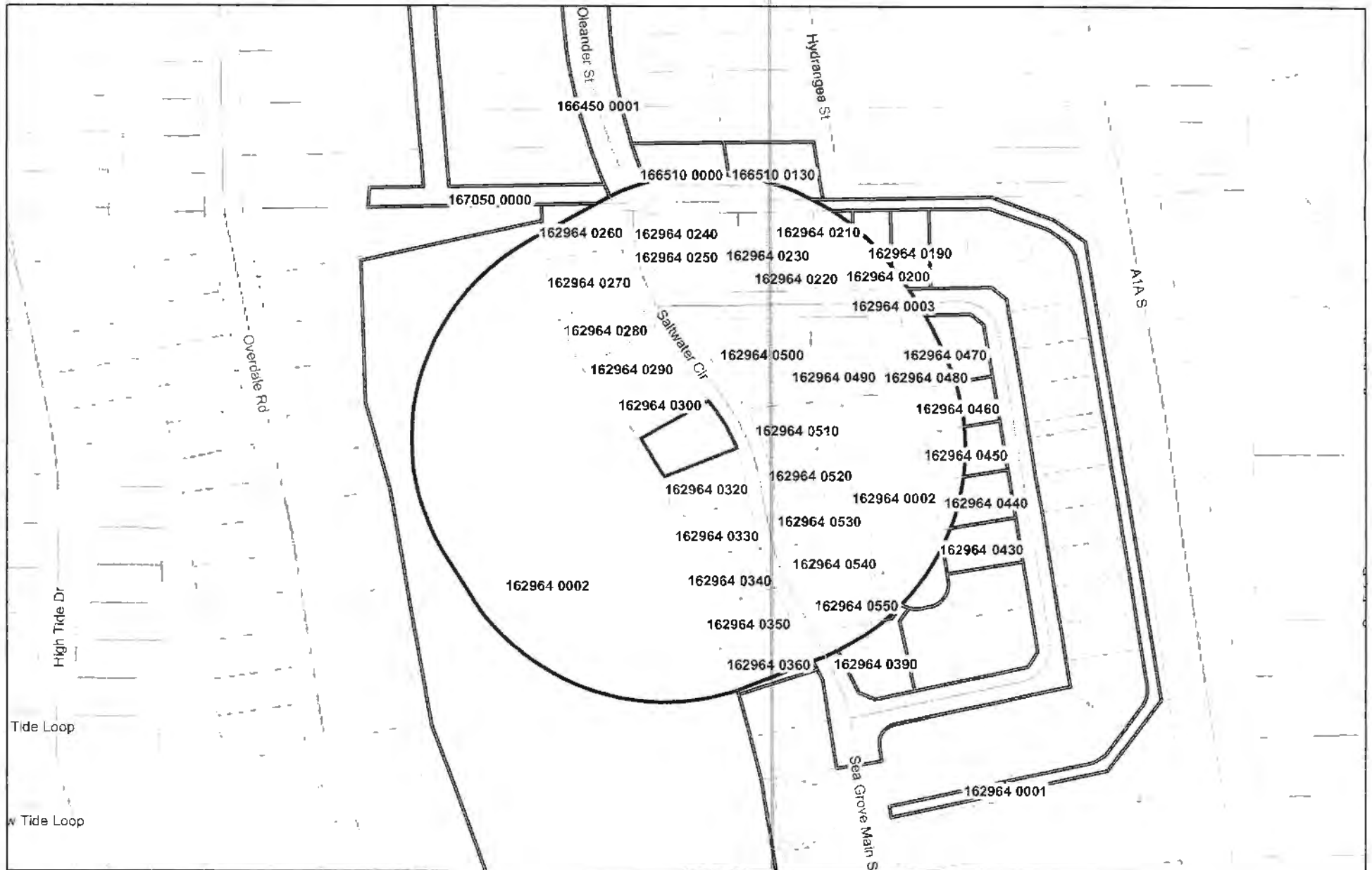
Square Footage
 112 1ST FLOOR - REAR
 856
 440
 120 1ST FLOOR - FRONT
 X 1206 2ND FLOOR
 X 112 " ABOVE 1ST FLOOR
 2846 SCREEN PORCH.
 = 1528SF



House is setback 49' from Sidewalk

Required setback is 20'

No room in backyard for pool without the Rear setback reduction to 5'



Parcels within 300' of 1020 Saltwater Cir

BOOMER DOUGLAS W ET AL
PO BOX 840265
SAINT AUGUSTINE FL 320800000

HAMILTON LYNDIA V
4167 S JEFFERSON PT
HOMOSASSA FL 344483518

NORMAN ANDREW M
798 N PONCE DE LEON BLVD
SAINT AUGUSTINE FL 320840000

BRISLAND MARIE,ROBIN
1000 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

HNATUSKO WALTER,CINDY
901 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

O'DELL JOSEPH P,LYNNETTE H
PO BOX 164
SAINT MARYS CITY MD 206860164

BRYNTESON JENS B ETAL
1016 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

HUTSON STEPHEN,LINDSEY
980 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PEERS LESA C TRUST D: 12-07-20
5785 MOUNTAIN RANCH DR
PARK CITY UT 840980000

CAYCE LEN B,DIANE J
965 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

JONES GEORGE PIERCE IV,MEREDITH
935 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PELLETT REVOCABLE TRUST
984 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

CITY OF ST AUGUSTINE BEACH
2200 A1A S
SAINT AUGUSTINE FL 320800000

KLUTH KENT R,INGRID M
992 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PESKETT GRAHAM A
1008 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

COVINGTON PATRICIA E ***
947 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

LITTLE JOHN JASON
1019 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SEAGROVE NEIGHBORHOOD ASSOC IN
C/O COASTAL REALTY & PROPERTY
MANAGEMENT
3942 A1A SOUTH
SAINT AUGUSTINE FL 320800000

DORMAN FRED E,HELEN B
14 ONYX CT
SAINT AUGUSTINE FL 320860000

MC CLARNON FRANCIS M ETAL
1036 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SEAGROVE NEIGHBORHOOD ASSOC IN
C/O MARY JACOBS JACOBS AND JACOBS
461 A1A BEACH BLVD
SAINT AUGUSTINE FL 320800000

FORBES JUSTIN,BETHANY
1001 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

MCCRATH MICHAEL R REVOCABLE TR
1024 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SMITH CHARLES W JR,MARILYN S
975 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

GARCIA AMANDA K,ERIC V
943 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

MONTILLA SARAH ET AL
1027 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

STICKLE JOHN RAYMOND III
1040 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

GEIGER DONALD G,REVA M
981 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

MURFIN ANDREW W,EMMA L
1028 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SUTTON FAMILY TRUST U/A/D:09/2
972 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SWIFT EDWIN OLDS IV,CARA A TAY
2591 HYDRANGEA ST
SAINT AUGUSTINE FL 320800000

THOMAS CHRISTOPHER,NANCY
976 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

THOMAS FRANCIS NEAVITT
1012 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

TIER ROBERT P, JILL S
995 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

VELJKY DORENE
~~69 BENTON RD~~
~~PARMUS NJ 076520000~~

WELTZIEN JEFFREY LEE,BARBARA B
1023 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

WU QIAOZHEN ET AL
939 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

December 2, 2022

Hand delivered to Molly & Ryan
on Sat morning Dec 3 2022

Ryan & Molly Payne
1020 Saltwater Circle
St. Augustine, FL 32080

Ryan & Molly,

I am rescinding my approval of the backyard pool you have proposed.

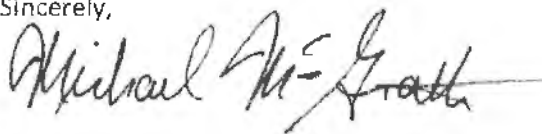
Considering the proximity of our properties, combined with the positions of our respective houses on our lots, i.e., back, (west), sides facing slightly toward each other, I believe the backyard pool you propose is inappropriate and would be a significant and constant disruption to the peace and quiet I currently enjoy on my back porch and in my yard. My master bedroom is also right there at the northwest corner of my house. And I am concerned about potential impact on property value.

In short, a pool at this location would change the quality of life on my back porch and in my yard. Therefore, I am objecting to the construction of a pool, and I am rescinding my approval on the document I signed last week. I am asking that you reconsider this project and not move forward.

Would you also please provide me a copy of that document which I neglected to ask for when you visited.

Thank you for your understanding. if you have questions, I am available to discuss.

Sincerely,



Michael McGrath
1024 Saltwater Circle

c: (408) 896-5393
mrmcgrath@mindspring.com



City of St. Augustine Beach Building and Zoning Department

TO: Comprehensive Planning and Zoning Board

FROM: Jennifer Thompson, Planner

SUBJECT: Land Use Variance Application File No. VAR 2023-02

DATE: March 6, 2023

Variance File No. VAR 2023-02 is for a reduction of the minimum of 10-foot rear and side setback requirements per Seagrove Planned Unit Development (PUD) Ordinance to 5 feet each, for proposed new construction of a pool, pool deck, and screen enclosure on Lot 31, Seagrove of St. Augustine Beach Unit 5, at 1020 Saltwater Circle, St. Augustine Beach, Florida, 32080, Carmen Pollitz, Agua Construction, Agent for Ryan and Molly Payne, applicants.

In the past the Comprehensive Planning and Zoning Board has approved reductions in setbacks ~~in Sea Grove for swimming pools, pool decks, and screen enclosures. Most recently, for 400~~ High Tide Drive (VAR 2022-02) on 04/19/2022 and 467 High Tide Drive (VAR 2021-07) on 12/21/2021.

Sincerely,

Jennifer Thompson

Planner

Planning and Zoning Division



City of St. Augustine Beach Building and Zoning Department

TO: Planning and Zoning Division
FROM: Brian Law
SUBJECT: VAR 2023-02 at 1020 Saltwater Circle
DATE: 3-9-2023

The 2020 Florida Building Code has no objection to the reduction of the minimum rear and side yard setbacks for the construction of a pool, pool deck and a screen enclosure.

Brian W Law CBO, CFM, MCP
City of St. Augustine Beach
Director of Building and Zoning
2200 A1A South
St. Augustine Beach, FL 32080
(904) 471-8758
blaw@cityofsab.org

City of St. Augustine Beach Building and Zoning Department
Variance Application

2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBCH.COM BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the variance is being sought:

Lot(s) 31 Block(s) _____ Subdivision SEA GROVE ST AUG BEACH UNIT 5

Street Address 1020 SALTWATER CIRCLE ST AUGUSTINE, FL 32080

2. Location (N, S, W, E): WEST Side of (Street Name): SALTWATER CIRCLE

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☒ (No) (Circle one)

4. Real estate parcel identification number: 1629640310

5. Name and address of owner(s) as shown in St. Johns County Public Records: RYAN & MOLLY

PAYNE 309 SAN NICHOLAS WAY ST AUG (AS PER
PROPERTY CARD) THEY NOW RESIDE AT 1020 SALTWATER

6. Current land use classification: SF PUD

7. Land use variance being sought: REDUCTION OF 10' SETBACKS, TO 5' FOR
POOL - DECK - SCREEN ENC.

8. Section of land use code from which the variance is being sought: PUD ORDINANCE NO 01-15

9. Reasons for which the variance is being sought: THE HOUSE SITS BACK 49' FROM
THE INSIDE OF SIDEWALK WHICH IS 29' OVER REQUIRED
SETBACK. THIS GREATLY REDUCES THE SIZE OF REAR
YARD AND WITHOUT THE 5' REDUCTION ON THE REAR
THERE'S NO ROOM FOR A POOL.

10. Supporting data which should be considered by the Board: 5' REDUCTION ON SIDES
ALLOWS FOR DECK TO LINE UP EVENLY WITH HOUSE AND
ADDS DECK SPACE. THERE HAVE BEEN SEVERAL VARIANCES
APPROVING THE 5' REDUCTION FOR POOLS/DECK/SCREEN

11. Has a variance application been submitted in the past year? Yes (No) (Circle one) If yes, what was the final result? _____

12. Please check if the following information required for submittal of the application has been included:

- (☒) Legal description of property
- (☒) Copy of warranty deed
- (☒) Owner Permission Form (if applicable)
- (☒) List of names and addresses of all property owners within 300-foot radius
- (☒) First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius
- () Signed and sealed survey not older than one year showing all existing structures and improvements
- (☒) Other documents or relevant information to be considered
- (☒) Fourteen (14) copies of the completed application including supplemental documentation and relevant information

In filing this application for a variance, the undersigned acknowledges it becomes part of the official record of the Comprehensive Planning and Zoning Board and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

If granted, the variance will expire within one year from the time it was granted, unless more time was requested and granted in the application process. After one year has passed and the requested action has not taken place, the variance shall be considered null and void. The application must be signed by either the owner or the owners authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

<u>Ryan Payne</u>	<u>CARMEN POLLITZ</u>
Print name (owner or his/ her agent)	Print name (applicant or his/her agent)
<u>11-13-22</u>	<u>11-13-22</u>
Signature /date	Signature /date
<u>1020 SALTWATER CIRCLE</u>	<u>2550 N. STATE ST. Bunnell</u>
Owner/agent address	Applicant/agent address FL 32110
<u>281-236-4813</u>	<u>386-302-2881</u>
Phone number	Phone number

****All agents must have notarized written authorization from the property owner(s)****

****Variances shall be recorded prior to issuance of the building/development permit****

**** Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions. ****

Date: 1/19/2023

Variance File #: VAR 2023-02

Applicant's name: CARMEN POLLITZ

Applicant's address: 2550 N. STATE ST #14 BUNNELL, FL 32110

For land use variance at: 1020 SALTWATER CIRCLE

Charges

Application Fee: \$400.00 Date Paid: 1/23/2023

Legal Notice Sign: \$10.00 Date Paid: 1/23/2023

Received by Bonnie Miller

Date 1/23/2023

Invoice # I 2300575

App. # 6046

Check # or type of credit or debit card 2543

Instructions for Applying for a Land Use Variance

- A land use variance seeks to allow for adjustments to the City's Land Development Regulations, such as setbacks or impervious surface requirements.
- The City's Comprehensive Planning and Zoning Board decides whether to grant or deny a variance request. The Board's decision MUST be based on whether the request meets each of the six conditions listed below.
- To help the Board evaluate your variance request, you must provide a reason or reasons for each of the six conditions. If you believe that a condition does not apply to your request, then you are to write "Not Applicable" and give the reason or reasons why the condition is not applicable to your request.
- Failure to provide a response to each of the six conditions will require the Building and Zoning Department to return your application to you. The Building and Zoning Department staff will gladly provide any assistance should you have questions regarding the listed conditions. You may use additional sheets of paper for your responses as needed. Documents may consist of pictures, photographs, maps, public records, letters from neighboring property owners or other items you may find to explain the circumstances for the variance request.

Considerations for the Granting of a Land Use Variance

- 1) Describe the hardship that is created by following the current land use codes and regulations. Do the associated Land Development Regulations make it virtually impossible to use the property as zoned unless a variance is granted? If so, please explain.

IF VARIANCE ISN'T GRANTED THERE ISN'T ENOUGH SPACE
BETWEEN HOUSE AND REAR LOT LINE TO HAVE A SWIMMING POOL
MORE THAN 5' WIDE.
THE HOME SITS 49' BACK FROM THE FRONT SIDEWALK AND
THIS DRASTICALLY REDUCED BACK YARD.

- 2) Describe similar variances that have been granted in the vicinity of the property since adoption of the City's Comprehensive Plan and Land Development Regulations.

1181 Overdale	Side setback	from 10' to 5'
459 Hide Tide Dr	"	"
457 Hide Tide Dr	"	"
455 Hide Tide Dr	"	"
1121 Overdale Dr	"	"

- 3) Was the property acquired after parts of the current Land Development Regulations (which are relevant to the requested variance) were adopted? Please explain factually.

YES. The PAYNE'S ACQUIRED THE PROPERTY ON MAY 26th, 2020 AND PUD ORDINANCE WAS RECALLED JAN OF 2015

- 4) Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

WITH THE 5' REDUCTION ON SIDES THE DECK CAN LINE UP EVENLY WITH SIDE OF HOUSE AND NOT COME HALF WAY ON THE LANIA AREA. REDUCTION TO 5' ON THE REAR ALLOWS FOR A POOL WITH WIDTH OF 10'. OTHERWISE THERE'S NO ROOM FOR A POOL

- 5) Explain how the granting of a variance will not alter the character of the neighborhood, diminish property values, or impair the appropriate use or development of adjacent properties.

GRANTING OF VARIANCE WILL NOT BE NOTICEABLE BY THE NEIGHBORHOOD AND OWNERS HAVE TAKEN THE NEIGHBORS INTO CONSIDERATION WITH DESIGNING NOISE & VISUAL BARRIERS. BEHIND THE LOT IS WETLANDS AND WON'T BE DEVELOPED.

- 6) If the variance were approved, what would be the effects on traffic congestion in nearby streets, danger of fire, and on-site or off-site flooding?

NO IMPACT ON CURRENT TRAFFIC FLOW AS IT IS A PRIVATE RESIDENCE USE ONLY POOL. NOT IN WAY OF ANY FIRE EMERGENCY VEHICLE TO ACCESS BEHIND HOMES. LOT DRAINS VERY WELL TO THE WETLAND AREA AND THAT WILL BE MAINTAINED WITH FINAL GRADINGS.

City of St. Augustine Beach Building and Zoning Department
Owner Permission Form

2200 A1A SOUTH ST AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM BUILDING & ZONING (904) 471-8758 FAX (904) 471-4470

To: Building Official
City of St. Augustine Beach, FL
Building Department

From: Owner Name & Phone #: RYAN & MOLLY PAYNE
Address: 1020 SALTWATER CIRCLE SAB
City, State & Zip Code: ST. AUGUSTINE, FL 32080

This is to advise you that I hereby give permission to:

Contractors / Agent Name & Phone #: AGUA CONSTRUCTION / CARMEN POLLITZ
Address: 2550 N. STATE ST UNIT #14
City, State, Zip Code: BUNWELL, FL 32110
386-302-2881

Who is my contractor /agent, to perform the following on my behalf:

FILE FOR PERMITS FOR POOL & OTHER CONSTRUCTION CONTRACTED
WITH AGUA CONSTRUCTION. TO PICK UP SAID PERMITS, ANSWER
QUESTIONS PERTAINING TO ALL CONSTRUCTION. ALSO TO REPRESENT
US AND FILE ALL PAPERWORK NEEDED FOR VARIANCE HEARING.
11-13-2022

Signature of Owner & Date

State of Florida

County of: St. Johns

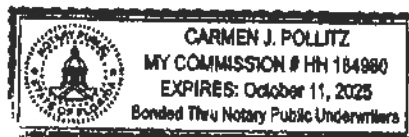
Subscribed and sworn before me this 13TH day of Nov, 20 22, by RYAN PAYNE

Who is/are personally known to me or who has/have produced _____ as identification.

Carmen J Pollitz

Signature of Notary Public, State of Florida

Notary Commission No./Expiration/Stamp/Seal



This instrument was prepared by:

Vanessa Kelly
Action Title Services of St. Johns County, Inc.
3670 US 1 South, Suite 110, St. Augustine, Florida 32086
File Number: 18682
Consideration: \$385,000.00
Documentary Stamps Paid: \$2,695.00

This Warranty Deed

Made this **May 26, 2020 A.D.** By **Clay A. Nettles and Megan Nettles, husband and wife and Edward Nettles, Jr., a married man, conveying non-homestead property** hereinafter called the grantor, to **Ryan Payne and Molly Payne, husband and wife**, whose post office address is: **309 San Nicolas Way, St. Augustine, Florida 32080**, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that Grantor, for the sum of **Ten Dollars and no cents (\$10.00)** and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee the following described property:

Lot 31, Seagrove St. Augustine Beach Unit Five, according to the map or plat thereof, as recorded in Plat Book 53, Page(s) 55 through 60, of the Public Records of St. Johns County, Florida.

Parcel ID Number: 162964-0310

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO covenants, restrictions, easements, limitations and reservations of record, if any. However, this reference does not reimpose same. Subject to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes and assessments accruing subsequent to **December 31, 2019**.

[signature page to follow]

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

TWO DIFFERENT WITNESSES HAVE SIGNED BELOW (THE NOTARY MAY BE ONE OF THE TWO WITNESSES) AND NEITHER WITNESS NOR THE NOTARY IS RELATED TO THE GRANTOR(S) OR HAS A BENEFICIAL INTEREST IN THE SALE OF THIS PROPERTY DESCRIBED HEREIN.

Signed, sealed and delivered in our presence:

[1]

Witness Printed Name: Jennifer F. Brown

Clay A. Nettles (Seal)

Address: 100 Dogwood Dr
St. Aug. 32080

[2]

Witness Printed Name: Mark Bailey

Megan Nettles (Seal)

Address: 100 Dogwood Dr
St. Aug. FL 32080

Edward Nettles, Jr. (Seal)

Address: 399 Dogwood Dr
St. Aug. FL 32080

State of FLORIDA
County of ST. JOHNS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 26, 2020, by Clay A. Nettles and Megan Nettles, husband and wife and Edward Nettles, Jr., a married man, conveying non-homestead property. Such person (notary must check applicable box):

☐ is / are personally known to me.

☒ produced a current Florida Driver's license as identification.

☐ produced _____ as identification.

(NOTARY SEAL)



Jennifer F. Brown
Notary Public

Notary Print Name Jennifer F. Brown

My Commission Expires: 02/02/2024



Architectural Review Board

Ryan & Molly Payne
1020 Saltwater Circle
St. Augustine, FL 32080

Re: 1020 Saltwater Circle – ARB Request for Pool and Amenities

November 15, 2022

Dear Ryan and Molly,

Your application for a pool and amenities at your property located at 1020 Saltwater Circle was reviewed by the ARB.

Your request is approved as submitted.

If you have any questions regarding this notice please let me know.

Joan E. Jackson, CAM
Coastal Realty & Property Management, Inc.
3942 A1A South
St. Augustine, FL 32080
(904) 471-6606 Office
(904) 471-2866 Fax
joan.jackson@CoastalRealtyFL.com



2550 N. State St. Unit 14 Bunnell, FL 32110/386-263-3153 Office

Daniel Priotti
Owner and License Holder
CPC1458621 and CGC1521660

Subject: Proposed Inground Swimming Pool, Cabana, Pool Bathroom
Letter of approval For:
Ryan and Molly Payne
1020 Saltwater Circle
St Augustine Bch, Seagrove

11/01/2022

I, Michael McGarth

Owner of 1024 Saltwater Circle have reviewed Construction concepts with Ryan Payne for the above subject items and the reduction in setbacks from 10' down to 5' for Pool and Deck.

I APPROVE



I DISAPPROVE



All proposed construction.

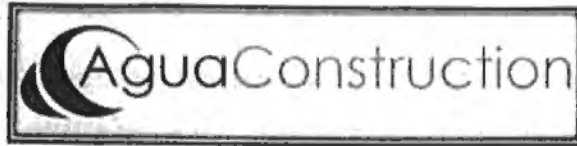
Comments:

Signature of Owner

A handwritten signature in black ink, appearing to read 'Michael McGarth', written over a dotted line.

NEIGHBOR APPROVALS

DocuSign Envelope ID: C33F 640D-772D-48C4-0A7C-2C87EB91A398



2550 N. State St. Unit 14 Bunnell, FL 32110/386-263-3153 Office

Daniel Priotti
Owner and License Holder
CPC1458621 and CGC1521660

Subject: Proposed Inground Swimming Pool, Cabana, Pool Bathroom
Letter of approval For:
Ryan and Molly Payne
1020 Saltwater Circle
St Augustine Bch, Seagrove

11/01/2022

I, Kara Brynteson Jens Bradley Brynteson

Owner of 1016 Saltwater Circle have reviewed Construction concepts with Ryan Payne for the above subject items and the reduction in setbacks from 10' down to 5' for Pool and Deck.

I APPROVE ☒

I DISAPPROVE ☐

All proposed construction.

Comments:

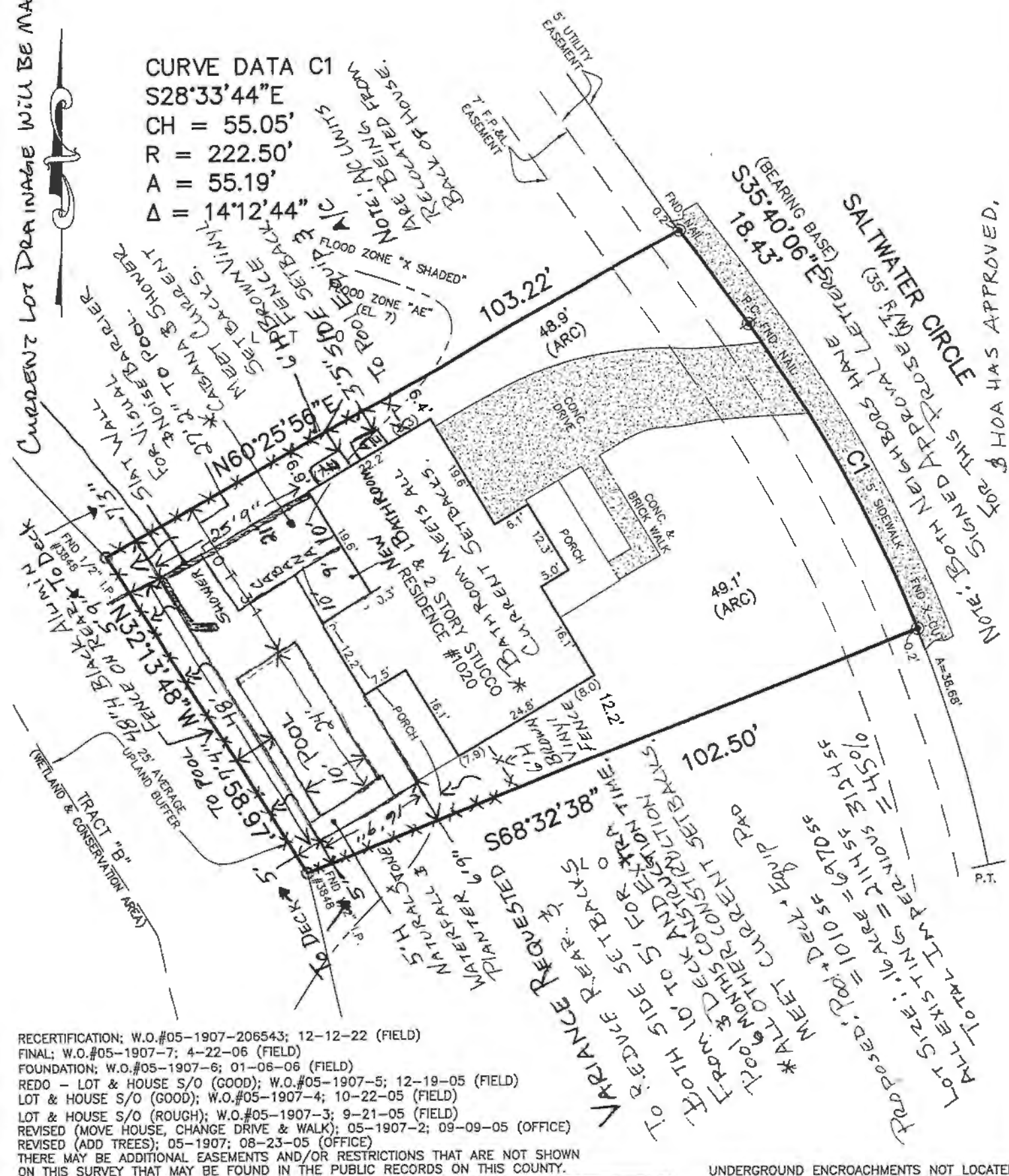
Signature of Owner

Kara Brynteson

Digitally signed by
Kara Brynteson
DN: cn=Kara Brynteson, o=AguaConstruction, ou=, email=kara@aguaconstruction.com

AS RECORDED IN MAP BOOK 53 PAGES 55-60 OF THE PUBLIC RECORDS OF ST JOHNS COUNTY, FLA.
CERTIFIED TO: RYAN PAYNE

AS RECORDED IN MAP BOOK 53 PAGES 55-60 OF THE PUBLIC RECORDS OF ST JOHNS COUNTY, FLA.
CERTIFIED TO: RYAN PAYNE



RECEIPT: W.O.#05-1907-206543; 12-12-22 (FIELD)
FINAL; W.O.#05-1907-7; 4-22-06 (FIELD)
FOUNDATION; W.O.#05-1907-6; 01-06-06 (FIELD)
REDO - LOT & HOUSE S/O (GOOD); W.O.#05-1907-5; 12-19-05 (FIELD)
LOT & HOUSE S/O (GOOD); W.O.#05-1907-4; 10-22-05 (FIELD)
LOT & HOUSE S/O (ROUGH); W.O.#05-1907-3; 9-21-05 (FIELD)
REVISED (MOVE HOUSE, CHANGE DRIVE & WALK); 05-1907-2; 09-09-05 (OFFICE)
REVISED (ADD TREES); 05-1907; 08-23-05 (OFFICE)
THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN
ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS ON THIS COUNTY.

UNDERGROUND ENCROACHMENTS NOT LOCATED

THE LOT SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "SHADED X" & "AE" (EL.7) AS SHOWN ON FLOOD INSURANCE RATE MAP 0382 J FOR ST. JOHNS COUNTY, FLORIDA, F.I.R.M. INDEX DATE 12-07-18

LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA 32257 - 904/279-0088 - LICENSED BUSINESS NO. 3857

Legend

L.D.	= LIVE DAK	F.F.E.	= FINISHED FLOOR ELEVATION
FND.	= FOUND	ACOE	= ARMY CORPS OF ENGINEERS
ESM?	= EASEMENT	JWL	= JURISDICTIONAL WETLANDS LINE
CONC	= CONCRETE	P.R.M.	= PERMANENT REFERENCE MONUMENT
WOM.	= WOOD MONUMENT	P.T.	= POINT OF TANGENCY
I.P.	= IRON PIPE	P.C.P.	= PERMANENT CONTROL POINT
IR.	= IRON ROD	P.C.	= POINT OF CURVE
Ton	= TANGENT DISTANCE	P.R.C.	= POINT OF REVERSE CURVE
Δ	= DELTA ANGLE	P.C.C.	= POINT OF COMPOUND CURVE
CH	= CHORD	B.R.L.	= BUILDING RESTRICTION
A	= ARC LENGTH	F.P.&L	= FLORIDA POWER & LIGHT
R	= RADIUS	U.D.E.	= UNOBTSTRUCTED DRAINAGE EASEMENT
(ACT.)	= ACTUAL	NGVD	= NATIONAL GEODETIC VERTICAL DATUM
(P)	= PLAT	P.O.I.	= POINT OF INTERSECTION
R/L	= RADIAL LINE	EDW	= EDGE OF WATER
C	= CENTER LINE	TOT	= TOP OF BANK
R/W	= RIGHT-OF-WAY		
-x-	= FENCE		
(W)	= WITNESS		

THE ABOVE LANDS WERE SURVEYED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN AND THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 / CHAPTER 61317-6, FLORIDA, STATUTES.

SURVEY NOT VALID UNLESS EMBOSSED BY SEAL

JAMES D. HARRISON, JR., No. 2647

MICHAEL A. GARRETT, No. 6643

SCALE 1"=20'

DATE 08-08-05

FLORIDA REGISTERED SURVEYOR AND MAPPER

ALL
AMERICAN
SURVEYORS
OF FLORIDA,
INC.

An aerial view of a modern, single-story house with bright blue horizontal siding and white trim. The house features a white front door, a large multi-paned window, and a covered patio area with white columns. In the foreground, a large rectangular swimming pool with a blue sky and white cloud pattern is surrounded by a light-colored stone deck. Two white lounge chairs are positioned on the deck to the left of the pool. A wooden bench sits against the house's exterior wall. A black metal fence runs across the bottom of the image. The text '1020 Saltwater Circle' is written in a cursive font at the bottom right, and the 'AguaConstruction' logo is at the bottom left.

Scale: $1/8" = 1 \text{ ft}$

- B. Land Use Variance File No. VAR 2023-02, for reduction of the minimum 10-foot rear and side yard setback requirements per Seagrove Planned Unit Development (PUD) Ordinance No. 01-15, to 5 feet in the rear and 5 feet on each side, for proposed new construction of a pool, pool deck, and screen enclosure on Lot 31, Seagrove of St. Augustine Beach Unit 5, at 1020 Saltwater Circle, St. Augustine Beach, Florida, 32080, Carmen Pollitz, Agua Construction Company, Agent for Ryan and Molly Payne, Applicants

Jennifer Thompson: This is a land use variance application for reduction of the minimum 10-foot rear and side yard setback requirements in the Seagrove PUD for a pool, pool deck, and screen enclosure at 1020 Saltwater Circle. The Board has seen many similar variance requests like this before, as the Seagrove PUD has stricter setback requirements than the City of St. Augustine Beach Land Development Regulations require when it comes to setbacks for pools. The applicants are asking that the setbacks for their pool addition be reduced to 5 feet, instead of the 10 feet required by the PUD ordinance.

Carmen Pollitz, 2550 North State Street, Bunnell, Florida, 32110, agent for applicants: I work with Agua Construction, and I filed for this variance for the Paynes, who own the property at 1020 Saltwater Circle. Basically, as Ms. Thompson stated, there is the same ongoing issue here, as there is no room to build a pool on this property because the house was built with 5-foot setbacks from side property lines, but a 10-foot setback is required for a pool and deck, so nothing lines up. It would look very awkward, to say the least, and this house sits unusually back off the lot with a 49-foot front setback, instead of the usual 20-foot front setback, so there is very little room, and it will only be a small pool.

Chris Pranis: Is there any opportunity to move the pool so it would be further away from the side of the yard that only has a 5-foot side setback?

Carmen Pollitz: The pool itself, from the edge of the water, is only about 2-4 inches outside of the 10-foot setback requirement. The Paynes' first concern, when they all sat down to design the project, was to have the least impact on both next door neighbors, especially Mr. McGrath, on the side closest to the pool. It is costing them a lot of money to build the wall and waterfall which will be between the pool and Mr. McGrath's lot.

Kevin Kincaid: You are aware of the letter, then, from Mr. McGrath?

Carmen Pollitz: Yes.

Kevin Kincaid: He is asking that this variance not be approved, based on a fear of the noise and disruption it will cause to his property. I think Chris' question was whether the pool could be moved further away from Mr. McGrath's property.

Chris Pranis: There is 20 feet on the other side of the pool. Could it be moved in that direction, so there is not just a 5-foot setback on the side of the property next door?

Carmen Pollitz: Approximately, about right in the center of the house, an outdoor bathroom will be added. This is not shown on the plans, because it does not require a variance. On the other side of that, they plan to add an outdoor grill and kitchen area.

Chris Pranis: So that cabana and bathroom do not exist currently?

Carmen Pollitz: Correct.

Hester Longstreet: On that one side, it is very close to the house next door. I don't even see that there is literally 10 feet or a lot of room between the two houses.

Carmen Pollitz: There is 10 feet between the two houses, with a 5-foot setback off the side property lines for each house.

Kevin Kincaid: From the house, or from the proposed pool?

Carmen Pollitz: The pool is actually almost entirely within the 10-foot setback requirement. The deck is what is outside the 10-foot setback. The measurement of the pool from the lot line is 9 feet, 10 inches, I think, and the deck is 5 feet to the lot line.

Hester Longstreet: In the back, it looks like there is water behind the house. By extending the pool back so there is only a 5-foot setback off the rear property line, is there going to be a problem with either dirt eroding and falling into the water, or with flooding? I mean, I didn't walk onto the property owner's yard, but I did sit out front for quite a while looking at the back, and it looks like there is water behind the house.

Carmen Pollitz: It is a marsh area, yes.

Hester Longstreet: So, it looks like there is either going to be flooding or maybe erosion, and you are asking to build 5 feet closer to that, and only have a 5-foot barrier between the pool and/or pool deck and where the water starts?

Carmen Pollitz: The deck will be raised approximately 18 inches, to come up with the back level of the lanai of the house, so it will have an 18-inch turndown.

Hester Longstreet: And you don't foresee erosion or anything like that? This is not a lot of space between the water's edge and where the concrete for the pool will start.

Carmen Pollitz: It is a natural swale all through there, that's how the development is designed. I've done several pools in Seagrove, and the way the lots are designed, they drain to the swale and along the edge and out into the marsh.

Excerpt from the minutes of the March 21, 2023, Comprehensive Planning and Zoning Board meeting

Jennifer Thompson: Mr. Chair, if I may add, all pools get reviewed by the City's Public Works Department for grading and drainage, so if a drainage issue were to arise, the Public Works Department would address that prior to a permit being issued.

Hester Longstreet: And they said there was nothing, or did they actually look at this?

Jennifer Thompson: No, because the applicants cannot apply for this pool permit unless a variance is granted. It would be turned down the way construction is proposed here, because the Seagrove PUD requires a 10-foot setback.

Hester Longstreet: I understand that, what I am saying is, did anyone from the Public Works Department go back there at any point in time to say there was no problem?

Kevin Kincaid: They won't until the applicants apply for a permit, and they can't get a permit unless a variance is approved by this Board.

Carmen Pollitz: And if they have any suggestions or anything, or if they wanted the grading done a certain way to accommodate for any issues, we will do as they ask.

Kevin Kincaid: So, back to the original question I think Chris asked, and that I have also, if the Board were to grant the variance on two of the sides, but also try to respect the request from Mr. McGrath to not put the pool right on his lot line, is it possible to move the pool a couple of feet away from his lot line, to respect that distance he is asking for?

Carmen Pollitz: The pool is actually already almost 10 feet from this side property line. The only thing that will be close to the property line is a waterfall and a solid rock planter, so there will be a sound and visual barrier.

Larry Einheuser: And that is going to be in line with the house, correct?

Carmen Pollitz: Yes.

Kevin Kincaid: The pool is already in the ground?

Chris Pranis: No, it can't be.

Brian Law: All right, if I may, Mr. Chair? The conceptual site plan shows what is being discussed as the barrier, which is a raised flower or vegetative planter. Keep in mind when Seagrove was designed as a PUD, houses could be 5 feet from the lot lines, but pools, pool decks and such are required to have a 10-foot setback. Moving the pool is definitely up to this Board, but as shown, only a small part of the pool is within the 10-foot side setback.

Kevin Kincaid: I'm confused about the pool already being in, and the Board looking at a variance for a pool.

Brian Law: The pool is not in the ground at this time.

Kevin Kincaid: Okay. I can definitely see the planter is not going to add any noise. If the Board were to respect what Mr. McGrath is asking for, a 10-foot barrier instead of the 5-foot setback requested in the variance, how much difficulty would that cause?

Carmen Pollitz: A tremendous amount of difficulty. What I was explaining earlier is that the pool is not in the required 10-foot setback, the only thing in this setback is the planter.

Conner Dowling: Sorry, the pool is 9 feet, 10 inches from the side property line, which is very close to not being in the 10-foot setback, but not quite. Also, if you follow that edge of the pool up to the rear of the lot, it would actually be closer to the south side property line. It might not be that difficult just to make that planter slightly larger and shift the pool over a foot or two so that the pool is entirely outside of the 10-foot setback.

Kevin Kincaid: Also, the pool could be built by moving it over 2 inches and by eliminating the planter, and then a variance would not be needed. The thing is, I do not think the addition of the planter is going to cause any more noise, I actually think it is going to help.

Larry Einheuser: The planter is actually going to buffer any noise.

Carmen Pollitz: That planter has 3 waterfalls in it as well.

Conner Dowling: Right, making some background noise. I think the Board would have to agree, for the variance, that the pool itself, at the edge of the waterline, should be required to have the 10-foot setback, and that a setback reduction for the planter and waterfalls, as part of the pool deck, be allowed. Increasing the size of that planter would enable a lot more plants to be put in it, because right now, it looks kind of small.

Carmen Pollitz: It looks small, but really, it is 5 feet high, and about 10 feet long, and it has two levels. The top part is 2 feet wide, and then there is a back wall that is higher.

Kevin Kincaid: Is there one level of planting, or two?

Carmen Pollitz: There is one level of planting.

Gary Smith: Is there any type of wall or fence or border between Mr. McGrath's property and the pool?

Carmen Pollitz: The homeowners are putting up a 6-foot-high privacy fence starting at about the location of the back porch, along this side.

Gary Smith: So, with this fence, is there also going to be a screen enclosure over the pool?

Carmen Pollitz: Not at this time, but possibly later, which is why the variance application includes setback reductions to 5 feet for a screen enclosure.

Gary Smith: So, there is going to be some visibility, then, from the adjacent property having to look at that enclosure as well, as it would go up beyond the height of the fence.

Carmen Pollitz: At this time, I don't believe they are planning on having a screen enclosure. This was included in the variance paperwork just so they wouldn't have to go through this process again, if they did decide, in the future, to have a screen enclosure.

Kevin Kincaid: Any other questions from the Board? Is Mr. McGrath here?

Marcus Thompson, Trinity Law & Title, 62 Hypolita Street, Suite 2, St. Augustine, Florida, 32084: Good evening, my name is Attorney Marcus Thompson, and I am here on behalf of Michael McGrath, the adjacent homeowner. I think the best thing to do is to show pictures [EXHIBIT A] to the Board on the overhead of what the issue is here, because I think pictures kind of speak a thousand words. This first photo shows the area we're talking about where the pool will go in, so obviously, this is a large concern for Mr. McGrath, as it will be quite close to his property line, as shown in the next photos. I think the pictures really depict how close we're talking about, as the photos showing the three windows on the north side of Mr. McGrath's back porch are actually the windows in Mr. McGrath's master bedroom. The noise caused by the pool being that close, if this variance is granted, is going to cause a major problem affecting not only Mr. McGrath's property values but also his enjoyment of his property. Here's another photo depicting the distance between the two properties, which is approximately 13.5 feet, house to house. I think the pictures pretty much show the issues we are facing. At issue tonight is whether the Board should grant the variance for setback reductions from 10 feet to 5 feet, which essentially cut the setbacks in half. The applicable sections of the City of St. Augustine Beach Code are 10.02.01 of the City's Land Development Regulations (LDRs), which states that this Board may grant variances that are not contrary to the public interest and will not adversely affect other property in the vicinity. Obviously, from the pictures, the variance will cause an adverse impact on Mr. McGrath's property. Section 10.02.03 of the LDRs provides the considerations for the Board in granting a variance, with 10.02.03.B.4 requiring the Board to consider whether the hardship is self-created. In this instance, the applicants moved to their property in 2020, and the PUD ordinance at issue was adopted in 2001, which was over 19 years prior. Mr. McGrath has lived at his property at 1024 Saltwater Circle since 2009. Basically, when the applicants purchased their property, they should have done their due diligence, and if a pool was a deal-breaker for them, they should have made sure it was feasible to build a pool on this property in Seagrove. Asking for a variance now at Mr. McGrath's detriment isn't really appropriate. Not only is the hardship self-created, the Board also must consider the impacts of the variance on neighboring properties. The proposed pool area is located adjacent to Mr. McGrath's bedroom, so it will significantly affect the use and enjoyment of his property. The requirements of the Code are designed to prevent a situation like this. It is clear that the granting of a variance will have a major impact not only on his enjoyment of his property but also on the value and

marketability of the property. The Code specifically states, in Section 10.02.03.B.6 of the LDRs, that an adverse impact upon neighboring properties will act against the granting of a variance application. Finally, the Board must consider the precedent that would be set should the variance be granted, per Section 10.02.03.B.3 of the LDRs. The setback reductions the applicants are asking for in this case would reduce the setbacks by half. The very reason the setback requirements are what they are is to prevent situations such as this, with someone wanting to build a pool right next to a bedroom window. Based on the foregoing, I think the Code requires that the Board deny the variance, so that is what we are asking the Board to do tonight.

Kevin Kincaid: I would point out that the precedent also is what has been done previously. The Board has approved a number of similar variances in Seagrove on prior occasions.

Marcus Thompson: I haven't reviewed all those prior applications.

Kevin Kincaid: A number of variances in Seagrove have been approved. Also, I think the Seagrove Architectural Review Board (ARB) reviewed and approved the setback reductions requested in this variance application. In this case, though, the applicants would not need a variance if the planter was not built and the pool was moved over a bit.

Brian Law: Actually, the rear yard setback reduction request is also still on the table.

Marcus Thompson: The issue with the rear yard setback variance is that it is in a conservation zone, so I think this is going to run into issues with St. Johns River Water Management District (SJRWMD), which I haven't even looked into at this point in time.

Kevin Kincaid: What I'm saying is that the applicants could move the pool over and not build the additional waterfall and planter, which I consider to be a sound barrier.

Marcus Thompson: Perhaps, we'd have to see revised plans, but the plans they are asking to be approved as part of the variance application just don't meet the requirements and considerations the Board is required to review and consider, which I think makes it pretty clear that the variance should not be granted in this situation.

Kevin Kincaid: Okay. Any questions for Mr. McGrath and his attorney?

Chris Pranis: I have a question for Brian Law. Is this variance for just a rear setback reduction, or both rear and side yard setback reductions?

Brian Law: We're going to let Ms. Thompson answer this, as this is her case, but this is a multi-faceted variance.

Jennifer Thompson: The variance is for rear and side yard setback reductions. On the rear, the pool is shown as being 7 feet, 4 inches from the rear property line, so they are asking for a rear setback reduction from 10 feet to this.

Chris Pranis: I see this on the site plan layout, however, what the applicant filled out on the application does not really say that, so this is why I am questioning it.

Marcus Thompson: Mr. Chair, I would also add with regard to the considerations required for the granting of the variance, the prior precedent is one factor on the list of required considerations. There are several other factors that work against the granting of the variance, so it's kind of a multi-factor analysis. I just wanted to point out that distinction.

Hester Longstreet: Going back and looking at some of the other variances that have been approved, this is different, in the respect that there wasn't a house, but an open conservation area on the one side of a recent applicant's lot, so we didn't have that problem of a negative impact on an adjacent neighbor's lot. Here we do have this problem. Driving over there and looking at it from a visual point, it just looks like it is so close, and the houses are so close together, which makes this different from the prior variance applications the Board has approved in the past, as it will have a different effect on the neighbors. On the back, the Board can approve a setback reduction to allow the applicants to build the pool and deck, with the caveat that it would have to be approved by the City as well as SJRWMD, because it is a conservation area. We can say that, but that doesn't mean that it is actually going to happen, as it is out of our hands.

Brian Law: If I may, if you look at the map showing the boundary survey included in the variance application, you will see the conservation area is actually shown as starting at the rear property line. That is very common in PUDs, and this is what I would expect to see, as on PUD lots, you are not going use part of a lot in a conservation area unless it is your last resort. So, no permit would be required by SJRWMD, from what I'm seeing here.

Hester Longstreet: Would it still have to be approved by the City?

Brian Law: Yes, ma'am, most definitely, the Public Works Department, headed by Mr. Bill Tredik, and now with Mr. Russell Adams involved, is now taking a more active role in the drainage as far as permit applications are concerned. We send them a digital copy of permit applications and site plans and they do site visits and work with the contractors.

Carmen Pollitz: The Paynes did their due diligence. When you move into Seagrove, you get the PUD bylaws and package, which state 5-foot setbacks for pools and decks, so people don't realize this issue until they want a pool and deck and they find out the PUD ordinance overrides everything with the 10-foot minimum setback requirements.

Kevin Kincaid: But the PUD ordinance is Seagrove's own rules.

Brian Law: The City is unaware of what is spoken in whatever documents Ms. Pollitz is referring to. My staff has no choice but to enforce the ordinance that creates the PUD.

Excerpt from the minutes of the March 21, 2023, Comprehensive Planning and Zoning Board meeting

Carmen Pollitz: Seagrove's requirements state 5-foot setbacks, and they don't enforce the PUD ordinance, so it is just a mess.

Gary Smith: This is a totally different scenario from what the Board has passed before. Looking at Mr. McGrath's bedroom window, it is so close to the pool, I just really have a problem with noise coming from the pool, and someone trying to sleep, basically.

Carmen Pollitz: That's why they have the 5-foot wall and waterfall, which will be closer to his bedroom window than the pool.

Larry Einheuser: How long will the pool run during the day?

Carmen Pollitz: If you are talking about the pool equipment, which will be on the other side of the house, you can set it to cycle at any time. The neighbor on that side of the house is in agreement with the proposed variance request for the pool and pool deck.

Kevin Kincaid: The equipment is pretty quiet, I think it is the people in the pool who will cause noise.

Hester Longstreet: The variance paperwork requests setback reductions to 5 feet in the rear and on each side. On the survey map or site plan, the rear setback is marked as 7 feet, 3 inches.

Jennifer Thompson: The setback from the rear property line to the actual pool water line is 7 feet, 4 inches, but the rear pool deck is shown as having a 5-foot setback from the rear property line. The Seagrove PUD requires a 10-foot setback for all pools and decks.

Hester Longstreet: What about the side setbacks?

Jennifer Thompson: The side setback next to Mr. McGrath's lot is shown at 5 feet, and there is over 25 feet from the pool on the other side, with a 5-foot setback from the deck to the property line.

Kevin Kincaid: So, the decks run parallel to the property lines on both sides.

Carmen Pollitz: Yes, and the decks are in line with the setbacks for the home on both sides.

Kevin Kincaid: Where did we get the 9-foot, 10-inch setback for the pool on the side next to Mr. McGrath's property?

Jennifer Thompson: That's the actual setback from the side property line to the actual water line of the pool. The planter has a 5-foot setback from this side property line.

Excerpt from the minutes of the March 21, 2023, Comprehensive Planning and Zoning Board meeting

Kevin Kincaid: If the deck and planter were removed, how much of the pool would actually be in the 10-foot side setback? More of the pool would be in the 10-foot setback at the southwest corner, because the pool is set straight, and the lot line is at an angle.

Jennifer Thompson: It seems to be at just over 7 feet from the lot line at this back corner.

Larry Einheuser: The pool could be moved over so nothing would be within the 10-foot setback.

Kevin Kincaid: Except for the deck and the planter, which would have to be removed. I don't have a problem with the 5-foot setback for the pool deck at the rear property line.

Larry Einheuser: Pool equipment is normally only on during the day, and I don't see them having pool parties all night long, but I don't know that, so I would like to ask the homeowners some questions.

Carmen Pollitz: Their children are young and are in school most of the time, so it's not going to be a 24-hour, 7-day-a-week pool party.

Ryan and Molly Payne, 1020 Saltwater Circle, 5t. Augustine Beach, Florida, 32080, applicants: Hi, I'm Ryan Payne, and this is my wife, Molly.

Larry Einheuser: How old are your kids?

Ryan Payne: They are 9 and 11.

Larry Einheuser: So, they are not going to be partying until 11 p.m.

Ryan Payne: No, we want a pool to enjoy our backyard, and we took a lot of consideration into its design as we knew Michael next door was concerned about noise. That's why we have a planter wall, which will have more bushes and trees planted along its back side, for more of a natural look from his lot line, so he is not staring at a concrete wall.

Molly Payne: When we bought the house, there was nothing in the back, so we just want to create more enjoyable living space for our children and ourselves. It's not just about the pool, it's about the whole project, as there is also a cabana area where we are putting in a small addition so we can have a mud room for the kids. It's not like the pool is a deal-breaker, it is just that we are in a position, finally, where we can and want to have these things for ourselves and our kids. No, we won't be up late, and trust us, we don't want all the kids in the neighborhood up in our pool everyday swimming and screaming. It's going to be a smaller pool, as it is just for us, as a family, to enjoy our backyard together.

Chris Pranis: The way this pool sits on the site plan, it is 27 feet, 2 inches away from the property on the other side, so why can't you just move the pool 3 feet towards this side, which would keep it in compliance with the 10-foot setbacks and make everybody happy?

Molly Payne: Yeah, when that was being discussed earlier, about moving the pool 2 inches over, of course we could move the pool over 2 inches, but I don't know about moving it over 3 feet.

Kevin Kincaid: I think that the far corner of the pool is not 9 feet, 10 inches, but 7 feet from the side property line, because the pool goes straight back, and the lot line angles toward the pool at this back corner. I am not going to speak for the Board, but I would be inclined to grant the rear yard setback reduction, because we do not have a complaint about the rear setback. I think the complaint is about the pool in general, and I do not know that it is fair for the Board to tell the applicants they can't have a pool at all in their backyard, because they have a neighbor who has issues with it. We have granted variances for pools before, but I think we are looking at respecting what this neighbor is asking for, as he has shown pictures that show that the pool would be basically right under his window. But I am also concerned that if the pool is moved 3 feet over, and the planter, the wall and the deck are not put in, that will actually be worse for Mr. McGrath, because some of the sound-deadening barrier will be lost.

Ryan Payne: That is exactly why we put these things in.

Molly Payne: The people who lived in our house prior to us had like six kids living there, so I think what is maybe happening is that our neighbor is drawing upon the experience of having six kids always out there running around, when we just have two kids. I can see where in somebody's mind, they might think this is happening all over again, but it is just not really going to be like that. Again, a compromise in the design would be perfect.

Hester Longstreet: Would that be possible, to move the pool a few feet to the other side?

Conner Dowling: The way the design is right now, it is very close, in my opinion. I understand you want to have enough space between the pool deck and the cabana to enjoy the space, that's understandable, but we're not asking you to reduce the pool by 25 percent or something, it's really just moving it over approximately between 2-3 feet.

Kevin Kincaid: You don't have to reduce the size of the pool, but for Mr. McGrath's sake and concerns, you may have to give up some space between the cabana and the pool.

Hester Longstreet: I think that is so small a thing, to give up three feet, but when it's underneath somebody's main bedroom window, three feet can make a big difference. If you want the pool, you may have to give up a few feet and have a smaller cabana or deck.

Conner Dowling: It would also make a difference because the pool setbacks would then comply with the setbacks in the PUD ordinance.

Kevin Kincaid: But you still wouldn't be able to build the deck and the planter feature, because these would be inside the 10-foot setback requirement, so a variance would still

have to be granted for the deck and the other features. If you move the pool three feet to the other side and eliminate the deck and other features, you would not need a variance for side yard setback reductions, only for the rear yard setback reduction.

Ryan Payne: I still personally would want the features, because I think they would help.

Kevin Kincaid: I think the features would actually help accomplish what the neighbor would like, in the way of sound-deadening. I think this neighbor's original intent was to ask that the pool not be built at all. What the Board is trying to do is look for a compromise so we can honor this neighbor's concerns and still allow the applicants to utilize their yard.

Carmen Pollitz: If we move the pool so it is in compliance with the 10-foot setbacks, will you allow the deck, the waterfall, and the planter with 5-foot setbacks?

Kevin Kincaid: Well, I don't know, we are negotiating. The Board would have to discuss this and come up with a motion and figure out what we are going to do with this. I think we are still trying to find out where everybody is sitting on this.

Ryan Payne: I am okay with moving the pool so it does not need a variance, but I want the features there, that is all I ask. The lanai can go away, it doesn't have to be in there.

Conner Dowling: We are concerned with the water line of the pool.

Carmen Pollitz: On the overhead is a picture of an approximate view of what would be seen from Mr. McGrath's house [EXHIBIT B].

Kevin Kincaid: That does not include a 6-foot-high privacy fence.

Carmen Pollitz: This is the fence that the Seagrove Homeowners Association (HOA) wanted. They want the back of the lot open, and do not want it to be all closed in.

Gary Smith: So, the 6-foot fence is going to be an open-rail fence, like this in the picture shown on the overhead? That is not going to help with noise.

Marcus Thompson: We kind of have an issue with the Board talking hypothetically about what sorts of things would be granted. Basically, the application in front of the Board today does not meet the requirements of granting a variance at all, based on what we talked about, so if the applicants want to try again, the next step is to resubmit a new application. I do not think it is appropriate for the Board to discuss what it would approve versus what it would not approve. We have had some discussion and I think we have made clear what the parameters the Board needs to work with are, and it is up to the applicants to go back and revise the plans and come back to the Board.

Kevin Kincaid: And the Board will decide that. We thank you for your input.

Michael McGrath, 1024 Saltwater Circle, St. Augustine Beach, Florida, 32080: Just a couple of points, regarding the 6-foot fence and walls. The inner floor in my bedroom is two-and-a-half feet above ground level. I stand at the window at two-and-a-half feet up and I'm six feet tall, so I'm looking over most of what is going to go in next door, depending how high the bushes will get, and that's a whole other issue. The Paynes have two pre-teens, they are great kids, they are a great family, we're cordial and we're friendly. But I've had experience with them actually putting a rent-a-pool in their backyard, which they've done on occasion on weekends. That's no problem on a weekend, but it is a major distraction, as it is a lot of noise, and they are kid magnets, as all the kids from the neighborhood come over. It's all the squealing and laughing and it's really a spectacle out there. It's fine for a weekend or a Saturday, but permanently, it is going to change the character and the peace and quiet that exists out there right now. I purchased my property in 2009 as a retirement home. We liked the property and the area, and we like that the street is now a narrow one-way street, which it wasn't at the time we bought our home. There is nothing in the back of the property and there never will be. It's a great neighborhood for kids, pets, and old people, and this is going to change it dramatically.

Kevin Kincaid: Thank-you. Okay, I will make a motion to grant the variance as requested in the rear for the back part of the property, and change the variance requested for the side of the property from 5 feet to 8 feet, and that we also require that a 6-foot-high privacy fence be installed between Mr. McGrath's property and the applicants' property.

Brian Law: If I may? I do not believe you would want to include the 6-foot-high privacy fence in the motion because we are unaware of Seagrove's covenants and rules, which may strictly prohibit a solid fence. It's not part of the PUD, but it could be in the ARB details. I recall many years ago something like that happened, not with this Board, but a fence was put up and then it was taken back down. Again, I am not quoting the ARB rules.

Gary Smith: On that comment right there, that makes it even worse for Mr. McGrath, if they are not able to put a fence up. With the noise and the view and stuff like that, I think the fence would definitely have to be a must before we could approve anything.

Kevin Kincaid: Yeah, so if they cannot put up a fence then I think many of us or possibly some of us would rethink the variance.

Carmen Pollitz: A vinyl privacy fence is allowed.

Michael McGrath: Again, my bedroom is two-and-one-half feet above the ground, which takes two-and-a-half feet away from the height of the fence.

Kevin Kincaid: I do not think the applicants can be responsible for how tall you are or how your bedroom is built. I don't know how we can tell somebody they cannot use their property the way they want to because of how tall you are. I think that by requiring the fence in the

motion, our approval is contingent upon protecting you with that fence, and if the fence cannot be done, then I think the applicants would have to come back here to redo the variance. That's my reason for putting the fence in the motion.

Brian Law: That's okay, just so the Board and the applicants and neighbors all know, if this is the motion that passes, this will not leave zoning's approval until we have an ARB letter approving that fence on that side, as this is the only way we can enforce this.

Kevin Kincaid: Just for me, the picture shown a minute ago of the little 5-foot-high black rail fence required by the ARB does not do anything to protect Mr. McGrath from noise or anything else.

Carmen Pollitz: The ARB already approved a 6-foot-high vinyl privacy fence along the front. They just don't want the property closed in like a compound.

Kevin Kincaid: We're talking about between the two properties, not along the back, and not for any other reason but to be an additional noise barrier.

Hester Longstreet: And the back can be left open with the open fence so you can still see the water.

Conner Dowling: One question on your motion, it worries me a little bit to say we will grant the side variance not at 5 feet but at 8 feet, because in theory, they could have a plan that eliminates the planter barrier that's at 8 feet, and it could get confusing.

Kevin Kincaid: We could say that the pool water line be no closer than 10 feet, but the planter feature can exceed that and go as close as 8 feet.

Conner Dowling: They could have a pool with 10-foot setbacks on these two sides, which isn't too much further from what they are showing on the site plans, and we wouldn't have any say in this. I get the point of not making them come back again but there are a lot of little details in this plan. To me, it's really about the setback of the pool water line and having that in the language of the motion as a minimum.

Kevin Kincaid: Okay, so let me try to restate this then. We grant the variance as requested in the rear of the property, and for the side abutting Mr. McGrath's property, we grant the variance not at 5 feet as requested but at 8 feet with the stipulation that the water line of the pool structure be 10 feet from the lot line and that the other features can be 8 feet from the lot line, and that the addition of a 6-foot-high privacy fence is required.

Carmen Pollitz: The planter, waterfall and wall all have to be certain widths.

Brian Law: Mr. Chair, before we continue down this path, there is a motion on the floor, which needs to be addressed, one way or the other. This is not the time to debate.

City Attorney Jeremiah Blocker: Also Mr. Chair, if we could, we need to make sure that we state what the hardship is in the motion and for the record as well. We have a motion on the table right now, so there should not be any chatter going on until we have a second on the motion and the Board can then have discussion on the motion.

Larry Einheuser: Second on the motion.

Kevin Kincaid: Okay, so we have a motion and a second. Any discussion on the motion?

Conner Dowling: To me, I would change it to state a 10-foot setback to the pool water line is required, and that a 5-foot setback to anything else not related directly to the depth of the pool is okay, because this would increase the size that the planter could be, which would inevitably be a good thing for everyone.

Kevin Kincaid: Okay, we accept that as a friendly amendment. Does anybody have an issue with that? Hearing none, the pool water line will be at 10 feet from the lot lines, any features will be allowed with a 5-foot setback, and there will be a 6-foot-high privacy fence as previously stated. To state the hardship, I think it is the contours of the property line and the shape of the property.

City Attorney Jeremiah Blocker: That's fine, Mr. Chair. There has been an amendment to the motion. Will whoever seconded the original motion second the amended motion?

Larry Einheuser: I second the amendment to the motion.

Kevin Kincaid: Any other discussion on this? Hearing no discussion, I will now call for a vote on the motion.

Motion: to approve Land Use Variance File No. VAR 2023-02 to allow a rear yard setback reduction from 10 feet, per Seagrove PUD Ordinance No. 01-15, to 5 feet, for proposed new construction of a pool, pool deck and screen enclosure, and side yard setback reductions from 10 feet, per Seagrove PUD Ordinance No. 01-15, to 5 feet, for proposed new construction of all said improvements with the exception of the pool itself, which shall maintain a 10-foot setback from all side yard property lines to the pool water line, with the additional requirement that a 6-foot-high privacy fence be installed between the applicants' property at 1020 Saltwater Circle and the adjacent property next door to the south at 1024 Saltwater Circle, with the hardship stated as the contours of the property line and the shape of the property on Lot 31, Seagrove of St. Augustine Beach Unit 5, at 1020 Saltwater Circle, St. Augustine Beach, Florida, 32080. **Moved** by Kevin Kincaid, **seconded** by Larry Einheuser, **passed 6-0** by the Board by unanimous voice vote.

Exhibit A



Exhibit A



Exhibit A





Exhibit A

Exhibit A



Exhibit B

MAYBE OFFER TO BRING
PRIVACY FENCE DOWN THIS
SIDE TO END OF BACK PORCH.
IF THEY ASK FOR
SOMETHING MORE.

VIEW FROM 1024

1020 Saltwater



City of St. Augustine Beach

2200 A1A South
St. Augustine Beach, FL 32080
www.staugbch.com

CITY MGR. (904) 471-2122
FAX (904) 471-4108

BLDG & ZONING (904) 471-8758
FAX (904) 471-4470

NOTICE OF APPEAL OF THE COMPREHENSIVE PLANNING & ZONING DECISION

FILE VAR 2023-02

To whom it may concern:

Please take notice that the City Commission of the City of St. Augustine Beach will meet on **Monday, June 5, 2023, at 6:00 p.m.** at City Hall, St. Augustine Beach, Florida, to consider the following appeal:

Michael McGrath, 1024 Saltwater Circle, St. Augustine Beach, Florida, is filing an appeal of the Comprehensive Planning and Zoning Board's decision for to allow a reduction of the minimum 10-foot rear and side setback requirements to 5 feet in the rear and on each side per Seagrove Planned Unit Development (PUD) Ordinance No. 01-15, for proposed new construction of all said improvements with the exception of the pool itself, which shall maintain a 10-foot setback from all side yard property lines to the pool water line, with the additional requirement that a 6-foot-high privacy fence be installed between the applicants' property at 1020 Saltwater Circle and the adjacent property next door to the south at 1024 Saltwater Circle, with the hardship stated as the contours of the property line and the shape of the property on Lot 31, Seagrove of St. Augustine Beach Unit 5, at 1020 Saltwater Circle, St. Augustine Beach, Florida.

Persons interested may appear and be heard at the time and place specified. If any person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, will need a record of the proceedings, and that for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sincerely,

Max Royle
City Manager

City of St. Augustine Beach Building and Zoning Department
Appeal of Decision Application

2200 A1A SOUTH ST. AUGUSTINE BEACH, FLORIDA 32080

WWW.STAUGBEACH.COM BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

1. Legal description of the parcel for which the appeal application is being sought:

Lot(s) 31 Block(s) _____ Subdivision SeaGrove St. Augustine Beach Unit Five

Street Address 1020 Saltwater Circle St. Augustine, FL 32080

2. Location (N, S, W, E): West Side of (Street Name): Saltwater Circle

3. Is the property seaward of the Coastal Construction Control Line (CCCL)? Yes ☐ No ☒ (Circle one)

4. Real estate parcel identification number: 162964-0310

5. Name and address of applicant: Michael McGrath

1024 Saltwater Circle St. Augustine, FL 32080

6. The purpose of this application is to appeal a decision made by the: Building and Zoning Department: _____

Comprehensive Planning and Zoning Board: ☒

7. The decision being appealed took the form of a: Variance (File No. and Date) File No. VAR 2023-02 Date: 04/11/2023

Development Order (File No. and Date) _____

Development Requirement _____

Land Use Determination _____

8. Please state the interests of the person(s) seeking the appeal in this specific case: Michael McGrath is the
variance applicants' next door neighbor at 1024 Saltwater Circle. The two homes are approximately
13 ft from one another and Mr. McGrath's master bedroom is situated at the northwest corner of his
home, which is in close proximity to the location of the proposed pool and related improvements. Mr.
McGrath's use and enjoyment of his property is adversely affected by the granting of this variance.

9. Please state the specific error alleged to be made in the case under appeal: The Board failed to properly consider the factors listed under City of SAB Code of Ordinances Sec. 10.02.03, which favor the denial of the variance application. The Board erred in finding a hardship as the variance applicants state in their application that a smaller pool can be designed to fit within the applicants' property without requiring a variance. Any potential hardship of the variance applicants is self-created.

10. Please state any additional documents included with the application to support your appeal: Town of Indialantic v. Nance, 485 So. 2d 1318 (Fla. 5th DCA 1986)

11. Please check if the following information required for submittal of the application has been included:

☒ Legal description of property

☒ List of names and addresses of all property owners within 300-foot radius

☒ First-class postage-stamped legal-size (4-inch-by-9½-inch) envelopes with names and addresses of all property owners within 300-foot radius

☒ Other documents or relevant information to be considered

☒ Fourteen (14) copies of the completed application including supplemental documentation and/or relevant information

12. Please check one of the following statements, whichever applies:

☐ If applicant is appealing a decision made by the **BUILDING AND ZONING DEPARTMENT:**

I hereby request an appearance before the City of St. Augustine Beach Comprehensive Planning and Zoning Board for a public hearing concerning the above-mentioned appeal.

☒ If applicant is appealing a decision made by the **COMPREHENSIVE PLANNING AND ZONING BOARD:**

I hereby request an appearance before the City Commission of St. Augustine Beach.

In filing this application for an appeal of a decision, the undersigned acknowledges it becomes part of the official record of the Comprehensive Planning and Zoning Board or the Board of City Commissioners and does hereby certify that all information contained is true and accurate, to the best of his/her knowledge.

Signature of Applicant

Michael McGrath

Printed Name of Applicant Michael McGrath

Date May 11 2023

Address of Applicant 1024 Saltwater Circle St. Augustine, FL 32080

Phone (408) 896-5393

**** Please note that if you are a resident within a development or subdivision that has covenants and restrictions, be aware that approval of this application by the City Commission does not constitute approval for variation from the covenants and restrictions.****

Appeal of Decision File #: VAR 2023-02

For appeal of decision at: City of St. Augustine Beach Planning and Zoning Board

Charges

Application Fee: \$300.00 Date Paid: _____

Legal Notice Sign: \$10.00 Date Paid: _____

Received by _____

Date _____

Invoice # _____

Check # or type of credit or debit card _____

Instructions for Applying for an Appeal of Decision

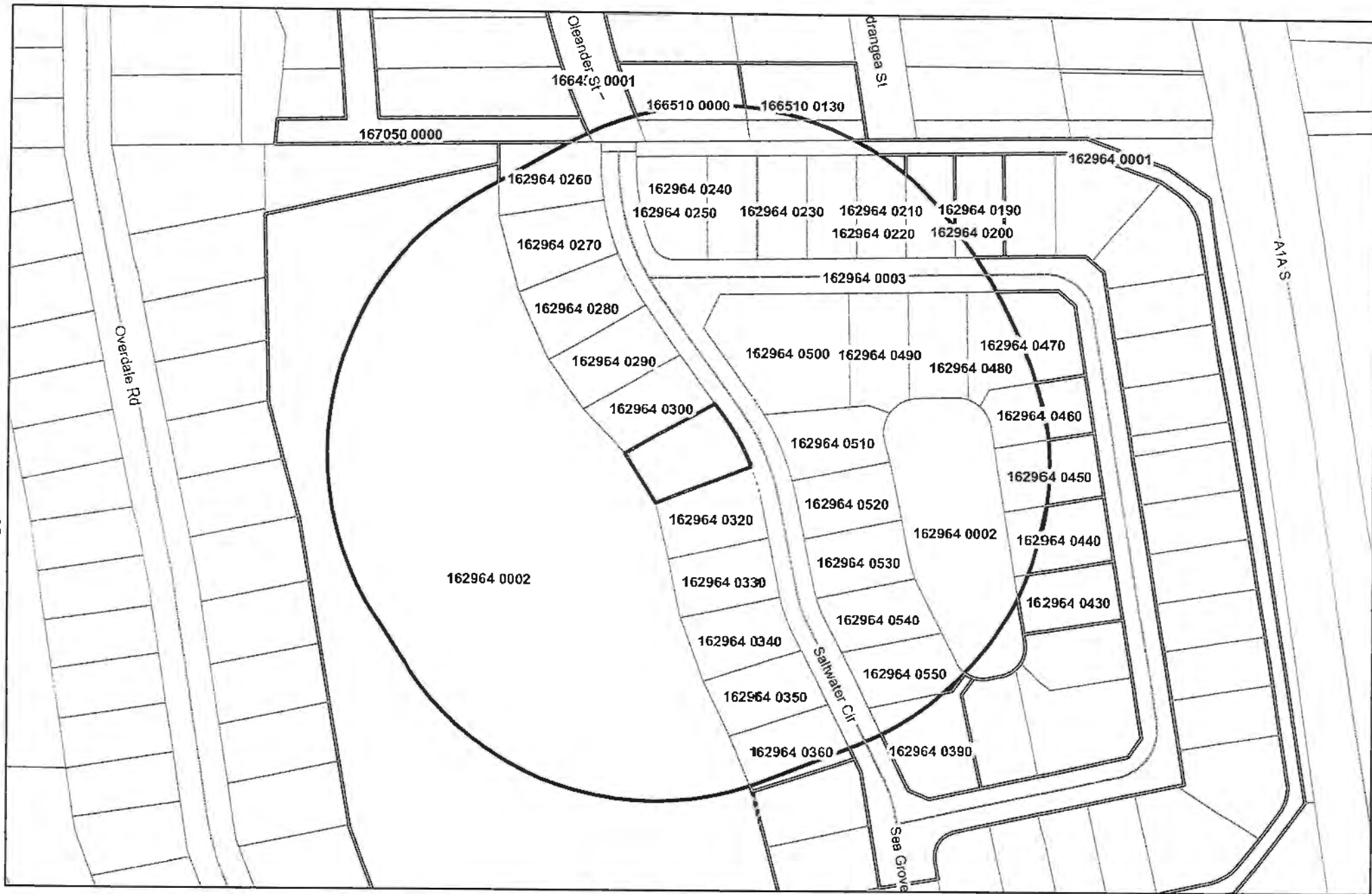
Per Section 12.00.03.B of the City of St. Augustine Beach Land Development Regulations, notice of a time and place of any required public hearing before the City Commission with respect to appeals from decisions of the Comprehensive Planning and Zoning Board shall be mailed by the Building and Zoning Department to the applicant or appellant, and to all property persons who, according to the most recent tax rolls, own property within 300 feet of the property which is the subject of the application or appeal. The list of property owners within 300 feet of the property for which the appeal application is submitted may be obtained from the St. Johns County Real Estate/Survey Department, telephone number 904-209-0804. A copy of this list, along with stamped envelopes with the names and addresses of all property owners within 300 feet of the property for which the appeal application is filed, must be submitted along with this application and the appeal application fee of \$310.00, which includes the legal notice sign fee.

Per Sections 12.06.02.12—12.06.03 of the City of St. Augustine Beach Land Development Regulations: *“A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice of appeal with the Department within thirty (30) days of the date of the decision.”* The notice of appeal shall contain a statement of the decision to be reviewed, and the date of the decision, a statement of the interest of the person(s) seeking review, and the specific error alleged as the grounds of the appeal.

LEGAL DESCRIPTION

Lot 31, Seagrove St. Augustine Beach Unit Five, according to the map or plat thereof, as recorded in Plat Book 53, Page(s) 55 through 60, of the Public Records of St. Johns County, Florida.

Parcel ID Number: 162964-0310



**Parcels within 300' of
1020 Saltwater Cir**

BOOMER DOUGLAS W ET AL
PO BOX 840265
SAINT AUGUSTINE FL 320800000

HAMILTON LYND A V
4167 S JEFFERSON PT
HOMOSASSA FL 344483518

MURFIN ANDREW W,EMMA L
1028 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

BRISLAND MARIE,ROBIN
1000 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

HARTOBEY KEVIN CHARLES
996 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

NORMAN ANDREW M
798 N PONCE DE LEON BLVD
SAINT AUGUSTINE FL 320840000

BRYNTESON JENS B ETAL
1016 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

HNATUSKO WALTER,CINDY
901 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

O'DELL JOSEPH P,LYNNETTE H
PO BOX 164
SAINT MARYS CITY MD 206860164

CAYCE LEN B,DIANE J
965 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

HUTSON STEPHEN,LINDSEY
980 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PEERS LESA C TRUST D: 12-07-20
5785 MOUNTAIN RANCH DR
PARK CITY UT 840980000

CITY OF ST AUGUSTINE BEACH
2200 A1A S
SAINT AUGUSTINE FL 320800000

JONES GEORGE PIERCE IV,MEREDIT
935 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PELLETT REVOCABLE TRUST D:04/2
984 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

COVINGTON PATRICIA E
947 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

KLUTH KENT R,INGRID M
992 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PESKETT GRAHAM A
1008 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

DORMAN FRED E,HELEN B
14 ONYX CT
SAINT AUGUSTINE FL 320860000

LITTLE JOHN JASON
1019 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SEAGROVE NEIGHBORHOOD ASSOC IN
C/O COASTAL REALTY & PROPERTY
MANAGEMENT
3942 A1A SOUTH
SAINT AUGUSTINE FL 320800000

FORBES JUSTIN,BETHANY
1004 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

MC CLARNON FRANCIS M ETAL
1036 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SEAGROVE NEIGHBORHOOD ASSOC IN
C/O MARY JACOBS JACOBS AND JACOBS
461 A1A BEACH BLVD
SAINT AUGUSTINE FL 320800000

GARCIA AMANDA K,ERIC V
943 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

MCGRATH MICHAEL R REVOCABLE TR
1024 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SMITH CHARLES W JR,MARILYN S
975 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

GEIGER DONALD G,REVA M
981 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

MONTILLA SARAH ET AL
1027 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

STICKLE JOHN RAYMOND III
1040 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SUTTON FAMILY TRUST U/A/D:09/2
972 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

SWIFT EDWIN OLDS IV,CARA A TAY
2691 HYDRANGEA ST
SAINT AUGUSTINE FL 320800000

THOMAS CHRISTOPHER,NANCY
976 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

THOMAS FRANCIS NEAVITT
1012 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

TIER ROBERT P, JILL S
995 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

WELTZIEN JEFFREY LEE,BARBARA B
1023 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

WU QIAOZHEN ET AL
939 SALTWATER CIR
SAINT AUGUSTINE FL 320800000

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1664500001	ANASTASIA PARK				3/65 ANASTASIA PARK ROWS ARE COMMON ELEI DEDICATED FOR PUBLIC USE
1629640550	BOOMER DOUGLAS W ET AL	PO BOX 840265		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 55 OR4816/530
1629640260	BRISLAND MARIE,ROBIN	1000 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 26 OR4986/1671
1629640300	BRYNTESON JENS B ETAL	1016 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 30 OR3881/17 & 3975/726
1629640470	CAYCE LEN B,DIANE J	965 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 47 OR5267/388 & 5668/1426
1629640003	CITY OF ST AUGUSTINE BEACH	2200 A1A S		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 5 DEDICATED TO CITY OF ST AUGUSTINE BEAC
1629640460	COVINGTON PATRICIA E	947 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 46 OR3752/1627
1670500000	DORMAN FRED E,HELEN B	14 ONYX CT		SAINT AUGUSTINE FL 320860000	ALL OF BLK 3 & THOSE STREETS OF OLEANDER I VACATED BY CO RES 2007-23 IN OR2857/471
1629640270	FORBES JUSTIN,BETHANY	1004 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 27 OR4683/417
1629640450	GARCIA AMANDA K,ERIC V	943 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 45 OR4566/1789
1629640490	GEIGER DONALD G,REVA M	981 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 49 OR4788/824 & 4994/66
1665100000	HAMILTON LYNDA V	4167 S JEFFERSON PT		HOMOSASSA FL 344483518	3-65 ANASTASIA PK LOT 12 BLK A & VACA 25 FT LYING S PER OR5481/1078(R/S)
1629640250	HARTOBEY KEVIN CHARLES	996 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 25 OR5686/181
1629640390	HNATUSKO WALTER,CINDY	901 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 39 OR3035/1161

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1629640210	HUTSON STEPHEN,LINDSEY	980 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 21 OR4730/371
1629640430	JONES GEORGE PIERCE IV,MEREDIT	935 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 43 OR5016/1457
1629640240	KLUTH KENT R,INGRID M	992 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 24 OR3017/1899
1629640510	LITTLE JOHN JASON	1019 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 51 OR4087/916
1629640350	MC CLARNON FRANCIS M ETAL	1036 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 35 OR3459/1628
1629640320	MCGRATH MICHAEL R REVOCABLE TR	1024 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 32 OR4165/610 & 5285/426
1629640530	MONTILLA SARAH ET AL	1027 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 53 OR4627/1728 & 5523/1077(Q/C)
1629640330	MURFIN ANDREW W,EMMA L	1028 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 33 OR3972/1379
1629640540	NORMAN ANDREW M	798 N PONCE DE LEON BLVD		SAINT AUGUSTINE FL 320840000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 54 OR4966/1401
1629640230	O'DELL JOSEPH P,LYNNETTE H	PO BOX 164		SAINT MARYS CITY MD 206860164	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 23 OR3903/1548
1629640340	PEERS LESA C TRUST D: 12-07-20	5785 MOUNTAIN RANCH DR		PARK CITY UT 840980000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 34 OR4135/111 & 4682/1002
1629640220	PELLETT REVOCABLE TRUST D:04/2	984 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 22 OR3997/129 & 4717/436(Q/C)
1629640280	PESKETT GRAHAM A	1008 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 28 OR3208/687 & 5036/1777(D/M)
1629640001	SEAGROVE NEIGHBORHOOD ASSOC IN	C/O COASTAL REALTY & PROPERTY MANAGEMENT	3942 A1A SOUTH	SAINT AUGUSTINE FL 320800000	53/55 60 SEAGROVE ST AUGUSTINE BEACH UNI PRIVATE ALLEYS ASSSESSED TO INDIVIDUAL P

PIN	NAME	ADDRESS	ADDRESS 2	CITY ST ZIP	LEGAL DESCRIPTION
1629640002	SEAGROVE NEIGHBORHOOD ASSOC IN	C/O MARY JACOBS JACOBS AND JACOBS	461 A1A BEACH BLVD	SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UN TRACTS A B D THRU H ASSESSED TO INDIVIDU PARCEL
1629640480	SMITH CHARLES W JR,MARILYN S	975 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 48 OR3504/1388
1629640360	STICKLE JOHN RAYMOND III	1040 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 36 OR5523/11
1629640190	SUTTON FAMILY TRUST U/A/D:09/2	972 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 19 OR5042/1438
1665100130	SWIFT EDWIN OLDS IV,CARA A TAY	2591 HYDRANGEA ST		SAINT AUGUSTINE FL 320800000	3-65 ANASTASIA PARK LOTS 13 & 14 BLK A & VAC/ ROW LYING S
1629640200	THOMAS CHRISTOPHER,NANCY	976 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 20 OR4065/858
1629640290	THOMAS FRANCIS NEAVITT	1012 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 29 OR3516/359 & 4728/1135(D/M)
1629640500	TIER ROBERT P, JILL S	995 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 50 OR3643/1150 & 4377/1366
1629640520	WELTZIEN JEFFREY LEE,BARBARA B	1023 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 52 OR5011/1499
1629640440	WU QIAOZHEN ET AL	939 SALTWATER CIR		SAINT AUGUSTINE FL 320800000	53/55-60 SEAGROVE ST AUGUSTINE BEACH UNIT 44 OR4565/278

485 So.2d 1318
District Court of Appeal of Florida,
Fifth District.

TOWN OF INDIALANTIC, etc., Petitioner,

v.
James H. NANCE, Respondent.

No. 85-707.
|
March 13, 1986.
|
Rehearing Denied April 8, 1986.

Synopsis

Petition for writ of certiorari was filed to review order of circuit court which reversed town council's denial of landowner's application for hardship variance. The District Court of Appeal, Orfinger, J., held that: (1) landowner was not entitled to hardship variance where there was no hardship unique to his land, and (2) landowner was not entitled to hardship variance to build large motel in that he presented no substantial evidence to support his allegation that small motel was not economically feasible.

Writ granted and circuit court decision quashed.

West Headnotes (4)

- [1] **Zoning and Planning** ⇨ Hardship, Loss, or Injury
Prerequisite to granting of hardship variance is presence of exceptional hardship to individual landowner, unique to his parcel and not shared by other property owners in that area.

1 Case that cites this headnote
- [2] **Zoning and Planning** ⇨ Hotels, lodging, and short-term rentals
Landowner was not entitled to hardship height and density variance to construct eight-story motel in that ocean front lot was typical of other such lots all of which were subject to the same zoning

restrictions and thus owner had not established unique hardship required to support variance.

- [3] **Zoning and Planning** ⇨ What constitutes in general
Hardship warranting variance must be such that it renders it virtually impossible to use land for purpose for which it is zoned.

6 Cases that cite this headnote

- [4] **Zoning and Planning** ⇨ Height of buildings or structures
Landowner was properly denied hardship height and density variance to build large motel because he presented no competent, substantial evidence to support his allegation that a smaller motel was not economically feasible.

1 Case that cites this headnote

Attorneys and Law Firms

*1319 Edward J. Silberhorn and Andrew A. Graham, of Reinman, Harrell, Silberhorn, Moule & Graham, P.A., Melbourne, for petitioner.

Elting L. Storms, of Storms, Krasny, Normile & Dettmer, P.A., Melbourne, for respondent.

Opinion

ORFINGER, Judge.

This is a petition for writ of certiorari to review the order of the circuit court sitting in its appellate capacity. We have jurisdiction pursuant to Rule 9.030(b)(2)(B). Respondent Nance is the owner of oceanfront lots 8-15 in the Town of Indialantic, Brevard County. He requested height and density variances for these lots to allow the building of an eight-story motel. Lots 8-13 are topographically and legally identical. There is a deed restriction on Lots 14 and 15 which requires that a motel be built on that property,¹ and the property is zoned for motel use.

The Board of Adjustment granted the requested variances after a hearing. Thereafter, the town council reviewed the

action of the board pursuant to section 17-146 of the Indialantic Zoning Code. The council found there was no basis for the variance and that the Board of Adjustment had abused its discretion. The circuit court, pursuant to a writ of certiorari filed by Nance, reinstated the Board of Adjustment's decision granting the variance, finding that there was substantial, competent evidence for the board to rule as it did, that the appeal procedure to the city was improper, and that Indialantic reversed the Board of Adjustment without receiving any substantially new and competent evidence. The town has now filed a petition for certiorari as authorized by *City of Deerfield Beach v. Vaillant*, 419 So.2d 624 (Fla.1982).

Respondent's application for variances is based on an alleged hardship caused by the deed restriction on Lots 14 and 15. Respondent contends that an *economically feasible motel* cannot be built on these two lots within the zoning restrictions and argued before both the board and town council that it would be in the best interest of the town to allow him to build an eight-story motel centered on all the lots. (i.e., lots 8-15).

This court, in reviewing the circuit court's order, is limited to a determination of whether the circuit court afforded due process and applied the correct law. *City of Deerfield Beach v. Vaillant*, *supra*; *BML Investments v. City of Casselberry*, 476 So.2d 713 (Fla. 5th DCA 1985); *Thomas v. Brevard County Sheriff's Office Civil Service Board*, 456 So.2d 540 (Fla. 5th DCA 1984). As no issue is raised as to due process, the only question before this court is whether the circuit court applied the correct law.

[1] [2] A pre-requisite to the granting of a hardship variance is the presence of an exceptional and unique hardship to the individual land owner, unique to that parcel and not shared by other property owners in that area. *Town of Indialantic v. Nance*, 400 So.2d 37 (Fla. 5th DCA 1981) *affirmed*, 419 So.2d 1041 (Fla.1982). Once the agency's decision is made on the hardship issue, the task of the court reviewing a zoning *1320 variance decision is to ensure that the authority's decision is based on evidence a reasonable mind would accept to support that conclusion. Absent an abuse of discretion or a clearly erroneous decision, the agency's decision should not be set aside. *Id.* at 40. In *Town of Indialantic v. Nance*, *supra*, this court found that Lots 8 and 9 owned by Nance are typical of Indialantic's oceanfront lots in size, shape and topography, and that the town's zoning restrictions, including height, setback, breezeway, parking and landscaping requirements, are shared by all other oceanfront lot owners in the area and are therefore not the

unique hardship required to support a variance. *Id.* at 40. Since Lots 10-13 are legally and topographically indistinguishable from Lots 8 and 9, there is no unique hardship as to these lots either.

[3] [4] Nance's only basis for the hardship allegation is that it would not be economically feasible to build a motel on lots 14 and 15 under the present restrictions, but he presented no competent, substantial evidence to the Board of Adjustment to support this allegation, and the town council properly so held. Nance gave his opinion that the variances granted were the minimum necessary to build an economically feasible motel, but he did not define what he considered economically feasible or offer any evidence in support of his position. In fact, Nance's architect testified that Nance *could* build a motel on those two lots within the zoning code, but that the building would not be aesthetically pleasing. As stated in *Thompson v. Planning Commission of City of Jacksonville*, 464 So.2d 1231 (Fla. 1st DCA 1985), a hardship may not be found unless no reasonable use (in this case, for a motel) can be made of the property. The standard is stated somewhat differently in *Hemisphere Equity Realty Company v. Key Biscayne Property Taxpayers Association*, 369 So.2d 996 (Fla. 3d DCA 1979) where the court stated that the hardship must be such that it renders it virtually impossible to use the land for the purpose for which it is zoned. There was no competent, substantial evidence of any kind to establish any hardship as to Lots 8-13 and the evidence presented as to Lots 14 and 15 did not establish that no reasonable use for a motel could be made of the property.

The circuit court erroneously replaced Indialantic town council's reasonable finding that Nance suffers no legal hardship with its own finding that he does. As there was no abuse of discretion, Indialantic's decision should not have been set aside by the circuit court. *Town of Indialantic v. Nance*, *supra*; *Bell v. City of Sarasota*, 371 So.2d 525 (Fla. 2d DCA 1979). An issue is also raised as to whether the town council observed procedural due process. Since the circuit court never specifically found that due process was violated, this is not an issue appropriate for review by certiorari. Furthermore, the issue argued is more properly an issue of standing, and as stated in *Cowart v. West Palm Beach*, 255 So.2d 673 (Fla.1971), the issue of standing cannot be raised for the first time in the appellate court when the issue is not raised below.

The writ of certiorari is granted and the decision of the circuit court below is quashed.

All Citations

COBB, C.J., and UPCHURCH, J., concur.

485 So.2d 1318, 11 Fla. L. Weekly 655

Footnotes

- 1 The Town of Indialantic sold the property to respondent's predecessor in title, with the restriction in the deed that until October 1, 1990, the property would be used only as a motel and the usual supplemental facilities. The town also agreed that the property would be zoned for motel use. No issue is made here as to zoning.

End of Document

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Government Works.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: BUDGET RESOLUTION 23-10
DATE: 5/23/2023

Attached is Budget Resolution 23-10 for the additional costs of Ocean Hammock Park Phase 2. Additional costs have been incurred for a crane to set the building in place, as well as additional fees for as-built surveys, permitting, lift station, and surveillance. The additional funds will be pulled from ARPA funds budgeted for Parking Improvements-5th Street, as we are unable to complete the project this year. This additional funding will allow completion of this phase of the project and meet grant obligations. Please see the attached memo from Jason Sparks regarding the details.

If further information is needed, please let me know.

BUDGET RESOLUTION 23-10

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

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

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2021-2022 General Fund Budget as follows:

DECREASE: Account 320-4100-541-6320 (ARPA Fund-R&B Parking) in the amount of \$55,000.00 which will increase the appropriation in this account to \$415,000.00.

INCREASE: Account 320-7200-572-6320 (ARPA Fund-Parks/Recreation) in the amount of \$55,000.00 which will increase the appropriation in this account to \$977,500.00.

RESOLVED AND DONE, this 5th day of June 2023 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager

MEMORANDUM

Date: May 22, 2023

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

From: Jason Sparks, Engineering Director

Subject: Budget Resolution 23-10 Supporting Memo – Ocean Hammock Park Phase II

Background

The City requisitioned a PO for CXT Incorporated to provide a concrete precast bathroom building. The scope of work indicated crane costs at prevailing rates would be assessed at the time of building delivery.

In addition, Thomas May Construction Company submitted change order requests for items not included in the original contract.

Discussion

On March 10, 2023, Purchase Order 23-00936 for \$146,565.35 was issued to CXT Incorporated for fabrication and delivery of a precast concrete bathroom to Ocean Hammock Park. The initial quote included an estimated additional cost of a Goldhofer trailer in the amount of \$10,000.00 to transport the restrooms to their final location. The cost estimate was subject to availability and rental cost at time of delivery. There was indication of prevailing crane rental rates to be determined at time of delivery.

Prior to delivery, the total cost of the crane and Goldhofer trailer was estimated at \$52,336.80. The contractor is willing to pay for the standard crane cost and standard access to the site in the amount of \$4,000.00, leaving an outstanding balance of \$38,336.80. The Public Works/Engineering Department requested a PO adjustment in the amount of \$38,336.80 for a total Purchase Amount of \$184,902.25.

On May 22, 2023, CXT representative indicated by phone that the City is due a credit for building to water supply plumbing connection fees.

Thomas May change order request items:

- Backflow preventer piping material
- Building Department permitting fees

- Wastewater service lateral to pump station plumbing and shower pad offset modifications
- Sidewalk bumpouts every 200 ft for wheelchairs
- As-Built survey

The items are not included in the original contract and following discussion with Staff, are deemed appropriate. Additional costs associated with these items are approximately \$11,000.

In anticipation of needed security monitoring, Staff requests an additional \$5,000. For security camera installation to be coordinated with CSAB Police Department.

ACTION REQUIRED

Approve Budget Resolution 23-10 authorizing transfer of \$55,000.00 into the FY 2023 Budget for Ocean Hammock Park Phase II.

**City of St. Augustine Beach Building and Zoning Department**

To: Max Royle, City Manager
From: Jennifer Thompson, Planner
CC: Brian Law, Building Official and Bonnie Miller, Senior Planner
Date: May 17, 2023
Re: Proposed Code Changes 8.00.10 Nonconforming Signs, Draft Ord 2023-04

In February of this year, 25 local businesses received letters from the Code Enforcement Division to inform them that their current signs were legal non-conforming signs that would need to come into compliance with the City's Land Development Regulations by August 1st, 2023, as per section 8.00.10.

The Commission made several recommendations regarding non-conforming signs at their meeting on April 3rd, 2023, and then again at the May 1st, 2023, meeting. Attached is the proposed draft of the new code. This is a joint effort between the City Attorney and the Planning and Zoning Division.

The Comprehensive Planning and Zoning Board heard the first reading of the proposed ~~changes to the sign code on May 16, 2023~~. This proposed draft ordinance was approved as written by a unanimous vote.

Sincerely,

Jennifer Thompson, CFM

Planner

Planning and Zoning Division

3. Non-Conforming Business Signs: Continuation of Discussion of Proposed Changes to Section 8.00.10 of the Land Development Code (Presenter: Jennifer Thompson, City Planner)

Planner Thompson advised that this item has been reviewed several times at other meetings and that this was to get a draft ordinance. She advised that if the Commission decides to go ahead with it, then we could have our first hearing at the next Planning and Zoning Board meeting, then it would come back to the Commission the following month, and the month after for the second and final readings at which time you could still change things if need be.

Commissioner George said that the discussion from the last meeting has been well integrated.

Commissioner Morgan said that number 3.b is a little confusing. Planner Thompson advised that it is a little wordy and that we could probably eliminate the language, "for a non-conforming use". She advised that that was the original way it was written and that she noticed that a lot of it is a little confusing. Commissioner Morgan said that it made sense to streamline it a little bit. Commissioner George said that if it is a non-conforming use, which also has a non-conforming sign and the non-conforming use ceases to operate for six months, then the sign should be removed. City Attorney Douglas advised that he interpreted it the same way. He said that the fact that it is a non-conforming use to begin with has an affect on a sign that is also non-conforming. Commissioner George advised that it triggers a need to remove the sign in that case. City Attorney Douglas advised that they should be read together. Commissioner Morgan said that there are definitions in here but nothing that distinguishes what those two things are, which makes it confusing. Commissioner George said that from the discussion last month that she thought that the intent was if there is a non-conforming sign, regardless of whether or not the use was non-conforming, that if the sign was not used for a period of six months, that it should be removed and brought into conformity. Commissioner Morgan said that she agreed with that. Commissioner George said that it does not appear to be anywhere else in the ordinance and for that reason, she would support removing that second reference for non-conforming use.

Commissioner Morgan questioned the language, "parch and conceal" in Section 4.d because to her the word "parch" means dry or thirsty, not to conceal. Planner Thompson said that it should say "patch" and once again, that was the original Code.

Commissioner George said the modification to Section 3.b opens it up to create a standard for a sign regardless of the use and she questioned whether we needed it under Section 3 or whether we even need Section 3.a. Commissioner Morgan suggested that instead of having a Section 3, that maybe it could be moved to make a Section 2.d.

Mayor Samora said that the proposal was to remove the language "for a non-conforming use" in Section 3.b and to clean it up since we already addressed non-conforming signs in Section 2, and move Sections 3.a and 3.b under Section 2 as 2.d and 2.e.

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

Motion: To approve draft for formal reading with noted changes. **Moved by** Commissioner George, **Seconded by** Mayor Samora. Motion passed unanimously.

Mayor Samora moved on to Item XII.4.

ORDINANCE NO. 2023- 04

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS SECTION 8.00.10 NONCONFORMING SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City Commission controls the use and regulation of its right of ways,

WHEREAS, the City Commission seeks to define and amend regulations regarding nonconforming signs located within the city limits.

NOW THEREFORE BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAINT AUGUSTINE BEACH:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance, Land Development Code of Saint Augustine Beach section 8.00.10 is amended as follows:

Sec. 8.00.10. Nonconforming signs.

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this article are declared nonconforming signs. It is the intent of this article to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this article. It is also the intent of this article that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

(1) *Legal nonconforming signs:*

- a. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this article that does not conform to the regulations as specified in this article.
- b. All legal nonconforming signs existing on August 1, 2016 may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this article. ~~until August 1, 2023, at which time all remaining legal non-conforming signs shall be removed.~~ In addition to any other requirements of the code, repair of a legal nonconforming sign will be allowed only up to 50% of the fair market value of the structure. ~~and only if the sign owner acknowledges in writing, on a form approved by the city attorney, that the non-conforming sign will be removed by the owner or any assignee or successor in interest on or before August 1, 2023.~~ The city building official/designee shall maintain a list of all legal non-conforming signs in the city. ~~and give notice to each sign owner of its duty to remove the nonconforming signs before the August 1, 2023 removal date and shall provide notice of this ordinance and its requirements to owners of non-conforming signs by hand delivery within 30 days after the effective date of this ordinance.~~
- c. A legal nonconforming sign may not be altered in any manner not in conformance with this article. This does not apply to reasonable repair and maintenance of the sign of less than 50% of the fair market value of the sign structure or to a change of copy provided that by changing the copy structural alterations are not required.

- d. Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this article, provided that if the nonconforming sign is a type of sign that is prohibited under section 8.00.03, Prohibited Signs in All Zoning Districts, it shall be removed.
- e. Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
 1. Is not increased in area or height to exceed the limits of the zoning district in which it is located;
 2. Remains structurally unchanged except for reasonable repairs or alterations;
 3. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
 4. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

(2) *Signs rendered nonconforming:*

- a. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the article that rendered the sign nonconforming. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.
- b. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this article. An existing ground sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.
- c. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this article if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

~~(3) Signs for a legal nonconforming use:~~

- ~~d.a.~~ New or additional signs for a nonconforming use shall not be permitted.
- ~~e.b.~~ A nonconforming sign ~~for a nonconforming use~~ that ceases to be used for a period of ~~twelve (12) six (6) months sixty (60) consecutive days~~ or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

~~(3) (4) Signs discontinued:~~

- ~~a.~~ Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued ~~after six (6) months~~.
- ~~b.~~ An existing nonconforming sign shall be brought into full compliance with this code in the event of a change of occupancy as defined in the current edition of the Florida Building Code.

- bc. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.
- de. Within ~~sixty (60) days~~ six (6) months after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to ~~patch patch~~ and conceal any and all damage to any other structure resulting from removal of the sign.
- ed. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign, that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

(4) (5) *Unsafe signs:*

- a. If the building official/designee determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within ~~forty-eight (48) hours~~ five (5) business days.
- b. If the correction has not been made within ~~forty-eight (48) hours~~ five (5) business days, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.
- c. In the event of a State declared emergency the Building Official/designee may order any unsafe sign to be removed, braced, etc. regardless of the time frames specified above. The City reserves the right to have the sign removed by a city approved contractor at the owners expense.

(Ord. No. 16-04, § 2(Exh. A), 7-11-16)

(5) A nonconforming sign may continue to exist so long as it is not destroyed, abandoned or discontinued. "Destroyed," "abandoned" and "discontinued" have the following meanings:

a.

a. "Destroyed" means more than fifty (50) percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least twenty-five (25) percent of the length above ground of each broken, bent or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.

b.

b. A nonconforming sign is "abandoned" or "discontinued" when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of ~~twelve (12) six (6) months~~ or longer.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Saint

Augustine Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this day of 2023.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this day of , 2023.

MAYOR

Published in the on the day of ,
2023. Posted on www.staugbch.com on the day of , 2023.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: NON-AD VALOREM-TRANSIENT RENTALS
DATE: 5/16/2023

Over the past few months, staff has requested that the Commission consider a change to the way solid waste fees are billed to transient rental locations. The changes made to the collection and billing would reduce the amount of staff time spent on counting cans for overages and reduce the time spent on billing and collection of these accounts. As requested by the Commission, below are some of the statistics for the transient rental accounts currently being managed by staff:

- A total of 167 transient rental accounts billed monthly.
- 51.5% or 86 accounts have one 64 Gallon Cart for service.
- 34.7% or 58 customers have multiple carts or multiple days of service.
- Current rates are \$371.80/year for 1-64 Gal Cart, \$557.96/year for 1-96 Gal Cart
- Total revenue billed annually \$116,026.56.

As Mr. Tredik pointed out at the last meeting, there is a disparity between the service levels of the customers, making it challenging to set a single rate that would be charged to all customers.

To maintain the level of revenue the city is currently receiving from 167 transient rentals, a single rate would need to be set at \$694.77/year. This would cause a significant increase to more than fifty percent of our customer base, nearly doubling their annual rate.

In considering a non-ad valorem assessment, the rate would need to be consistent to all customers for ease of billing through the tax notices. There is also a 2% fee from the Tax Collector for this service that would need to be factored into the rate. As each customer's service level differs, finding a fixed rate for all becomes challenging but not impossible. As each service level is a multiple of a 32-gallon container, we could set a rate and bill accordingly based on the container size for each customer. Should there be a change in service level during the year, the customer would pay for the increase in service for the remainder of the year until the next tax roll certification. Since the services would be billed through a non-ad valorem assessment, removal from the transient rental program would only be updated with the annual tax roll certification.

In consideration of this method of billing, staff would recommend setting a transient rental solid waste non-ad valorem assessment range based on 32 gallons of service at a minimum rate of

\$190, and a maximum rate of \$570. This rate reflects the minimum level of service currently provided, plus the 2% service fee charged by the Tax Collector for billing of the non-ad valorem.

Actions Requested

1. The City Commission set the initial assessment range of \$190 - \$570 per 32-gallons of solid waste collection. This rate will be included in the public notice mailed to impacted transient rental owners.
2. The City Commission set a date to hold a public hearing to adopt the non-ad valorem assessment roll.

M E M O R A N D U M

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: BUDGET RESOLUTION 23-09
DATE: 5/23/2023

Attached is Budget Resolution 23-09 for the additional costs of 2nd Street Improvements. Additional costs have been incurred from FPL for undergrounding of utilities and survey needs to place transformer boxes. These funds will be pulled from the funds budgeted for Oceanside Circle in Impact Fees, as we are unable to complete the project this year. Please see the attached memo from Jason Sparks regarding the details.

If further information is needed, please let me know

BUDGET RESOLUTION 23-09

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

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

The City Commission does hereby approve the transfer and appropriation from within the Fiscal Year 2021-2022 General Fund Budget as follows:

DECREASE: Account 102-4100-541-6310 (Impact Fee Fund-R&B Paving) in the amount of \$72,000.00 which will increase the appropriation in this account to \$428,000.00.

INCREASE: Account 102-4100-541-6383 (Impact Fee Fund-R&B-2nd Street) in the amount of \$72,000.00 which will increase the appropriation in this account to \$730,000.00.

RESOLVED AND DONE, this 5th day of June, 2023 by the City Commission of the City of St Augustine Beach, St. Johns County, Florida.

Mayor – Commissioner

ATTEST:

City Manager

MEMORANDUM

Date: May 22, 2023
To: Patty Douylliez, Finance Director
From: Jason Sparks, P.E., Engineering Director
Subject: Budget Resolution 23-09 for installation of underground electrical infrastructure along the 2nd Street Extension

BACKGROUND

The City Commission requested the extension of 2nd Street include the installation of underground electrical infrastructure. Florida Power and Light (FPL) provided *conceptual* design plans and a ballpark construction cost estimate of \$26,775.30 to install:

- Primary conduit by horizontal directional drill (1,400 ft)
- Secondary service trenching (500 ft)
- Splice boxes/Hand holes and
- Two transformers with pads.

The ballpark estimate does not include:

- Restoration of property
- Acquisition and recording of easements
- "Clearing" of trench routes
- Trenching, backfilling, and installation of individual services from homes to transformers.

FPL will provide a "binding" estimate (detailed design and estimating) if the City provides a \$2,700.00 engineering deposit. FPL's estimated schedule to complete the installation ranges from 6 to 12 months.

FPL provided a list of surveying services required for installation. Staff obtained a proposal from ETM Surveying and Mapping, Inc. for \$14,182.00 which includes up to 20 hours of any re-staking or grading and 10 Subsurface Utility Excavation test holes for verification of existing utilities.

Forensic research indicates that Crawford, Murphy & Tilley (CMT) has existing contracts:

- Amendment No. 34, Engineering Services 2nd Street Extension Paving, Drainage and Utility Improvements (\$51,100.00).
 - Design/permitting/bid phase services have been completed.
 - Post design construction inspection and administration services are active.

- Amendment No. 39, Supplemental Engineering Services 2nd Street Extension/Widening Paving, Drainage and Utility Improvements (\$33,300.00). Task 2.1 details the following services:
 - Make initial contact with FP&L staff to identify department responsible for electric conversation, discuss process for FP&L to underground electric, define expenses to be paid by each stakeholder, advise and assist City in corresponding with FP&L on the process and procedures.
 - Create project mapping of individual property owners allowing easements on lots.
 - Create Preliminary design plans of the lot easements relative to the plan view of the pavement with notes detailing the number of transformer pads and transformers, linear feet of electrical conduit, general notes of the FP&L described process.
 - Provide an order of magnitude budget cost estimate.
 - Provide a bid alternate within the 2nd Street project for the conversion to underground electric.

Tasks 2.2 and 2.3 include: Incorporation of the remaining 3rd Alley storm sewer and post design expanded construction inspection and administration. Staff is acquiring and recording easements.

CMT submitted invoice #0227320 on March 28, 2023, for \$31,893.70 (which exhausts Amendment #39 funding). Staff requested a summary of services and amendment to the date range of services.

CMT responses to contractor Requests for Information (RFIs) #5, #6 & #7 were received Friday, May 19, 2023.

DISCUSSION

To facilitate the installation in a timely manner, FPL provided a list of approved underground utility contractors who can install the conduit per FPL specifications. It is anticipated these contractors will provide the installation for a price equal to or less than FPL's quote.

The cost to install the electrical infrastructure is not in the current budget. FPL plans were not available at the time of project bidding and the cost to complete the work was thus unknown. A budget resolution is required to bring funds into the current fiscal year budget.

Staff recommends 1) The FPL estimate of \$26,775.30 be increased to \$32,130.36 (20% contingency) and 2) ETM Surveying and Mapping Services fee proposal of \$14,182.00 for a total of \$46,312.36 be brought into the current budget to complete the conduit installation. Staff will request quotes from three of FPL's approved contractors, subject to City purchasing policy.

Expect a contractor change order request to continue 2nd Street roadway construction estimated less than \$25,000.00.

ACTION REQUIRED

Approve Budget Resolution 23-09 authorizing transfer of \$72,000.00 into the FY 2023 Budget for installation of underground power conduit for the 2nd Street Extension Project.

Enclosures: ETM Survey Quote
FPL Ballpark letter



May 15, 2023

Russell Adams
Public Works Department
City of Saint Augustine Beach
2200 A1A S
St. Augustine Beach , FL 32080

Dear Russell Adams:

In response to your letter dated May 15, 2023, the non-binding "ballpark" estimate to convert the overhead electric distribution facilities described in that letter, and located 2nd St, to an underground system is \$26,775.30. This estimate is not an offer from FPL to perform the requested conversion and should not be construed or used as such for detailed planning purposes. It is provided strictly to assist your preliminary decision making.

This non-binding estimate is an "order of magnitude" estimate, and is based on previous FPL experience. However, due to the complex nature and variables associated with this type of work, the estimate may not accurately represent the actual cost your community would be obligated to pay FPL to convert its facilities. A detailed and "binding" estimate will be provided, should you decide based on this "ballpark" estimate, and will commence should you elect to pay the non-refundable engineering deposit as set forth in Florida Administrative Code 25-6.115. The deposit is required due to the complexity and time required to estimate such a conversion, and would be applied towards the estimated amount (known also as the CIAC amount) owed to FPL for the conversion, should you decide to proceed with the work contained in the estimate, and contract for that work within 180 days of the date the estimate is provided.

FPL estimates include **only** estimated charges to be paid by the applicant **to FPL**. Costs associated with restoration of property affected by the conversion; acquisition and recording of easements; "clearing" of trench routes; trenching, backfilling, and conduit installation of individual service laterals; and rearrangement of customer service entrances have been excluded. These elements of the conversion will be the responsibility of the applicant. Rearrangement of customer electric service entrances may, in addition, impose additional **customer** expense if local inspecting authorities require customer wiring to be brought to current codes. The applicant is also responsible for arrangements that must be made to accommodate other utilities/pole licensees affected by the conversion.

Regarding easements, an underground electric distribution system cannot just simply replace an overhead system. Typically, overhead systems exist as part of a county or municipal right-of-way, and when necessary, as part of a specific easement. In contrast, an underground distribution system requires more space than is typically provided by road rights-of-way and easements for overhead facilities. In underground systems, major components formerly attached to poles must now occupy "at grade" appurtenances, e.g., ground level pad mounted transformers and switch cabinets. Facilities of an underground distribution system will not be placed in road right-of-way, with the exception of cables required for crossings. Additional easements will, in all likelihood, be required. Describing, securing, and recording easements, with opinions of title, is the responsibility of the applicant. FPL strongly suggests that all easements required for the conversion be described and secured prior to requesting the detailed cost estimate. Obtaining easements is typically the most difficult aspect of the

conversion process, the time required to secure the easements may exceed the 180 day binding estimate timeframe.

Should you decide to request a detailed "binding" estimate, an engineering deposit in the amount of \$2,700.00 would be required before commencing with the detailed design and estimating process. The request for the estimate must be in writing, and must describe in detail the facilities to be converted. Binding estimates are valid for 180 days, and would be subject to change in the event of a work scope change. Should actual FPL costs exceed the binding estimate amount, the applicant may be responsible for those additional costs up to a maximum of 10% of the binding estimate amount. Payment of the CIAC, easements (with opinion of title and recorded), agreements from other utilities/pole licensees, and execution of a Conversion Agreement would be required before commencement of construction.

Should you have any questions or wish to consider a binding cost estimate, please call me at 904-225-3031.

Sincerely,

Michael Spruiell
Associate Engineer

cc: The costs that are associated with this estimated cost include:
Primary Boring : Boring the Primary Conduit ~1400'
Secondary Trenching: Secondary Conduit ~500'
Original Cost of Job: Setting Padmounted Transformers , Installing Cable



VISION • EXPERIENCE • RESULTS

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tel 904-642-8550 • fax 904-642-4185

14775 Old St. Augustine Road • Jacksonville, Florida 32258

May 12, 2023

Mr. Jason Sparks, P.E.
Engineering Director
Coty of St Augustine Beach
2200 S.R. A1A South
St Augustine Beach, Florida 32080
jsparks@cityofsab.com

Reference: **2nd Street Improvement Project, City of St Augustine Beach, Florida ~ Surveying Services**

Dear Mr. Sparks,

Pursuant to your request, ETM Surveying & Mapping, Inc., is pleased to submit a fee proposal for providing Surveying and SUE services for the above referenced project in the City of St Augustine Beach, Florida. Our proposed scope of services and fee schedule are as follows:

Task 1: Stake FPL control points

Stake the proposed FPL features and at lot corners and lot/right of way lines along the proposed cable route. The stakes set will be posted with the proposed final grade.

Lump Sum Fee.....\$4,442.00

Task 2: Designating Underground Utilities

Provide quality level B (QLB) clearance of the proposed cable route to mark any existing utility withing 2 feet of the proposed cable route.

Lump Sum Fee.....\$1,140.00

Task 3: Restaking

Any restaking and grading that is necessary will be charged the hourly field crew rate.

Hourly (As needed).....\$180.00/Hr.

Reference: 2nd Street Improvement Project, City of St Augustine Beach, Florida ~ Surveying Services

Task 4: Subsurface Utility Excavation Services

Provide quality level A (QLA) clearance/VVH verification of any existing utilities that are within 2 feet of the proposed cable route to document depth, size and type of facility.

Maximum Limiting Fee

(10) Test Holes at \$500 each..... \$5,000.00

***Subsurface Utility Test Hole quantities are an estimate based on information provided by our Sunshine 811 design ticket for the project area. Only actual services rendered will be invoiced as billable, with a minimum of four test holes being required. A mobilization fee of \$400 will be charged if the minimum of 4 test holes are not authorized.**

Items Not Included

Plat Processing for Recordation
Document Processing for Recordation
As-Built Survey
Sketch and Legal Description

Title Review
Construction Layout
Tree Survey
Research/Consultation

Cost such as additional printing and delivery services will be invoiced at direct cost plus 15%. Fees outlined hereon are valid for a period of 90 days from the above referenced date.

Reference: **2nd Street Improvement Project, City of St Augustine Beach, Florida ~ Surveying Services**

Please indicate your agreement with this proposal and the attached General Conditions by signing in the space provided and return one copy to our office.

If you should have any questions or need additional information, please call. Thank you for this opportunity to be of professional service.

Sincerely,

ETM Surveying and Mapping, Inc., INC.



Scott A. Graham, P.S.M.
Vice President

Accepted this _____ day
of _____, 2023.

By: _____
Signature

Print Name and Title

Company

Attachments: General Conditions

Reference: 2nd Street Improvement Project, City of St Augustine Beach, Florida ~ Surveying Services**GENERAL CONDITIONS**

PAYMENT TERMS - Payment is due upon receipt of our invoice. If payment is not received within thirty days from the invoice date, Client agrees to pay a finance charge on the principal amount of the past due account of one and one-half percent per month. If one and one-half percent per month exceeds the maximum allowed by law, the charge shall automatically be reduced to the maximum legally allowable.

In the event Client requests termination of the services prior to completion, the Client shall pay all charges incurred through the date services are stopped. If during the execution of the services, ETM Surveying & Mapping, Inc. (ETM-SMI) is required to stop operations as a result of changes in the scope of services such as requests by the Client or requirements of third parties, additional charges will be applicable.

Client agrees to pay mobilization charges for any work ordered when, upon arrival of survey crew, job site is not prepared for crew to properly perform scope of services.

INSURANCE - ETM-SMI maintains Workers' Compensation and Employer's Liability Insurance in conformance with applicable state law. In addition we maintain Comprehensive General Liability Insurance and Automobile Liability Insurance with bodily injury and property damage limits of \$1,000,000. A certificate of insurance can be supplied evidencing such coverage which contains a clause providing that ten days written notice be given prior to cancellation.

Cost of the above coverage is included in our quoted fees. If additional coverage or increased limits of liability are required, ETM-SMI will endeavor to obtain the requested insurance and charge separately for costs associated with additional coverage or increased limits.

STANDARD OF CARE - The only warranty or guarantee made by ETM-SMI in connections with the services performed hereunder, is that we will use that degree of care and skill ordinarily exercised under similar conditions by reputable members of our profession practicing in the same or similar locality. No other warranty, expressed or implied, is made or intended by our proposal for surveying services or by our furnishing oral or written reports.

LIMITATION OF LIABILITY - To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of ETM-SMI and its officers, directors, partners, employees, agents and subconsultants, and any of them, to the Client and anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages of any nature whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract or warranty, express or implied, of ETM-SMI and its officers, directors, employees, agents or subconsultants, or any of them, shall not exceed the total compensation received by ETM-SMI under this Agreement, or the total amount of \$50,000.00, whichever is less.

If Client prefers to have higher limits on professional liability, ETM-SMI agrees to increase the limits up to a maximum of \$500,000 upon Client's written request at the time of accepting this proposal provided that the Client agrees to pay an additional charge as a result of such increase.

ENVIRONMENTALLY PROTECTED LANDS - ETM-SMI shall not be held liable or responsible for the location or lack of location of any areas within a job site that are considered environmentally protected or are restricted by City, County, State or Federal restrictions. ETM-SMI will, however, at the Client's request and expense locate such areas if they have been so designated with flagging by an environmental consultant and/or governmental authority. It is further understood that the Client shall be responsible for any permitting required in these areas and shall hold ETM-SMI harmless for any losses or liabilities resulting from such permitting or regulatory action.

RIGHT-OF-ENTRY - Client shall be responsible for obtaining rights of entry for ETM-SMI's employees to any properties included in this contract for purposes of performing scope of work duties. We will take reasonable precautions to minimize damage to the property caused by our operations, but we have not included in our fee the cost of restoration of damage which may result. If Client desires us to restore the property to its former condition, we will accomplish this and add the cost to our fee.

GOVERNING LAW - This agreement shall be governed in all respects by the laws of the State of Florida.

CONSTRUCTION LAYOUT - It is understood by the Client that ETM-SMI shall not be held liable for any errors in layout or construction work when the original stakes or points have been destroyed or disturbed in any way.

It is further understood that the Client shall be responsible for furnishing ETM-SMI with approved plans and specifications and/or revised plans and specifications for such layout and/or construction work and shall have a construction supervisor or authorized agent approve any and all field changes or modifications to such plans with a written statement.

ZONING RESTRICTIONS AND EASEMENT - ETM-SMI shall be held harmless for the location or lack of location of any easements, building setback lines or special restriction lines unless documents such as Title Opinions and/or Restrictive Covenants accurately describing such easements or lines have been supplied to us with sufficient time to review such documents.

OWNERSHIP OF DOCUMENTS - All documents, including, but not limited to drawings, specifications, reports, field notes, calculations and estimates, prepared by ETM-SMI as instruments of service pursuant to this Agreement, shall be the sole property of ETM-SMI. Client agrees that all documents of any nature furnished to Client or Client's agents or designees, if not paid for, will be returned upon demand and will not be used by Client for any purpose whatsoever. Client further agrees that under no circumstances shall any documents produced by ETM-SMI, pursuant to this Agreement be used at any location or for any project not expressly provided for in this Agreement without the written permission of ETM-SMI.

SAFETY - Should ETM-SMI, provide periodic observations and surveying services at the job site during construction, Client agrees that, in accordance with generally accepted construction practices, the contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during the performance of the work and compliance with OSHA regulations, and that these requirements will apply continuously and not be limited to normal working hours.

INDEMNIFICATION - In addition, and notwithstanding any other provisions of this Agreement, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless ETM-SMI and its directors, employees, agents and subconsultants from and against all damage, liability or cost, including reasonable attorneys' fees and defense costs, arising out of or in any way connected with this project or the performance by any of the parties above named of the services under this Agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of ETM-SMI.

PURSUANT TO FLORIDA STATUTES SECTION 558.0035(2013), AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES - In no event shall either party hereunder be liable to the other party for punitive, speculative, consequential or special damages of any kind.

ASSIGNABILITY - Client and ETM-SMI, Inc., respectively bind themselves, their successors and assigns to the other party to this Agreement and to the successors and assigns of such other party with respect to all covenants of this Agreement. Neither Client nor ETM-SMI shall assign this Agreement without the prior written consent of the other party.

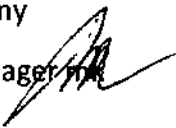
SEVERABILITY AND SURVIVAL - If any of the provisions contained in this Agreement are held invalid, illegal, or unenforceable, such invalidity, illegality or unenforceability will not affect any other provision, and this Agreement will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

INTEGRATION - This Agreement represents the entire and integrated Agreement between Client and ETM-SMI and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

THIRD PARTY BENEFICIARY - Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either Client or ETM-SMI.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: May 24, 2023

SUBJECT: Ocean Hammock Park: Rejection of Bid for Projects in Phase 3.1 of the Management Plan and Discussion Whether to Request the Florida Communities Trust to Allow Deletion of Projects from the Management Plan

INTRODUCTION

This agenda topic is divided into two parts: 1) the rejection of the one bid received for Phase 3.1 projects of the Ocean Hammock Park management plan; and 2) discussion whether you want the City to ask the Florida Communities Trust, which provided state funds for two grants to purchase the Park, to delete some or all of Phase 3 projects in the Park's management plan. This topic was requested by Vice Mayor Rumrell.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-2, a memo from the City Engineer, Jason Sparks, in which he describes the one bid received for the projects in Phase 3.1 of the Park management plan.
- b. Pages 3-4, an email from Mr. William McMahon of the Florida Communities Trust, the subject of which is whether projects can be removed from the Park management plan.
- c. Pages 5-18, a report of the Park's history, its various phases, and the projects in the Park management plan.

REJECTION OF BID

For Phase 3.1 of the Park Management Plan, there are three projects: an observation platform, a concrete walkway from the parking lot eastwards to the platform, which is in the middle of the Park overlooking the beach, and various plantings.

As Mr. Sparks notes in his memo (pages 1-2), the City received only one bid, \$826,210, from Thomas May Construction. The bid is well above the \$90,000 appropriated in the budget for the Phase 3.1 projects. That appropriation included a \$60,000 grant, which required a match from the City.

Action Requested

Because the bid amount is \$676,210 over the money the City has appropriated for the Phase 3.1 projects, City staff recommends rejecting the bid.

Please note that a condition of the grant is that the City spend the \$60,000 by September 30, 2023. While the City could rebid the project, it's unlikely that a much lower bid will be received and that the projects can be done by the grants deadline of September 30th.

REQUEST TO DELETE PROJECTS

The attached Ocean Hammock Park Update (pages 5-18) provides in summary a history of the City's acquisition for more than a decade of the Park's 18 acres. The City applied to the Florida Communities Trust for grants to purchase 16 acres of the Park and was awarded two grants: One in 2009 for \$4.5 million toward the purchase of 11.5 acres; the second in 2016 for \$1.5 million toward the purchase of the remaining 4.5 acres. For the remaining two acres, the company that bought the 18 acres from Dr. Seymour London of Miami, St. Augustine Development Associates, donated these acres to the City in 2005: 1.5 acres adjacent to the Boulevard for conservation, the rest for a beach access boardwalk.

Each of the two grants required a park management plan with a list of projects that the City said it would do if it received the grants. The combined requirements are listed on pages 9-10.

The development of the Park management plan was to be done in three phases. The projects for Phases 1 and 2 are shown on pages 11-13. Most of them have already been done or are currently being done. Phase 3 has been divided into Phase 3.1 and 3.2. The projects for each phase are shown on pages 15-16. Because it had a grant, the City advertised for bids for Phase 3.1. As noted above, the recommendation has been to reject that bid because it is well above the amount of money the City has available from a grant and from its own funds.

Action Requested

It is that you discuss with Vice Mayor Rumrell his proposal that the City ask the Florida Communities Trust if the City can be relieved from doing some or all of the projects listed for Phases 3.1 and 3.2. of the Park Management Plan.

The projects are:

- Observation deck
- Concrete walkway to deck
- Planting of vegetation
- Picnic pavilion
- Children's playscape
- Education area
- Nature trails
- Connection to beach walkway

These are shown within the dotting outline of the Park on page 14.

For your discussion, please keep in mind what Mr. William McMahon of the FCT says on page 3:

"In terms of removing some facilities to repurpose the project into more of a conservation area than recreational park, that is a possibility. The City would send a justification letter to Erin stating which facilities they'd like to remove and why. I can't guarantee we can accommodate the request but once you notify FCT of which facilities you'd like removed, we'll have a better handle on the allowability of the request."

He concludes the paragraph with this: "We [the FCT] always prefer facilities being swapped than removed altogether."

If you agree with the Vice Mayor's proposal, we ask you to decide whether to ask the FCT to permit deletion of some or all of the Phase 3 projects of the Park management plan. If your choice is only some of the projects, then we ask that you specify which ones you want deleted. It would also help if you'd provide guidance to the staff as to reasons you want some or all of the Phase 3 projects deleted.

If the FCT staff says no to the request, then the City staff later this year will apply to the state for grants in the state's FY 25 budget to help pay a share of each project's cost.

MEMORANDUM

TO: Max Royle, City Manger
FROM: Jason Sparks, P.E., Engineering Director
DATE: May 23, 2023
SUBJECT: Bid No. 23-03: Ocean Hammock Park Phase 3.1
Tabulation of Bids and Recommendation to Reject Bids

Background

Ocean Hammock Park Phase 3.1 improvements consist of an accessible concrete nature trail and observation deck and upland and wetland plantings. FDEP/NOAA grant funding agreement was awarded on August 16, 2022 in the amount of \$60,000 with required \$60,000 City match. Gulfstream Design Group, LLC provided 100% design plans and technical specifications on May 3, 2023 and the project was advertised for bids on May 4, 2023 and bids were opened May 23, 2023. Grant deliverable due date is September 30, 2023.

Bid Tab

The City received one bid for the project:

Work Bid	Thomas May Construction Company
Total Lump Sum Bid	\$826,210

The base bid includes a 6 ft wide ADA accessible concrete walkway and 1-inch water service.

Alternate bid item No. 1 for construction of an 8 ft wide ADA accessible concrete walkway and 2-inch water service came in at \$837,550.

Budget

The FY2023 budget allocated \$90,000 from the Impact Fee Fund for the construction of Ocean Hammock Park Phase 3.1. Unfortunately, the FY2023 Budget is \$676,210 short of the funding needed to construct the project. The Impact Fee Fund does not have sufficient funds to cover this cost differential and funding is not available from other sources.

Future funding

Options are available for future funding of the project, however, they will take time to implement and necessitate the need to reject the current bid. Funding Options include:

- Stormwater Utility Fee - Due to the stormwater nature of the improvements, the project could be funded by a stormwater utility fee. Stormwater Utility Fee funding, however, is dependent upon adoption of an ordinance and fee.

- Grant Assistance – The City could apply for grant funding. Such assistance, however, is not guaranteed.

STAFF RECOMMENDATION

Reject the bid for Bid No. 23-03, Ocean Hammock Park Phase 3.1 due to lack of project funding.

Max Royle

From: Bill Tredik
Sent: Thursday, March 23, 2023 9:54 AM
To: Max Royle; Russell Adams
Subject: FW: Ocean Hammock Park

FYI

From: McMahon, William <William.McMahon@FloridaDEP.gov>
Sent: Thursday, March 23, 2023 09:46
To: Bill Tredik <btredik@cityofsab.org>
Cc: Roaza, Erin <Erin.Roaza@FloridaDEP.gov>
Subject: RE: Ocean Hammock Park

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

Hi Bill,

We are in the process of finalizing our letter. We will have it signed by our Program Manager and it will state our definitive position. I think we'll only keep the letter to the opinion of the boardwalk.

In terms of removing some facilities to repurpose the project into more of a conservation area than recreational park, that is a possibility. The City would send a justification letter to Erin stating which facilities they'd like to remove and why. I can't guarantee we can accommodate the request but once you notify FCT of which facilities you'd like removed we'll have a better handle on the allowability of the request. We always prefer facilities being swapped then removed altogether.

We'll try and have that letter to you by the end of this week. We are aware of your Apr. 3 meeting deadline.

Thank you,
Will



William McMahon, FCCM
Florida Department of Environmental Protection
Florida Communities Trust
Planner IV, Division of State Lands
William.McMahon@FloridaDEP.gov
Office: 904.256.1687

From: Bill Tredik <btredik@cityofsab.org>
Sent: Monday, March 20, 2023 4:13 PM
To: McMahon, William <William.McMahon@FloridaDEP.gov>

Cc: Roaza, Erin <Erin.Roaza@FloridaDEP.gov>

Subject: Ocean Hammock Park

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good Afternoon Will:

It was a pleasure talking to you on Friday. As we discussed, I look forward to receiving a letter stating Department Council's legal position regarding the Ocean Hammock Park Beach Walkway. I would like to present this letter to the City Commission members in advance of the April 3rd meeting so that they are fully informed on the topic should discussion be initiated during public comment.

Thank you very much,

Bill

William Tredik PE, Public Works Director / City Engineer

City of St. Augustine Beach

2200 A1A South

St. Augustine Beach, Florida 32080

Ph: (904) 471-1119

email: btredik@cityofsab.org

PLEASE NOTE: Under Florida law, most communications to and from the City are public records. Your emails, including your email address, may be subject to public disclosure.





CITY OF ST. AUGUSTINE BEACH

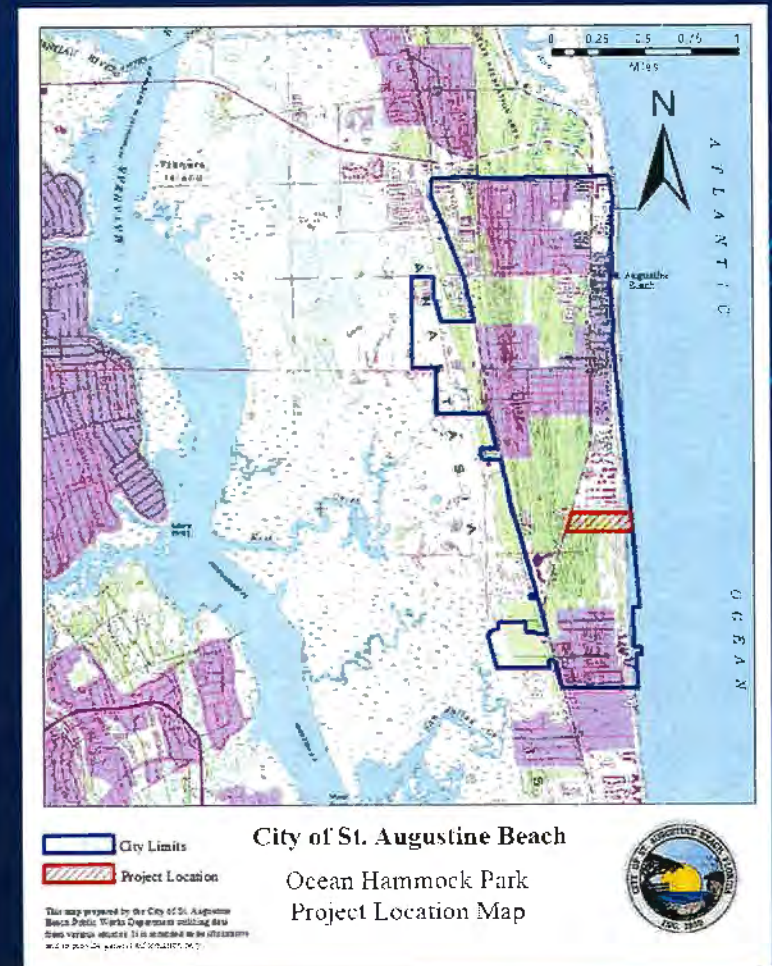
*Regular City Commission Meeting
Monday June 5, 2023*

Ocean Hammock Park Update

*Max Royle, City Manager
Jason Sparks, P.E., Engineering Director*

PARK LOCATION

- 18+ acres
- A1A Beach Boulevard to Atlantic Ocean
- Between Bermuda Run and Sea Colony
- Originally slated for development
- Acquired over multiple years beginning in 2005



PARCEL ACQUISITIONS

2006 (2.2 acres - yellow)

- Deeded by Maratea
- Included Beach Boardwalk parcel

2009 (11.5 acres - green)

- Purchase price - \$5.25 million
- \$4.5 million from Florida Communities Trust (FCT)

2016 (4.5 acres - red)

- Purchase price - \$4.5 million
- \$1.5 million from FCT



PARK MANAGEMENT PLANS

Ocean Hammock Park
08-018-FF8
Management Plan
Revised 2/14/2018

**Supporting FCT Funding
for 2009 Purchase**

OCEAN HAMMOCK PARK



MANAGEMENT PLAN
08-018-FF8 And 16-014-UA17
Revised June 20, 2018

**Supporting FCT Funding
for 2016 Purchase**

COMBINED PARK MANAGEMENT PLAN REQUIREMENTS

Combined 2009 & 2018 Management Needs		Complete Phase I	Underway Phase II	Proposed Phase 3.1	Proposed Phase 3.2
2009	2018	Year	2023	2023	Year TBD
Land use and zoning to recreation	Same	2009			
Permanent FCT recognition sign	Same	2009			
Pervious parking where feasible	NA	2012			
Sidewalk connection	NA	2009			
Bike racks	Same			X	
Beach access / dune walkover	NA	2009			
Interpretative signs or kiosks	Same		X	X	
Planting of wetland areas	Native Landscaping			X	
Stormwater facilities coordinated with SJRWMD	Stormwater facilities	2012			
Archaeological survey	Same	Performed during original application preparation.			
Coordinate management with existing park walkway	Coordinate management with existing beach boardwalk		X		
¼ to ½ mile minimum nature trail	Same		X	X	
Stormwater system to recreation open space or habitat	NA			X	X
Preservation of natural communities	Habitat Protection	Manage, Preserve and Protect			
Protect and enhance wildlife	Habitat Conservation				
Invasive vegetation management	Same	Annual Survey			
Feral animal management	Same	Annual Observations			
At least four (4) recreation facilities (Pavilion, Obs. Deck, Playground & Trail Fitness eqpmt.)	Same			Observation Deck	Pavilion, Playground & Trail Fitness eqpmt.
Regularly scheduled educational classes	Same	Regularly Scheduled Environmental or Historical Education Classes/Programs – 6/yr			
Staffed nature center/museum	Nature Center				X
Enhance the designated Florida Circumnavigational Saltwater Trail	Canoe/Kayak Storage				X

COMBINED SITE DEVELOPMENT AND IMPROVEMENT REQUIREMENTS

Combined 2009 & 2018 Site Development and Improvement Requirements		Complete Phase I	Underway Phase II	Proposed Phase 3.1	Proposed Phase 3.2
2009	2018	Year	2023	2023	Year TBD
Crosswalk at park entrance	NA	2009			
Stormwater facilities	Stormwater facilities see description p14	2012		X	X
Parking Area ~25-30 spaces	Parking area – Complete	2012			
Trash receptacles at picnic areas, parking areas and outdoor recreational facilities	Trash receptacles at picnic areas, parking areas and outdoor recreational facilities	2009	X	X	X
Path connecting OHP parking lot with beach access walkway – Ph 3.1	Path connecting OHP parking lot with beach access walkway – Ph 3.1		X		
Nature Trail ¼ to ½ mi in length – Ph 3.1	Nature Trail ½ to ½ mi in length – Ph 3.1		X	X	
Restrooms ~400 SF – Ph II underway	Restrooms ~400 SF – Ph II underway		X		
Education signs/Kiosks and educational signs at entrance of project site (Ph 2) and end of dune walkover (Ph 3.1) – Underway	Education signs/Kiosks and educational signs at entrance of project site (Ph 2) and end of dune walkover (Ph 3.1) – Underway		X	X	
Bike Racks and canoe/kayak storage	Bike Racks and canoe/kayak storage			Bike Rack	X
Picnic Pavilion and grills	Picnic Pavilion and grills		X		X
Native Landscaping coordination with Florida Native Plant Society local chapter and split rail fencing to contain parking area	Landscaping			X	
Permits	Permits		X	X	X
Easements	Easements, Concessions and leases – see description p15.	As needed			
Wildlife Observation Deck	Wildlife Observation Deck			X	
Drinking fountain close to picnic pavilion	NA		X		X
25 ft wide buffer between wetlands and improvements	NA		X	X	X
Children's playground	Children's playground				X
Horseshoe Courts	NA				X
Education Center 1,200 SF	Education Center				X
Education Program	Education Center				X
Nature Center	Nature Center				X

PHASE 1 CONSTRUCTION

- 2009 – Beach walkway with Assistance from the Florida Recreation Development Assistance Program (FRDAP)



- 2012 – Parking lot



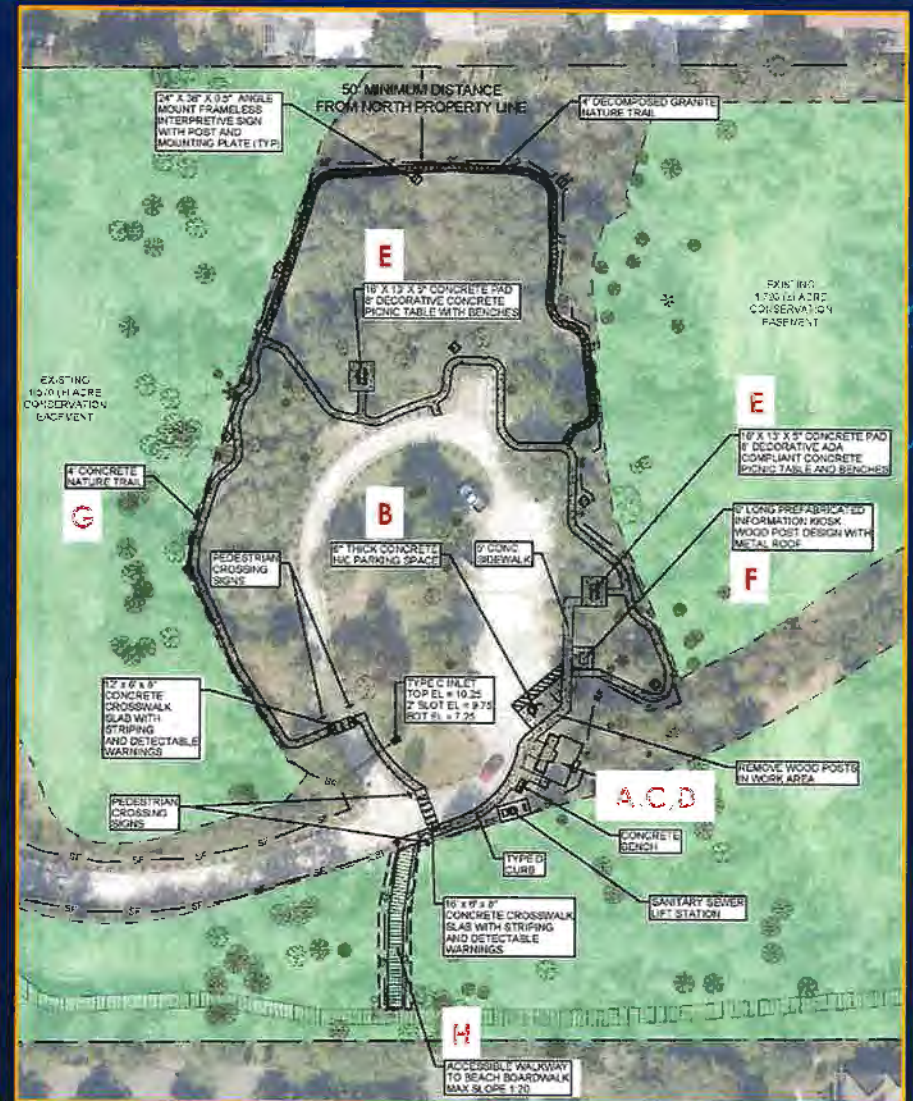
CURRENT PHASE 2

- Vicinity of Parking Lot
- \$106,000 FRDAP Grant
- Remainder of Funding – Park Impact Fees
- Currently Bidding



PHASE 2 FEATURES

- A. Restrooms
- B. H/C parking space
- C. Outdoor beach shower
- D. Drinking fountain / bottle filling station
- E. 2 uncovered picnic areas (slab/table)
- F. Information kiosk
- G. 0.25 mile nature trail with interpretative signs
- H. Connection to beach walkway



PHASE 3

- Additional funding required to complete Phase 3



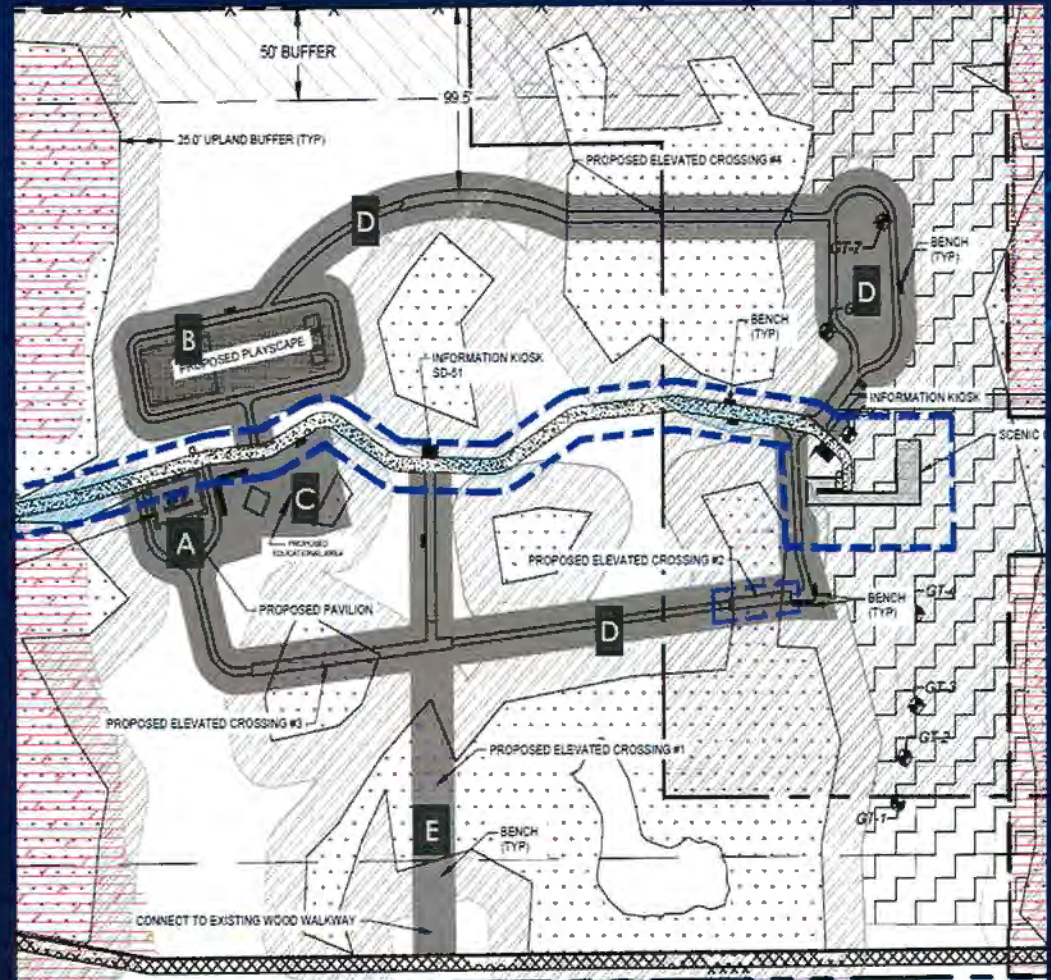
PHASE 3.1

Concrete Nature Trail, Observation Platform, Plantings - 05/23/23 Bid Over Budget (\$826,210)



PHASE 3.2

- A. Picnic Pavilion
- B. Children's Playscape
- C. Education Area
- D. Nature Trails
- E. Accessible connection to beach walkway



NEXT STEPS


- Seek direction from Commission

QUESTIONS?



MEMORANDUM

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

FROM: Max Royle, City Manager  mk

DATE: May 3, 2023

SUBJECT: Vision Plan: Consideration of Holding a Workshop in June

INTRODUCTION

You last discussed the City's Vision Plan at your March 6, 2023, meeting, when by motion and vote you approved it and having a June 2023 workshop concerning it.

ATTACHMENTS

- a. Pages B-E, the minutes of that part of your March 6th meeting when you approved the Vision Plan.
- b. Pages 1-15, the adopted Vision Plan with changes to it made at the March 6th meeting.

ACTION REQUESTED

It's that you decide when to hold the workshop in June. Dates when your meeting room won't be available:

- Tuesday, June 13, 6 p.m., when the Sustainability and Environmental Planning Advisory Committee (SEPAC) will meet.
- Tuesday, June 20, 6 p.m., when the Comprehensive Planning and Zoning Board will meet.

Members of SEPAC and the Planning Board can be invited to the workshop to work with you on any final adjustments to the Vision Plan.

3. Vision Plan: Review of Updated Draft (Presenters: Margaret England, Former Commissioner, and Max Royle, City Manager)

City Manager Royle advised that the current plan is meant to replace the 2006 Vision Plan. It has gone through a number of revisions and City committees and that former Commissioner Margaret England largely developed this update. He said that in the initial draft that he had suggested having a timetable and to do more review, but the Comprehensive Planning & Zoning Board (CPZB) and the Sustainability & Environmental Planning Advisory Committee (SEPAC) have had an opportunity to review it and if the plan meets with the Commission's satisfaction, he suggested to adopt it as is and we can tweak it over the next several months or year and revisit it. He said that he plans to work with the City Clerk on developing a set of goals from the Vision Plan or timelines to meet and report to the Commission in a year from now regarding what has/has not been done and where we are, what changes we may want to make, etc.

Margaret England, 425 Ocean Drive, St. Augustine Beach, FL, advised that she is here to present what she hoped would be the final version of the St. Augustine Beach Vision Plan, to address any questions, and to set up a mechanism for revision/review every year or two years. She said that the purpose of the Plan is to address pertinent topics and that she and the City Manager have hashed out almost every topic possible that addressed the physical nature of our community, to protect the environment, to protect the community culture, and to encourage "smart city" practices. She said that while many topics are addressed in general, we left it flexible which would allow current and future commissions guidance under these topics. She said that she and the City Manager reviewed letters, emails, and texts from the Commission, CPZB, and SEPAC and added very subtle changes and editing, such as one suggestion to create a Master Plan for the City plazas, but that we decided to leave it general to allow for flexibility as you go along. She said changes were made from the input that SEPAC provided, such as on page 10 regarding sustainability and resiliency, in a general way to give guidance to protect the culture of this City and to address everything. She said that if the Commission has any major changes that she and the City Manager would go through it again, but that everyone has had ample opportunity and has given good feedback that has already been incorporated in the Plan. She said that it is a good idea to have a Vision Plan so that we can see where we are going on each of these topics.

Mayor Samora thanked Ms. England for her continuing work on this project.

Vice Mayor Rumrell advised that he read through it and that it was pretty much what Ms. England had envisioned when she was on the Commission. He commended her for her great job and said that he liked that it is a working document without timetables for things to be implemented. He said that he supports the Vision Plan.

Commissioner Morgan thanked her for her work on this project. She said that on page 5, B.3 that the last sentence mentions that there is only one small area without a connection to the County sewer system and she asked where it was located. City Manager Royle advised that it is located on Acacia Street, Florida Avenue, and Pyrus Street, which are still on septic.

Commissioner Morgan questioned the language in the "Purpose of the Vision Plan", the second paragraph under the second subparagraph regarding "smart city". She asked if we were removing something or intentionally leaving something out of the quote with the use of ellipses. City Manager

Royle advised that the things that did not apply to our City were left out, such as a bus system. Vice Mayor Rumrell said that when they looked at that quote initially that there were things that did not pertain to our City, such as hospitals.

Commissioner Morgan questioned what shopping center was being referenced on page 6.B, subparagraph 1. Ms. England advised that it is the Publix shopping center. She said that she met with the City Manager and the Public Works Director, and they identified some possibilities, which were referenced in the Plan but were later removed to make it more general. She advised that there is a goal to address the southern part of the City to make sure that everyone has walking access to the beach of a mile or less, which is a future goal to keep in mind for those residents. Commissioner Morgan said that she liked that it was written to be flexible so that it can still work as our area and thoughts changes, but that she would like to see more specificity of the shopping center because over time there could be more shopping centers. Ms. England said that she could make the change to reflect Anastasia Plaza. Commissioner Morgan questioned whether we should include "bikeability" or only say "walkability". City Manager Royle suggested to change the language to read, "to increase the City's facilities for bicyclists and pedestrians."

Commissioner Morgan questioned whether the language should be changed on Page 7 regarding the plazas because it only specified plazas along the Boulevard. She asked to consider adding language such as "to beautify A1A Beach Boulevard and the community" because there are bunch of plazas elsewhere, such as those on D Street.

Commissioner Morgan suggested on Page 10.F, second paragraph, to delete some of the causes and threats because there could be some people who would have objection to what the causes of those climate changes would be. Ms. England advised that this was part of the suggestions from SEPAC. Commissioner Morgan appreciates that a lot of time and effort was put into this before she became a Commissioner, but that she suggested scaling down that paragraph because in the long-term some people may not agree with it as written. Ms. England asked if Commissioner Morgan would like to make a formal suggestion to the City Manager that could be worked on. Commissioner Morgan said that she thinks that the paragraph goes further than necessary but that she could certainly make a suggestion to the City Manager. Commissioner Sweeny advised that she is okay with removing it and taking the last sentence and moving it up to the first paragraph. Mayor Samora agreed and said that that is the point of all the preceding language. Ms. England advised that she and the City Manager were trying to incorporate everyone's suggestions and SEPAC provided a lot of input for the sustainability and resiliency section.

Commissioner Morgan said that on page 13, the first sentence should read "pursue" rather than "pursues". City Manager Royle said that it should read that the City "adopts".

Commissioner Sweeny thanked Ms. England for all the work that she has done and since this is a visioning document, she asked if it would be appropriate to convert those last septic properties to sewer in the future. She said that the City of St. Augustine has a program to help convert properties and that she would like additional conversation to add language in the Plan to move us in that direction if it is feasible. City Manager Royle advised that the sewer system is provided by the County and language could be added specifying that we would contact the County to work with them to connect this final segment of the City to sewer. He said that the County did a major sewer rebuild

project about ten years ago and that he did not know why that area was left off and that he would follow up on it.

Commissioner Sweeny said that we had talked about a public art component in the past that is not in this final version. She said that we are such an eclectic, artful community and that she would like to see us embrace that a little bit, such as with murals or other public art. Ms. England advised that page 8, item 3, talks about displays of public art in the plazas. She said that it was suggested to create a master plan for the plazas right now and that we backed away from doing that because the Commission could always request that SEPAC come up with ideas for doing a certain number of plazas a year and to encourage them to do the work.

Commissioner Sweeny said that she is leery of adopting this tonight solely because the last time we discussed this, we had advertised that there would be a community meeting and an opportunity for the public to weigh in and that she would like to see that happen.

Mayor Samora said that this is sort of a living document, something that we should have a mechanism for reviewing periodically and asked for Ms. England's thoughts regarding how often it should be reviewed. Ms. England said that annually may be too often, and she suggested that the Commission could review it every two years. She said that it should also be reviewed if there are any major changes to services or utilities, such as when the old City Hall is developed.

Mayor Samora asked if it would need to be an extensive review that involved SEPAC and CPZB. Ms. England said yes, probably all the boards should have an opportunity to review it and have it as an agenda item for the public to comment. She advised that this is general guidance for the culture and nature of our community and to keep it beautiful.

Mayor Samora asked if it would be a stand-alone document and would not be part of the Comprehensive Plan or the Land Development Regulations (LDRs). City Manager Royle said it would be a stand-alone document.

Mayor Samora thanked them for their hard work.

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

Mayor Samora said that the Commission has talked about this for a long time and that he thinks that it is time to move on it. It has been proposed as a living document that would have periodic reviews, it has been generalized in a way that the Commission can navigate it moving forward, and that it sets some very broad-based goals for us. He said that Commissioner Sweeny brought up a public workshop and that he is not opposed to that, but it is time to start moving forward.

Commissioner Morgan said that she agreed with Ms. England's suggestion to review it every other year unless there is an event to facilitate a natural review of it. She said that she seemed to recall a cross committee workshop about six months ago where we reviewed a draft of the Vision Plan.

Vice Mayor Rumrell said that Commissioner Sweeny brought up a good point because it showed in the advertisement that there would be a June 2023 workshop and we could continue to tweak the document.

Excerpt from the minutes of the March 6, 2023, regular Commission meeting

Motion: To approve the Vision Plan with Commissioner Morgan's suggestions and plans for a June 2023 workshop. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Morgan. Motion passed unanimously.

Mayor Samora moved on to Item XII.4.

City of St. Augustine Beach, Florida

Approved March 6, 2023

VISION PLAN



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The City of St. Augustine Beach is located five miles southeast of St. Augustine and is approximately 2.5 square miles in area. Its boundaries are Anastasia State Park (north), Atlantic Ocean (east), western boundary of State Road A1A, except for subdivisions and other properties west of that highway that have been annexed into the City; and the southern boundary of the Sandpiper Village subdivision. The City's main industry is tourism with numerous hotels, motels and restaurants along its main street, A1A Beach Boulevard. Though the beach and ocean are the magnets that attract thousands of overnight and day visitors from interior areas of Florida and many states for swimming, sunbathing, fishing, and surfing, the City's character is largely residential with an estimated 2023 population of 6,914.

[illegible]

II. VISION STATEMENT

St. Augustine Beach is an ocean-front paradise committed to preserving its natural resources, inspiring a socially responsible and engaged citizenry by means of communication, transparency and accountability, and supporting a safe and exceptional quality of life for its residents and visitors.

III. MISSION STATEMENT

To maintain and enhance standards and activities that will ensure an exceptional quality of life for residents and visitors through effective and efficient municipal services.

IV. PURPOSE OF THE 2006 VISION PLAN

In 2006, the City Commission hired a consultant, Wallace, Roberts and Todd, to do the City's first vision plan. The Commission appointed a 14-member Vision Plan Steering Committee, to develop the plan with the consultant and the Planning Board. The 2006 Vision Plan had five basic purposes:

1. To establish a coherent long-term vision for the A1A Beach Boulevard corridor, both in the public and private realms, by identifying community aspirations and integrating prior initiatives.
2. To proactively manage the growing pressure for redevelopment and infill by determining a desirable mix of land uses, intensities, and visual character of development, and by modifying development standards and regulations accordingly.
3. To activate the corridor and create a sense of identity and community by identifying opportunities for nodes of mixed activity at key locations.
4. To maximize the utility of City-owned squares (plazas) by identifying optimal uses and potential design prototypes, in line with the vision for the corridor.
5. To enhance the overall visual aspect and functionality of the corridor by creating pedestrian and bicycle linkages, providing amenities, and enhancing parking opportunities.

V. RESULTS OF THE 2006 VISION PLAN

The Vision Plan was focused on the City's "main street," A1A Beach Boulevard. Several of the actions/projects listed in the 2006 Plan have been implemented and several have not been accepted:

1. Building height limits strengthened.
2. Business sign regulations updated.
3. The mixed-use district was enacted and applies to a section of Boulevard between Pope Road and F Street. However, certain recommended modifications to the Land Development Regulations were not done.
4. Some design guidelines for buildings along the Boulevard were included in mixed-use district regulations.
5. The Comprehensive Plan was amended in 2020 to incorporate a mixed-used district as a land-use type.

6. Initiatives Not Accepted or Created:

- Activity center
- A Street Town Center
- One goal in the 2006 Plan was to investigate funding/grant opportunities for parking and open space/recreation improvements for the plazas along the Boulevard. The grant sources listed were: Florida Communities Trust/Florida Forever program, Florida Land and Water Conservation Fund, Community Development Block Grant program, Florida Recreation Development Assistance Program, National Scenic Byways Program, Greenways and Recreational Trails Program, and Federal Urban Parks and Recreation Recovery Program. However, none of these applied to the very small (under a quarter acre) plazas in the City. Rather, the City sought Florida Recreation Development Assistance Program grants for the much larger Ocean Hammock Park.
- Initiate a dialogue with the County for possibly changing the name of A1A Beach Boulevard to Beach Boulevard was rejected.
- Create a logo for banners, signage, and marketing material in conjunction with creating town centers at A Street and the City's north end. As the centers weren't created, the logo wasn't created.

VI. EXISTING CONDITIONS

A. As part of the foundation for the development of the 2023 Vision Plan, the following are existing features or characteristics that are beneficial to the City:

1. Public beach accesses: over twenty-five (25) beach access points.
2. Five (5) public parks.
3. Three (3) major pedestrian walkways.
4. Over one thousand hotel/motel rooms available to visitors, in addition to private bed-and-breakfasts and short-term rentals.
5. Two hundred twenty (220) small businesses, including four banks, and chain and non-chain restaurants and stores.
6. Fifty-two (52) public plazas.
7. St. Augustine Beach Hotel and Beachfront received U.S. National Park Service "National Register of Historic Places," January 2022.

Illustration 2



B. The following are existing features in the City that are unlikely to change and thus will not be addressed in the Plan:

1. **Road network:** If no new subdivisions are created, there'll likely be no addition to the existing road network. Nearly all of the existing roads have been paved. Comprehensive network of paved roads includes arterial highways (SR A1A and A1A Beach Boulevard), plus County-owned collector streets and City-owned residential streets that provide access to all residential subdivisions.
2. **New subdivisions:** It is unlikely that there will be any significant new subdivisions because there are no large tracts remaining in the City to be developed nor are there any large, vacant tracts adjacent to the City that could be annexed and developed as new subdivisions.
3. **Water and sewer systems:** Except for upgrades, it is unlikely that the County-owned potable water system currently in place throughout the City will be changed. There is only one small area without a connection to the County-owned sewer system.
4. **Major commercial development:** Only one large commercial tract remains between 4th and 5th streets, west of A1A Beach Boulevard. However, renovation is possible in other buildings or buildings destroyed by fire or flood.
5. **Parkland:** Within its limits, the City already has five City- and County-owned parks, which are sufficient for the City's population of about 7000 residents, plus bordering the City to the north and outside its limits is the 800-plus acre Anastasia State Park. Also, because of the high level of the City's current long-term debt, the City is unlikely to incur additional debt in order to buy more parkland for recreation/open space purposes, or to provide a match for a grant to buy additional parkland.

VII. PURPOSE OF THE 2023 VISION PLAN

Since 2006, cities have emphasized the use of technology and data to become more efficient and to prioritize planning to meet such new challenges as sustainability and climate change. Many cities now collect and make optimal use of all the interconnected data, information and communication technologies to address the issues and challenges with the goal of achieving efficient and sustainable infrastructure. Use of such technologies has created the phrase "Smart City".

"Smart City," according to Wikipedia, is defined as "...a technologically modern urban area that uses different types of electronic methods and services to collect specific data. Information gained from that data is used to manage assets, resources, and services efficiently; in return, that data is used to improve operations across the city. This includes data collected from citizens, devices, buildings, and assets that are processed and analyzed to monitor and manage traffic and transportation systems...utilities...waste, criminal investigations, information systems, schools, libraries...and other community services. Smart cities are defined both in the ways in which their governments harness technology as well as in how they monitor, analyze, plan, and govern the city."

St. Augustine Beach's Smart City goals are those which improve the quality of life for City residents by:

- Enhancing operational performance

- Optimizing resources
- Reducing waste and consumption
- Improving responsiveness
- Acting upon data collected
- Identifying funding for projects
- Identifying technology to implement Smart City projects

VIII. SMART CITY PROJECTS

To meet the goals listed above, the following are suggested projects for the 2023 Smart City Vision Plan:

A. Zoning and Land Use Ordinances

The City shall remain proactive in the maintenance and upkeep of its land use ordinances and Comprehensive Plan policies. Suggested improvements include:

1. Encourage desired commercial and mixed-use development and redevelopment by means of a thorough review of parking and shared parking ideas, thoughtful and realistic buffers between land uses and continued efforts to explore the use of flexible setbacks in commercial areas.
2. Develop architectural design features and restrictions for buildings along A1A Beach Boulevard, both commercial and those allowed for residential use by conditional use permits, in order to maintain the City's beach culture and character. Guidelines should be created to address the following:
 - rooflines
 - uninterrupted planes or walls
 - allowance for architectural features, such as cupolas
 - setbacks
 - parking
 - landscaping

B. Safe and Complete Streets

The City is committed to providing safe and walkable streets, public parking, as well as easy access to the beach. Initiatives include:

1. Identify additional thru streets or sidewalks between F Street and Anastasia Plaza shopping center to increase the City's facilities for bicyclists and pedestrians by providing connections between A1A Beach Boulevard and State Road A1A on the south end of the City.
2. Identify streets where sidewalks are needed and budget for repair of existing sidewalks.

3. Underground utilities wherever street construction is done.
4. Provide additional and improved streetlighting.
5. Participate with St. Augustine on studies to increase mobility between the two cities.
6. Provide speed calming devices in certain high-traffic streets.
7. Work with the County on providing measures for safety of pedestrians using the crosswalks on A1A Beach Boulevard and other County Roads in the City.
8. Actively participate in the proposed River-to-Sea Loop.
9. Develop a bicycle-friendly map using a network of existing roads and trails.

C. Parking

The demand for more parking by out-of-town visitors, the need to encourage tourism and stimulate the economy and the desire of residents to maintain the laid-back and safe, pedestrian-oriented beach community creates a conflict for the use of City property. However, the following guidelines may assist in the development of improved parking:

1. Restrict the use of plaza for improved parking to commercial areas along A1A Beach Boulevard.
2. Review and update City parking requirements in commercial land use districts. Take into consideration pedestrian, bicycle traffic, recent trends in parking requirements for urban areas, shared parking, and the need to encourage commercial and mixed use along A1A Beach Boulevard.
3. Designate by a numbering system the improved and unimproved parking spaces in the City and through the use of technology enable visitors to find open or unused parking spaces.
4. Encourage St. Johns County to provide improved parking spaces along County-owned property in the City, such as Pope Road and the Pier Park. By letter dated August 26, 2021, the City officially requested additional public parking on Pope Road.
5. Keep paid parking as a viable option in conjunction with decisions by the County concerning having paid parking in areas it owns that are in the City's limits.
6. Investigate having possible parallel parking spaces along (adjacent to) commercial property and the side streets east of A1A Beach Boulevard.
7. Encourage parking areas to be beautified and well landscaped.
8. Advocate for new alternative transit options, such as an intercity circulator with St. Augustine or park and ride options to the beach and the pier.

D. Use of Plazas

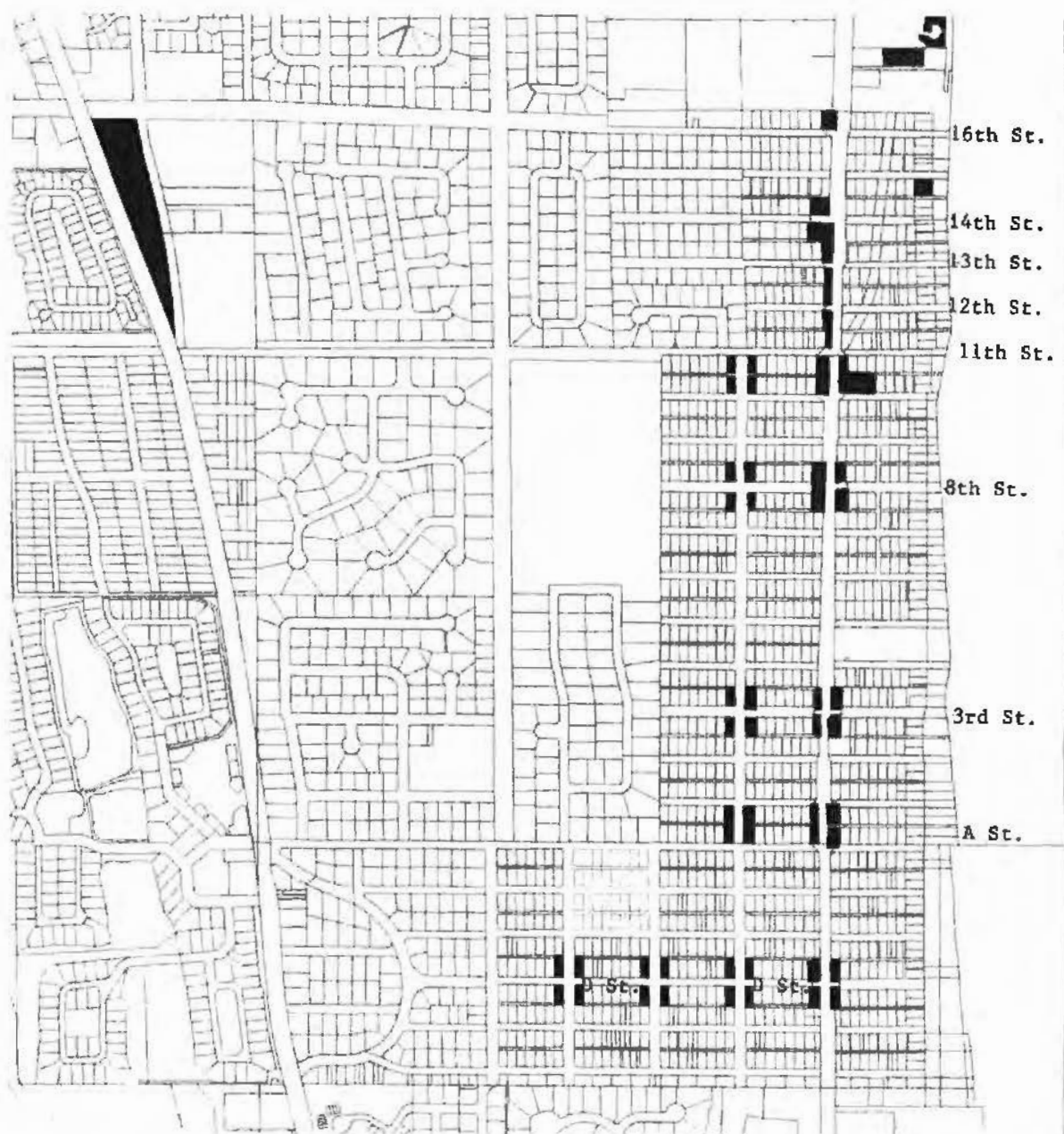
The City is blessed with 52 plazas that can be used as landscaped areas to beautify A1A Beach Boulevard and the community, or utilized as appropriate and necessary in commercial zones. Illustration 3 shows

the locations of the plazas: nine are used for parking, eight are currently landscaped park areas, and 35 are currently undeveloped.

The following guidelines may assist in deciding the future uses of the plazas:

1. Restrict the use of the plazas for improved parking to commercial plaza areas along A1A Beach Boulevard.
2. Create a plan to develop the unimproved plazas with examples of native plants or as rain gardens to educate the public about sustainable gardens.
3. Use some of the plazas for displays of public art.

Illustration 3

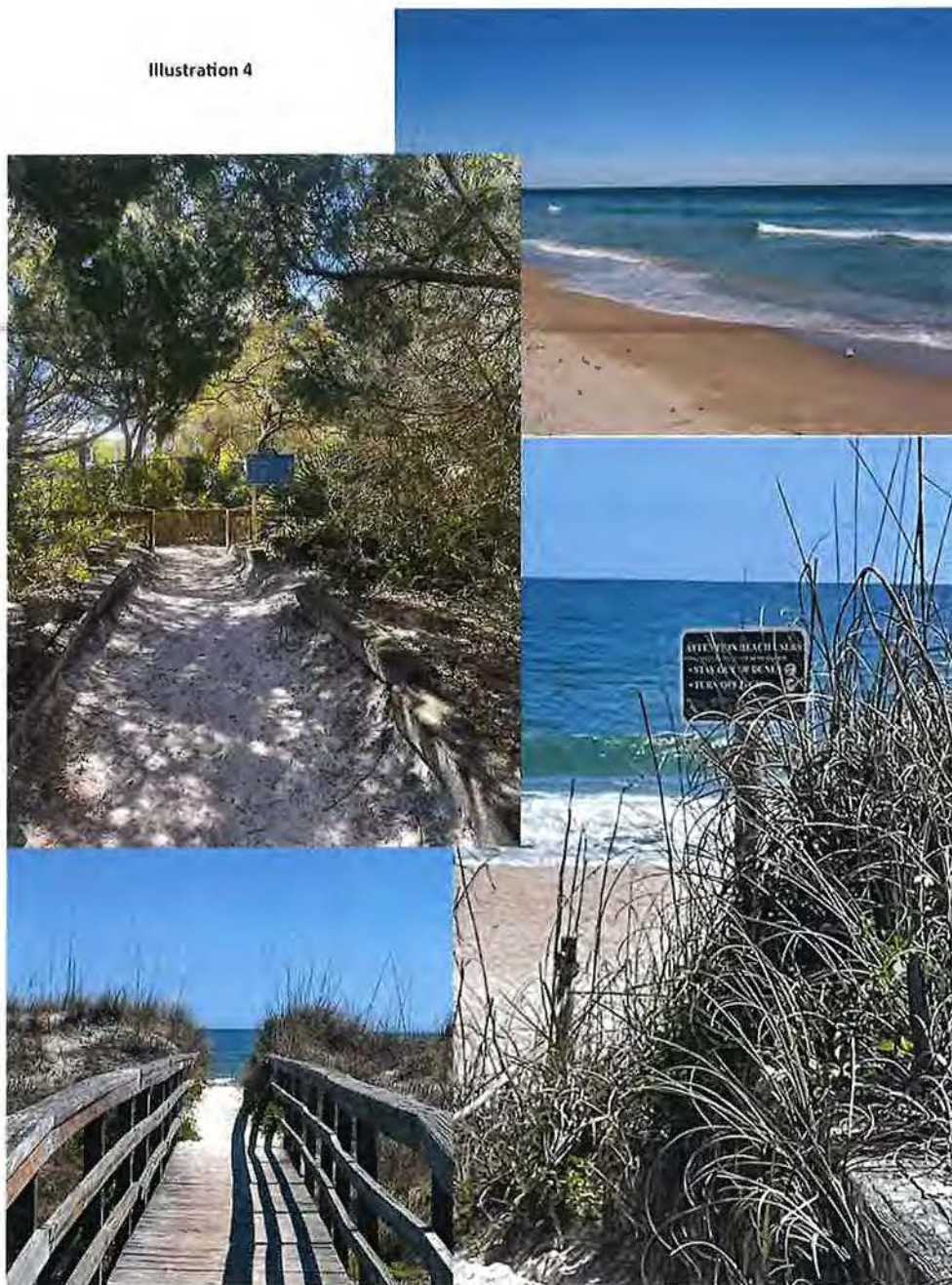


E. Beach-Related Matters

The pristine beach within the City is one of its most beautiful assets. It attracts tourists, contributes to the economy, and creates a paradise-like atmosphere for residents. Therefore, it is imperative that the City give high priority to the following beach-related matters:

1. Work with County for periodic beach restoration projects to restore sand to eroded sections of the beach.
2. Continue to advocate for more improved beach walkovers for public access to the beach.
3. Participate in sea oats planting projects to strengthen dunes that protect the beach from erosion.

Illustration 4



F. Sustainability and Resiliency

Sustainability is most commonly referred to as the ability to maintain the quality of living standards and to avoid depletion of the earth's natural resources so that they may be passed on from one generation to the next. The impacts of climate change and sea level rise present an eminent threat to the City's sustainability.

Resiliency means the ability to withstand efficiently and economically a changing environment and climate. Resiliency indicates how quickly a city can recover from an unusual event, be it economic- or weather-related.

As part of its ongoing efforts to strengthen its sustainability and resilience, the City has completed a Vulnerability Study and is in the process of revising its Master Stormwater Drainage Plan.

Sustainability Goals and Policies

1. **Maintain and Restore Urban Tree Canopy**
 - a. Will maintain its Annual Arbor Day celebration with a free-tree giveaway program and will encourage residents to plant trees on their property.
 - b. Will establish an "Urban Tree Farm" on Public Works facility property.
 - c. Will adopt the Urban Forestry Management Plan as an official City document.
 - d. Will improve tree protection regulatory codes by updating the Land Development Regulations to incorporate tree protection policies.
2. **Reduce Stormwater Runoff and Downstream Water Pollution**
 - a. Adopt a right-of-way ordinance that requires roadside swales on all residential streets and allow for the dry retention of the first half (1/2) inch of rainfall runoff.
 - b. Public Works Department and the Sustainability and Environmental Protection Advisory Committee (SEPAC) should identify, design and where feasible add dry retention areas in City-owned plazas and appropriate street right-of-way locations to provide for the natural retention of stormwater runoff and to protect at-risk neighborhoods from flooding during periods of extensive rainfall.
 - c. Encourage commercial properties to retain the first half (1/2) inch of stormwater runoff from their properties, using rain gardens or rain storage barrels.
 - d. Encourage residential properties to retain the first half (1/2) inch of stormwater runoff from their properties using rain gardens or storage barrels.
3. **Adopt Climate Change Initiatives to Reduce the Use of Fossil Fuels**
 - a. Implement climate change initiatives to reduce the City's use of fossil fuels, such as purchasing electric vehicles and retrofitting City buildings to make them more energy efficient.

4. Reduce solid waste and increase recycling.
 - a. Continue to explore ways to explore ways to recycle, such as the recycling of glass containers, and encourage residents to compost waste by having a compost site on City property.
5. Have the Sustainability and Environmental Planning Advisory Committee do a yearly assessment of the City's sustainability projects and programs.

G. Public Safety

The City is characterized by a very active pedestrian and bicyclist community. There are several major pedestrian corridors, such as Mickler Boulevard, 2nd Avenue and A1A Beach Boulevard. These corridors shall be preserved, protected, and improved as much as possible for pedestrians, bicyclists, and types of micro-mobility, as appropriate.

Other initiatives for Public Safety improvements include:

1. Improve crosswalks on A1A Beach Boulevard by means of technology, lights, and audio.
2. Continually evaluate the need for additional traffic safety measures to ensure safe and fluid travel within the City.
3. Educate citizens on road safety for pedestrians, bicyclists and vehicles.
4. Evaluate the need for adoption of new technology and equipment for more efficient and transparent policing.

H. Parks/Recreation

There are five (5) parks in the City, either City- or County-owned:

1. Pier Park (County)
2. Ron Parker Park (County)
3. Lakeside Park (City)
4. Ocean Hammock Park (City)
5. Hammock Dunes Park (City)

Also, the beach could be considered a park because it offers areas for such recreation activities as swimming, fishing, volleyball, jogging, surfing and the numerous games, such as horseshoe throwing, that persons bring to the beach.

These parks provide sufficient park and recreation space for a city the size of St. Augustine Beach (2.5 square miles in area with about 7,000 residents). It is unlikely that any future parkland will be available.

Illustration 5



Therefore, it is advisable that the City adopt policies and pursues initiatives to ensure the highest and best use of these properties.

1. **Pier Park** (four acres): Both the City and the County own parcels within this Park, which is a critical destination point for beach access, recreational activities, and special events. The City is actively working with St. Johns County to maximize the Park's highest and best use. The County has agreed to move the fire station to another location near the City. This relocation will provide an opportunity to demolish or repurpose outdated buildings to better utilize the property. Some ideas include creating more parking and to obtain grants to build a community center on the fire station site close to A1A Beach Boulevard.
2. **Ron Parker Park** (four acres): The City will work with the County to maintain existing sports-related facilities, such as paddle tennis courts, and to create new ones.
3. **Lakeside Park** (one acre): It is located on the north side of 11th Street adjacent to the City's Police Department. It currently contains a veterans' memorial, sculpture garden, walk/bicycle path, picnic area and a dock by the lake.
4. **Ocean Hammock Park** (18 acres): The City has obtained grants and having design and permitting work done for certain amenities, such as restrooms, trails, and an overlook. Other grants will also be sought. The grants will enable the City to complete the management plan that it agreed to do as a condition of the grants from the Florida Communities Trust to purchase the property.
5. **Hammock Dunes Park** (six acres): It is located on the west side of A1A Beach Boulevard and north of the shopping center. It has no trails, walkways, or other amenities for the public. A long-range park use plan should be developed and then grant funding sought to construct the amenities that the residents and Commission decide the Park should have.

I. Historic Preservation and Best Use of Pier Park

Pier Park is a major destination for both residents and visitors to St. Augustine Beach. It provides beach access, a place for events, such as the weekly farmers' market, music-by-the-sea summer concerts, weddings, and any more special and seasonal events. Some suggestions to improve this Park, preserve the historical civil rights significance and provide additional parking include but are not limited to the following:

1. Relocate the County fire station. The fire station is outdated and St. Johns County has listed its relocation (possibly to the Anastasia Mosquito Control District property) in its five-year capital improvements plan.
2. Create a Civil Rights memorial to commemorate the "Wade Ins" which occurred on the segregated St. Augustine Beach during the summer of 1964.
3. Investigate the possibility of renovation of the second floor of the old city hall (St. Augustine Beach Hotel and Beachfront) and further preservation. Working with the St. Johns Cultural Council explore available grants to preserve the property, improve its economic usefulness and highlight its historical significance. Anticipate and prepare for Cultural Council lease expiration in 2026.


4. Investigate and discuss possible other uses of the property in a public forum, such as a community center on A1A Beach Boulevard, a raised boardwalk or raise retail buildings with parking underneath and/or storage for the St. Augustine Beach Police Department, County Marine Rescue, and vendors.
5. Maintain citizen engagement through current special events at Pier Park and throughout the City, and continually improve communication with residents through the City's Communications and Events Coordinator.

Illustration 6



MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: May 16, 2023

SUBJECT: Former Police Station Garage Adjacent to Pier Park: Discussion Whether to Renew Lease with the Civic Association

Attached is the current agreement the Civic Association has with the City to lease the former police garage. The agreement expires this coming August.

At this time, the former garage is also used for storage by the Police Department. Chief Carswell has told the City Manager that the Department could use more space in it for its beach all-terrain vehicles, thereby freeing space in the garage that's located at the rear of the current police station. He added that though the need for space wasn't critical now, more space will be needed as the City grows over the next few years.

The City Manager has informed the Civic Association that discussion of whether to renew the lease will be on the agenda for your June 5th meeting. Association members have told the Manager that they need the space they are currently using. They also have pointed out the functions the Association presents that benefit the community, such as the spring/summer concerts and Surf Illumination in December.

In addition, Mr. Paul Slava, president of The Art Studio that leases space in the former city hall, has said that his organization needs some of the storage space in the former garage.

Representatives from the Civic Association have been invited to your June 5th meeting to make in person their request to continue the lease and to answer any questions you may have.

ACTION REQUESTED

It is that you discuss whether to renew the lease. If your decision is to renew it, then we ask that you have the City Attorney prepare an amendment to the current lease to extend it for whatever number of years you decide for the extension.

PLEASE NOTE: In accordance with the current lease, the Civic Association has paid the City \$100 a year and has maintained a general liability insurance policy with the City named as an additional insured.

LEASE

THIS LEASE agreement made and entered into this 3rd day of August 2020, by and between the **City of St. Augustine Beach**, a Florida municipal corporation, (the "City") and the **St. Augustine Beach Civic Association, Inc.**, a Florida non-profit corporation. (the "Tenant"). whose address is PO Box 840127, St. Augustine Beach, Florida, 32080.

WITNESSETH:

That for and in consideration of the mutual covenants herein after contained, the parties mutually agree as follows:

1. **Recitals.** The following recitals are true and constitute a material inducement to the City to enter into this Lease Agreement: The City is owner in fee simple absolute of certain property located adjacent to the County Pier Parking Lot, said property being formerly used by the City as the Police Garage (the "Garage"). The City is agreeable to leasing half of the Garage to the tenant to enable it to provide storage space for the operation of Tenant and its coalition partner's civic activities. The City does not have an immediate need for the roughly one half of the Garage that is not being used by the City of Saint Augustine Beach Police Department. The City finds that such activities serve a public purpose for the betterment of the citizens of the City.
2. **Consideration.** The Tenant agrees that during the term of this lease that it will continue to provide civic related activities and services of the nature currently provided to the citizens of the City and will pay the City the sum of \$100.00 a year and provide insurance as hereinafter provided. Additionally, the Tenant shall maintain all glass and non-structural elements in its portion of the building. The City will maintain structural elements of the building including the electrical panel, roof, and garage door. The City will place a sign prohibiting parking in front of the garage doors. Any alterations to the building will require the advance approval of the City Commission. Tenant does not require any improvements to the property by the City at the time of execution of this Lease.
3. **Term of Lease.** The term of the lease shall be for three (3) years unless sooner terminated by the City Commission as herein provided. The City Commission may, in the event that the lands leased to the Tenant shall be required for another public use, in its sole discretion, upon sixty (60) day notice elect to terminate this Lease. The Lease shall also be terminated without notice in the event of the filing of a petition for bankruptcy by the Tenant or the Tenant's filing of an assignment for the benefit of creditor. It is understood that upon application the Association shall have the right to renew this lease for one additional term of three (3) years upon the same terms and conditions. Upon termination of this Lease, whether by expiration of the term hereof or early termination as above provided, the Tenant shall in a good and workmanlike manner, remove any of its improvements from the land, excluding the door on the south wall of the building and walls affixed to the Garage structure itself. In the event that the Tenant shall fail or refuse to remove such improvements, the City may cause such improvements to be removed and may recover from the Tenant the cost of such demolition.
4. **Insurance.** For so long as this Lease shall remain in full force and effect, the Tenant shall maintain a general liability policy, naming the City as an additional insured, such policy to be in form, content, and amount satisfactory to the City. Certificates of such insurance shall be filed with the City Manager at such intervals as the City Manager shall prescribe.

5. **Assignment and Subletting of Lease.** This lease is non-assignable. The demised premises shall be not be used for any commercial purposes or for any purpose primarily for the benefit of private individuals. Tenant's unique composition is the sole reason for City procuring this Agreement. Tenant shall not sublet the property.
6. **Recording of this Instrument.** This instrument shall not be recorded. Recordation of this lease by the Tenant or by anyone acting on its behalf shall act as an automatic termination of this lease.
7. **Tenant Improvements.** Tenant shall not make any improvements, alterations, or modifications to the property without the approval of City.
8. **Binding Effect.** The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to only the parties to this Agreement. This Agreement is made for the sole benefit and protection of the parties no other persons shall have any right of action hereunder.
9. **Applicable Law: Jurisdiction of Venue.** This Agreement, and the rights and obligations of the parties hereto as they may appear herein, shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in state court in St. Johns City, Florida. The parties waive trial by jury. If any provision of this Agreement, or the application thereof to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms, and restrictions that must be satisfied to complete the development contemplated by this Agreement shall not relieve any party, or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms, and restrictions.
10. **Joint Preparation.** Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.
11. **Exhibits.** All exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.
12. **Captions or Paragraph Headings.** captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define, describe, extend, or limit the scope of intent of this Agreement, nor the intent of any provision hereof.
13. **Counterparts.** This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Agreement.
14. **Effective Date.** This Agreement shall become effective as of the date signed by all parties.
15. **Amendment.** This Agreement may only be amended by written instrument
16. **Limitation on City's Damages.** City's liability under this Agreement shall be solely and exclusively limited to the amount to be paid to City by Tenant and Tenant shall have no other remedy at law or in equity for any breach of contract or other action related to the matters herein.

- 17. Notice to Third Parties.** Tenant shall notify each of its contractors, subcontractors, suppliers, vendors, invitees, guests and others that Tenant acts on its own account and not for the City and that the City assumes no responsibility for the payment or protection thereof.
- 18. Waste and Damage.** Tenant agrees to neither permit or commit waste or damage to the Garage, facilities, equipment, furnishings, structures, and space that are the subject of this Agreement and further agrees to comply with all applicable federal, state, county, and city laws and rules and regulations, including payment of all applicable taxes and compliance with all laws and regulations pertaining to its operations. Upon termination of this Agreement by lapse of time or otherwise, Tenant agrees that its right to use the facilities, structures and space which are the subject of this Agreement shall be terminated and that Tenant shall leave same in at least as good a condition as received, reasonable wear and tear excepted.
- 19. Hazards and Chemicals.** Tenant represents and warrants that no Hazardous Materials will be generated, stored, disposed of, or are present on or within any part its leased space in the Garage. Hazardous chemicals do not include ordinary household cleaning supplies. Tenant shall indemnify, defend, protect and hold City harmless from and against any and all claims, costs, fines, judgments, liability, actions, causes of action, liens, and expenses; including, without limitation, penalties and reasonable attorney's fees, incurred or suffered by or asserted against City, arising out of or in any way relating to any one or more of the following which are not caused by Tenant: (a) the presence of any Hazardous Materials in, on, or under the Garage; (b) any past, present or threatened release of Hazardous Materials in, on, under or from the Garage; and (c) any activity by Tenant in connection with any actual, proposed or threatened use, treatment, storage, existence, disposition or other release, production, manufacturing, management, abatement, removal, handling, transfer or other means in connection with the Garage.
- 20. Maintenance, Utilities and Trash Collection.** The Tenant shall be responsible for the maintenance and cleaning of the Garage. The Tenant acknowledges the property is not connected to water or sewer and that Landlord is not providing access to these services. Tenant shall be responsible for electric and any other utilities. Tenant shall be responsible for regular cleaning of its leased space in the Garage and shall maintain said space in a clean and safe condition.
- 21. No Discrimination.** Tenant shall operate in a fair and reasonable manner and shall not discriminate against any person on the basis of race, color, religion, sex, familial status, national origin, handicap, sexual orientation, gender identity or expression, or any other reason prohibited by law.
- 22. Other Regulations.** Tenant is also required to fully comply with all federal, state, and local laws pertaining to their use of the Garage.
- 23. Indemnity.** Tenant agrees to indemnify and save City harmless from any liability, claim or demand by any third party resulting from or arising out of the Tenant's actions under this Agreement or its use or occupancy of its leased space in the Garage that is the subject of this Agreement. The Indemnity provisions of this section shall survive the termination of this Agreement.
- 24. Severability.** If any provision of this Agreement or the application of this Agreement to any entity or circumstances becomes invalid or unenforceable to any extent, then the remainder of this Agreement

or the application of such provisions to such other entity or circumstance will not be affected by such invalidity or unenforceability and will be enforced to the greatest extent permitted by law.

- 25. Waiver.** No consent or waiver, expressed or implied, by any Party to or of any breach or default by the other Party in the performance by such other Party of the obligations under this Agreement will be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other Party of the same or any other obligations of such other Party under this Agreement. Failure on the part of a Party to complain of any act or failure to act of the other Party or to declare such other Party in default, irrespective of how long such failure continues, will not constitute a waiver by such Party of its rights under this Agreement.
- 26. Notices.** All notices, demands, requests and other communications required or permitted under this Agreement (a "Notice") must be in writing and will be deemed to have been duly given (a) upon the date of the Notice if delivered personally, or (b) by facsimile or electronic mail provided that a duplicate copy is promptly mailed by U.S. Mail, certified, return receipt requested, or (c) upon the date following the date of the Notice if delivered by overnight courier which provides a receipt, such as Federal Express. In each case the Notice must have adequate postage prepaid, addressed to the appropriate Party and marked to a particular individual's attention as provided in this Section. The Notice will be effective upon being so deposited, but the time period in which a response to any Notice must be given or any action taken with respect to the Notice will commence to run from the date of receipt of the Notice by the addressee as evidenced by the return receipt. Rejection or other refusal by the addressee to accept or the inability of the United States Postal Service or air courier service to deliver because of a changed address of which no Notice was given will be deemed to be the receipt of the Notice sent as of the Business Day following deposit. If either Party to this Agreement changes their address, that Party must notify the other Party of such change by Notice delivered in accordance with this Section. Any person acquiring any interest in the Property will be entitled to receive copies of Notices upon giving Notice to the other Party of its name and address and the nature of its interest. The initial addresses of the Parties will be as set forth below:

For the City: City Manager
City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, Florida 32080

For Tenant: _____

IN WITNESS WHEREOF, the Parties have hereunto caused these presents to be executed, this the day and year first above written.

ATTEST: Robert Samuels, Sec/Treas
Secretary

ATTEST: Max Royle
Max Royle, City Manager

ST. AUGUSTINE BEACH CIVIC ASSOC., INC.

BY: [Signature]
President

CITY OF ST. AUGUSTINE BEACH

BY: Margaret England
Margaret England, Mayor

Documents accessed by dftzgerald@cityofsab.org - 5/2/2023 8:17:16 AM

**City of St. Augustine Beach Long-Range Financial Planning
Fiscal Year 2022\3**

Introduction

Per City's Code, in May of each year, a financial plan is to be submitted to the City Commission and is to contain estimated revenues and proposed expenditures for a minimum of five (5) years. The following information will illustrate where the City has been for the past five years, and where we project the City to be over the next five years.

The revenues and expenditures are broken down into groups also known as functions. Below is an outline of what is comprised of each group or function.

Revenues

- **Taxes**
 - Ad Valorem Taxes
 - Utility Taxes
 - Telecommunication Tax
 - ~~Business Tax Receipts~~
 - Local Option Gas Tax
- **Licenses & Permits**
 - Building Permits
 - Other Permits
 - Franchise Fees
- **Intergovernmental Revenue**
 - Grants (State, Federal & Local)
 - State Revenue Sharing
 - ½ Cent Sales Tax
 - Alcoholic Beverage Licenses
 - County Business Tax Receipts
 - Fuel Tax Refund
- **Charges for Services**
 - Zoning Fees
 - Plan Review/Plat Fees
 - Sales of Maps
 - Impact Fee Administrative Charge,
 - Solid Waste Disposal Fees
 - Beach Patrol
 - Police Reports
 - Certification and Copying Fees
- **Fines and Forfeitures**
 - Court Fines
 - Parking Tickets
 - Other Fines and Forfeitures

- Code Enforcement Fines
- **Miscellaneous**
 - Scrap Sales
 - Discounts Earned
 - Refunds of Prior Year Expenditures
 - Other Miscellaneous Revenues
 - Contractor License/Special Permits

Expenditures

- **General Government**
 - City Commission
 - City Manager
 - Finance/Administration
 - Comprehensive Planning
 - Other Governmental Services
- **Public Safety**
 - Police
 - Building (Protective Inspections)
- **Physical Environment**
 - Garbage/Solid Waste
 - Infrastructure
- **Economic Environment**
 - Advertising in conference programs/community publication
- **Human Services**
 - Dog registration tags
- **Culture & Recreation**
 - Maintenance of Parks
 - Park Projects

With planning for the future, the capital improvements plan is incorporated into the projected expenditures, as well as the actual debt service payments. As stated above we begin with the past and move into the future on the following pages.

Historical

The graphs on the next three pages depict historical revenues, expenditures and fund balance. Taxes, mainly property taxes, are the City's primary source of revenue used to provide its services. There has been a steady increase in tax revenue due to property values increasing and additional Communication Services Tax. Over the prior five years there has been a steady income from licenses and permits from the Building Department, however, there is a significant change due to the Impact Fees being placed into their own fund. Intergovernmental revenues have also been steady with additional funds from Grants over FY22, FY23, and ARPA Funds.

Expenditures also reflect slow but steady growth over the same time. Capital Outlay in the City has shown a steady increase over the past two years due to the receipt of ARPA Funds and State Appropriations. The debt function also saw an increase due to the refunding of the two bond issues.

Fund Balance has continued to increase from last year keeping the City in a more stable financial position. As the third slide shows, the reserve balance has increased from 42.7% in FY21, to 46.4% in FY22. While the GFOA recommendation is 16.7%, since we are a coastal community, the City may need to consider adjusting its minimum requirement to more than 20% to ensure adequate reserves. The Fund Balance also reflects excess funds for projects that were unable to be completed during the prior year. Some of these funds will need to be reallocated in future years to complete these projects.

Projected

The last two pages illustrate the projected revenues and expenditures from FY23 through FY27. The revenue chart reflects slight increases for most categories; however, I expect to see a significant decrease in Intergovernmental Revenue due to the completion of the weir project, reduced amount of ARPA funds, and reduced grant reimbursements. In addition to slight increases based on historical data and other economic factors, Expenditures include additional maintenance fees for new and existing drainage infrastructure.

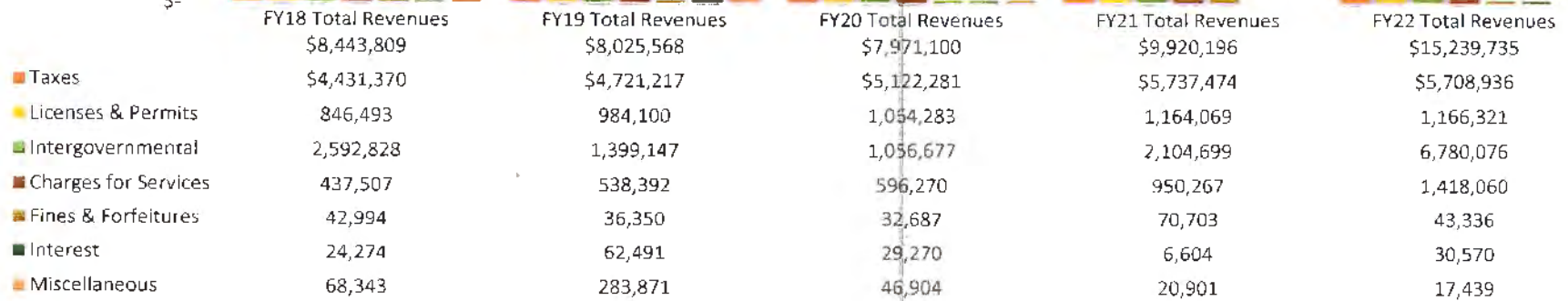
Capital projects reflect a large increase due to several projects expected to be performed over the next few years. These projects include Ocean Walk, Magnolia Dunes, and 7th, 8th, and 9th Street. For those projects that include funding from ARPA, State appropriations, and grant funds, revenue has also been increased to reflect reimbursement from those agencies. There are also additional capital items for which funding will need to come directly from other city revenue sources.

In comparing the projected revenues and expenditures in future years there is a deficit in funding. Additional revenue sources should be considered to fund future infrastructure needs of the City, such as the addition of a stormwater utility fee.

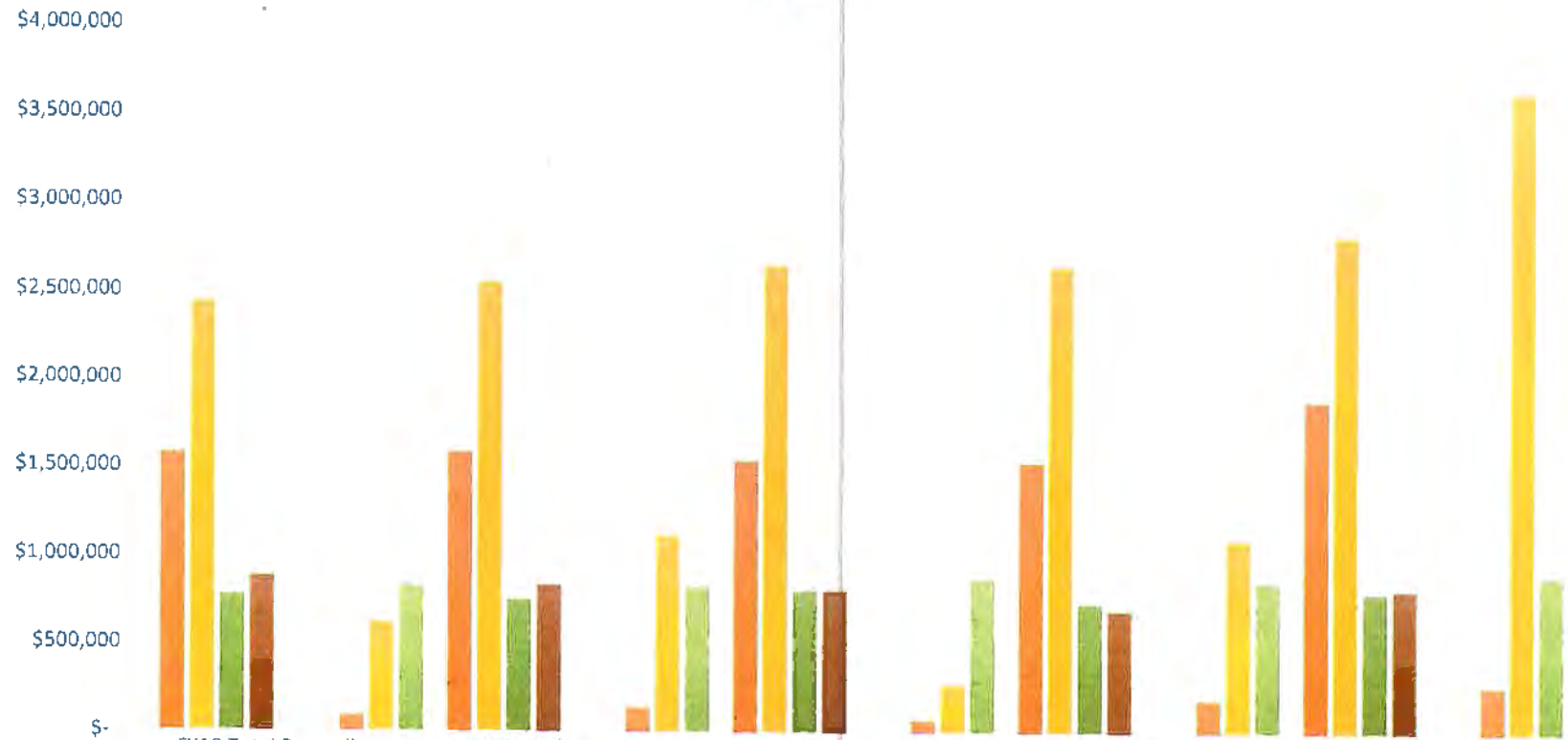
The information presented is one of the many tools utilized when preparing the annual budgets, however, it should be noted that most of the revenue estimates are provided to the Finance Office from the Florida State Office of Economic and Demographic Research in June and July of each year.

Historical Revenues FY18 - FY22

\$8,000,000
\$7,000,000
\$6,000,000
\$5,000,000
\$4,000,000
\$3,000,000
\$2,000,000
\$1,000,000
\$-

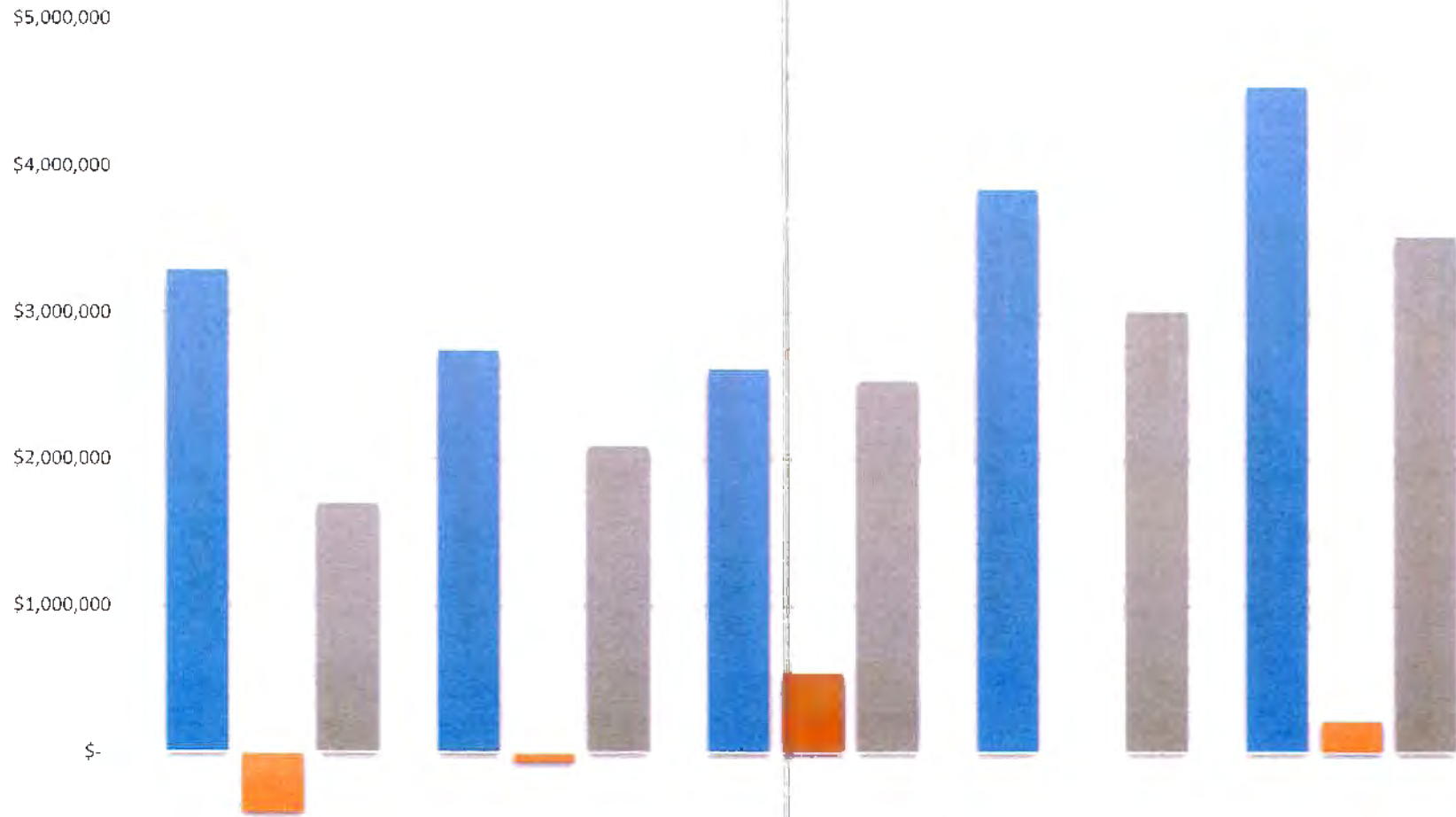


Historic Expenditures FY18-FY22



	FY18 Total Expenditures	FY19 Total Expenditures	FY20 Total Expenditures	FY21 Total Expenditures	FY22 Total Expenditures
	\$7,225,649	\$7,830,602	\$7,039,161	\$7,762,240	\$10,990,150
General Government	\$1,576,424	\$1,585,139	\$1,540,567	\$1,533,559	\$1,882,500
Public Safety	2,438,502	2,555,841	2,551,811	2,649,187	2,821,545
Physical Environment	777,854	752,681	304,130	734,466	796,666
Transportation	884,545	837,727	309,554	699,715	818,649
Economic Environment	-	250	-	-	-
Human Services	53	-	-	-	-
Culture & Recreation	96,121	146,018	77,684	191,845	273,422
Capital Outlay	623,489	1,123,160	279,216	1,098,854	3,638,305
Debt	828,661	829,786	376,204	854,606	897,439

Historical Fund Balance FY18-FY22



\$(1,000,000)

- General Fund
- Road & Bridge Fund
- Debt Service

FY18
\$3,290,190
(\$404,775)
1,700,125

FY19
\$2,737,922
(\$63,432)
2,089,268

FY20
\$2,615,359
\$41,262
2,539,074

FY21
\$3,844,925
4,340
3,017,408

FY22
\$4,542,406
222,437
3,530,509

Projected Revenues FY23 - FY27

\$9,000,000

\$8,000,000

\$7,000,000

\$6,000,000

\$5,000,000

\$4,000,000

\$3,000,000

\$2,000,000

\$1,000,000

\$-

FY23 Total Revenues

\$13,081,936

FY24 Total Revenues

\$9,657,381

FY25 Total Revenues

\$9,503,995

FY26 Total Revenues

\$10,218,299

FY27 Total Revenues

\$11,053,691

Taxes

\$6,041,136

\$6,649,042

\$7,175,646

\$7,743,957

\$8,357,278

Licenses & Permits

748,444

778,382

809,517

841,898

875,574

Intergovernmental

5,597,479

3,051,126

1,856,866

1,209,366

934,366

Charges for Services

1,511,766

1,542,002

1,572,842

1,604,299

1,636,385

Fines & Forfeitures

27,501

27,776

28,054

28,335

28,618

Interest

36,542

54,814

54,814

54,814

54,814

Miscellaneous

2,903,946

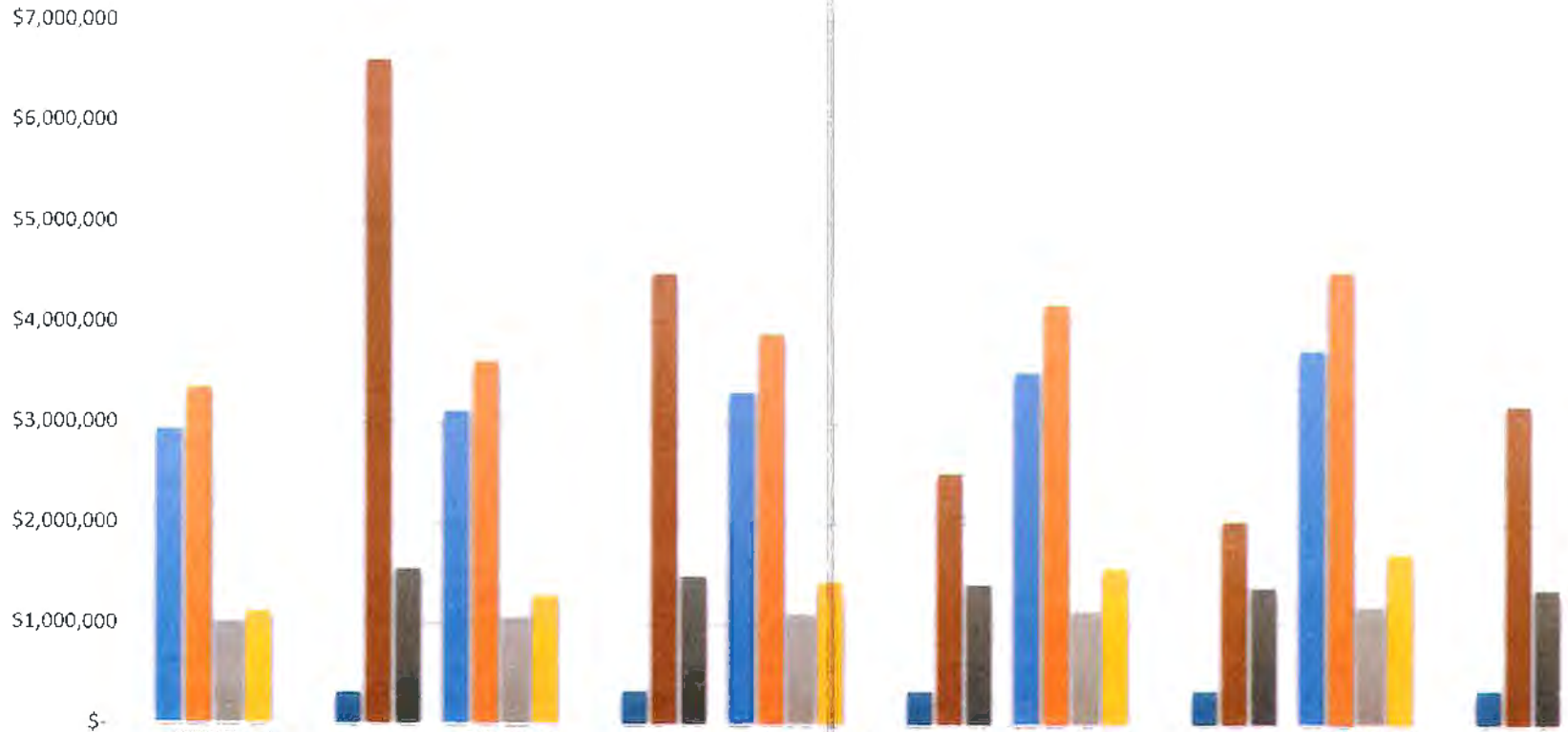
18,137

18,862

19,616

20,401

Projected Expenditures FY23-FY27



- General Government
- Public Safety
- Physical Environment
- Transportation
- Economic Environment
- Human Services
- Culture & Recreation
- Capital Outlay
- Debt

FY23 Total Expenditures	FY24 Total Expenditures	FY25 Total Expenditures	FY26 Total Expenditures	FY27 Total Expenditures
\$13,081,936	\$9,797,241	\$9,758,729	\$10,133,403	\$11,151,291
\$2,923,835	\$3,106,867	\$3,301,357	\$3,508,022	\$3,727,624
3,351,712	3,612,140	3,892,803	4,195,274	4,521,247
1,012,158	1,062,765	1,100,493	1,139,561	1,180,015
1,123,074	1,279,228	1,423,331	1,569,084	1,716,548
250	250	250	250	250
-	-	-	-	-
307,169	322,527	328,397	334,374	340,460
6,604,412	4,487,535	2,506,360	2,033,835	3,187,348
1,544,205	1,476,451	1,400,447	1,369,324	1,354,596

**Capital Asset
FY 24**

		Funded	City Budget Expense		
Buildings	City Hall Interior Renovations		\$100,000.00	General Fund	Commission Room
Buildings	Windstorm Mitigation		\$200,000.00	General Fund	City Hall,PD,Bldg C-Windows/Doors
Buildings	Plumbing/Toilet Replacement -Female locker room		\$5,000.00	General Fund	Estimate
Vehicles	Rear Load Refuse Truck (Replace #79 - 2014)		\$275,000.00	General Fund	Vehicle Replacement
Parks	Dune Walkovers	\$200,000.00		ARPA/Grant Port & Water	Location TBD
Parks	Replace Shade Structures at Splash Park		\$20,000.00	General Fund	
Parks	Splash Park		\$50,000.00	General Fund	Renovation/Upgrades
Parks	Park/Parkette Beautification		\$25,000.00	General Fund	Park/Parkette enhancement
Parks	Ocean Hammock Park-Phase 3		\$450,000.00	General Fund	
Streets	Resurfacing Projects		\$300,000.00	Road/Bridge Fund	Citywide pavement resurfacing
Streets	A1A Beach Boulevard Parking	\$160,000.00	\$0.00	APRA/City	8th Street Parking Lots
Drainage	Vulnerability Assessment	\$50,000.00		Resilient FL Grant	
Drainage	Ocean Walk	\$964,260.00	\$500,000.00	State/SJRWMD/City	
Drainage	11th Street Roadway & Drainage Improvements		\$175,000.00		
Drainage	Magnolia Dunes/Atlantic Oaks Circle	\$600,000.00		Grant/City	
Drainage	CR A1A/Pope Rd Storm Surge	\$52,500.00	\$17,500.00	Grant/City	
Drainage	7th, 8th, 9th	\$90,000.00		FDEP	
Police Dept Vehicles	Replace Vehicle-Beach Patrol Vehicle		\$65,000.00	General Fund	
Police Dept Equipment	Body Cameras		\$59,775.00	General Fund	Initial cost, then \$23,496/yr for 4 years. ESTIMATE
Police Dept Equipment	10 Glock 45's w/RMR Optic		\$10,000.00	General Fund	
Police Dept Equipment	Replace Radar Units (Assets 1614, 1615, 1616, 1643, 1642))		\$12,500.00	General Fund	
IT Department	Video Production Equipment (#1831)		\$50,000.00	General Fund	8-10 year replacement
IT Department	Electronic Sign Board-City Hall		\$50,000.00	General Fund	Add electronic sign board at City Hall-Public Communication
IT Department	Replace Desktop Computers		\$6,000.00	General Fund	3-5 year replacement

Total Capital Outlay FY 24

\$2,116,760.00 \$2,370,775.00

**Capital Asset
FY 25**

		City Budget			
		Funded	Expense		
Buildings	Old City Hall Improvements		\$75,000	General Fund	Design/Permitting
Buildings	City Hall Exterior		\$40,000	General Fund	Paint Exterior of City Hall
Buildings	City Hall Interior		\$100,000	General Fund	Renovate Hall Bathrooms
Buildings	Design and Permitting - Public Works Facility		\$35,000	General Fund	Conceptual Plans
Parks	Park/Parkette Beautification		\$25,000	General Fund	Park/Parkette enhancement
Parks	Hammock Dunes Park		\$25,000	General Fund	Concept Plan
Streets	Resurfacing Projects		\$300,000	Road/Bridge Fund	Citywide pavement resurfacing
Streets	A1A Beach Boulevard Parking		\$190,000	Road/Bridge Fund/Grants	3rd Street and A Street Lots
Drainage	Updated Master Drainage Plan Implementation		\$100,000	Road/Bridge Fund	Various Projects and Vulnerability Adaptations
Drainage	CR A1A/Pope Rd Storm Surge	\$322,500	\$107,500	Road/Bridge Fund	
Drainage	Magnolia Dunes/Atlantic Oaks Circle	\$600,000.00		Grant/City	
Drainage					
Other Equip.	Small Mower Tractor John Deere 790 (replace #59 - 2002)		\$40,000	Road/Bridge Fund	Equipment Replacement
Vehicles	4x4, 2 person UTV Side by Side		\$20,000	Road/Bridge Fund	Replace truck #22
Vehicles	F150 4x4 4-door (replace #68 - 2008)		\$40,000	Road/Bridge Fund	Vehicle Replacement
Vehicles	F350 Utility body (replace #46 2008)		\$50,000	Road/Bridge Fund	Vehicle Replacement
Vehicles	Freightliner (#71 - 2003) (Replace Water Truck)		\$180,000	Road/Bridge Fund	Vehicle Replacement
Police Dept Vehicles	Replace Vehicle #129 (2015)		\$50,000	General Fund	
Police Dept Vehicles	Replace Vehicle (2013)		\$50,000	General Fund	
Police Dept Equipment	Body Cameras		\$24,360.23	General Fund	Initial cost, then \$23,496/yr for 4 years. ESTIMATE
Police Dept Equipment	Replace Weapons (Asset #1671-1682)		\$36,000	General Fund	
IT Department	City Wide Server Refresh		\$60,000	General Fund	
IT Department	Replace desktop computers		\$6,000	General Fund	3-5 yrs
IT Department	Data & Phone System Contract		\$30,000	General Fund	Review Contract
Total Capital Outlay FY 25		\$922,500	\$1,583,860		

**Capital Asset
FY 26**

		Funded	City Budget Expense		
Vehicles	Rear Load Refuse Truck (Replace #75)		\$300,000.00	General Fund	Vehicle Replacement
Buildings	Old City Hall Improvments		\$425,000.00	Grant/General Fund	Construction
Buildings	Design and Permitting - Public Works Facility		\$65,000	General Fund	Design/Permitting of PW Facility Improvements
Parks	Elevated Dune Walkover	\$50,000		Grant/Impact Fee	Location TBD
Parks	Splash Park Renovation/Upgrades		\$50,000.00	General Fund/Grant	Replace fixtures
Parks	Refurbish A Street and 10th Street Bathrooms		\$15,000.00	General Fund	Paint, fixture Replacement,
Parks	Hammock dunes Park Phase 2 Construction	\$200,000.00		General Fund/Impact Fee	Phase 2 Construction
Parks	Park/Parkette Beautification		\$25,000.00	General Fund	Park/Parkette enhancement
Streets	Resurfacing Projects		\$300,000.00	Road/Bridge Fund	Citywide pavement resurfacing
Drainage	Updated Master Drainage Plan Implementation		\$200,000.00	Road/Bridge Fund	Various Projects and Vulnerability Adaptations
Drainage	Hurricane Irma Recovery Project	\$25,000.00	\$25,000.00	FDEP/City	
Vehicles	4x4, 4 person UTV Side by Side		\$25,000.00	Road/Bridge Fund	Replace Truck #62
Police Dept Vehicles	Replace Vehicle #130 (2016)		\$50,000.00	Law Enforcement	
Police Dept Vehicles	Replace Vehicle #131 (2016)		\$50,000.00	Law Enforcement	
Police Dept Equipment	Body Cameras		\$25,334.65	General Fund	Initial cost, then \$23,496/yr for 4 years. ESTIMATE
Police Dept Equipment	Replace Radars (Asset #1751, 1752, 1753, 1754)		\$12,500.00	Law Enforcement	
IT Department	Replace desktop computers		\$6,000.00	General Fund	3-5 yrs
IT Department	25 MDT's (PD)		\$75,000.00	General Fund	5 yrs
IT Department	Security Cameras-PD		\$5,000.00	General Fund	5 yrs
IT Department	Replace Access Control Panel-CH (Asset #1750)		\$10,000.00	General Fund	5-10 yrs
IT Department	Replace Access Control Panel-PD (Asset #1759)		\$10,000.00	General Fund	5-10 yrs
IT Department	Replace Access Control Panel-PW (Asset #1756)		\$10,000.00	General Fund	5-10 yrs
General Fund	Replace 2018 Ford Escape		\$35,000.00	General Fund	P&Z-Veh #23
General Fund	Replace 2018 Ford F150 4x4		\$40,000.00	General Fund	Code Enforcement-Veh #24

Total Capital Outlay FY 26

\$275,000.00 \$1,758,834.65

**Capital Asset
FY 27**

		Funded	City Budget Expense		
Parks	Elevated Dune Walkover		\$50,000.00	Grant/Impact Fee	Location TBD
Parks	Park/Parkette Beautification		\$25,000.00	General Fund	Park/Parkette enhancement
Buildings	Public Works Facility		\$1,525,000.00	General Fund	Construction
Streets	Resurfacing Projects		\$300,000.00	Road/Bridge Fund	Citywide pavement resurfacing
Streets	Underground Electric Conversion - Phase 1		\$500,000.00	Road/Bridge Fund	Convert to Underground Electric
Vehicles	F150 4x4 4-door (replace #69 - 2012)		\$40,000.00	Road/Bridge Fund	Vehicle Replacement
Vehicles	F150 4x4 4-door (replace #57 - 2006)		\$40,000.00	Road/Bridge Fund	Vehicle Replacement
Vehicles	Vehicle - F550 4X4 (3CY) Dump Truck (replace #54 - 2013)		\$60,000.00	Road/Bridge Fund	Vehicle Replacement
Vehicles	Vehicle - NV200 Van (#51 - 2014)		\$30,000.00	Road/Bridge Fund	Vehicle Replacement
Other Equipment	Other Equipment - Suzuki Quad Runner (replacement)		\$20,000.00	Road/Bridge Fund	Other Equipment Replacement
Drainage	Updated Master Drainage Plan Implementation		\$400,000.00	Road/Bridge Fund	Various Projects and Vulnerability Adaptations
Police Vehicles					
Police Vehicles					
Police Dept Equipment	Body Cameras		\$26,348.03	General Fund	Initial cost, then \$23,496/yr for 4 years. ESTIMATE
Building Dept	Replacement Ford F150 4x4		\$40,000.00	Building Dept Revenue	Vehicle #25
IT Department	Replace desktop computers		\$6,000.00	General Fund	3-5 yrs
IT Department	MFA (Multi-Factor Authentication) City Wide		\$50,000.00	General Fund	3-5 yrs
IT Department	Email Account Migration		\$20,000.00	General Fund	Annual
IT Department	IT Assets Management Software		\$5,000.00	General Fund	Annual
IT Department	Electronic Agenda Management		\$50,000.00	General Fund	3-5 yrs

Total Capital Outlay FY 27

\$0.00 \$3,187,348.03

MEMORANDUM

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

FROM: Max Royle, City Manager  mk

DATE: May 2, 2023

SUBJECT: Commission Meetings in July: Discussion of Dates

We ask you to discuss dates for two meetings: Monday July 10th and Monday July 31st.

The first date is suggested because of the July 4th holiday, which falls on Tuesday, the day following Monday, July 3rd, which is when you would normally hold your regular meeting. We suggest you consider holding your regular meeting on July 10th, the second Monday, because some of you as well as members of the public may be away on July 3rd.

The second date, July 31st, is suggested because you usually hold your first public discussion of the upcoming fiscal year's budget on the last Monday each July, which is also when you set the tentative property tax millage and the date and time for your first public hearing on the millage and budget adoption ordinances. That hearing is usually held on the second Monday in September because the first Monday is the Labor Day holiday. The Property Appraiser in August sends a notice to every owner of real property in the City, stating the tentative millage and when the first public hearing will be held in September.

ACTION REQUESTED

It is that you decide whether to hold your regular meeting in July on Monday, the 10th, and whether to schedule a meeting on Monday, July 31st, to set the tentative property tax millage and the date and time of the first public hearing in September of the millage and budget ordinances for FY 24.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: May 2, 2023

SUBJECT: Florida League of Cities' Annual Conference: Designation of a Commissioner to be City's Voting Delegate

This year, the Florida League of Cities' annual conference will be held on August 10-12 (Thursday, Friday and Saturday) at the Signia by Hilton Orlando Bonnet Creek Hotel near Disney World.

Each year, the League asks member cities to designate one of their elected officials attending the Conference to be the city's official voting delegate. The delegates attend a business meeting, usually on the morning of the last day of the conference (Saturday) to vote on resolutions that adopt the League's official policies conferencing legislation and other matters.

We are bringing this topic to you in early June because last year, when Commissioner England was the City's voting delegate, she was unable to attend the conference in Hollywood, Florida, because all the hotel rooms allocated for attendees at the conference rate were booked by early July. A few much more expensive rooms were available at the hotel, as were rooms in hotels a distance from the conference.


ACTION REQUESTED

To avoid a repeat of last year, we ask that at your June meeting you ask which Commissioners are planning to attend the conference, and if there's more than one you designate one of them to be the City's voting delegate. Then, when the hotel announces later in June or early July that rooms can be booked, City staff will reserve a room for the delegate.

Also, rooms can be reserved for any other Commissioners beside the voting delegate, who want to attend the conference.

MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: May 22, 2023

SUBJECT: City Attorney Services Request for Approval of Addendum to Contract with the Douglas Law Firm

BACKGROUND

After the resignation of City Attorney James Wilson of the Coquina Law Group in 2019 the City Commission advertised for proposals from law firms, interviewed several and after the firm initially selected withdrew its proposal, the Commission selected Douglas Law Firm.

At its March 3, 2020, the Commission approved the contract with the Douglas Law Firm for a retainer of \$6000.00 per month and a per hour fee of \$175.00 for extra-legal work, such as defending the City in court.

After more than three years, the Douglas Law Firm is proposing an increase in the retainer to \$8500.00 a month. The fee for extra-legal work would remain at \$175.00 per hour.

ATTACHMENTS

Attached for your review is the following information:

- a. Pages 1-8, the original contract approved in March 2020.
- b. Page 9, the proposed addendum to the 2020 contract to raise the monthly retainer to \$8500.00.
- c. Pages 10-11, information that the City Clerk found about what some other Florida cities pay for legal services.

ACTION REQUESTED

It is that you discuss with Mr. Charles Douglas of the Douglas Law Firm the reasons for the addendum and that you decide whether to approve it.

SATISFACTION WITH CITY ATTORNEY SERVICES

The City administration is pleased with the services provided by the Douglas Law Firm. The attorney assigned to the City, Mr. Jeremiah Blocker, is responsive to questions and requests from the City staff

and is actively seeking to improve the firm's interactions with the City, such as attending the monthly department head meetings. His advice helps the staff greatly to do their work and avoids delay in bringing ordinances and resolutions by the staff to the Commission.

CONTRACT FOR CITY ATTORNEY SERVICES

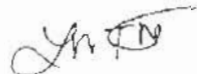
This Agreement entered into this 21st day of February, 2020, and effective MARCH 3rd, 2020, by and between the City of St. Augustine Beach, a Florida Municipal Corporation ("CITY"), having an address of 2200 AIA S., St. Augustine Beach, FL 32080 and the law firm of Douglas Law Firm ("ATTORNEY"), having an address of One News Place, Saint Augustine, FL 32086.

WITNESSETH:

WHEREAS, the City has issued requests for proposals to qualified attorneys to act as the City's City Attorney and has received from the Attorney a response thereto attached as Exhibit "A" (the "Response") and hereby engages the ATTORNEY upon the terms and conditions hereinafter contained:

A. **ENGAGEMENT.** ATTORNEY agrees to provide legal services including legal advice and consultation, litigation and any other related issues or matters, which are assigned to him by CITY. In connection with such services, ATTORNEY shall provide at its own cost and expense all personnel, equipment, and library or electronic legal research services as are reasonably required to provide the services herein contemplated.

B. **COMPENSATION.** The primary individual lawyer for the CITY shall be Charles Douglas, who shall serve as the CITY ATTORNEY. The CITY ATTORNEY may utilize other alternative attorneys from the firm, including but not limited to, Lex Taylor, Linda Campbell, who shall be deemed to be assistant city attorneys. Any attorney providing services to the CITY shall be admitted to practice by the Florida Bar and a member in good standing.



The ATTORNEY shall be compensated by the CITY with a base fee of \$6,000.00 per month for all work within the "**Regular Scope of Work,**" which excludes litigation and extra legal work, which additional items shall be billable by the ATTORNEY at the rate of \$175.00 per hour. See attached **Exhibit "B"** for Regular Scope of Work.

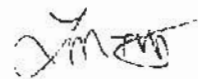
C. ACCESS TO CITY PERSONNEL AND RECORDS. The CITY agrees to provide access to all personnel and records deemed necessary for the completion of the services to be provided under the terms of this Agreement.

D. OUTSIDE CLIENTS. ATTORNEY is free to engage in any other business or legal representation, provided that such other business or legal representation shall not constitute a conflict of interest. In that event of a potential conflict of interest, the ATTORNEY will promptly advise the CITY of such potential conflict.

E. TIME REQUIRED. ATTORNEY shall devote only as much time and attention to the providing of legal services to the CITY as the opinion and judgment of ATTORNEY deems reasonably necessary.

F. PERSONAL ATTENTION. ATTORNEY agrees to give personal attention to work performed; and to in every way and in good faith protect to his utmost the rights of the CITY.

G. EXPENSES AND LITIGATION EXPENSES. The CITY shall reimburse ATTORNEY for all expenses and court costs incurred in connection with any litigation which the ATTORNEY is authorized to prosecute or defend; in addition to those expenses as may be necessary in the taking of depositions, or any other expenses incurred in or about litigation that the City authorizes the ATTORNEY to defend or prosecute. It is understood that the CITY may engage other attorneys in the prosecution or defense of any litigation or to handle any specialized matters. The term "litigation" does not include appearances before any City Board such as the Local Code Enforcement Board.



H. NON-LIABILITY FOR COSTS AND EXPENSES. ATTORNEY shall not be liable for costs or expenses of any kind and shall be reimbursed by CITY for all ordinary and necessary expenses paid by ATTORNEY in connection with the prosecution or defense of any litigation.

I. ADDITIONAL COUNSEL. If employment of additional counsel shall be necessary or advisable in the preparation or trial of any litigation, ATTORNEY may contract for such assistance on terms approved by the CITY. Matters related to Police Unions and collective bargaining, should they arise, shall be outside of the scope of this contract and the CITY may continue to retain other labor counsel to handle those matters.

J. EQUAL EMPLOYMENT. In all hiring or employment made possible by or resulting from this Agreement, there will not be any discrimination against any employee or applicant for employment because of race, color, religion, age, physical or mental disability, national origin, gender, creed, culture or ancestry.

ATTORNEY shall fully comply with CITY Ordinance No. 13-03 regarding employment discrimination, including Section 3-4 of the City Code, which provides:

It is an unlawful employment practice for an employer:

- (1) To fail or refuse to hire, to discharge or otherwise to discriminate against an individual with respect to compensation or the terms, conditions or privileges of employment because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, national origin, age or disability.
- (2) To limit, segregate or classify employees or applicants in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee or applicant because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, national origin, age or disability.

LM

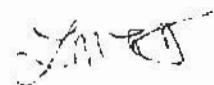
K. ASSIGNABILITY. ATTORNEY shall not assign any interest in this Agreement, nor shall ATTORNEY transfer any interest in the same without prior written consent of the CITY.

L. ACKNOWLEDGMENT OF EXCLUSION OF WORKER'S COMPENSATION COVERAGE. ATTORNEY herein expressly agrees and acknowledges that he is an independent contractor. As such, it is expressly agreed and understood between the parties hereto, in entering into this Agreement, that CITY shall not be liable to the ATTORNEY for any benefits or coverage as provided by the Worker's Compensation Law of the State of Florida.

M. ACKNOWLEDGMENT OF EXCLUSION OF UNEMPLOYMENT COMPENSATION. ATTORNEY herein expressly declares and acknowledges that he is an independent contractor, and as such is being hired by the CITY under this Agreement, and therefore, it is expressly declared and understood between the parties hereto, in entering into this Agreement, and in connection with unemployment coverage only that: (1) ATTORNEY has been and will be free from any control or direction by the CITY over the performance of the services covered by this ATTORNEY; (2) Services to be performed by ATTORNEY are outside the normal course and scope of the CITY's usual business; and (3) ATTORNEY has been independently engaged in the practice of law prior to the date of this Agreement. Consequently, neither ATTORNEY nor anyone employed by ATTORNEY shall be considered an employee of CITY for purpose of unemployment compensation coverage, the same being hereby expressly waived and excluded by the parties hereto.

N. WAIVER OF SICK AND ANNUAL LEAVE BENEFITS. It is expressly agreed and understood between the parties entering this Agreement that the ATTORNEY, acting as an independent agent, shall not receive any sick or annual leave benefits from the CITY.

O. CONFLICT OF INTEREST. ATTORNEY, by signing this Agreement, covenants that ATTORNEY has no public or private interest, direct or indirect, and shall not acquire

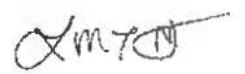
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directly or indirectly any such interest, which does or may conflict in any manner with the performance of ATTORNEY'S services and obligations under this Agreement. ATTORNEY further covenants that, in the performance of this Agreement, no person having such an interest as described above shall be employed by ATTORNEY.

P. POWERS CONFERRED ON ATTORNEY. The CITY gives ATTORNEY the authority to file any and all papers necessary and proper in any action which he is authorized to prosecute or defend on behalf of the CITY; to take any evidence necessary and proper; to make any amicable and extrajudicial compromise of the case only with the CITY approval; and otherwise do those things ordinarily undertaken by a city attorney. ATTORNEY is granted the right and authority to do any and all things necessary and proper to protect the interest of the CITY, consistent with the City's Charter.

Q. CANCELLATION. Either party to this Agreement may terminate this Agreement at any time during the term of this Agreement by giving the other party written notice of said intention to terminate at least thirty (30) days before the date of termination; **provided, however,** that as to any pending litigation in which the ATTORNEY has been engaged, ATTORNEY shall, until a successor is appointed, take all actions necessary to protect the interests of the CITY pending appointment and appearance of such successor and shall be compensated therefor in the same manner as compensation is paid for litigation. ATTORNEY shall reasonably cooperate with any successor about pending matters. Notice of cancellation by the ATTORNEY shall be given to the CITY in care of the City Manager. Notice of cancellation shall be given to the ATTORNEY at his or her then address as shown by the records of the Florida Bar.

IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the day and year first above written.

A handwritten signature in dark ink, appearing to be "Xm 719" or similar, located in the bottom right corner of the page.

CITY OF ST. AUGUSTINE BEACH

ATTEST: 
City Manager

BY: 
Mayor-Commissioner

 FOR TERM

BY: LEX MORTON TAYLOR III
FOR DOUGLAS LAW FIRM

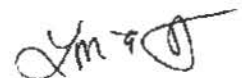


Exhibit "B"

CITY ATTORNEY, CITY OF ST. AUGUSTINE BEACH

REGULAR SCOPE OF WORK

The scope of work is divided into two parts: regular and extra-legal. Under regular is the following:

1. Attend all regular and special or workshop meetings of the City Commission.

The City Commission has one regular meeting on the first Monday of every month. This meeting begins at 6:00 p.m. The Commission sometimes has special meetings or workshop meetings on other days of the month. These meetings may be held at 5:00 or 6:00 p.m.

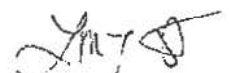
2. Attend all meetings of the Comprehensive Planning and Zoning Board.

The Board normally has one meeting a month: the third Tuesday at 6 p.m.

3. Attend meetings of the Code Enforcement Board as the attorney for the Code Enforcement Officer.

The Officer brings cases to the City's Code Enforcement Board once a month, usually on the fourth Wednesday at 2:00 p.m. The City Attorney provides legal advice to the Officer. The Code Enforcement Board has its own attorney, if one is needed. Sometimes the Board has an emergency or special meeting.

4. Attend other meetings when requested or when deemed appropriate by the City Commission.
5. Perform all legal work for the City as required by the City Charter, excluding litigation.
6. Handle the negotiation and preparation of agreements, contracts or similar documents.
7. Review and comment on contract forms between the City and independent contractors.
8. Perform legislative work associated with City Commission, Planning Board, and Code Enforcement Board meetings, including preparation of ordinances and resolutions, variances, conditional



use permits, final development plans, etc., together with research work associated with the preparation of those documents.

9. Respond by telephone, e-mail or regular mail to requests for advice from the Mayor, Commissioners, Police Department, City Manager's office, and Building and Zoning Department regarding administrative, legislative, executive and legal issues.
10. When requested by the City Commission or by the Police Chief or by the City Manager, perform investigations that would require interviewing witnesses, taking testimony, review of reports and legal research.
11. Respond to email and telephone inquiries by members of the public regarding matters before the city.

Extra Legal – Bill Hourly at \$175

Work performed under extra-legal consists of the following:

- A. Attend City, County, State and Federal meetings and conferences on litigation work concerning the City when approved by the City Commission.
- B. Prosecute violations of local ordinances or of the zoning code in any Court, if the State Attorney is not handling the prosecution.
- C. Provide labor negotiations and assist with labor relations matters that go beyond routine telephone conferences or counseling. Ability to perform labor negotiations legal work is optional as the Police Department has traditionally used separate counsel for this work.
- D. Provide legal services for such matters which do not involve items covered by paragraphs 1-10 above, but which necessitate legal advice or use of the City Attorney's office, as determined by the City Commission. These matters which might be difficult to quantify but may include attendance at meetings between City officials and officials or representatives of other business entities or governmental entities, or attendance at mediation.
- E. Provide legal counsel in any litigation, including but not limited to defense of challenges to the City's ordinances, development orders, regulations; and defend the City in lawsuits which are not defended by legal services provided by the City's insurer, the Florida League of Cities.
- F. Conduct real estate or public finance closings and related legal work as bond counsel, etc.

JMT JT

ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

This Addendum To Professional Services Agreement (the “**Agreement**”) is made and entered into on April, 2023 by and between Douglas Law Firm (“**DLF**”), and the City of St. Augustine Beach (“**City**”). DLF and the City shall hereinafter collectively be referred to as the “parties” and generically as a “party.”

1. This Agreement amends and modifies that certain Professional Services Agreement (“**Services Agreement**”) dated February 21, 2020 made and entered into by the parties hereto as follows:
2. The Parties agree to amend the base compensation for legal services to \$8,500 per month to the DLF based on the increase in the required level of engagement, volume of legal work, litigation and growing needs of the City requiring legal services.
3. Required legal services outside of Board and Commission meetings to include: litigation, will be covered under the hourly rate.
4. All other provisions of the Services Agreement remain in full force and effect, other than any provision that conflicts with the terms and spirit of this Agreement, which shall be deemed to be amended appropriately in order to be consistent with this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first written above.

City of St. Augustine Beach

By: _____
Max Royle,
City Manager

Douglas Law Firm

By: _____
Charles T. Douglas, Jr.
Managing Partner

City of St. Augustine Beach

By: _____
Don Samora,
Commissioner - Mayor

City	Population	Monthly Retainer	Hourly
Lake Wales, City of	16,684	\$ 1,750.00	\$212
Cocoa Beach, City of	11,332	\$ 20,600.00	
Lady Lake, Town of	16,195	\$ 3,750.00	\$145-\$265
Tarpon Springs, City of	25,560	\$ 6,000.00	\$100-\$175
Miramar, City of	135,077	\$ 2,500.00	\$200
Ocala, City of	64,096		\$325
Gulf Breeze, City of	6,501	\$ 10,000.00	Firm's std hourly
Dunnellon, City of	1,967		\$75-\$200
Orange Park, Town of	8,698	\$ 10,000.00	\$250
Atlantic Beach, City of	13,345	\$ 12,500.00	From \$110-\$425
Flagler Beach, City of	5,265	\$ 5,000.00	\$190-250

Notes

2.5% annual increase
Annual cap of \$250,000

Annual cap of \$250,000

5% annual increase
Retainer covers 30 hours

**BOARD AND DEPARTMENTAL REPORT FOR CITY COMMISSION MEETING
JUNE 5, 2023**

CODE ENFORCEMENT/BUILDING/ZONING

Please see pages 1-59.

COMPREHENSIVE PLANNING AND ZONING BOARD

The minutes of the Board's April 18, 2023, meeting are attached as pages 60-79.

SUSTAINABILITY AND ENVIRONMENTAL PLANNING ADVISORY COMMITTEE

The Board did not meet in March because it lacked a quorum. The minutes of its April 11, 2023, meeting, are attached as pages 80-95. A summary prepared by the Committee's Chairperson, Sandra Krempasky, of the topics discussed and the actions taken at the Commission's May 9, 2023, meeting is attached as page 96.

POLICE DEPARTMENT

Please see page 97.

FINANCE DEPARTMENT

Please see page 98.

PUBLIC WORKS DEPARTMENT

Please see pages 99-102.

CITY MANAGER

1. Complaints

A. Loss of Vegetation in Area East of Sea Colony

The area is near the beach at the subdivision's northeast corner. The Code Enforcement Division investigated this complaint and found that the removal of the vegetation was permitted by the St. Johns River Water Management District.

B. Parking of Construction Vehicles on Sea Oaks Drive

A resident called about a fence contractor parking on Sea Oaks Drive to access property in the adjacent Ocean Ridge subdivision. The Code Enforcement Officer asked the contractor to park in Ocean Ridge to construct a fence for a homeowner there. The resident complained later about another contractor committing the same violation. Code Enforcement asked that contractor to access the property from Ocean Ridge.

C. Possible Illegal Transient Rental

The complaint about a house on 3rd Street being rented for short intervals was forwarded to the Code Enforcement Division.

D. Request for No Parking

A resident asked that No Parking signs be put up in the 100 block of 3rd Street west of the Boulevard. She was asked to get a petition from her neighbors requesting the signs.

2. Major Projects

A. Road/Sidewalk Improvements

1) Opening 2nd Street West of 2nd Avenue

At its March 7, 2022, meeting, the City Commission awarded the bid for this project to DB Civil Construction of Ormond Beach, Florida, for \$579,850. The contract was executed and construction has been in progress for several months. At its January 9, 2023, meeting, the Commission approved a budget resolution to appropriate \$33,000 to provide contract administration services. The project is scheduled to be completed by June 2023, though the completion may be delayed because of the undergrounding of electric power lines by Florida Power and Light. At its June 5th meeting, the Commission will appropriate money for undergrounding the electric line.

2) Paving 13th Lane

A 12th Street resident has asked that the City pave 13th Lane, a dirt alley between A1A Beach Boulevard and the beach. City staff is checking whether the alley has been vacated and where its boundaries are, as owners of adjacent properties may have put a fence in it. If the alley can be paved, the project will be made part of the City's five-year capital improvements plan.

3) Paving West End of 7th Street

Residents have requested this project. Money for it will be put in the Fiscal Year 2024 budget.

B. Beach Matters

1) Off-Beach Parking

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

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

2) Beach Restoration

The project will begin in August 2023 and be completed by the end of February 2024. The Corps of Engineers will provide an update report to the City Commission at its August 7th meeting.

C. Parks

1) Ocean Hammock Park

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

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

Also, to implement the management plan, the City has applied for funding from a state grant and for a Federal grant from the National Oceanic and Atmospheric Administration. The Public Works Director's master plan for improvements to the Park was reviewed by the City Commission at its October 5, 2020, regular meeting. The design and permitting work for the interior park improvements (observation deck and central trail) was done. One bid was received by the deadline of May 23, 2023. As the bid was \$826,210, far higher than the \$90,000 that was appropriated for the project, the Commission will be asked at its June 5th meeting to reject the bid.

The Commission will also be asked at the June 5th meeting whether to request the Florida Communities Trust, the agency that provided the original grants to purchase the property, to approve deleting all or some of projects required by the park management plan. These projects include not only the observation deck and the central trail but also a picnic pavilion, children's playscape, signage and secondary trails.

2) Hammock Dunes Park

This 6.1-acre park is on the west side of A1A Beach Boulevard between the shopping plaza and the Whispering Oaks subdivision. At this time, the City does not have the money to develop any trails or other amenities in the Park. Unlike Ocean Hammock Park, there is no management plan for Hammock Dunes Park. A park plan will need to be developed with the help of residents and money to make the Park accessible to the public may come from park impact fees or other sources. At its May 2, 2022, meeting, the City Commission approved the City Manager writing a Request for Qualifications for a park planner to prepare a plan for improvements to Hammock Dunes Park. The City Commission at its June 6, 2022, meeting approved the wording for a Request for Qualifications (RFQ) from park planners. However, because other projects, especially drainage ones, require attention, advertising the RFQ has been delayed.

3. Finance and Budget

A. Fiscal Year 2023

Fiscal Year 2023 began on October 1, 2022, and will end September 30, 2023. April 30, 2023, marked the end of the seventh month of FY 23. As of that date, the City had received \$6,622,072 for the General Fund, or 62.8% of the total projected to be received from the entire fiscal year, and had spent \$4,643,067, or 44% of the projected expenditures. The surplus of revenues over expenditures was \$1,979,004. As of April 30, 2023, the total provided by property taxes, the City's major source of revenue, was \$3,826,907 or 92% of the amount projected to be received from this source for the entire fiscal year. During the remaining months of the fiscal year, the surplus of revenues over expenditures will decrease. Revenue from property taxes already is declining as in April the City received only \$4,789 from property taxes.

B. Alternative Revenue Sources

In response to the City Commission's request that the administration suggest potential sources of revenue to fund City operations, the Public Works Director has proposed a stormwater utility fee. The Commission discussed this proposal at two meetings in 2021 and decided not to authorize the staff to proceed to the next step in the process to adopt the fee in the future. However, at its October 3, 2022, meeting, the Commission decided to hold a public hearing on November 14, 2022, concerning the fee, and at that meeting approved a resolution stating the City's intent to adopt a non-ad valorem assessment for a stormwater fee. The next step will be to adopt a range for the fee. The Public Works Director presented an ordinance to the Commission at its February 6th. The Commission passed the ordinance on final reading at their March 6th meeting but did not approve a budget resolution to appropriate \$13,790 for a civil engineering consultant to digitize impervious surfaces of residences and businesses in the City for determining an equivalent residential charge. The Commission asked that City staff work on preparing the information for a residential charge. Money will be requested in the FY 24 budget for a consultant to develop a range of fees.

4. Miscellaneous

A. Permits for Upcoming Events

In May, the City Manager approved the permit for the Mothers' Day Celebration and Clean Up on May 12th.

B. Vision Plan

At its March 6, 2023, meeting, the Commission approved the Vision Plan. At its June 5th meeting, the Commission will consider whether to schedule a workshop later in June to review the Plan again.

C. Former City Hall/Hotel Property

On Wednesday, March 23, 2022, the City Commission held a workshop to discuss possible uses for the former city hall, which is located on the south side of pier park. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, informed the Commission that the City had received \$500,000 historic grant to renovate windows and do other work to the building and a \$25,000 grant for interpretative signage to commemorate the wade-in that occurred during the civil rights demonstrations in the early 1960s to desegregate the beach. The outcome of the workshop was that the building would be renovated for use as an arts center with the second floor restored for artists' studios and possibly a small museum. The status of the grants to do is:

\$500,000 Division of Historical Resources, Florida Department of State: Thus far, \$110,252 has been spent on window replacement, roof repair, heating/air conditioning repair and replacement, repair of access to second floor, the balcony and exterior columns.

\$25,000, National Trust for Historic Preservation: Funds have been spent for visual displays to commemorate the efforts to desegregate the beach. Displays will be mounted to the exterior columns.

In addition, there's a \$50,000 National Park Service grant for an interactive exhibition panel that will be put in the new lobby of the building once it is finished.

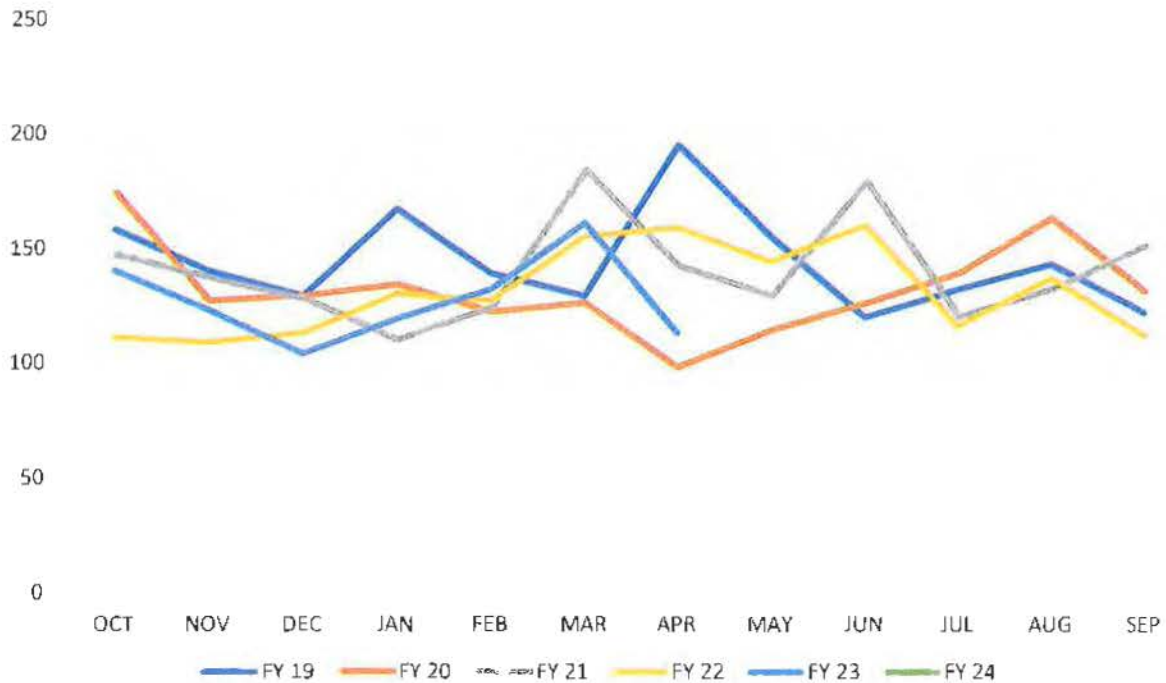


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

NUMBER OF PERMITS ISSUED

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	158	174	147	111	140	
NOV	140	127	137	109	123	
DEC	129	129	128	113	104	
JAN	167	134	110	130	119	
FEB	139	122	124	127	132	
MAR	129	126	184	155	161	
APR	195	98	142	159	113	
MAY	155	114	129	144		
JUN	120	126	179	160		
JUL	132	139	120	116		
AUG	143	163	132	137		
SEP	122	131	151	112		
TOTAL	1729	1583	1683	1573	892	0

NUMBER OF PERMITS ISSUED



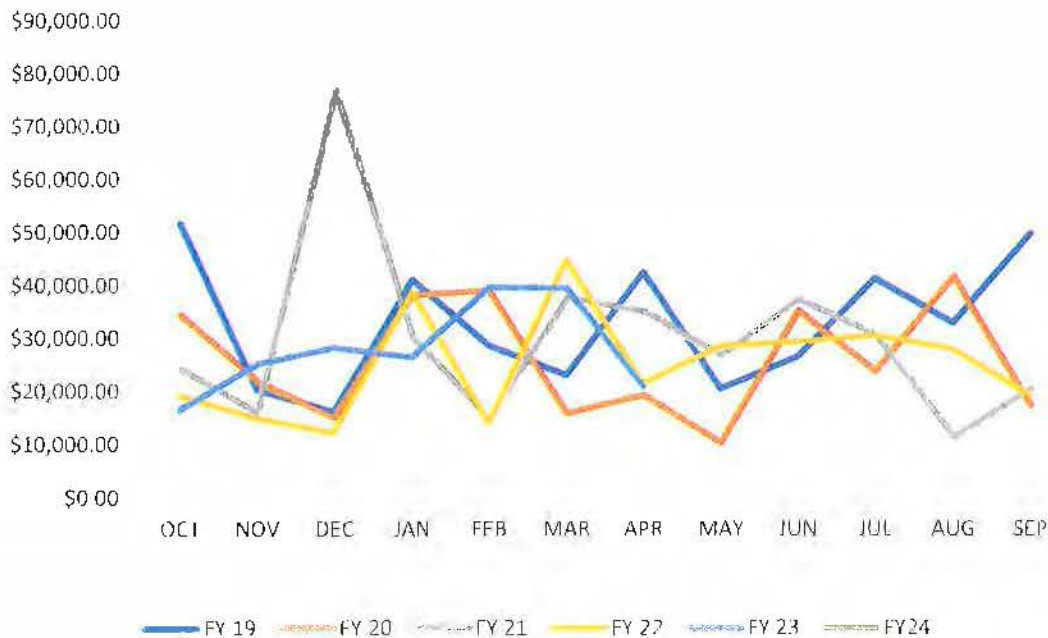


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

BUILDING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY24
OCT	\$51,655.01	\$34,277.62	\$24,139.90	\$19,160.96	\$16,521.84	
NOV	\$20,192.42	\$21,844.58	\$15,910.52	\$14,923.51	\$25,004.85	
DEC	\$16,104.22	\$14,818.54	\$76,639.68	\$12,110.85	\$28,106.15	
JAN	\$40,915.31	\$37,993.58	\$30,011.51	\$38,549.15	\$26,335.25	
FEB	\$28,526.70	\$38,761.13	\$14,706.76	\$13,916.49	\$39,494.58	
MAR	\$22,978.53	\$15,666.80	\$37,447.22	\$44,664.15	\$39,382.43	
APR	\$42,292.91	\$19,092.61	\$34,884.49	\$21,386.72	\$20,942.21	
MAY	\$20,391.12	\$10,194.02	\$26,753.41	\$28,447.01		
JUN	\$26,445.26	\$34,939.40	\$37,149.19	\$29,198.87		
JUL	\$41,120.86	\$23,555.36	\$30,368.01	\$30,368.57		
AUG	\$32,714.82	\$41,455.38	\$11,236.89	\$27,845.37		
SEP	\$49,543.66	\$17,169.56	\$20,329.54	\$19,118.87		
TOTAL	\$392,880.82	\$309,768.58	\$359,577.12	\$299,690.52	\$195,787.31	\$0.00

BUILDING PERMIT FEE REPORT



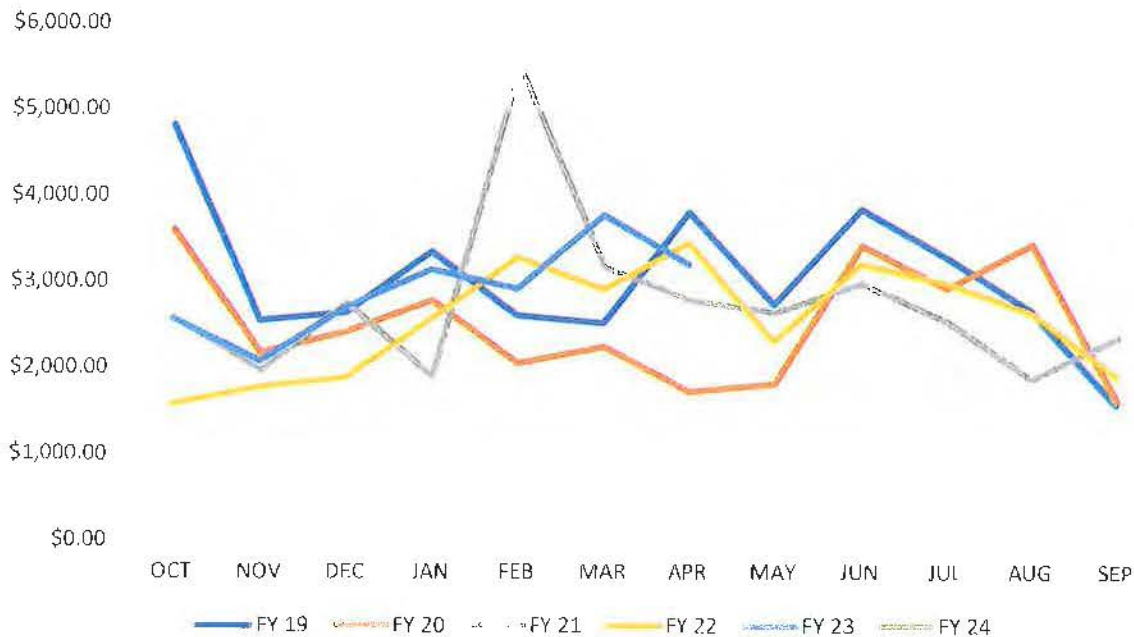


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

MECHANICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$4,819.09	\$3,593.67	\$2,574.62	\$1,575.00	\$2,565.54	
NOV	\$2,541.44	\$2,160.00	\$1,963.00	\$1,771.00	\$2,073.09	
DEC	\$2,633.64	\$2,409.62	\$2,738.04	\$1,880.00	\$2,693.06	
JAN	\$3,338.69	\$2,768.47	\$1,891.99	\$2,563.12	\$3,133.88	
FEB	\$2,601.00	\$2,044.08	\$5,505.00	\$3,274.80	\$2,911.21	
MAR	\$2,515.33	\$2,237.73	\$3,163.00	\$2,908.99	\$3,771.39	
APR	\$3,801.26	\$1,716.00	\$2,784.79	\$3,452.30	\$3,193.98	
MAY	\$2,736.33	\$1,809.00	\$2,637.52	\$2,308.40		
JUN	\$3,844.54	\$3,417.00	\$2,978.00	\$3,204.70		
JUL	\$3,286.00	\$2,917.93	\$2,535.39	\$2,981.26		
AUG	\$2,663.49	\$3,430.11	\$1,870.49	\$2,642.88		
SEP	\$1,579.42	\$1,621.00	\$2,352.24	\$1,902.57		
TOTAL	\$36,360.23	\$30,124.61	\$32,994.08	\$30,465.02	\$20,342.15	\$0.00

MECHANICAL PERMIT FEE REPORT



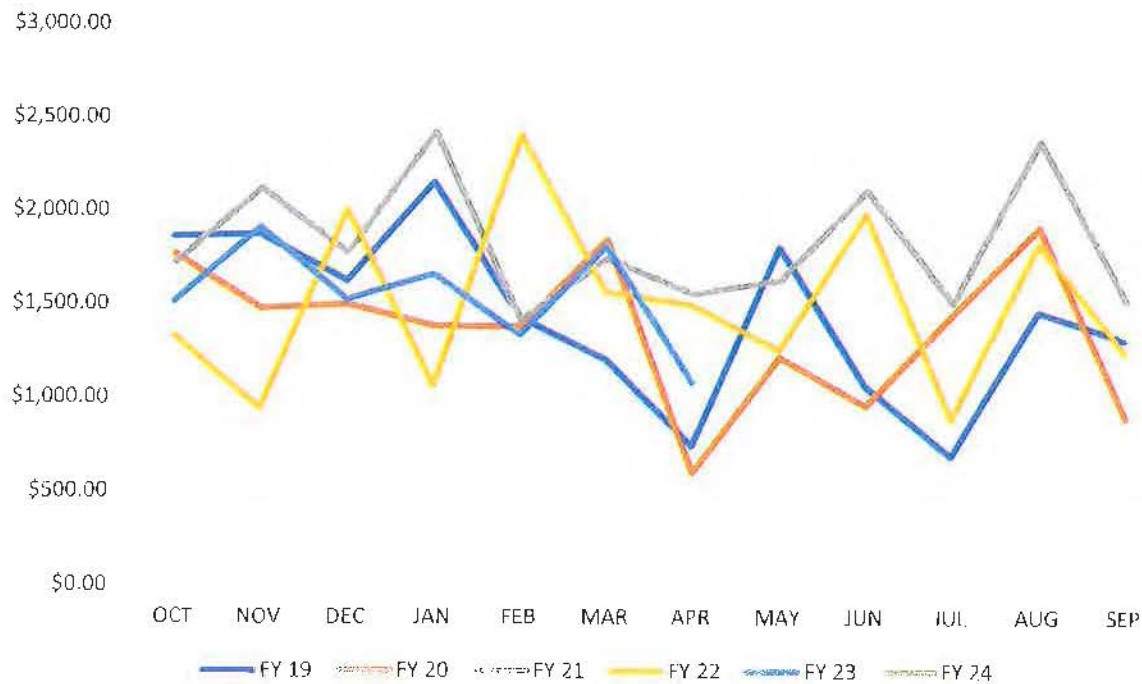


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ELECTRICAL PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$1,860.32	\$1,765.00	\$1,718.00	\$1,330.00	\$1,510.00	
NOV	\$1,872.66	\$1,475.00	\$2,115.00	\$940.00	\$1,910.00	
DEC	\$1,622.32	\$1,495.00	\$1,770.00	\$2,005.00	\$1,523.00	
JAN	\$2,151.66	\$1,380.00	\$2,418.00	\$1,065.00	\$1,660.00	
FEB	\$1,425.32	\$1,375.00	\$1,413.00	\$2,405.00	\$1,335.00	
MAR	\$1,203.33	\$1,843.00	\$1,740.00	\$1,565.00	\$1,810.00	
APR	\$743.00	\$600.00	\$1,553.00	\$1,495.00	\$1,085.00	
MAY	\$1,805.00	\$1,215.00	\$1,628.00	\$1,255.00		
JUN	\$1,065.00	\$955.00	\$2,108.00	\$1,985.50		
JUL	\$690.00	\$1,443.00	\$1,505.00	\$885.00		
AUG	\$1,460.00	\$1,910.00	\$2,375.00	\$1,824.00		
SEP	\$1,310.00	\$895.00	\$1,520.00	\$1,245.00		
TOTAL	\$17,208.61	\$16,351.00	\$21,863.00	\$17,999.50	\$10,833.00	\$0.00

ELECTRICAL PERMIT FEE REPORT



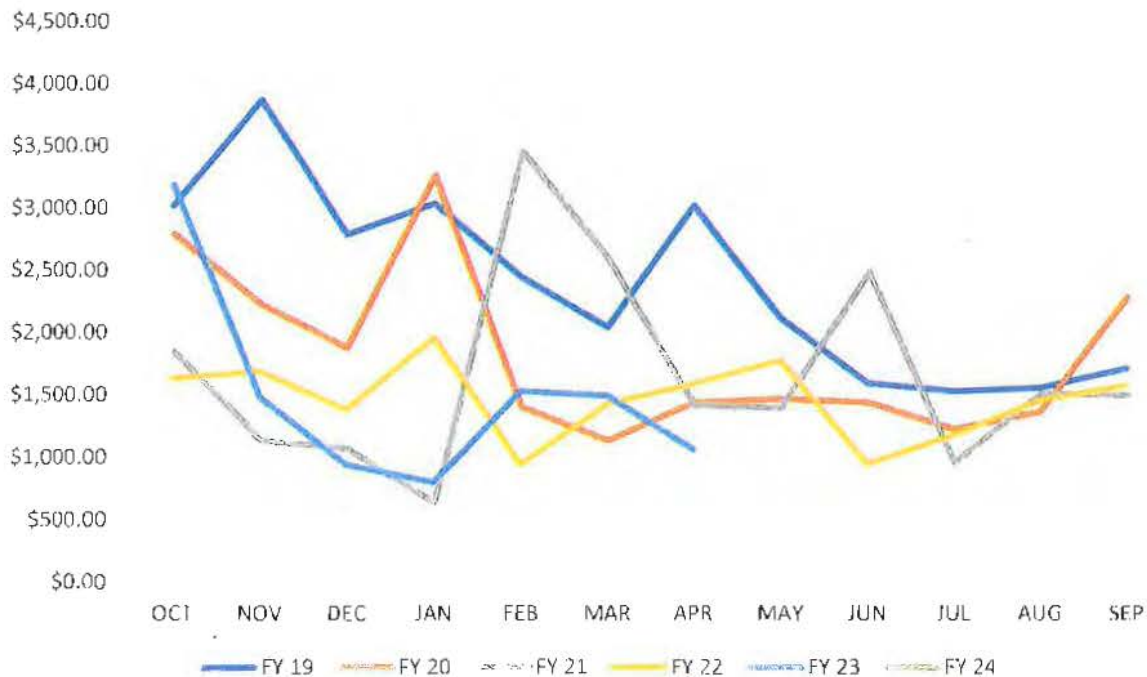


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PLUMBING PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	\$3,016.37	\$2,786.00	\$1,844.00	\$1,632.00	\$3,188.00	
NOV	\$3,867.41	\$2,221.00	\$1,133.00	\$1,686.00	\$1,476.00	
DEC	\$2,783.10	\$1,869.00	\$1,062.00	\$1,379.00	\$937.00	
JAN	\$3,031.40	\$3,256.00	\$628.00	\$1,957.00	\$795.00	
FEB	\$2,440.44	\$1,395.00	\$3,449.00	\$938.00	\$1,525.00	
MAR	\$2,037.24	\$1,125.00	\$2,579.00	\$1,420.00	\$1,488.00	
APR	\$3,015.00	\$1,430.00	\$1,411.00	\$1,585.00	\$1,058.00	
MAY	\$2,110.00	\$1,459.00	\$1,390.00	\$1,772.00		
JUN	\$1,590.00	\$1,432.00	\$2,474.00	\$943.00		
JUL	\$1,525.00	\$1,218.00	\$952.00	\$1,170.00		
AUG	\$1,550.00	\$1,356.00	\$1,500.00	\$1,452.00		
SEP	\$1,706.00	\$2,270.00	\$1,490.00	\$1,572.00		
TOTAL	\$28,671.96	\$21,817.00	\$19,912.00	\$17,506.00	\$10,467.00	\$0.00

PLUMBING PERMIT FEE REPORT



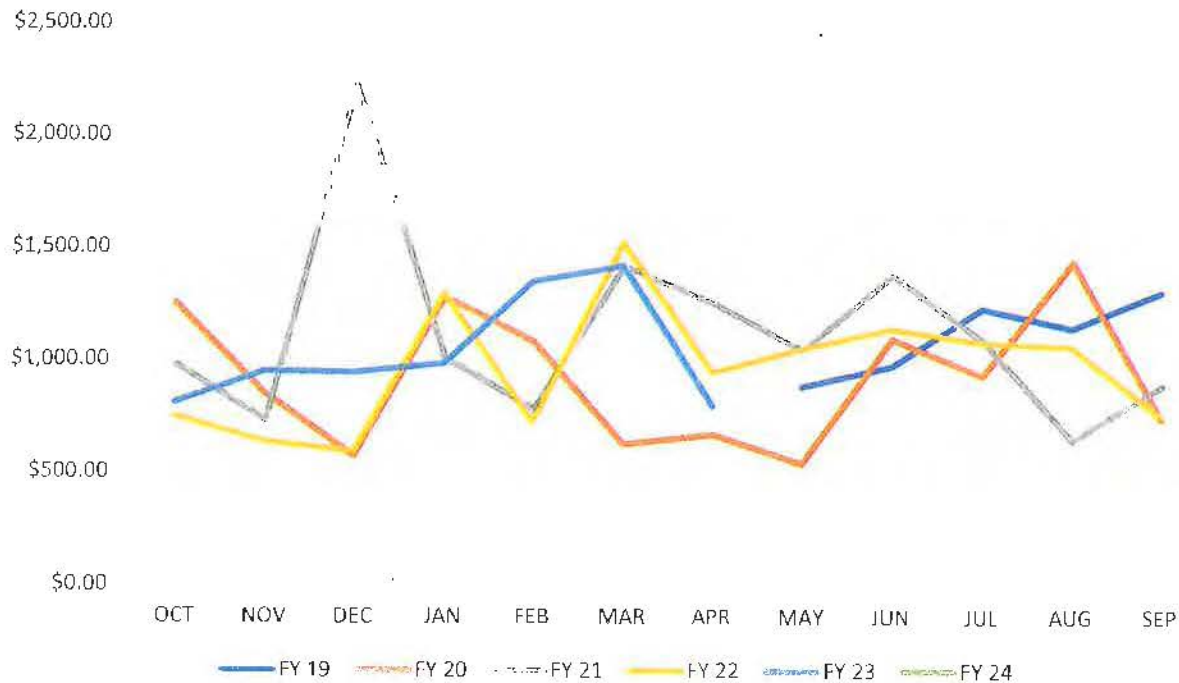


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

STATE SURCHARGE PERMIT FEE REPORT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT		\$1,247.45	\$973.01	\$747.36	\$808.73	
NOV		\$845.65	\$729.40	\$635.64	\$947.61	
DEC		\$569.37	\$2,225.95	\$589.14	\$941.33	
JAN		\$1,277.63	\$1,006.45	\$1,293.24	\$983.02	
FEB		\$1,079.31	\$776.87	\$721.09	\$1,347.87	
MAR		\$623.46	\$1,417.90	\$1,521.83	\$1,418.94	
APR		\$666.54	\$1,250.09	\$943.11	\$795.62	
MAY	\$881.45	\$537.83	\$1,043.38	\$1,049.80		
JUN	\$972.50	\$1,093.02	\$1,378.01	\$1,139.84		
JUL	\$1,230.25	\$928.44	\$1,085.45	\$1,078.15		
AUG	\$1,141.48	\$1,437.49	\$642.86	\$1,061.67		
SEP	\$1,303.66	\$740.55	\$887.71	\$753.23		
TOTAL	\$5,529.34	\$11,046.74	\$13,417.08	\$11,534.10	\$7,243.12	\$0.00

STATE SURCHARGE PERMIT FEE REPORT



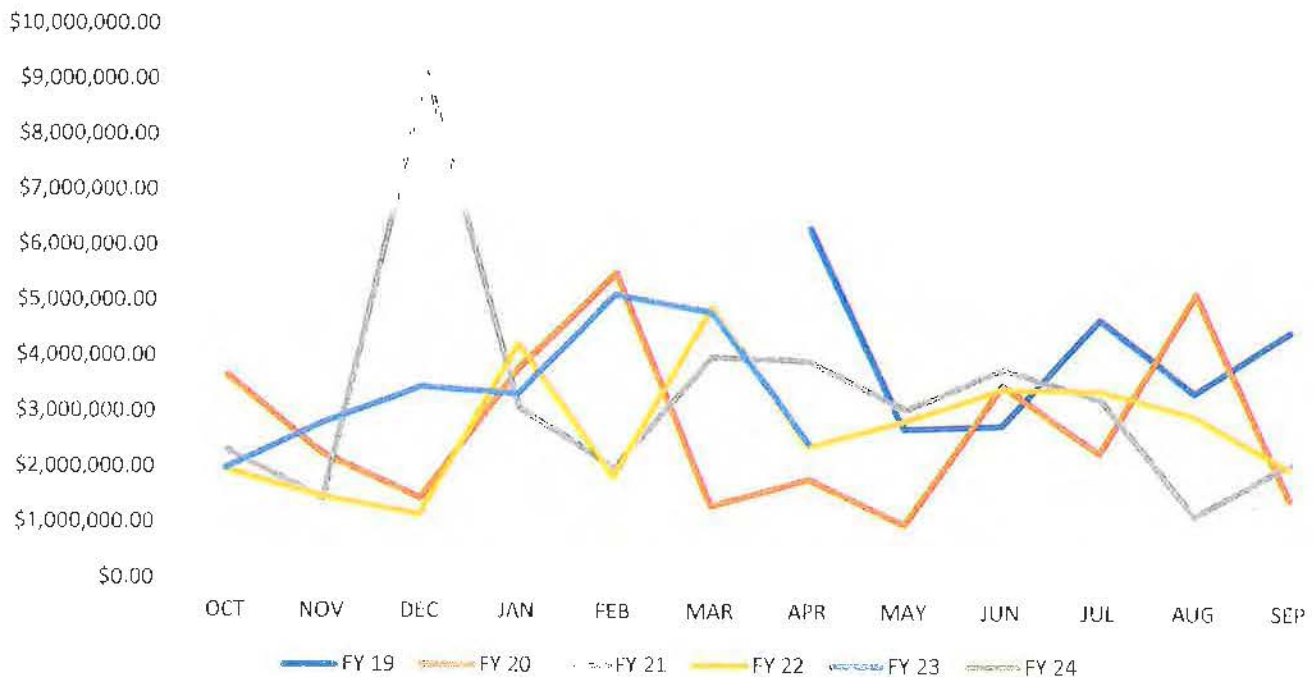


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

ALTERATION COST

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT		\$3,657,414.56	\$2,313,298.53	\$1,961,462.00	\$1,989,945.24	
NOV		\$2,242,421.52	\$1,440,841.88	\$1,490,891.09	\$2,807,970.23	
DEC		\$1,449,915.40	\$9,160,479.89	\$1,165,362.58	\$3,462,997.96	
JAN		\$3,789,363.81	\$3,088,758.57	\$4,239,155.17	\$3,341,701.62	
FEB		\$5,519,900.00	\$2,010,259.40	\$1,847,029.62	\$5,140,584.42	
MAR		\$1,321,570.04	\$4,010,607.80	\$4,906,297.30	\$4,826,782.10	
APR	\$6,338,617.35	\$1,803,157.19	\$3,939,394.49	\$2,392,827.18	\$2,463,720.21	
MAY	\$2,731,410.75	\$1,003,140.58	\$3,080,108.00	\$2,874,220.30		
JUN	\$2,792,442.43	\$3,519,844.50	\$3,807,580.85	\$3,445,719.17		
JUL	\$4,717,293.00	\$2,300,478.87	\$3,279,350.11	\$3,436,811.93		
AUG	\$3,393,250.74	\$5,175,949.96	\$1,182,881.00	\$2,982,874.58		
SEP	\$4,502,737.63	\$1,475,857.57	\$2,123,077.05	\$2,038,273.27		
TOTAL	\$24,475,751.90	\$33,259,014.00	\$39,436,637.57	\$32,780,924.19	\$24,033,701.78	\$0.00

ALTERATION COST



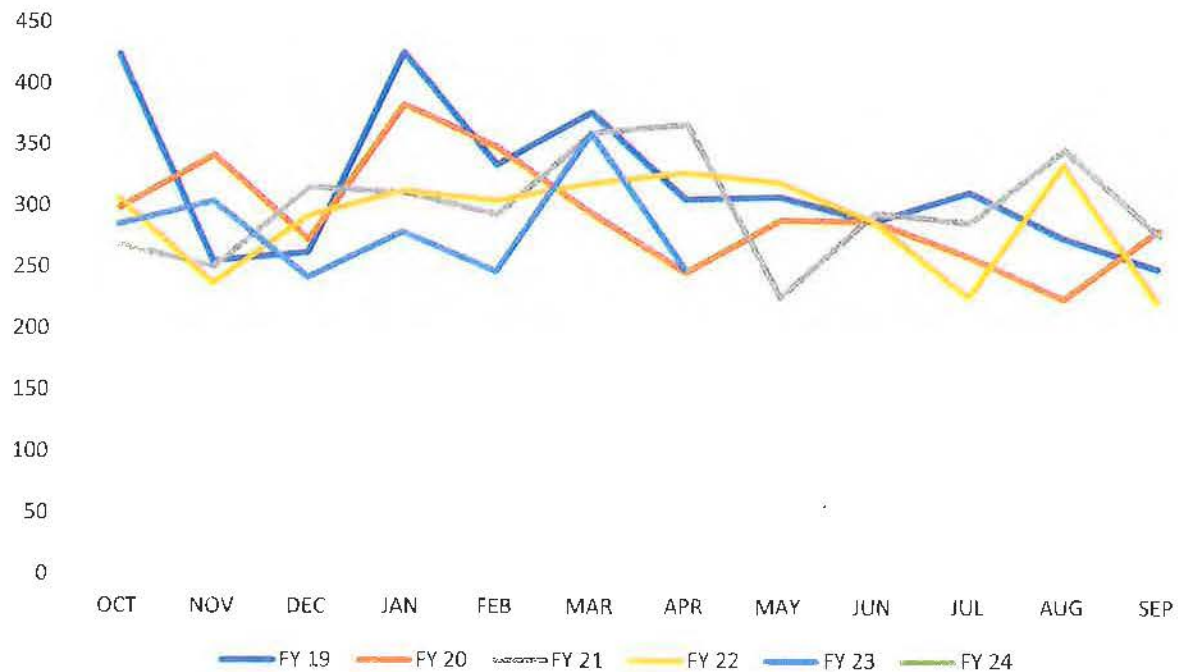


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

NUMBER OF INSPECTIONS PERFORMED

	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24
OCT	424	298	268	306	285	
NOV	255	341	250	237	304	
DEC	262	272	315	292	242	
JAN	426	383	311	313	279	
FEB	334	348	293	305	247	
MAR	377	294	360	319	360	
APR	306	246	367	328	249	
MAY	308	289	226	320		
JUN	288	288	295	288		
JUL	312	259	287	227		
AUG	275	225	347	335		
SEP	250	281	277	223		
TOTAL	3817	3524	3596	3493	1966	0

NUMBER OF INSPECTIONS PERFORMED



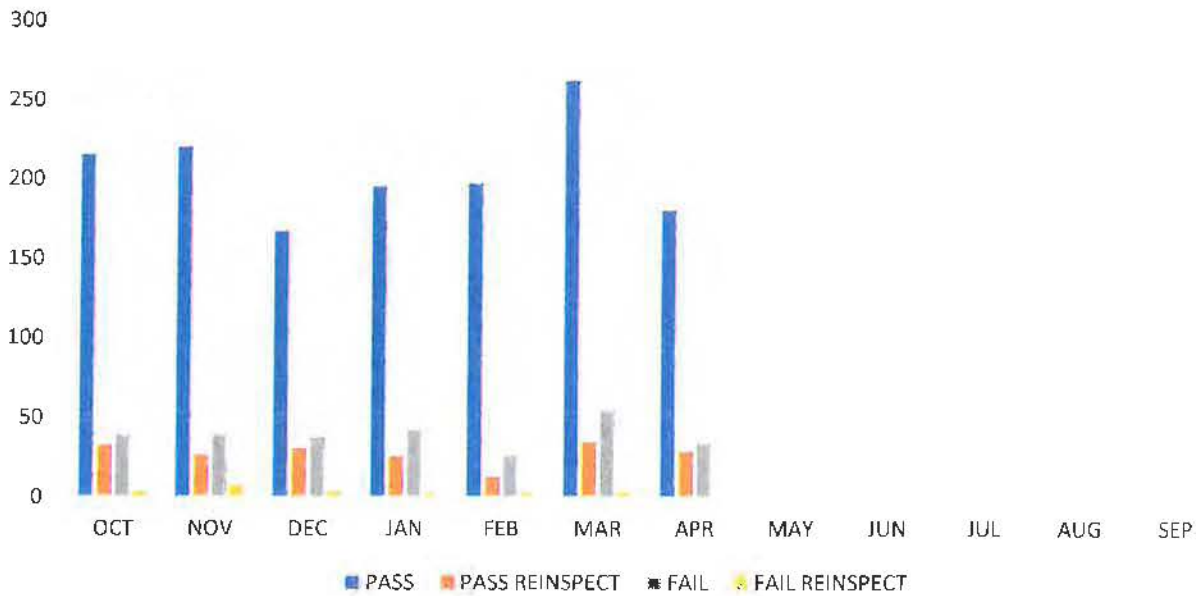


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

FY 23 INSPECTION RESULTS

	PASS	PASS REINSPECT	FAIL	FAIL REINSPECT
OCT	215	32	38	3
NOV	220	26	39	7
DEC	167	30	37	3
JAN	195	25	42	2
FEB	197	12	26	2
MAR	262	34	54	3
APR	180	28	33	1
MAY				
JUN				
JUL				
AUG				
SEP				
TOTAL	1436	187	269	21

FY 23 INSPECTION RESULTS



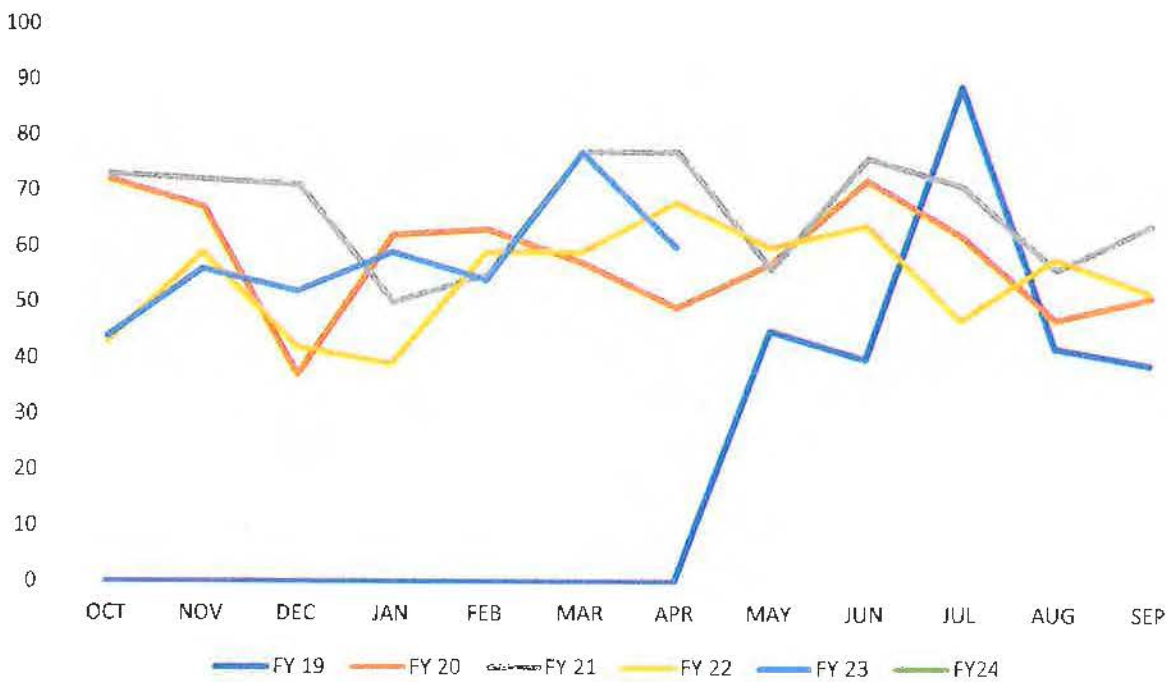


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

OF PLAN REVIEW ACTIVITIES PERFORMED BY THE BUILDING DEPARTMENT

	FY 19	FY 20	FY 21	FY 22	FY 23	FY24
OCT	0	72	73	43	44	
NOV	0	67	72	59	56	
DEC	0	37	71	42	52	
JAN	0	62	50	39	59	
FEB	0	63	55	59	54	
MAR	0	57	77	59	77	
APR	0	49	77	68	60	
MAY	45	57	56	60		
JUN	40	72	76	64		
JUL	89	62	71	47		
AUG	42	47	56	58		
SEP	39	51	64	52		
TOTAL	255	696	798	650	402	0

OF PLAN REVIEW ACTIVITIES



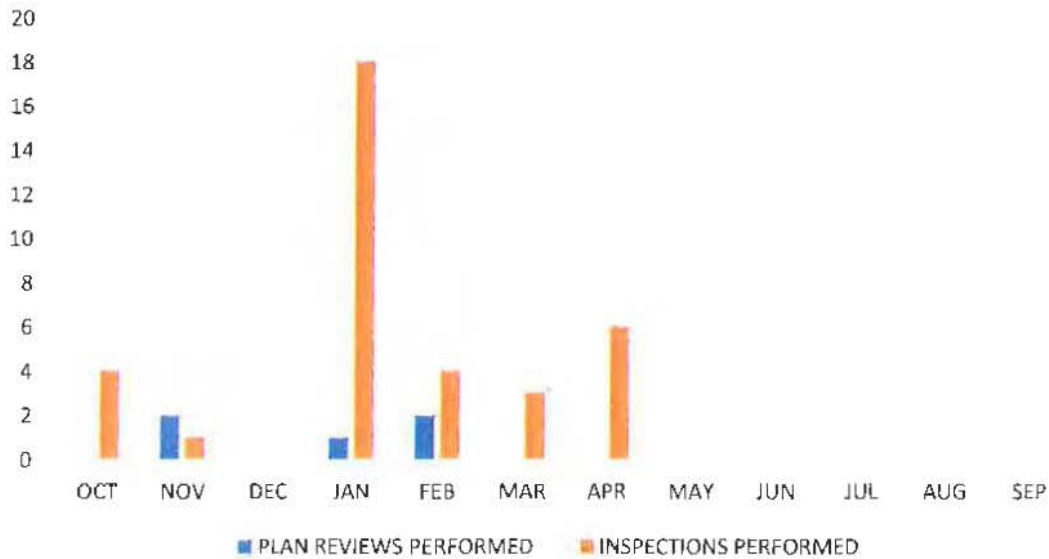


CITY OF ST. AUGUSTINE BEACH BUILDING DEPARTMENT

PRIVATE PROVIDER PLAN REVIEW AND INSEPTIONS PERFORMED IN FY 23

	PLAN REVIEWS PERFORMED	INSEPTIONS PERFORMED
OCT	0	4
NOV	2	1
DEC	0	0
JAN	1	18
FEB	2	4
MAR	0	3
APR	0	6
MAY		
JUN		
JUL		
AUG		
SEP		
TOTAL	5	36

PRIVATE PROVIDER PLAN REVIEW AND INSPECTIONS FY23



COSAB NEW SFR CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
3176	129 14TH ST	P2101217	SFR-D	9/24/2021	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
3897	15 SABOR DE SAL RD	P2200622	SFR-D	3/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4186	13 13TH LN	P2200376	SFR-D	1/24/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4634	301 S FOREST DUNE DR	P2201349	SFR-D	8/2/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4665	171 RIDGEWAY RD	P2200670	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4723	282 RIDGEWAY RD	P2200346	SFR-D	1/3/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4828	106 F ST	P2200648	SFR-D	3/31/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
4894	107 E ST	P2201127	SFR-D	6/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5016	103 WHISPERING OAKS CIR	P2200667	SFR-D	3/10/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5018	507 F ST	P2201176	SFR-D	6/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5193	937 DEER HAMMOCK CIR	P2200808	SFR-D	4/6/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5346	5 15TH ST	P2201519	SFR-D	9/1/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5370	9 11TH ST.	P2300307	SFR-D	12/15/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5470	386 OCEAN FOREST DR	P2201087	SFR-D	5/25/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5587	14 6TH ST	P2300483	SFR-D	2/2/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5644	399 OCEAN FOREST DR	P2201148	SFR-D	6/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5662	129 WHISPERING OAKS CIR	P2201164	SFR-D	7/5/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5666	105 KINGS QUARRY LN	P2201335	SFR-D	7/26/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5724	254 RIDGEWAY RD	P2201288	SFR-D	7/12/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5839	133 ISLAND HAMMOCK WAY	P2201408	SFR-D	8/4/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5851	12 2ND ST	P2300674	SFR-D	3/1/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
5889	2 C ST	P2300588	SFR-D	2/13/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6034	618 OLD BEACH RD	P2300195	SFR-D	11/4/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6076	16 5TH ST	P2300034	SFR-D	10/7/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6122	884 OCEAN PALM WAY	P2300322	SFR-D	12/13/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6356	1105 LAUGHING GULL LN	P2300216	SFR-D	11/16/2022	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6484	454 OCEAN FOREST DR	P2300371	SFR-D	1/3/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6518	509 B ST	P2300369	SFR-D	1/18/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6548	16 LINDA MAR DR	P2300883	SFR-D	4/11/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES
6816	372 RIDGEWAY RD	P2300781	SFR-D	3/22/2023	NEW SINGLE FAMILY RESIDENCE-BUILDING	RES

COSAB COMMERCIAL CONSTRUCTION LIST

Application Id	Property Location	Permit No	Work Type	Issue Date	Description	User Code 1
6012	3930 A1A SOUTH UNIT 8	P2201526	COM BUILD OUT	9/2/2022	COMMERCIAL BUILDING ALT.-- TENANT BUILD-OUT--THE ART HOUSE	COM
6597	950 A1A BEACH BLVD	P2300822	COMMERCIAL NEW	3/27/2023	NEW COMMERCIAL BUILDING -- NEW PUBLIC RESTROOM - UTILITY	COM
7205	711 A1A BEACH BLVD, UNIT A		COM BUILD OUT		COMMERICAL ALTERATION -- INTERIOR TENANT BUILDOUT	COM

Application Id Range: First to Last

Issue Date Range: First to 05/19/23

Expiration Date Range: First to 09/20/24

Applied For: N Open: Y

Application Date Range: First to 05/19/23

Use Type Range: First to Last

Hold: N

Building Code Range: BUILDING to BUILDING

Contractor Range: First to Last

Completed: N

Work Type Range: COM ADDITION to COMMERCIAL NEW

User Code Range: COM to COM

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

COSAB FY'23 TREE INSPECTIONS

Application Id	Property Location	Building Code 1	Description of Work 1	Issue Date	Description
6216	402 B ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	10/13/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6389	134 13TH ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/21/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6404	6 MICKLER BLVD	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	11/17/2022	RESIDENTIAL-TREE REMOVAL INSPECTION
6587	202 AZALEA AVE	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	1/9/2023	RESIDENTIAL-TREE REMOVAL INSPECTION
6763	609 MARIPOSA ST	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	2/14/2023	RESIDENTIAL-TREE REMOVAL INSPECTION
7203	4 N TRIDENT PL	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	5/4/2023	RESIDENTIAL-TREE REMOVAL INSPECTION
7204	6 N TRIDENT PL	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	5/4/2023	RESIDENTIAL-TREE REMOVAL INSPECTION
7288	508 WEEPING WILLOW LN	TREE	RESIDENTIAL--TREE REMOVAL INSPECTION	5/19/2023	RESIDENTIAL-TREE REMOVAL INSPECTION
Totals					

Application Id Range: First to Last

Issue Date Range: 10/01/22 to 05/19/23

Expiration Date Range: First to 09/20/24

Applied For: N Open: Y

Application Date Range: First to 05/19/23

Use Type Range: First to Last

Hold: N

Building Code Range: TREE to TREE

Contractor Range: First to Last

Completed: Y

Work Type Range: First to Last

User Code Range: First to Last

Denied: N

Void: N

Customer Range: First to Last

Inc Permits With Permit No: Yes

Inc Permits With Certificate: Yes

Waived Fee Status to Include: None: Y

All: Y

User Selected: Y

COSAB FY'23 ZONING REPORT

Application Id	Parcel Id	Property Location	Building Code	Activity Type	Inspector	Date	Status
5698	1697200120	211 2ND ST	ZONING	Z-VACATE ALLEY	BONNIE M	9/12/2022	APPROVED
6119	1711000000	201 B ST	ZONING	Z-VARIANCE	BONNIE M	10/18/2022	APPROVED
6133	1725610250	103 WHISPERING OAKS CIR	ZONING	Z-VARIANCE	BONNIE M	10/18/2022	APPROVED
6527	1725610380	224 BIG MAGNOLIA CT	ZONING	Z-VARIANCE	BONNIE M	1/17/2023	APPROVED
6528	1725610380	224 BIG MAGNOLIA CT	ZONING	Z-TREE REMOVAL	BONNIE M	1/17/2023	APPROVED
6635	1742000020	1097 A1A Beach Blvd	ZONING	Z-COND USE	BONNIE M	3/21/2023	APPROVED
6646	1629640310	1020 SALTWATER CIR	ZONING	Z-VARIANCE	BONNIE M	3/21/2023	APPROVED
6818	1705900000	711 A1A BEACH BLVD, UNIT A	ZONING	Z-COND USE	BONNIE M	3/21/2023	APPROVED
6973	1669500000	607 11TH ST	ZONING	Z-VARIANCE	JENNIFER	4/18/2023	APPROVED
6980	1748500000	4000 A1A SOUTH	ZONING	Z-COND USE	JENNIFER	4/18/2023	APPROVED
6992	1629630002	5EA GROVE MAIN ST	ZONING	Z-VARIANCE	JENNIFER	4/18/2023	APPROVED
6996	1691500000	541 A1A BEACH BLVD	ZONING	Z-VARIANCE	JENNIFER	4/18/2023	OPEN
7103	1693400000	647 A1A BEACH BLVD	ZONING	Z-COND USE	BONNIE M	5/16/2023	APPROVED
7108	1630700000	361 A1A BEACH BLVD	ZONING	Z-VARIANCE	BONNIE M	5/16/2023	DENIED
7109	1630700000	361 A1A BEACH BLVD	ZONING	Z-COND USE	BONNIE M	5/16/2023	DENIED
7183	1676200000	7 15TH ST	ZONING	Z-VARIANCE		5/16/2023	OPEN
7254	1709100010	VACANT	ZONING	Z-MIXED USE		7/18/2023	OPEN
7263	1632300000	13 OAK RD	ZONING	Z-VARIANCE		6/20/2023	OPEN
7266	1742000020	1033 A1A Beach Blvd	ZONING	Z-CONCEPT REV	BONNIE M	6/20/2023	OPEN
7267	1742000020	1001 A1A Beach Blvd	ZONING	Z-VARIANCE		6/20/2023	OPEN
7290	1690500000	18 A ST	ZONING	Z-COND USE		7/18/2023	OPEN

Application Id Range: First to Last Range of Building Codes: ZONING to ZONING
 Activity Date Range: 09/01/22 to 08/01/23 Activity Type Range: Z-APPEAL to Z-VARIANCE

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

Sent Letter: Y

Range: First to Last
Violation Date Range: 10/01/22 to 05/19/23
Ordinance Id Range: First to Last

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

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

Customer Range: First to Last

Inc Violations With Waived Fines: Yes

Violation Id: V2300001 Prop Loc: 3930 A1A SOUTH
Viol Date: 12/05/22 Status: Completed Status Date: 01/19/23 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

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

Created	Modified	Note
01/19/23	01/19/23	Permits issued and work has recommenced
12/05/22	12/05/22	Building Official Brian Law noticed upon inspection that work had been done without issuance of permit. The work in question was attempted to be covered up before inspection. -Stop work Oder posted.

Violation Id: V2300002 Prop Loc: 15 B ST
Viol Date: 01/05/23 Status: Completed Status Date: 01/06/23 Comp Name: joanne carlson
Comp Phone: Comp Email:

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Debris and rubbish in front yard.
(paint cans, water heater, fencing)

Created	Modified	Note
01/05/23	01/05/23	Mr. Timmons and Mr. Ferris made contact with the tenant on the bottom floor of 15 B St. The tenet put code enforcement in contact with the landlord via cellphone. The owner stated that the debris will be removed in two weeks (1/19/23). Code Enforcement will return to verify.
01/06/23	01/06/23	Owner made contact with code enforcement to state that he had cleaned all the debris off his property.

Violation Id: V2300003 Prop Loc: 1 13TH ST
Viol Date: 01/09/23 Status: Completed Status Date: 02/02/23
Comp Name: Michael Longstreet Comp Phone: Comp Email:

Ordinance Id	Description
CC 18-7	Sec. 18-7. - Construction within rights-of-way.

Description: Complaint of a white picket fence constructed within the right of way

Created	Modified	Note
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02/02/23	02/02/23	Fence has been removed from the right of way.
01/26/23	01/26/23	Certified letter sent to owners of the property as a "official notice" to meet compliance.
01/25/23	01/25/23	Owners were emailed about the fence still in non compliance. Additionally, an email advising owners that a certified letter would be mailed out tomorrow giving the owners one week to remove the fence out of the right away. A short time later Code Enforcement received a phone call from Gary, one of the owners father that the fence would be removed out of the right of way by next week.
01/25/23	01/25/23	The fence has not been relocated back to the property of the owner and remains in the right of way. Contact was made with Public works inquiring if the owner has made any contact in reference to what can be placed in the right of away. Public Works, Russell Adams informed Code Enforcement he has had no contact or communication in regards to this matter.
01/19/23	01/19/23	Owner has agreed to relocate fence to his property or remove completely within 2 weeks.

violation Id: V2300004 Prop Loc: 331 A1A BEACH BLVD
Viol Date: 01/12/23 Status: Completed Status Date: 02/15/23 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Foundation for business sign poured without any permit. Stop work order posted at work site.

Created	Modified	Note
02/15/23	02/15/23	Concrete has been removed; case is closed.
01/20/23	01/20/23	Jessica Long EMAIL: regencyinnprojects@gmail.com
01/20/23	01/20/23	01/20/23 Email recieved from Jessica Long with Regency requesting how to move forward with removal of concrete slab and obtaining appropriate permits to proceede. Code Enforcement Officer Gil Timmons responded back via email informing concrete slab for unpermitted sign can be removed without a permit, and information on obtaining other permits can be addressed through the City of St. Augustine Beach's Permit Tech, Joseph Fowler.
01/20/23	01/20/23	01/19//23 Received a voice mail from Jessica with the Regency asking to speak with Gil Timmons of Code Enforcement with no other details. Code Enforcement Officer Gil Timmons returned the call with no contact and left a message on Jessica's voicemail advising he was attempting to return her call and for her to call back.
01/12/23	01/12/23	On 01/12/2023, Building Official Brian Law observed workers at 331 A1A Beach Blvd. pouring a concrete footer for a business sign. Code Enforcment was notified and found that no permit for this work was obtained. A stop work order was posted by Code Enforcement at the jobsite, and contact was made with an employee of the business. The employee advised she would get in touch with the owner to inform him. A short time later, the owner/representative of the business arrived at the Building Department to inquire on what was needed to continue with the work.

Danny,

Phone: 904-347-1525

Email: DANNYBH@GMAIL.COM

Additional Information:

Axesigns

16921 Via de Santa Fe
Suit C Rancho Santa Fe, Ca 92067

858-699-7011 - vaz (president)
johnathon@axesigns.com - (727)510-7031

Florida Reps:
joe@axesigns.com - (561)603-1376
christine@axesigns.com - (407)709-8337

Violation Id: V2300005 Prop Loc: 212 3RD ST
Viol Date: 01/17/23 Status: Completed Status Date: 01/19/23 Comp Name: Beach PD
Comp Phone: Comp Email:

Ordinance Id	Description
CC 19-37	Sec. 19-37. - Prohibiting the parking of tractor trailers, other large trucks and recreational vehicles on or within the right-of-way of city streets and within residentially zoned areas.

Description: Recieved a complaint from the St. Augustine Beach Police Department in reference to someone living in an RV in the right of way on 3rd Street.

Created	Modified	Note
01/19/23	01/19/23	Code Enforcement followed up this and the RV is now out of the right way and in the drive way.
01/17/23	01/17/23	A complaint from the St. Augustine Beach Police Department was recieved on 01/17/23 in reference to someone living in an RV at the end of 3rd Street. Code Enforcement checked out the complaint and area and did find a an RV at the west end of 3rd street parked in the right of way. Upon knocking on the RV door, Code Enforcement observed a warning from the St. Augustine Beach Police Department wedged in the door of the RV. Code Enforcement then made contact with the resident of 212 3rd Street who advised this was their RV that had been parked at the end of the street while work was being performed on the RV. The redident informed Code Enforcement they would have the RV moved back to their driveway by tomorrow.

Violation Id: V2300006 Prop Loc: 114 C ST
Viol Date: 01/18/23 Status: Completed Status Date: 03/23/23 Comp Name: Craig Thomson
Comp Phone: Comp Email: craigthomsonaa@mac.com

Ordinance Id	Description
CC 18-7	Sec. 18-7. - Construction within rights-of-way.

Description: Recieved a complaint about a driveway width exceeding 18 feet.

Created	Modified	Note
03/23/23	03/23/23	Pavers removed and right-of-way permit obtained through Public Works for the driveway. Case closed out.

02/09/23	02/09/23	Certified letter sent to owner of property to remove pavers in rights-of-way by 03/23/2023 or obtain a rights-of-way permit from Public Works by 03/23/2023.
01/18/23	01/18/23	Code Enforcement received a complaint in reference to a driveway on 114 C Street in regards to the width of the driveway. Upon inspection of the driveway Code Enforcement found no permit was obtained for the driveway. The width of the driveway is in question due to no permit being pulled or the approval of Public Work. A door knock requesting contact with Code Enforcement was placed on the front door of the residence.

Violation Id: V2300007	Prop Loc: 16 EWING ST		
Viol Date: 01/18/23	Status: Completed	Status Date: 02/09/23	Comp Name: Kayla Polk
Comp Phone: (813)394-8562	Comp Email: kaylapolk10@gmail.com		

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

Description: Complaint recieved about a possible illegal vacation rental.

Created	Modified	Note
02/09/23	02/09/23	Owner has complied with obtaining all necessary permits, inspections, and license. Case closed out.
01/23/23	01/23/23	Received confirmation of certified letter sent to Ms. Maza.
01/19/23	01/19/23	Contact with the property managment group (Lipsy Maza). Contact information: e-mail: Lipsydm@gmail.com Phone: +1(305)992-6699. Paperwork for short-term rental has been e-mailed. Ms. Maza has been made aware of required parameters concerning the airBnB listing.
01/18/23	01/18/23	Complaint was received regarding Code Enforcement to look into an illegal transient rental at 16 Ewing Street. Upon arrival Code Enforcement spoke to the tenants who advised they were renting the residence for thirty-plus days. A search for a transient rental/short term rental permit showed no results. Further investigation found the air bnb listing as seen in attachments. Certified letter of cease and desist was sent out 01/18/23.

Violation Id: V2300008	Prop Loc: 378 A1A BEACH BLVD		
Viol Date: 01/18/23	Status: Open	Comp Name:	Comp Phone:
Comp Email:			

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Vending machine with no permits or site plans.

Created	Modified	Note
04/20/23	04/20/23	Ice machine/water dispenser removed. The pad still exist with utilities. Case remains open until utilities can be inspected.
03/22/23	03/22/23	Certified letter sent for notice to appear for 04/26/23 code board.
03/08/23	03/08/23	Email received from ice maker owner informing Code Enforcement he is working on getting the ice

maker moved.

02/22/23 02/22/23 Code Enforcement G. Timmons sent owner information on compliance process on 02/21/2023 after owner reached out for additional information.

02/17/23 02/17/23 Owner came into the Building Department to obtain information on getting proper permits to move ice vending machine. Spoke with Code Enforcement and Permit Tech.

02/07/23 02/07/23 Certified letter sent instructing owner to remove ice maker or relocate with proper permits.

01/19/23 01/19/23 Code Enforcement spoke to the person responsible for the ice vending unit. Email: blsutch831@gmail.com Phone: +1(516)650-4376. Information has been passed to the building department to insure unit is brought into compliance.

01/18/23 01/18/23 Code Enforcement received information from the Building Official on 01/18/23 in reference to an ice maker/vending machine installed in the parking lot of Rita's Ice/Antonio's Pizza. Code Enforcement went to the location and found the ice maker/vending machine in the south west corner of the business parking lot. The ice maker/vending machine is on a poured concrete slab with electric and water installed to the machine. An Employee at the counter of Antonio's Pizza informed Code Enforcement that the owner of the property had the ice maker/vending machine installed. A search of permits revealed a Business Tax Receipt was issued for the machine; however, no other permits were issued for the electric, water or site plan.

Violation Id: v2300009 Prop Loc: 430 A1A BEACH BLVD
Viol Date: 01/24/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Sign is over twelve feet in height which is not compliant with city code. (Hampton Inn)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/24/23	01/24/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is not in compliance with the city code of St. Augustine Beach. Compliance must be met by 08/01/23.

Violation Id: v2300010 Prop Loc: 331 A1A BEACH BLVD
Viol Date: 01/24/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not compliance with code.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/24/23	01/24/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign on property is not in compliance with the city of code of St. Augustine Beach and must be in compliance by 08/01/23.

Violation Id: V2300011 Prop Loc: 461 A1A BEACH BLVD
Viol Date: 01/24/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign is not in compliance with code. (Mayday)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/24/23	01/24/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign has until 08/01/23 to be compliance with code.

Violation Id: V2300012 Prop Loc: 860 A1A BEACH BLVD
Viol Date: 01/25/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Pool resurfacing with out permit.

Created	Modified	Note
01/27/23	01/27/23	Building Permit/Clearance Sheet Application received for review.
01/25/23	01/25/23	Code Enforcement was notified by the Building Official of the possibility of the pool at Guy

Harvey Resort being resurfaced without a permit. Code Enforcement made contact with a worker who put him in touch with his foreman via phone. Jose, the foreman advised Code Enforcement that the owner of the resurfacing/paver company was aware of getting the proper permits. Jose provided the following email to make contact with his boss. (mgarcia@vermon.com)

Violation Id: v2300013 Prop Loc: 18 A ST
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Pit Surf Shop/Stir It Up: Business signs not in compliance.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/26/23	01/26/23	Signs Must Maintain Clearance from utilities and Shall Not Interfere with surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be brought into compliance prior to or by August 1, 2023.

Violation Id: V2300014 Prop Loc: 15 1ST ST
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not in compliance with city code. This is Anastasia Vet.

Created	Modified	Note
01/26/23	01/26/23	Signs Must Maintain Clearance from utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be brought into compliance prior to or by August 1, 2023.

Violation Id: V2300015 Prop Loc: 741 A1A BEACH BLVD
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not in compliance with city code. (Sunshine Realty)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/26/23	01/26/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be in compliance prior to or by August 1st, 2023.

Violation Id: V2300016 Prop Loc: 770 A1A BEACH BLVD
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not in compliance with city code. (Tasa)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/26/23	01/26/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be in compliance prior to or by August 1st, 2023.

Violation Id: V2300017 Prop Loc: 541 A1A BEACH BLVD
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not in compliance with city code. (Best Western)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/26/23	01/26/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be brought into compliance prior to or by August 1st, 2023.

Violation Id: V2300018 Prop Loc: 770 A1A BEACH BLVD
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not in compliance with city code. (Sea Forest Design)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/26/23	01/26/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be brought into compliance prior to or by August 1st, 2023.

Violation Id: V2300019 Prop Loc: 818 A1A BEACH BLVD
Viol Date: 01/26/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign not in compliance. (Fiesta Falls)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/26/23	01/26/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with

Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be brought into compliance prior to or by August 1st, 2023.

Violation Id: V2300020 Prop Loc: 1097 A1A BEACH BLVD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign for community shopping center does not comply with city code. (Anastasia Plaza)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be meet compliance with city code prior to or by August 1st, 2023.

Violation Id: V2300021 Prop Loc: 1115 A1A BEACH BLVD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Circle K business sign is not in compliance with city code.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage,

electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must meet compliance prior to or by August 1st, 2023.

Violation Id: V2300022 Prop Loc: 1115 A1A BEACH BLVD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign for Dunkin Donuts does not meet compliance with city code.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign for Dunkin Donuts is over twelve feet in height and must meet compliance prior to or by August 1st, 2023.

Violation Id: V2300023 Prop Loc: 3955 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign is over twelve feet in height which is out of compliance with city code.
(Americas Best Value Inn)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must meet city code prior to or by August 1st, 2023.

Violation Id: V2300024 Prop Loc: 4001 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign over twelve feet in height which is out of compliance with city code.
(Island Prep School)

Created	Modified	Note
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height which is out of compliance and must be brought into compliance prior to or by August 1st, 2023.

Violation Id: V2300025 Prop Loc: 4100 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign is over twelve feet in height which is out of compliance with city code. (
Sandpiper Plaza)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must meet compliance with city code prior to or by August 1st, 2023.

Violation Id: V2300026 Prop Loc: 3970 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign is over twelve feet in height which is out of compliance with city code.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must meet compliance prior to or by August 1st, 2023.

Violation Id: V2300027 Prop Loc: 3942 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign/s for this property 3942-3950 are over twelve feet in height. (Coastal Rental Property)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign/s for Coastal Rental Property, 3942-3950 A1A S are over twelve feet in height. Compliance must be met prior to or by August 1st, 2023.

Violation Id: V2300028 Prop Loc: 3175 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Watson Realty business sign is over twelve feet in height and must be brought into city code compliance prior to or by August 1st, 2023.

Violation Id: V2300029 Prop Loc: 2060 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign is over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must meet city code prior to or by August 1st, 2023.

Violation Id: V2300030 Prop Loc: 2010 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: 711 Store sign is over twelve feet in height.

Created	Modified	Note
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications

equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must meet compliance prior to or by August 1st, 2023.

Violation Id: V2300031 Prop Loc: 2040 A1A S
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Wendy's business sign is over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign must be brought into compliance prior to or by August 1st, 2023.

Violation Id: V2300032 Prop Loc: 421 A1A BEACH BLVD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Sunset Grille business sign over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet and will need to meet compliance prior to or by August 1st, 2023.

Violation Id: V2300033 Prop Loc: 4000 A1A SOUTH
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Oasis Restaurant business sign for parking lot is over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign in parking lot is over twelve feet in height and must meet city code compliance prior to or by August 1st, 2023.

Violation Id: V2300034 Prop Loc: 590 A1A BEACH BLVD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Obies Filling Station business sign is over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must be in compliance prior to or by August 1st, 2023.

Violation Id: V2300035 Prop Loc: 1005 POPE RD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Andy's Taylor Rental business sign is over twelve feet in height.

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and must be in compliance prior to or by August 1st, 2023.

Violation Id: V2300036 Prop Loc: 303 A1A BEACH BLVD
Viol Date: 01/27/23 Status: Open Comp Name: Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.04	Non conforming signs above twelve feet will need to meet compliance by 08/01/23.

Description: Business sign is over twelve feet in height. (Little Margies Cafe)

Created	Modified	Note
02/02/23	02/02/23	Letter for business sign compliance hand delivered to business on 02/01/23 along with a letter mailed to business owner today.
01/27/23	01/27/23	Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground water or with Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage. Business sign is over twelve feet in height and will need to meet compliance prior to or by August 1st, 2023.

Violation Id: V2300037 Prop Loc: 677 OCEAN PALM WAY
Viol Date: 01/27/23 Status: Completed Status Date: 02/01/23
Comp Name: Marshall Shenieder Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Footer poured without permits.

Created	Modified	Note
02/01/23	02/01/23	wall is completed and is under six foot in height which will not require a permit.
01/31/23	01/31/23	Complaint investigated and found there was a masonry wall on the back side of the property by the shared driveway which appeared to be new and not completed. A contractor was on site installing some cabinets and informed Code Enforcement the owner was not present, but he would inform the owner to make contact with the Building Department to obtain a permit. The contractor further explained the wall was new.
01/27/23	01/30/23	Received verbal complaint from Code Board Member Marshal Shneider in reference to a footer being poured without permits at 677 Ocean Palm way. Electrical permit is the only active permit at this time. Inspection scheduled for Monday morning to investigate complaint.

Violation Id: V2300038 Prop Loc: 119 13TH ST
Viol Date: 02/06/23 Status: Completed Status Date: 03/17/23 Comp Name: George Cole
Comp Phone: Comp Email:

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Care of premises.

Created	Modified	Note
03/17/23	03/17/23	Owner has removed vehicles and rubbish from front yard.
03/06/23	03/06/23	Recieved call from owner Mr. Garrett confirming he received the certified mail. 251-377-0731
02/28/23	02/28/23	Certified letter sent to meet compliance by 03/14/2023.
02/27/23	02/27/23	Home owner called and advised he needs a couple weeks to get the vehicles removed and clean up the rubbish in the yard. This is the first attempt/contact owner has made with Code Enforcement. Home owner was informed a certified letter will be mailed out giving him an additional two weeks to be in compliance with code. Compliance date is now 03/14/2023.
02/06/23	02/06/23	The front yard of this property has two vehicles without license plates with one vehicle having some small kitchen appliances laying behind the vehicle. From the street, a van can be seen on the side of the house that appears to have not moved in a long time with rubbish on both sides of the van. A door hanger with the code violation and contact information was placed on the front door with a compliance date of 02/28/23.

Violation Id: V2300039 Prop Loc: 807 MICKLER BLVD
Viol Date: 02/09/23 Status: Completed Status Date: 03/01/23 Comp Name:
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Masonry wall ovr 6' without permits.

Created	Modified	Note
03/01/23	03/01/23	Permits applied and paid for; case closed out.

02/23/23	02/23/23	Awaiting permit/s to be paid; plans have been approved.
02/14/23	02/14/23	Owner came by the Building Department to discuss what he needed to do to be in compliance. Owner was informed to obtain the proper permit/s and follow through. This took place on 02/13/2023.
02/09/23	02/09/23	Certified letter sent to owner to obtain proper permit/s by 03/01/2023 or removal of masonry fence by 03/01/2023.
02/09/23	02/09/23	Masonry fence constructed over 6' without obtain permit/s.

Violation Id: V2300040 Prop Loc: 351 AIA BEACH BLVD
Viol Date: 02/17/23 Status: Completed Status Date: 05/04/23
Comp Name: St. Augustine Beach PD Comp Phone: Comp Email:

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.
CC 13-4	Sleeping in Public Places or Vehicles Prohibited

Description: Employee of Circle K living in vehicle on back side of store. Vehicle does not have a valid license plate displayed.

Created	Modified	Note
05/04/23	05/04/23	Code Enforcement has been by the business since 04/20/23 several times, and it appears the employee is no longer living in his car behind the business. Case closed out.
04/19/23	04/19/23	Hand delivered cease and desist letter to employee pf Circle K to give manager at Circle K on 04/18/23. Additionally, property owner of Circle K and Circle K North Florida Office were mailed certified letter of cease and desist for this violation.
04/17/23	04/17/23	Sgt. Hand from the St. Augustine Beach Police Department informed the Building Official of an employee of Circle K sleeping in his vehicle behind the store. Code Enforcement was investigating this back in February when it appeared the employee stoped sleeping/living in his vehicle behind the store. The tag on the back of the vehicle in February of 2023 was a tattered paper 30 day tag from South Carolina which by all appearances appears to be the same tag on this date.
02/21/23	02/21/23	vehicle and individual living in car behind Circle K are no longer on the property.
02/21/23	02/21/23	vehicle does not have a valid license plate displayed.
02/17/23	02/17/23	Recieved an email and pictures from St. Augustine Beach Police Department in reference to an employee of the Circle K Store living in a vehicle on the back side of the store.

Violation Id: V2300041 Prop Loc: 202 AZALEA AVE
Viol Date: 02/17/23 Status: Open Comp Name: Building Official
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Building shed without a permit.

Created	Modified	Note
04/28/23	04/28/23	Code Board has been notified of this case. Owners have submitted a Variance application for the June Planning and Zoning meeting
03/22/23	03/22/23	certified letter sent for notice to appear for 04/26/23 code board.
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 Prop Loc: 213 B ST
Viol Date: 02/21/23 Status: Completed Status Date: 04/06/23 Comp Name: Gene Bryan
Comp Phone: (904)501-3226 Comp Email: geno607@yahoo.com

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Care of premises

Created	Modified	Note
04/06/23	04/06/23	Case closed out; home owner has continued to keep construction equipment off porch and front yard. No other complaints have been received about the lights as it appears they are angled down away from neighbors residence.
02/21/23	02/21/23	Code Enforcement made contact with the home owner who advised us he would bring the ladder and construction material in the house in the next few days. Only one security light was working while Code Enforcement was on site, and the security light was angled in a downward position. The other lights were also in a downward position and appeared to be older. Home owner informed us the other lights did not work. Code Enforcement will return in a few days to see if ladder and construction equipment is put away.
02/21/23	02/21/23	Complainant also thinks the outside security lighting is too bright. Complainant advised to contact the local Police Department to check the brightness of the security light/s.
02/21/23	02/21/23	Complaint recieved regarding construction material being stored on the front porch of 213 B Street.

Violation Id: V2300043 Prop Loc: 135 13TH ST

Viol Date: 02/21/23 Status: Completed Status Date: 02/21/23 Comp Name: Sean Wells
Comp Phone: (904)568-1656 Comp Email:

Ordinance Id	Description
9.02.10	Sec. 9.02.10. - Noise - Land Development

Description: Barking dog complaint.

Created	Modified	Note
02/21/23	02/21/23	Code Enforcement followed up on the alleged barking dog complaint for the address of 135 13th Street received through the RSS. Contact was made with the home owner, and a copy of the City Code regarding noise/barking dogs was provided to the home owner. Home owner informed us that the Saint Augustine Beach Police and St. Johns County Animal Control have also visited him. Complainant was informed via email on contacting the Saint Augustine Beach Police as they would be available after hours and have the proper equipment to measure noise allegedly caused by barking dog.

Violation Id: V2300044 Prop Loc: 204 9TH ST
Viol Date: 02/21/23 Status: Completed Status Date: 03/23/23
Comp Name: Code Enforcement Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Work without permits.

Created	Modified	Note
03/23/23	03/23/23	Permits paid and case closed out.
03/22/23	03/22/23	Certified letter sent for notice to appear for 04/26/23 code board.
03/02/23	03/02/23	Contractor came in to speak with Building Official about permits.
02/23/23	02/23/23	Certified letter sent to owner to obtain permits on or before 03/22/23.
02/23/23	02/23/23	Representative from MATO Construction Company obtained information and paper work from Building Department's Permit Tech on this date.
02/21/23	02/21/23	Code Enforcement observed building materials in the front and side of this residence to include the installation of new siding and stairs. A stop work order was issued.

Violation Id: V2300045 Prop Loc: 510 AIA BEACH BLVD
Viol Date: 02/22/23 Status: Completed Status Date: 02/24/23 Comp Name: Eddie Darcel
Comp Phone: (904)495-5241 Comp Email: eddiedarcel@gmail.com

Ordinance Id	Description
CC 13-4	Sleeping in Public Places or Vehicles Prohibited

Description: Transient living and sleeping in vehicles.

Created	Modified	Note
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02/24/23	02/24/23	10TH Street Park/Parking lot has been monitored for the last few day, and no evidence of homeless people sleeping in their vehicles was found. Case closed out, but will continue to monitor.
02/22/23	02/22/23	Received a complaint through the RSS in reference to homeless people sleeping in their vehicles at the 10th Street park.

Violation Id: V2300046	Prop Loc: 205 7TH ST	Status Date: 03/15/23	Comp Email:
viol Date: 02/24/23	Status: Completed	Comp Phone:	
Comp Name: Code Enforcement			

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Expired permits.

Created	Modified	Note
03/15/23	03/15/23	Permits paid and submitted; case closed.
02/24/23	02/24/23	certified letter sent to home owner to comply on or before 03/24/23.
02/24/23	02/24/23	Contractor from the construction company came by the Building Department on 02/23/23 to obtain forms for the permits.
02/24/23	02/24/23	Residence permits have expired over 6 months.

Violation Id: V2300047	Prop Loc: 124 KINGS QUARRY LN	Status Date: 04/13/23	Comp Email:
viol Date: 02/28/23	Status: Completed	Comp Phone:	
Comp Name: Code Enforcement			

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: No permits on record for work completed.

Created	Modified	Note
04/13/23	04/13/23	Permits have been satisfied; case closed out.
03/22/23	03/22/23	Owner contacted permit tech and is the process of taking care of permit violation/s.
03/08/23	03/08/23	certified letter returned with signature. Additionally, residence has a newer deck at the rear of the house as shown in picture taken from the street.
02/28/23	02/28/23	certified letter sent to home owner; compliance on obtaining permit/s on or before 03/28/2023.
02/28/23	02/28/23	while following up on other code cases, Code Enforcement noticed a newer deck and stairs at the residence of 124 Kings Quarry LN. A check of the Building Departments MCSJ revealed no permits have been obtained for this work.

Violation Id: V2300048	Prop Loc: 860 A1A BEACH BLVD	Status Date: 02/28/23
viol Date: 02/28/23	Status: Completed	

Comp Name: Building Dept. Permit Tech.

Comp Phone:

Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Permit not pulled for work.

Created	Modified	Note
02/28/23	02/28/23	Building Dept. Permit Tech. notified Code Enforcement of a permit not pulled for mechanical work that was completed. Permit has now been obtained and double fees applied. Case closed out.

Violation Id: v2300049 Prop Loc: 351 A1A BEACH BLVD
Viol Date: 03/02/23 Status: Completed Status Date: 04/24/23
Comp Name: Building Official/Code Enforcemnt Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: No permit obtained for work. This is Circle K.

Created	Modified	Note
04/24/23	04/24/23	Permits obtained and case closed out.
04/19/23	04/19/23	General Contractor for the work performed at Circle K called and advised he will represent Circle K at the Code Board. Owner Authorization Form emailed for Shawn Boschell General Contractor to complete and return.
03/16/23	03/16/23	Permits picked up to be completed by the window contractor.
03/09/23	03/09/23	Certified letter sent to owner of Circle K to obtain permit/s.
03/02/23	03/02/23	Hand delivered letter to obtain permit/s for work completed.
03/02/23	03/02/23	Front glass doors of store replaced without obtaining permit/s for the work.

Violation Id: v2300050 Prop Loc: 131 15TH ST
Viol Date: 03/06/23 Status: Completed Status Date: 04/25/23
Comp Name: Code Enforcement Comp Phone: Comp Email:

Ordinance Id	Description
SEC.5.00.00	Removal of Trees

Description: Removal of tree/s without permit/s. Tree in right of way was also removed.

Created	Modified	Note
04/25/23	04/25/23	Mitigation fee has been paid. Closing case
04/10/23	04/10/23	Building Official had a meeting with property owner to discuss options to help off set cost of fines.

03/06/23	03/06/23	Tree in the right of way was also removed without approval or permit/s.
03/06/23	03/06/23	On 03/03/2023, Code Enforcement observed two landscaping workers cutting the remains of a tree/s that had been cut down. A search of permits yielded negative results for this address in removing any trees.

Violation Id: V2300051	Prop Loc: 202 6TH ST	Status Date: 04/24/23	Comp Email:
Viol Date: 03/08/23	Status: Completed	Comp Phone:	
Comp Name: Code Enforcement			

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Working without permit/s.

Created	Modified	Note
04/24/23	04/24/23	Permit Issued
04/21/23	04/21/23	Owner called Code Enforcement and informed us a plumber will be by on Monday 04/24/23 to acquire permits.
04/04/23	04/04/23	Owner advised a plumber has been scheduled to come to the residence in the next day or two, and owner is trying to have everything completed in the next week or two. Owner advised to keep Code Enforcement up to date on progress.
03/22/23	03/22/23	Owner Amy Ferris called permit tech and was instructed on what needs to be obtained. Owner advised she will most likely get a contractor and obtain permits.
03/08/23	03/08/23	Owner called and advised he will come by to obtain permit/s.
03/08/23	03/08/23	Stop work order and business card given to tenant (Jordon) who advised he will get with the owner.
03/08/23	03/08/23	A bathtub and drywall was observed in the yard of this residence which prompted a review of permits pulled. A search of permits pulled for this residence revealed no current permit/s.

Violation Id: V2300052	Prop Loc: 2040 A1A S	Comp Name: Code Enforcement
Viol Date: 03/13/23	Status: Open	
Comp Phone:	Comp Email:	

Ordinance Id	Description
8.00.10.	Nonconforming signs.

Description: Discontinued business sign.

Created	Modified	Note
03/13/23	03/13/23	Certified letter addressing sign to be removed by or before 04/10/23.
03/13/23	03/13/23	Certified letter sent requesting removal of previous Wendy's fast food sign. Establishment has been closed/vacant for several months.

Violation Id: V2300053 Prop Loc: 931 A1A BEACH BLVD UNIT 104
Viol Date: 03/13/23 Status: Completed Status Date: 03/23/23
Comp Name: Lois Lynn Levell-Troyer Comp Phone: (208)880-5989
Comp Email: ridingmytrek@rocketmail.com

Ordinance Id	Description
IMPC 504.3	Plumbing and system hazards

Description: Condominium unit above complaintant allegedly leaking down through the ceiling.

Created	Modified	Note
03/23/23	03/23/23	Homeowner has stated that the leak has been repaired.
03/13/23	03/13/23	Complaint received from owner of condominium 931 A1A Beach Blvd. unit 103 advising that her neighbor above her at 931 A1A Beach Blvd. Unit 104 allegedly has a leak that is coming through her ceiling causing damage and the neighbor will not repair the leak.

Violation Id: V2300054 Prop Loc: 1097 A1A BEACH BLVD
Viol Date: 03/15/23 Status: Completed Status Date: 04/25/23 Comp Name: Elyse Brady
Comp Phone: Comp Email:

Ordinance Id	Description
14-2	Sec. 14-2. - Weeds, trash, and unsanitary matter.

Description: Trash outside of dumpster.

Created	Modified	Note
04/25/23	04/25/23	Trash has been cleaned up; case has been closed out.
04/17/23	04/17/23	Property Manager Lynn McFatter informed me via phone the trash company will be on site tomorrow to determine what size dumpster/s to use, and the porter will be on site on Wednesday to clean the trash around the dumpsters and wood line.
04/17/23	04/17/23	The property manager of Anastasia Plaza informed me she is working on getting a bigger dumpster and more scheduled dumpster pick ups to prevent trash overflow. She also advised me a porter will be cleaning up the trash this week around the dumpsters and wood line.
04/17/23	04/17/23	Del Mar Veterinary advised they gave my contact information to the property manager of Anastasia Plaza. Lynn McFatter 904-598-7328, lynnmcfatter@regencycenters.com
03/15/23	03/15/23	St. Augustine Beach City Manager received a complaint via email from a resident living near Anastasia Plaza in regards to the large amounts of trash outside of the dumpsters used for the businesses at Anastasia Plaza.

Violation Id: V2300055 Prop Loc: 64 ATLANTIC OAKS CIR
Viol Date: 03/16/23 Status: Pending Comp Name: Building Inspector
Comp Phone: Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Working without permit/s.

Created	Modified	Note
03/17/23	03/17/23	Case is pending and will be monitored. Just for reference a Owens Stucco Repair Truck was at the residence this morning.
03/16/23	03/16/23	Pictures were taken of a toilet in the dumpster which can be seeing driving up to the residence. There also appears to be another toilet in the dumpster and one vanity next to the dumpster.
03/16/23	03/16/23	Approximately 3:44 p.m., Code Enforcement arrived back at the building department. At this time, Code Enforcement received a phone call from a person claiming to be the home owner of 64 Atlantic Oaks Circle. The home owner advised he is a Vet overseas and was calling us because his wife said we left a card. I explained we had some questions about possible plumbing work being performed without permits. The home owner at this point became upset and advised they were only replacing a fence and didnt like being accused of something he didnt do. I tried to explain we were only seeking to find out if plumbing work was being performed and if there was a contractor. The home owner was very upset and stated that he did not like being accused of something he did not do. I tried to explain to the home owner we received a complaint and were only trying to investigate. The home owner continued to be rude and cut me off and accuse me of harrassing. I could not get a word in to explain or defuse his irrational behavior. I then terminated the call by saying have a good day.
03/16/23	03/16/23	Building Inspector G. Brown informed Code Enforcement of a dumpster outside of 64 Atlantic Oaks Circle Unit B with a toilet in the dumpster. A search of permits for this address had negative results. Code Enforcement went to the address approximately 3:30 p.m. to investigate and visibly saw from the road a toilet sitting in the dumpster. An attempt to contact the owner or possible contractor was made by knocking on the door. There was no answer at the door so a business card was left on the door to contact us.

Violation Id: V2300056 Prop Loc: 213 9TH ST UNIT A
Viol Date: 03/23/23 Status: Completed Status Date: 04/13/23 Comp Name:
Comp Phone: Comp Email:

Ordinance Id Description
INVESTIGATION

Description: Outside claim.

Created	Modified	Note
04/13/23	04/13/23	Due to a variance given in 1988. Permits were not required for the addition on the rear of the house. -See attachment
03/23/23	03/23/23	Outside investigation to gather past information on residence.

Violation Id: V2300057 Prop Loc: 3950 A1A S
Viol Date: 04/03/23 Status: Completed Status Date: 04/13/23 Comp Name: Douglas Badin
Comp Phone: (561)376-9081 Comp Email:

Ordinance Id Description
INVESTIGATION

Description: Alleged illicit discharge.

Created	Modified	Note
04/13/23	04/13/23	Due to rain the night of, evidence of leaves has been washed away
04/03/23	04/03/23	Written complaint received on City of St. Augustine Beach's Citizen Complaint Form in regards to leaves being blown into AIA by a landscaping company possibly hired by Coastal Realty Property Management. Code Enforcement will investigate and monitor the complaint to gather information and evidence.

Violation Id: V2300058 Prop Loc: 312 B ST
Viol Date: 04/05/23 Status: Completed Status Date: 04/05/23 Comp Name: Mick Orlando
Comp Phone: (904)326-9300 Comp Email:

Ordinance Id	Description
CC 6.02.03	Sec. 6.02.03. - Rights-of-way.

Description: Basket ball pole/hoop in right of way.

Created	Modified	Note
04/05/23	04/05/23	Complaint investigated and monitored on 04/04/23 and 04/05/23. Basketball hoop/pole is in the driveway of residence.

Violation Id: V2300059 Prop Loc: 1 11TH ST
Viol Date: 04/05/23 Status: Completed Status Date: 04/12/23 Comp Name: Undine George
Comp Phone: (904)236-6243 Comp Email: undinec@gmail.com

Ordinance Id	Description
5.06.00	Protection of dune system.

Description: Pathway constructed through the dunes.

Created	Modified	Note
04/12/23	04/12/23	Case closed out; there is no new construction to indicate this is a new pathway cut through the dunes.
04/05/23	04/05/23	Pathway lined with rocks constructed through the dunes behind residence.

Violation Id: V2300060 Prop Loc: 3950 A1A S
Viol Date: 04/05/23 Status: Completed Status Date: 04/13/23 Comp Name: Douglas Badin
Comp Phone: (561)376-9081 Comp Email:

Ordinance Id	Description
INVESTIGATION	

Description: Illicit discharge investigation

Created	Modified	Note
04/13/23	04/13/23	Due to rain the night of, evidence of leaves has been washed away

04/05/23 04/05/23 Allegation currently being monitored to be on site when lawn service returns.
04/05/23 04/05/23 Illicit discharge investigation in reference to leaves from lawn service being blown into the street.

Violation Id: V2300061 Prop Loc: 611 BOWERS CT
Viol Date: 04/10/23 Status: Completed Status Date: 05/11/23 Comp Name: Laura wright
Comp Phone: (904)315-7919 Comp Email:

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

Description: Illegal Rental

Created	Modified	Note
05/11/23	05/11/23	Owner has taken listing for rental off the website. All paper work for short-term rental completed and invoices sent out for short-term rental.
05/05/23	05/05/23	Owner stopped by the Building Department inquiring what action he needed to take to continue renting. Code Enforcement explained the process and forms he would need to be in compliance for short-term rental. At owners request, all forms with instruction were emailed to the email he provided. (beaconhomesfl@gmail.com)
04/28/23	04/28/23	Certified letter mailed for notice to appear before the May Code Board.
04/28/23	04/28/23	Re-opened due to re-activating their listing on VRBO
04/20/23	04/20/23	611 Bowers has appeared to cease and desist as an illegal rental. Rental has been removed from website.
04/19/23	04/19/23	Hand delivered cease and desist letter, but there was no answer at the door so enclosed letter was put in the door jam. Photo of letter in jam uploaded.
04/11/23	04/11/23	Certified letter sent to cease and desist rental.
04/10/23	04/10/23	After following up on a written complaint, it was determined that the residence in question is being used as a rental without being in compliance with the City of St. Augustine Beach City Codes. Residence is not registered as a rental with the City of St. Augustine Beach.

Violation Id: V2300062 Prop Loc: 638 BOWERS CT
Viol Date: 04/10/23 Status: Open Comp Name: Laura wright Comp Phone: (904)315-7919
Comp Email:

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

Description: Illegal Rental

Created	Modified	Note
05/11/23	05/11/23	Owner was informed that the listing was still up, and would need to be removed. She advised

		that she kept the listing up, and thought she had locked the calendar so no one could make reservations. Owner advised she would correct this.
05/11/23	05/11/23	Code Enforcement called owner of residence, and she advised she has been out of town and will be back on Monday 10/15/23 to finish the short-term rental process.
05/11/23	05/11/23	Certified letters returned on 05/10/23 as undeliverable.
04/28/23	04/28/23	Certified letter sent for notice to appear before the May Code Board.
04/28/23	04/28/23	As of todays date, this residence is still listed on VRBO as a transient rental.
04/20/23	04/20/23	Home owner emailed the application form and business tax receipt to me. I then emailed the transient/short term rental form for her short term rental with instructions on payment, inspection, and how and when she will receive her business tax receipt.
04/20/23	04/20/23	Home owner Brenda Dirkse called to inquire why I left a letter in her door jam informing her she is operating an illegal rental. I explained to her that Code Enforcement found her illegal rental on a rental website which showed recent activity of a six day rental with a review on April 12th, 2023. She denied this evidence stating she only rents for six months or more. I advised her that we have the evidence that she recently rented for six days which is an illegal rental. She then informed me that she was taking that off the website. I informed her we already have the evidence, and her options were to stop renting less than six months, complete paper work to be in compliance, or she would be notified to appear before the Code Board. I made it clear we did not enforce rentals six months or more; however, the evidence we have shows she is using her rental as a transient rental. She then inquired on what is needed for short term rentals. I verbally walked her through our website instructing her on what forms are needed and where to find the forms, and I explained the process of fees, inspections and getting her business tax receipt.
04/19/23	04/19/23	Hand delivered cease and desist letter to residence. No answer at door so enclosed envelope left in jam of door. Photo uploaded of letter in jam of door.
04/11/23	04/11/23	Certified letter sent to cease and desist rental.
04/10/23	04/10/23	After investigating a complaint of an illegal rental at this residence, it was determined the residence in question is operating an illegal rental. Residence is not in compliance with the City of St. Augustine Beach City Code for rentals.

Violation Id: V2300063	Prop Loc: 506 A ST		
Viol Date: 04/10/23	Status: Completed	Status Date: 04/28/23	
Comp Name: Code Enforcement		Comp Phone:	Comp Email:

Ordinance Id	Description
LDR 3.02.03	PROHIBITED USES

Description: Illegal Rental

Created	Modified	Note
04/28/23	04/28/23	Low Density, allowed to short term rent without permit or BTR
04/18/23	04/18/23	Brandon Parsons Realty came in and requested information on types of rentals, and what type is permitted for 506 A Street. Information was given verbally and email of types of rentals and procedures emailed to the email provided. brandonparsonsrealty@gmail.com

04/11/23	04/11/23	Certified letter sent to cease and desist rental.
04/10/23	04/10/23	while investigating a different illegal rental, Code Enforcement discovered this illegal rental. "A" Street Beach House! walk to SA Beach! (vrbo.com)

Violation Id: V2300064	Prop Loc: 413 A ST	Status Date: 04/20/23	Comp Email:
Viol Date: 04/10/23	Status: Completed	Comp Phone:	
Comp Name: Code Enforcement			

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

Description: Illegal Rental

Created	Modified	Note
04/20/23	04/20/23	Home owner completed all paper work and paid fees for application and inspection. Inspection is scheduled today. Case closed out.
04/19/23	04/19/23	Home owner called to inform she received the letter and advised she was unaware of having to get a business tax receipt with the City of St. Augustine Beach. Home owner was emailed the rental forms and business tax receipt form as requested.
04/19/23	04/19/23	Copy of certified letter delivered to the residence. Cleaning lady was present and advised she would give the enclosed letter to the property owner.
04/19/23	04/19/23	Certified letter sent to cease and desist on 4/11/23.
04/10/23	04/10/23	Residence was found on vrbo.com and is not registered with the City of St. Augustine Beach as a rental.

Violation Id: V2300065	Prop Loc: 212 10TH ST	Status Date: 04/18/23	Comp Email:
Viol Date: 04/10/23	Status: Completed	Comp Phone:	
Comp Name: Code Enforcement			

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

Description: Illegal rental

Created	Modified	Note
04/18/23	04/18/23	Owners of residence completed their short term rental paper work, paid application fee, and inspection fee. Residence will be inspected on April 21st. Case closed out.
04/14/23	04/14/23	Home owner contacted Code Enforcement and advised they thought they only had to get a State License and County Business License. Process explained and forms to complete emailed explaining the process.
04/11/23	04/11/23	Certified letter sent to cease and desist rental.

04/10/23	04/10/23	while investigating an illegal transient rental, this illegal transient rental was found on the vrbo.com website. This residence is not within the compliance of the City of ST. Augustine Beach's compliance for rentals.
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Violation Id: V2300066	Prop Loc: 201 SEVILLA ST	Status Date: 04/21/23	Comp Email:
viol Date: 04/11/23	Status: Completed	Comp Phone:	
Comp Name: Code Enforcement			

Ordinance Id	Description
LDR 3.02.03	PROHIBITED USES

Description: Illegal Rental

Created	Modified	Note
04/21/23	04/21/23	Case closed out. Home owner completed all paper work and paid fees to include setting up an inspection to be compliant for short term rental.
04/19/23	04/19/23	Hand delivered copy of certified letter to cease and desist. Home owner was informed what she needed to do so she can be in compliance. She advised she will come to the Building Department to retrieve the forms.
04/11/23	04/11/23	Certified letter sent to cease and desist rental.
04/11/23	04/11/23	while investigating an illegal rental; this residence was found online as rental which is not in compliance with St. Augustine Beach City Code.

Violation Id: V2300067	Prop Loc: 2 LISBON ST	Comp Name: Code Enforcement
viol Date: 04/11/23	Status: Open	
Comp Phone:	Comp Email:	

Ordinance Id	Description
SEC. 3.02.03	PROHIBITED USE

Description: Illegal Rental

Created	Modified	Note
04/28/23	04/28/23	Certified letter mailed to owner to appear before the May Code Board.
04/28/23	04/28/23	As of todays date, this residence is still being advertised as a transient rental.
04/20/23	04/20/23	Home Owner contacted Code Enforcement on 04/17/23 to get information on being compliant with his rental.
04/11/23	04/11/23	Certified letter sent to cease and desist rental.
04/11/23	04/11/23	while investigating an illegal rental, this residence was found to be an illegal rental.

Violation Id: V2300068	Prop Loc: 317 S OCEAN TRACE RD	Status Date: 04/28/23	Comp Name: Permit Tech.
viol Date: 04/11/23	Status: Completed		
Comp Phone:	Comp Email:		

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: Bathroom Remodel/No Permits

Created	Modified	Note
04/28/23	04/28/23	Bath remodel permit has been issued
04/11/23	04/11/23	Stop work Order posted at residence.

Violation Id: V2300069	Prop Loc: 39 OCEAN CT	
Viol Date: 04/14/23	Status: Open	Comp Name: Jeanne Lindquist
Comp Phone:	Comp Email:	

Ordinance Id	Description
INVESTIGATION	

Description: Fill dirt causing run off onto neighbors property.

Created	Modified	Note
04/14/23	04/14/23	Pictures taken and uploaded of fill dirt. Spoke with Public Works and they will let Code Enforcement know if this is causing or going to cause illicit discharge onto neighbors property.
04/14/23	04/14/23	Received a complaint that the owners of 39 Ocean Ct. are bringing in fill dirt which is altering the run off of storm water.

Violation Id: V2300070	Prop Loc: 10 LAKE SHORE DR	
Viol Date: 04/14/23	Status: Completed	Status Date: 04/14/23
Comp Name: Charles Richard Frere	Comp Phone: (904)294-6487	Comp Email:

Ordinance Id	Description
9.02.10	Sec. 9.02.10. - Noise - Land Development

Description: Cutting the lawn at 1:00 a.m.

Created	Modified	Note
04/14/23	04/14/23	Contact made with home owner who advised he recently had surgery and did not know at the time that his lawn man was cutting grass that late at night. Home owner advised he will speak with his lawn man and have the lawn cut during the day.
04/14/23	04/14/23	Received a complaint in regards to home owner at 10 Lake Shore Drive having his grass cut at 1:00 a.m.

Violation Id: V2300071	Prop Loc: 884 OCEAN PALM WAY	
Viol Date: 04/20/23	Status: Completed	Status Date: 04/21/23
Comp Phone: (516)805-2354	Comp Email:	Comp Name: J B Gault

Ordinance Id	Description
INVESTIGATION	

Description: Investigating complaint reference absence of silt fence and dumpster for construction site.

Created	Modified	Note
04/21/23	04/21/23	Contractor removed construction debris pile and silt fence has been put up. On site inspection completed to confirm this. Case closed out.
04/21/23	04/21/23	Contractor called Code Enforcement and informed us he will be bringing a trailer by today to load the construction debris on and complete the silt fence.
04/21/23	04/21/23	Code Enforcement spoke with workers on site, and they advised they will get a dumpster as soon as they move the trusses as there is no room for a dumpster currently. They were also informed about the silt fence which needs to be put up today to keep construction run off from going into the wetlands. They informed me they would call their boss to have this taken care of.
04/20/23	04/20/23	Complaint received in reference to the absence of silt fence around construction site and no construction dumpster on site. Code Enforcement investigated and silt fence was missing in some sections around construction site. No dumpster was on site. Contractor Randy Upson of Upson Enterprises was contacted via email and message left on business phone to correct.

Violation Id: V2300072 Prop Loc: 888 OCEAN PALM WAY
Viol Date: 04/20/23 Status: Completed Status Date: 04/26/23 Comp Name: J B Gault
Comp Phone: (516)805-2354 Comp Email:

Ordinance Id	Description
6.01.02	Impervious Surface Coverage

Description: Investigation of additional drive way put in. ISR violation appears to exist.

Created	Modified	Note
04/26/23	04/26/23	Contractor completed ISR work sheet. Case/Investigation closed out.
04/20/23	04/20/23	Mike Cascade was contacted with the phone number given to me by Jeremy and spoke with Code Enforcement Officer G. Timmons on correcting ISR violation. A ISR work sheet was emailed to Mr. Cascade to complete and return.
04/20/23	04/20/23	While investigating complaint, contractor was on site and informed me that Mike Cascade of Outdoor Design was aware of the issue with the ISR and was working on correcting the issue by removing pavers in the rear of the residence to be in compliance.

Violation Id: V2300073 Prop Loc: 35 OCEAN WOODS DR E
Viol Date: 04/21/23 Status: Completed Status Date: 05/01/23
Comp Name: Sgt. Jensen SABPD Comp Phone: Comp Email:

Ordinance Id	Description
6.03.09	Parking of commercial vehicles, trailers, and heavy vehicles.

Description: Food truck parked on residential lot for extended time.

Created	Modified	Note
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05/01/23	05/01/23	Food truck has been moved; case is closed out.
04/26/23	04/26/23	Received an email from owner informing me the food truck will be moved away from the residence for storage by May 1st.
04/21/23	04/21/23	Code Enforcement spoke with home owner in regards to the violatin of the food truck parked on the property. Owner asked for two weeks at the most to find a place away from residence to store the food truck.
04/21/23	04/21/23	The Building Official received a complaint from Sgt. Jensen of the St. Augustine Beach Police Department via email of residents at Ocean Woods Subdivision contacting him about a food truck at the residence of 35 Ocean Woods.

Violation Id: V2300074 Prop Loc: 213 B ST
Viol Date: 04/21/23 Status: Completed Status Date: 04/24/23 Comp Name: Gene Bryan
Comp Phone: (904)501-3226 Comp Email: geno607@yahoo.com

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Complatin about lights at nigh: Referred to SABPD. Construction equipment and material on front porch.

Created	Modified	Note
04/24/23	04/24/23	Construction equipment and lumber as been moved off the front porch. Case closed out.
04/21/23	04/21/23	I spoke to the home owner, and he requested to have until Monday 04/24/23 to remove the construction equipment and lumber off the porch. Home owner inquired if there was a complaint about the security lights again, and I informed there was. He stated he has already angled them down and wont move them.
04/21/23	04/21/23	Complaint received in reference to bright security light at night shinning on complaintants residence from neighbor. Complaintant was informed to contact the St. Augustine Police Department as we are not working at night. We did speak with the neighbor regarding his security light in the past, and he informed us he would angle the light down away from neighbor. Case opened for care of premises for construction equipment and materials on porch which we have also spoken to the neighbor in the past about.

Violation Id: V2300075 Prop Loc: 39 ATLANTIC OAKS CIRCLE
Viol Date: 04/25/23 Status: Open Comp Name: Russell Adams Public Works
Comp Phone: Comp Email:

Ordinance Id	Description
INVESTIGATION	

Description: Illicit Discharge.

Created	Modified	Note
04/25/23	04/25/23	Owner added dirt to the back yard that is not stabalized. when it rains, soil from the residence is being discharged into the swale.

Violation Id: V2300076 Prop Loc: 1097 A1A BEACH BLVD
Viol Date: 04/27/23 Status: Completed Status Date: 05/12/23 Comp Name: SAB City Clerk
Comp Phone: Comp Email:

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Anthony's Pizza, expired BTR

Created	Modified	Note
05/12/23	05/12/23	Business Tax Receipt paid; case is closed.
04/27/23	04/27/23	certified letter sent #7016 2140 0000 0274 7157
04/27/23	04/27/23	Business has an expired tax receipt.

Violation Id: V2300077 Prop Loc: 212 E ST
Viol Date: 04/27/23 Status: Completed Status Date: 05/12/23 Comp Name: City Clerk
Comp Phone: Comp Email:

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Bella Builders, Expired BTR

Created	Modified	Note
05/12/23	05/12/23	Business Tax Receipt paid; case closed out.
05/11/23	05/11/23	Business owner called City Clerk informing he is out of town currently, and he will come by to pay BTR when he returns.
05/08/23	05/08/23	Certified receipt returned unsigned.
04/27/23	04/27/23	certified letter sent #7016 2140 0000 0274 7164
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300078 Prop Loc: 590 A1A BEACH BLVD
Viol Date: 04/27/23 Status: Completed Status Date: 05/16/23 Comp Name: City Clerk
Comp Phone: Comp Email:

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Obies Fillin Station, Expired BTR

Created	Modified	Note
05/16/23	05/16/23	BTR paid. Violation closed out.
05/15/23	05/15/23	Provisional order to comply hand delivered to manager of business.

04/27/23	04/27/23	Certified letter sent #7016 2140 0000 0274 7171
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300079	Prop Loc: 641 A1A BEACH BLVD		
Viol Date: 04/27/23	Status: Open	Comp Name: City Clerk	Comp Phone:
Comp Email:			

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Tides Oyster Co & Grill has a expired BTR.

Created	Modified	Note
05/15/23	05/15/23	Provisional order to comply hand delivered to manager of the business.
05/11/23	05/11/23	Signed receipt for certified letter received.
04/27/23	04/27/23	Certified letter sent #7016 2140 0000 0274 7188
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300080	Prop Loc: 721 A1A BEACH BLVD		
Viol Date: 04/27/23	Status: Completed	Status Date: 05/04/23	Comp Name: City Clerk
Comp Phone:	Comp Email:		

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Electric Chair Tattoo has expired BTR.

Created	Modified	Note
05/02/23	05/02/23	Receptionist M. Keenan at City Hall informed Code Enforcement this business has paid their BTR. Case closed out.
04/27/23	04/27/23	certified letter sent #7016 2140 0000 0274 7126
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300081	Prop Loc: 721 A1A BEACH BLVD		
Viol Date: 04/27/23	Status: Completed	Status Date: 05/04/23	Comp Name: City Clerk
Comp Phone:	Comp Email:		

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Island Home Mortgage has an expired BTR.

Created	Modified	Note
05/04/23	05/04/23	Business has moved into the City of St. Augustine. Case closed out.

04/27/23	04/27/23	Certified letter sent #7016 2140 0000 0274 7133
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300082	Prop Loc: 1097 A1A BEACH BLVD		
Viol Date: 04/27/23	Status: Completed	Status Date: 05/02/23	Comp Name: City Clerk
Comp Phone:	Comp Email:		

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: Rainbow Shades has an expired BTR.

Created	Modified	Note
05/02/23	05/02/23	M. Keenan advised Rainbow Shades came into City Hall and paid their BTR. Case is closed out.
04/27/23	04/27/23	Certified letter sent #7016 2140 0000 0274 7119
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300083	Prop Loc: 721 A1A BEACH BLVD		
Viol Date: 04/27/23	Status: Completed	Status Date: 05/12/23	Comp Name: City Clerk
Comp Phone:	Comp Email:		

Ordinance Id	Description
SEC 15-55	Expired Business Tax Receipt

Description: KB Studios has a expired BTR.

Created	Modified	Note
05/12/23	05/12/23	BTR has been paid; case closed.
05/10/23	05/10/23	Contact made with worker at KB Studios (Autumn) and hand delivered copy of certified letter for owner.
04/27/23	04/27/23	Certified letter sent #7016 2140 0000 0274 7140
04/27/23	04/27/23	Business has an expired business tax receipt.

Violation Id: V2300084	Prop Loc: 208 8TH ST		
Viol Date: 05/03/23	Status: Open	Comp Name: Code Enforcement	
Comp Phone:	Comp Email:		

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.

Description: work being performed without permits.

Created	Modified	Note
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05/15/23	05/15/23	Home owner called to inquire how the Code Enforcement process works. Code Enforcement explained the process and what was needed for the home owner to be in compliance.
05/10/23	05/10/23	Certified letter mailed out for notice of violation to obtain permit/s on or before 5/19/2023.
05/04/23	05/04/23	Homeowner called advising his contractor talked to our building inspector and no permits were needed. I informed the homeowner I had spoken to our building inspector and he stated that he only spoke to the contractor about the back porch not the front porch which has no permits issued. I explained to the homeowner that he would need permits and drawings/plans with the porch being more than twelve inches above grade per my conversation with our building inspector. Homeowner said he would get the drawings/plans from contractor and pay for permits.
05/04/23	05/04/23	Code Enforcement drove by residence to see if the stop work order was being followed, and there was no sign of any workers or progress on the porch.
05/03/23	05/03/23	Front porch at residence being constructed; stop work order given to supervisor at job in regards to no permits on file for the work being performed.

Violation Id: V2300085 Prop Loc: 35 ATLANTIC OAKS CIR UNIT A
Viol Date: 05/03/23 Status: Completed Status Date: 05/08/23
Comp Name: Sgt. Jensen SABPD Comp Phone: Comp Email:

Ordinance Id	Description
13-3	Abandoned vehicle, junk, etc.

Description: Unlicensed/Registered vehicle in right of way.

Created	Modified	Note
05/08/23	05/08/23	vehicle has been moved;case is closed.
05/03/23	05/03/23	Received an email from Sgt. Jensen in regards to neighbors complaining about an abandoned vehicle at 35 Atlantic Oak Cir. I spoke to the tenant at residence, and he advised the vehicle was his cousins car and he would get the vehicle moved right away. Gave my business card to tenant if he had any questions.

Violation Id: V2300086 Prop Loc: 126 14TH ST
Viol Date: 05/04/23 Status: Completed Status Date: 05/09/23
Comp Name: Code Enforcement Comp Phone: Comp Email:

Ordinance Id	Description
CC 13-3	Sec. 13-3. - Abandoned vehicle

Description: Unregistered vehicle parked off the side of the road.

Created	Modified	Note
05/09/23	05/09/23	Van is now registered with license plate in place. Visual inspection conducted, and case is now closed out.
05/08/23	05/08/23	Owner called advising he did not move the van over the weekend, but he will be getting the van registered today.
05/04/23	05/04/23	Code Enforcement observed a white van parked on the street just east of the residence with no

License plate. Spoke to owner at 126 14th St. who confirmed the vehicle was her husbands. City code was explained to the owner, and she informed me her husband will have the van moved this weekend. Note: Van has been observed there for awhile, but unable to determine who owned van.

violation Id: V2300087 Prop Loc: 331 A1A BEACH BLVD
Viol Date: 05/04/23 Status: Completed Status Date: 05/09/23
Comp Name: Code Enforcement Comp Phone: Comp Email:

Ordinance Id	Description
6.07.06	Sec. 6.07.06. - Care of premises.

Description: Section of fence is down behind the business.

Created	Modified	Note
05/09/23	05/09/23	Fence is repaired; visual inspection conducted. Case closed out.
05/04/23	05/04/23	A section of fence behind the business which is visible from A1A is laying down in pieces. Spoke to front desk clerk, and she advised they plan on having the fence repaired today or tomorrow.

Violation Id: V2300088 Prop Loc: 4 SANTA MARIA LN
Viol Date: 05/08/23 Status: Completed Status Date: 05/16/23 Comp Name: Joe Boulus
Comp Phone: (904)907-2916 Comp Email:

Ordinance Id	Description
CC 6.02.03	Sec. 6.02.03. - Rights-of-way.

Description: Temporary fence placed in right of way.

Created	Modified	Note
05/16/23	05/16/23	Temporary fence was moved out of the right of way on 05/08/23. Code Enforcement continued to monitor due to complaintant reporting other objects in the right of way. Owner was told on 05/10/23 to remove cinder blocks out of right of way and trash being set out days in advance of pick up. No other reports or observations since 05/10/23 to note. Case closed out.
05/08/23	05/08/23	Owner was given a copy of the city code 18-7.
05/08/23	05/08/23	A complaint of city code violation was received on our RSS Maintenance Request #163. Code Enforcement investigated the complaint and found sections of temporary fence in the right of way. Home Owner was contacted, and moved the fence out of the right of way. Case closed.

Violation Id: V2300089 Prop Loc: 119 13TH ST
Viol Date: 05/09/23 Status: Open Comp Name: George Cole Comp Phone:
Comp Email:

Ordinance Id	Description
CC 6.07.06	Sec. 6.07.06. - Care of premises.

Description: Trash on left front side of house visible to the public.

Created	Modified	Note
05/16/23	05/16/23	Certified letter receipt received.
05/12/23	05/12/23	Home owner called stating he received the certified letter, and he will get in touch with his tennant to take care of the trash and rubbish.
05/09/23	05/09/23	Contacted attempted with resident living at 119 13th Street with negative results. Code Enforcement door hanger placed on door knob with code violation and information to contact.
05/09/23	05/09/23	Notice of violation sent certified mail.
05/09/23	05/09/23	A written complaint was received in regards to trash and debris at 119 13th street. Code Enforcement investigated the complaint and found the complaint to be accurate. Contacted was attempted with negative results so a business card was left for resident of address to contact Code Enforcement.

Violation Id: V2300090 Prop Loc: 56 WILLOW DR
Viol Date: 05/09/23 Status: Open Comp Name: City Official Comp Phone:
Comp Email:

Ordinance Id	Description
FBC 105.1	PERMITS 105.1 Required.
LDR 6.02	Sec. 6.02.03 - Rights of way

Description: No permit, and driveway x2 over 38 feet in total.

Created	Modified	Note
05/10/23	05/10/23	Home owner came in today to obtain paper work for permits and ISR for driveways.
05/10/23	05/10/23	Certified letter for notice of violation mailed requesting compliance for code violations on or before 05/23/2023.
05/09/23	05/09/23	Code Enforcement made contact with home owner and he stated he will get with the company who put the carport up to obtain permits and the paver contractor to bring the driveways into compliance.
05/09/23	05/09/23	Received information from a city official inquiring about no permits obtained for a carport structure and two driveways at the residence not in compliance with the overall width in total.

Violation Id: V2300091 Prop Loc: 331 A1A BEACH BLVD
Viol Date: 05/09/23 Status: Open Comp Name: City Official Comp Phone:
Comp Email:

Ordinance Id	Description
8.00.10.	Nonconforming signs.

Description: Sign deemed unsafe.

Created	Modified	Note
05/09/23	05/09/23	Notice of violation hand delivered to desk clerk addressed to owner.

05/09/23	05/09/23	Notice of violatin sent certified mail.
05/09/23	05/09/23	Business sign is in poor condition and deemed unsafe. Sign has metal dangling from the bottom.

Violation Id: V2300092	Prop Loc: 673 OCEAN PALM WAY		
Viol Date: 05/09/23	Status: Completed	Status Date: 05/09/23	
Comp Name: Marshall Schneider	Comp Phone:	Comp Email:	

Ordinance Id	Description
INVESTIGATION	

Description: Second story deck being replaced without permits.

Created	Modified	Note
05/09/23	05/09/23	Complaint received in reference to a second story deck being built at this residence. A search of permits obtained resulted in negative results. A onsite investigation revealed the house was being painted to include the deck and replacement of some trim pieces.

Violation Id: V2300093	Prop Loc: 408 E ST		
Viol Date: 05/10/23	Status: Completed	Status Date: 05/17/23	Comp Name: Sue Roy
Comp Phone:	Comp Email: sueroy1962@yaghoo.com		

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

Description: Illegal Rental

Created	Modified	Note
05/17/23	05/17/23	Owner of residence has completed paper work for short-term rental and business tax receipt. Fees for application and inspection have been paid.
05/12/23	05/12/23	Amy from Elite Vacations called the office in regards to the certified letter to cease and desist. She stated she was unaware of SAB's codes and business tax receipt. She requested the application and forms for short-term rental stating she didnt know if the home owner would want to rent anymore than the two months already booked. I informed Amy this is an active Code Enforcement case generated from a complaint, and the home owner can apply for short-term rental or cease and desist. Application and forms were emailed to info@elitevacationsfl.com as requested by Amy.
05/12/23	05/12/23	Business card left with renters at residence to have host/property management contact Code Enforcement. Renter advised they were staying for a couple of months.
05/10/23	05/10/23	A complaint through the RSS was received in regards to an illegal rental at 408 E Street. The vacation rental was found on Elite Vacation Rentals site advertised for \$174.00 a night. Rental found on Airbnb with two reviews from April 2023. When checking availability, this rental is available for 4 nights minimum.

Violation Id: V2300094	Prop Loc: 203 1ST ST		
Viol Date: 05/11/23	Status: Completed	Status Date: 05/15/23	

Comp Name: Code Enforcement

Comp Phone:

Comp Email:

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

Description: Illegal transient rental.

Created	Modified	Note
05/15/23	05/15/23	Owner came in person to the Building Department and paid the inspection fee. Inspection to be conducted this week.
05/12/23	05/12/23	Copy of certified notice of violation to cease all transient/short term rentals placed in door jam of owners door jam.
05/12/23	05/12/23	Certified letter mailed for notice of violation to cease all transient/short term rentals.
05/11/23	05/11/23	This residence was found on vrbo operating as a transient rental.

Violation Id: v2300095	Prop Loc: 541 A1A BEACH BLVD	Status Date: 05/18/23	Comp Name: City Official
viol Date: 05/12/23	Status: Completed		
Comp Phone:	Comp Email:		

Ordinance Id	Description
19-30	Sec. 19-30. - Standing or parking prohibited in specified places.

Description: Best western has a dumpster on City property.

Created	Modified	Note
05/18/23	05/18/23	Dumpster was moved off City Property earlier this week. Case closed out.
05/15/23	05/15/23	Spoke to manager and desk clerk about the dumpster being on City Property, and they informed they will be calling the company to get dumpster moved.
05/12/23	05/12/23	Received violation complaint from City Official in regards to a dumpster placed on City Property at the Best Western.

Violation Id: v2300096	Prop Loc: 1097 A1A BEACH BLVD	Comp Name: City Official	Comp Phone:
viol Date: 05/12/23	Status: Open		
Comp Email:			

Ordinance Id	Description
CC-12-51	12-51 LOCAL BUSINESS TAX REGULATIONS

Description: Expired Business Tax Receipt This Hallmark Gold Crown.

Created	Modified	Note
05/12/23	05/12/23	Business Tax Receipt has expired. Appropriate forms hand delivered to business owner to complete and send in to the City Clerk.

Violation Id: V2300097 Prop Loc: 107 11TH ST UNIT A
Viol Date: 05/15/23 Status: Open Comp Name: City Official Comp Phone:
Comp Email:

Ordinance Id	Description
CC-12-51	12-51 LOCAL BUSINESS TAX REGULATIONS

Description: Expired BTR for Pear Enterprises and Research.

Created	Modified	Note
05/15/23	05/15/23	Copy of certified letter hand delivered to business.
05/15/23	05/15/23	Notice of violation letter sent certified mail.
05/15/23	05/15/23	City Official informed Code Enforcement of this business's Business Tax Receipt expired.

Violation Id: V2300098 Prop Loc: 42 OCEAN CT
Viol Date: 05/15/23 Status: Completed Status Date: 05/16/23 Comp Name: City Official
Comp Phone: Comp Email:

Ordinance Id	Description
CC-12-51	12-51 LOCAL BUSINESS TAX REGULATIONS

Description: Expired BTR for Holmes Media.

Created	Modified	Note
05/16/23	05/16/23	Owner of Holmes Media paid the BTR.
05/15/23	05/15/23	Tried to hand deliver copy of certified letter, but no one appeared to be at the address. Copy of certified letter left in door jam.
05/15/23	05/15/23	Notice of violation sent certified mail.
05/15/23	05/15/23	Expired business tax receipt for Holmes Media Inc.

Violation Id: V2300099 Prop Loc: 41 OCEAN CT
Viol Date: 05/15/23 Status: Open Comp Name: Donald Everett Comp Phone: (904)461-4555
Comp Email:

Ordinance Id	Description
CC 7.01.01	Sec. 7.01.01. - Accessory Structures General standards and requirements.

Description: Accessory structure/tree house in front yard.

Created	Modified	Note
05/15/23	05/15/23	Notice of violation hand delivered to owner of residence.
05/15/23	05/15/23	Received a written complaint in regards to a structure being built in the front yard of 41 Ocean Ct. Upon investigation, Code Enforcement determined a tree house structure was in the process of being built.

Violation Id: v2300100	Prop Loc: 612 OCEAN PALM WAY		
Viol Date: 05/17/23	Status: Completed	Status Date: 05/18/23	Comp Name: Ed George
Comp Phone: (904)669-7284	Comp Email:		

Ordinance Id	Description
INVESTIGATION	

Description: Investigation of land cleared between residence and dunes.

Created	Modified	Note
05/19/23	05/19/23	<p>Code Enforcement action summary regarding the complaint at 612 Ocean Palm Way.</p> <p>Code Enforcement received a written complaint on Friday, May 12th, 2023, regarding a possible chemical burn that killed all vegetation east of the home located at 612 Ocean Palm Way. Complainant Ed George residing at 9 C street, (904) 669-7284 submitted the written complaint. Code Enforcement investigated the complaint on Monday, May 15th, 2023. Code Enforcement received an e-mail on May 17th, 2023, referencing an e-mail sent from City Commissioner Undine George on May 15th, 2023, to ensure action is being taken to investigate the incident from the original complaint. After investigating the complaint, Code Enforcement began pursuing answers by contacting outside departments and divisions. The scope of Code Enforcements investigation includes the contacting of: St. Johns Beach Services, St. Johns Beach and Coastal, St. Johns Water Management District, St. Johns Fire Marshall, Florida Forestry Division, Department of Environmental Protection, St. Johns Growth Management/Environmental Division, Carter Environmental Services, and Parks & Recreation Beach Services.</p> <p>The culmination of contacting these organizations brings this case to a conclusion. In summary, Sea Colony Neighborhood Association maintains a contract with Carter Environmental Services to control and monitor the drainage swale just west of the dunes located in Sea Colony. Carter Environmental Services is granted permission from St. Johns Water Management District to act in the area that the complaint was targeting.</p>
05/17/23	05/19/23	<p>Receieved a complaint on 5/12/2023 in regards to possible chemical burn of vegetation between a home and the sea dunes.</p>



MINUTES

PLANNING AND ZONING BOARD REGULAR MONTHLY MEETING

TUESDAY, APRIL 18, 2023, 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Vice-Chairperson Chris Pranis, Hulsey Bray, Conner Dowling, Hester Longstreet, Victor Sarris.

BOARD MEMBERS ABSENT: Chairperson Kevin Kincaid, Larry Einheuser, Senior Alternate Gary Smith.

STAFF PRESENT: Building Official Brian Law, City Attorney Jeremiah Blocker, Recording Secretary Bonnie Miller.

IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF MARCH 21, 2023

Motion: to approve the minutes of the March 21, 2023 meeting. **Moved** by Conner Dowling, **seconded** by Ms. Longstreet, **passed 5-0** by unanimous voice-vote.

V. PUBLIC COMMENT

There was no public comment pertaining to anything not on the agenda.

VI. NEW BUSINESS

- A. Conditional Use File No. CU 2023-03, for renewal of a conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the covered outdoor patio and from the tiki-hut/T-shirt shack on the premises of the World Famous Oasis Restaurant, in a commercial land use district at 4000 A1A South, St. Augustine Beach, Florida, 32080, Jennifer Rich, Rich Investments, Agent for Oasis on the Island LLC, Applicant

Bonnie Miller: This application is for conditional use permit renewals for the Oasis Restaurant at 4000 A1A South. The Oasis Restaurant currently has two conditional use

permits, one for outdoor seating on the first-floor covered patio area on the southwest corner of the restaurant building, and the other for the sale of beer from the tiki-hut/T-shirt shack building just in front of and to the west of the outdoor patio area. The applicant would like to combine the two conditional use permits into one so that the business only has to apply to renew one conditional use permit for both outdoor seating areas when the conditional use permit expires. The Oasis has had both conditional use permits for about 15 years, and the applicant is asking that the new conditional use permit be granted for as long as she owns the business, as the City has not received any complaints in any recent time that anyone can remember about Oasis' outdoor seating.

Chris Pranis: Are the two conditional use permits that currently exist granted to run with the ownership of the business?

Bonnie Miller: No, the last time these conditional use permits were renewed, they were each approved with a five-year expiration date. They've had the first conditional use permit since about 2007, and the second one was granted a little bit later, around 2010, so they've had both of these conditional use permits for a number of years.

Gina Nullet, 308 High Tide Drive, Unit 101, St. Augustine Beach, Florida, 32080: I am the Oasis' office manager, representing Jennifer Rich, the Oasis' business owner, who cannot be here as she is actually very sick. I've worked for the Oasis for 22 years, and as far as I know, there have not been any issues with outdoor seating in the past 15 years. We're applying to renew and combine both conditional use permits into one for the current outdoor seating and additional outdoor seating at the tiki-hut/T-shirt shack. Jennifer Rich bought the business in October 2022, and she is asking to renew and combine the two conditional use permits into one, granted for as long as she owns the business.

Conner Dowling: Do you currently serve beverages and food from the tiki-hut, or is this a new request?

Gina Nullet: Beer and beverages are sold from the tiki-hut/T-shirt shack, but not food.

Hulsey Bray: Does the tiki-hut/T-shirt shack now have a draft system to serve draft beer?

Gina Nullet: No, currently it does not have a draft system, and there are no plans to put a draft system in it. Drinks will be brought from inside the restaurant and served to customers sitting outside in the outdoor patio area or at the tiki-hut.

Chris Pranis: Basically, this would be alcohol sales for walk-ups to the tiki-hut.

Hulsey Bray: So, this is pretty much what it is now, with the tiki-hut/T-shirt shack as a place customers can walk up to, buy T-shirts, and also get drinks.

Gina Nullet: Yes, sir.

Chris Pranis: Do we have any public comment on this matter? There was none.

Hester Longstreet: As long as the hours remain the same, I don't see a problem with this.

Gina Nullet: There really is never anyone out there past 8:30 p.m. or so.

Hester Longstreet: Right, but you said there is a new owner, so is there any intention of changing the hours or operation of the restaurant?

- Gina Nullet: No, there will be no change to the hours or the business operation by the new business owner, who has a 10-year lease for the restaurant business.

Hulsey Bray: How long has the new owner been operating the business?

Gina Nullet: Since October of 2022.

Chris Pranis: I don't see a problem with this, but I'd like to hold it to a 5-year time period, especially with a fairly new business owner. Not that we anticipate any problems, but this will keep it in line with the 5-year expiration dates of the previous conditional uses.

Hulsey Bray: I agree, that sounds fair. This is exactly what the Board did when Conehead Ice Cream's new owner applied to renew the conditional use for outdoor seating there.

Motion: to approve Conditional Use File No. CU 2023-03, for renewal of a conditional use permit for food and/or beverage service and consumption outside of an enclosed building on the covered outdoor patio and tiki hut/T-shirt shack on the premises of The Oasis Restaurant, in a commercial land use district at 4000 A1A South, St. Augustine Beach, Florida, 32080, for a period of 5 (five) years. **Moved** by Conner Dowling, **seconded** by Victor Sarris, **passed 5-0** by the Board by unanimous voice vote.

B. Land Use Variance File No. VAR 2023-03, for reduction of the minimum 20-foot rear yard setback requirement to 16 feet, 5 inches; increase of maximum impervious surface ratio (ISR) coverage of 40% to 46.2%; and increase of maximum lot coverage of 35% to 37.6%, for proposed new construction of a 324-square-foot conditioned sunroom addition to an existing single-family residence in a low density residential land use district on Lot 4, Block H, Anastasia Park Subdivision, at 607 11th Street, St. Augustine Beach, Florida, 32080, Amber Halcrow, 1565 Woodworks LLC, Agent for Chris C. and Marilyn J. Cagle, Applicants

Bonnie Miller: Next up is a variance application for a 324-square-foot sunroom addition at a single-family residence at 607 11th Street. The applicants request a rear yard setback reduction from the 20-foot rear yard setback requirement to 16 feet, 5 inches, as well as variances to exceed the maximum 35% residential lot coverage to go to 37.6% lot coverage and exceed the maximum 40% ISR coverage for low density residential to go to 46.2% ISR coverage. Their home is on the south side of 11th Street just a few lots east of A1A South, across 11th Street from the lake that runs along the north side of 11th Street.

Amber Halcrow, 1565 Woodworks LLC, 1093 A1A Beach Boulevard, St. Augustine Beach,

Florida, 32080, Agent for Applicants: When Mr. Cagle, the property owner of 607 11th Street, approached us and asked if we could build this addition for him, we found the approximate square footage he wanted would encroach into the 20-foot rear setback, and require a variance. Once we did all the calculations for a 324-square-foot addition, it was found a variance would also be required to exceed the maximum lot coverage and ISR coverage allowed on this property. We discussed the option of reducing the ISR by removing the existing concrete driveway and replacing it with pervious pavers, which the owner is more than willing to do, so they then wouldn't have to request a variance to exceed the maximum 40% ISR allowed for this property in low density residential zoning.

Chris Pranis: Do you know, approximately, the square footage of the concrete driveway?

Amber Halcrow: The driveway is approximately 500 square feet.

Hulsey Bray: You do have on the proposed site plan that the existing impervious pavers will be removed and replaced with pine needles and grass seed.

Amber Halcrow: Right now, in the area where the addition is proposed, there is a paver patio and pavers along the entire west side of the home. All of these pavers will be removed so the entire yard can basically drain. There are no neighbors directly across the street, as this is where the huge lake is. The applicants have an 8-foot-high fence along the entire perimeter of the home, so there would not be any visual difference to adjacent properties, as the roofline of the sunroom would have the same roofline as the home.

Victor Sarris: The hardship is one of the criteria the Board is supposed to consider when granting a variance, so what is the hardship?

Amber Halcrow: I know a physical or medical disability is not really a part of the hardship, but the owner bought the house in 2003, prior to being handicapped. He is now confined to a wheelchair, which is why I submitted all the medical documentation. The home is small, and ultimately, the owner cannot build up because of his disability. He bought the home in 2003 for \$205,000. With increased housing costs, if he were to sell it now and buy something else, he'd be hit with increased property taxes, etc., and he is now retired.

Conner Dowling: Will the new sunroom addition be heated-and-cooled living space?

Amber Halcrow: Yes, it is conditioned space that will increase the current living room size.

Conner Dowling: This is a smaller than usual lot for low density residential. It's 50-feet-wide by 125-feet deep, but normally, lots are much wider in low density residential.

Chris Pranis: Okay, thank-you. Do we have any public comment on this matter?

Rick Mauldin, 601 11th Street, St. Augustine Beach, Florida, 32080: I reside at 601 11th Street, and I have a long-term rental at 603 11th Street. I am completely, one-hundred-percent, in favor of this variance request. The homeowner has done a fantastic job with

the house, he's remodeled it from the inside out. I think one of the problems here is that if you look at the 50-foot-by-125-foot lot size and consider the total square footage of the lot versus the buildable portion of the lot versus the setbacks, the setback square footage is actually more than the buildable area, which makes it kind of tough. He is only asking for a lot coverage increase of 2.6%, and the maximum impervious surface change is only an increase of 6.2%. In this particular area of St. Augustine Beach, the percolation rate is extremely high, so while he is asking for a 6.2% increase in ISR coverage, I don't think you could actually measure a difference in the percolation rate. If you look at the soil bearings in this particular area, you have about two feet of regular dirt, then about three feet of shell, then you have solid coquina. I've lived here since 1991, and I've never seen standing water here, even in a tropical storm, for more than just a few minutes. Given the circumstances of the applicant being handicapped and needing more space, and the fact that he's done a fantastic job with improving that area and his house, which is immaculately maintained, I'm in favor of the variance and completely support it.

Chris Pranis: Any other public comments? There was no more public comment.

Victor Sarris: I have a question for Brian. The 2020 Florida Building Code (FBC) has no objection to the increase in lot coverage, ISR coverage or the reduced setbacks?

Brian Law: The FBC does not involve itself in local zoning matters. Setbacks, lot coverage and ISR coverage are a local zoning matter. The FBC even allows building to a zero lot line, with no setbacks at all, as long as that side of the building is fire-rated.

Chris Pranis: We see the hardship here, the situation and the size of the lot. I would have no problem with a motion to approve this, as long as it includes the caveat that those pavers and the driveway area will be redone to be compliant with the allowable ISR.

Conner Dowling: To me, the ISR is the hardest thing to grant a variance for, though it may be less of an issue in this specific situation, because of the size of the lot and the low density residential zoning, which has stricter regulations than any other zoning type. Just setting a precedent for the increased ISR is something would be hard for me, even in this case in which the percolation rate is great, because a quarter of a mile down the road, it may not be the same. Every neighbor they would be concerned about has stepped up and written an approval email or letter of encouragement, and I don't have an issue with the rear yard setback encroachment or the small percentage of increased lot coverage.

Hester Longstreet: Because of the physical hardship, I think going from 20 feet to 16 feet in the rear is fine, but I would like to see the concrete removed from the driveway and replaced with permeable pavers, so the ISR does not exceed the maximum 40% allowed.

Victor Sarris: I think the lot size and setbacks create somewhat of a hardship in this case.

Hester Longstreet: We have many lots in the City that are 50-feet-by-93-feet, and this lot is 50-feet-by-125 feet. My home was on a 46-foot-by-93-foot lot. I'm looking at the physical condition of the homeowner who is in a wheelchair more than the lot size.

~~Brian Law:~~ Traditionally, low-density residential lots are a minimum of 7500 square feet, per the City's Land Development Regulations (LDRs). ~~The size of this lot obviously predates that, as it is only 6250 square feet. The homeowner is starting with a smaller lot size than usual in low density residential to pull the maximum lot and ISR coverages from.~~

Hester Longstreet: Okay, but he knew this when he bought the property. It is buyer beware, and that is what some people have to understand, that you can't come here and expect to get something because everyone else is within those same constraints. But for somebody who is not able to build up, because they are unable to climb stairs, to me, it's a no-brainer, and a hardship should be given for someone who has a physical handicap.

Victor Sarris: Would you be concerned though, if we had more people come in here with physical handicaps, saying that they needed a variance due to their physical hardship?

Hester Longstreet: Saying it is one thing, having paperwork from doctors and specialists is another. If the person is not in a wheelchair, as this person is, that would be different.

Victor Sarris: I just think we need to be careful setting that precedent, but obviously, this applicant has a very tough issue with the low density residential zoning and the size of the lot, which I think is probably the more prudent angle to take, because other people could come in and apply for the same thing with just as much medical documentation.

Hester Longstreet: But there's a lot size issue with almost every lot in the City, so everybody could have a hardship because they have a small lot.

Conner Dowling: But these lots are not all zoned low density residential, as this lot is. This part of the City is zoned differently than lots closer in, and the low density residential zoning lessens the amount of allowable building area. The setbacks are also different, so it actually is a unique lot in that case. As Brian said, lots in low density residential are typically a minimum of 7500 square feet, and this one is less than that.

Chris Pranis: I think part of my understanding here is to make sure our residents have a quality of life. I agree that we cannot set precedent, so I think talking about the footprint and buildable square footage as the hardship is definitely more the way to go.

Victor Sarris: Yes, because if the opportunity comes again, we can somewhat defend that.

Hulsey Bray: Absolutely. We leave the medical stuff out of it completely and use the square footage of the lot as the hardship, along with the fact that the homeowner is going to redo the driveway and use permeable pavers everywhere else, which will pretty much wipe out the ISR issue by itself right there. And we'll just use the low density residential zoning of this lot and the square footage of the lot as the basis for the hardship.

Chris Pranis: I'll make a motion to approve this variance, however, we are asking for the replacement of the non-permeable pavers and concrete driveway with permeable pavers to bring the property into compliance with the maximum 40% ISR coverage allowed.

Motion: to approve Land Use Variance File No. VAR 2023-03, for reduction of the minimum 20-foot rear yard setback requirement to 16 feet, 5 inches, and for an increase of lot coverage from maximum 35% allowed to 37.6%, for proposed new construction of a 324-square-foot conditioned sunroom addition to an existing single-family residence in a low density residential land use district at 607 11th Street, St. Augustine Beach, Florida, 32080, subject to the condition that this property shall not exceed the maximum 40% ISR coverage allowed in a low density residential land use district. **Moved** by Chris Pranis, **seconded** by Hulsey Bray, **passed 5-0** by the Board by unanimous voice-vote.

- C. Land Use Variance File No. VAR 2023-04, to exceed the 12-foot height maximum, the 12-foot length maximum, and the 144-square-foot surface area maximum allowed per side for proposed new construction of a 20-foot-high, 16-foot long ground sign with a 192-square-foot surface area per side for Sea Grove Town Center, in a Planned Unit Development (PUD) at 120 Sea Grove Main Street, St. Augustine Beach, Florida, 32080, Douglas N. Burnett, Agent for and President of Sea Grove Town Center Association Inc., Applicant

Bonnie Miller: This is a variance for a ground sign for the Sea Grove Town Center. Sea Grove was developed as a PUD, and when the PUD ordinance was passed in 2001, it included verbiage stating commercial signage regulations for the Town Center had to comply with the sign regulations in effect at that time. Current ground sign regulations are the same and haven't changed from the ground sign regulations in the 2001 LDRs, which allow a maximum height of 12 feet, a maximum length at 12 feet, and maximum 144 square feet of surface area per side. The proposed new ground sign for the Sea Grove Town Center is 20 feet high, 16 feet long, and has 192-square feet of surface area on each side, so the variance, if approved, will be a variance for these three things, to exceed the maximum height, length, and surface area allowed for a ground sign per the 2001 LDRs.

Chris Pranis: I wasn't here for this, but is this a similar variance application to the application that came before the Board for a sign at the Guy Harvey Resort?

Bonnie Miller: The variance application for Guy Harvey wasn't for a sign, it was for a mural to be placed on the side of the Guy Harvey building. This wasn't a variance to the sign regulations, but a variance to the City's Community Appearance Standards, which prohibit any kind of paintings or murals on building walls. Guy Harvey applied for a variance for a painted mural on the side of the Guy Harvey building, and the variance was denied.

Chris Pranis: Okay. May we now hear from the applicant, please.

Doug Burnett, 104 Sea Grove Main Street, St. Augustine Beach, Florida, 32080: I am the president of the Sea Grove Town Center Association, which is an association made up of just the commercial buildings in the Sea Grove Town Center, anchored by the library, the post office, Terra & Acqua Restaurant, Tropical Smoothie Cafe, etc. I also am the owner of St. Johns Law Group, which is right on the corner of the Town Center at the traffic light. The aerial view of the Town Center shows the location of the current Town Center sign, and there is a conceptual drawing of the proposed new sign. What we want to do is take

the existing Town Center sign, which is approximately 12 feet high, move it from its existing location to the north, and cut it down and remake it into a single-tenant sign. The current location of the Town Center sign is so close to the traffic light at the intersection of A1A South and A Street that people either miss the sign, or if they see it, they try to brake quickly to try make the turn into Sea Grove but often miss it and then end up on High Tide Drive, just south of the Town Center entrance. This is why, along with a number of other reasons, we have filed this variance application for a larger sign that will be relocated to the north so it will be more visible to people driving by. The larger sign will help all the tenants, especially the interior ones. Only a few of the current tenants have road frontage, so the new monument ground sign is important especially to the interior tenants as it gives some indication that these businesses are there. The Sea Grove Town Center was approved with the passage of Ordinance No. 01-15, and in that ordinance, there is a provision that specifically says all commercial signage is to be in accordance with the sign regulations in effect at the time of the adoption of the ordinance. So, when you look at the signage regulations per the 2001 LDRs, there is some interesting language in there. Basically, you are allowed to have no more than two signs of any permitted description on any one site. There are basically five sites, St. Johns Law Group, Terra & Acqua, London Looks, the post office, and then the rest of the Town Center, so if you lay out two signs per site, you get something awful and ugly. Section 8.01.05.B of the 2001 LDRs stipulates the regulations for post, pedestal, or column signs, which are allowed to be 20 feet high with an 8-foot clearance or open space at the post mount. What we want is a 20-foot tall sign that is filled in on the bottom. If you think about the context of the 2001 LDRs that would allow two signs per site, there are a whole lot of reasons why you can look at this in terms of a hardship, because this is a very unique situation, as what else in the City is like the Town Center? Even Anastasia Plaza, which has Publix and many other businesses and may be comparable to the Town Center in size, still isn't comparable because it doesn't front a residential neighborhood with multi-family units and single-family homes. The Town Center is now finally fully built out, and only now is reaching full occupancy, so we need increased tenant signage. One of the considerations the Board is to weigh in the granting of a variance is whether similar variances have been granted in the vicinity of the property. There have been no similar variances granted that we know of, and there are no similar variances that are anticipated. This is unique to us, just as the Sea Grove PUD ordinance is unique. The property was acquired after parts of the current LDRs which are relevant to the requested variance were adopted, and the variance requested may not be the minimum variance, but it is better than what we could achieve otherwise. The variance requested meets the spirit and intent of the code, and avoids sign proliferation, as it comes up with a unified sign plan for the Town Center in exchange for the variance for one single larger sign that will eliminate the need for other signs. The granting of the variance for the new proposed sign will not alter the character of the neighborhood, diminish property values, or impair the appropriate use or development of adjacent properties. I don't think any of these things are a concern, I think the new sign will make the area more aesthetically pleasing. We want to build a nice-looking sign, which won't do anything related to property values, in fact, it should enhance the property values, especially of the interior tenants. There would be no effects on traffic congestion in nearby streets, danger of fire, and on-site and off-site flooding, I don't think these things are even applicable to the variance request for a larger sign.

Hulsey Bray: If you are allowed to build this sign, are you going to forego allowing the tenants in the Town Center to put additional signs up, as you mentioned? If so many signs per site could be put up, and the Board grants the variance to allow this rather large sign, are you going to limit the number of other signs that could be put up?

Doug Burnett: Yes, so we would only have two other signs. There is the existing sign, which will be relocated and be the closest one to the traffic light, and the existing far north Terra & Acqua sign, which has been there from the time the restaurant was Chef Says and maybe three other restaurants before Terra & Acqua came in. So, that sign would stay, and then we have the big sign being proposed, and the one that is the closest to the traffic light, but that is the end of it. If the Board wants to make this a condition of the approval of the variance for the new large sign we are applying for, we understand.

Hulsey Bray: You understand what I am saying, obviously, it is a possibility, as you noted it. The Board may grant this variance and then in a few years, more signs could pop up.

Chris Pranis: Do we have any public comment on this matter? There was none.

Conner Dowling: Especially based on the location, I do not have any issue with the sign and the size. I think the biggest thing in my mind with having a large sign that goes all the way to the ground is visibility, if it is at a traffic light or something. And if anything, collecting all the businesses and putting them into one sign, I think, is a good thing overall.

Hulsey Bray: I will say that a 20-foot-by-16-foot sign is a very large sign. A 20-foot-high sign is as tall as a telephone pole.

Victor Sarris: I think that in this case, it is beneficial to have a sign that is more visible, even from a safety standpoint.

Hester Longstreet: If we were to grant the variance for the sign, I would say that we only grant it for one sign at this size, so that they can't come back and say they'd like another one the same size on the other end. This is substantial, as was said, 20 feet high is very large, so I think we need to make sure that the variance approval will only be for one sign approved at this size and that we are not open to approving more than one sign.

Brian Law: That would require another variance application, which would be heard on its own merits.

Hester Longstreet: We just don't want this to be setting a precedent.

Victor Sarris: Another sign would have to be presented in the form of a variance application in the same way this one was for that to even be a consideration.

Brian Law: Yes, sir, but unfortunately, Mr. Burnett did a great job of showing you what could be done without a variance, and I don't think anybody wants that. That 2001 sign code probably reflects a different time period where signs were constructed differently.

Motion: to approve Land Use Variance File No. VAR 2023-04, to exceed the 12-foot height maximum, the 12-foot length maximum, and the 144-square-foot surface area maximum allowed per side for proposed new construction of one 20-foot-high, 16-foot long ground sign with a 192-square-foot surface area per side for Sea Grove Town Center, in a Planned Unit Development (PUD) land use district at 120 Sea Grove Main Street, St. Augustine Beach, Florida, 32080. **Moved** by Victor Sarris, **seconded** by Conner Dowling, **passed 5-0** by the Board by unanimous voice-vote.

Doug Burnett: Thank you very much, I appreciate it. If I could impose on you one question, about the timing of the variance. Is there a time limit or expiration date as to when we have to commence it within a certain period of time?

Brian Law: Yes, variances are granted for a year, at which time, work on whatever the variance was granted for has to be commenced.

Doug Burnett: Can I be heard on that particular issue and ask for a longer period of time? We have hit an unexpected expense, which is the back flow preventer for the freshwater line for the library, which we thought was St. Johns County's responsibility, but it is not, it is the responsibility of Sea Grove Town Center. The part we've been waiting for will cost somewhere around \$25,000. So, we've got that unanticipated expense, and along with the prediction that we may be in a recession by the end of the year, I would like to ask for two years to begin the permitting process for the new sign, because we are not going to do a special assessment to build a sign, no matter how bad we want it. Anyone in the construction trade knows it takes a while to get anything built these days.

Chris Pranis: Question for staff, if we grant the variance for one year and it expires, can we grant an extension to the variance, or would a whole new application be required?

Brian Law: If the Board approves only a one-year time period for the variance as per the code, that would be finite, and the end of it. Having said that, this one-year time period only applies to submittal of a completed building permit/clearance sheet application for the new sign to the Building and Zoning Department, as this constitutes commencement of the variance. Once the clearance sheet is approved by zoning, it's good for six months, and at that point, the application is deemed sufficient and in compliance with the intent of the variance. We have no objection to granting the variance for two years, and this has been done before. Recently, a two-year conditional use permit was granted to build new single-family homes on commercial lots south of the Courtyard by Marriott, due to the fact that the roads providing access to these lots have to be built.

Chris Pranis: Do we have to do another motion?

Brian Law: Yes, a motion is needed to amend the current motion to approve the variance as requested for one sign with a two-year expiration date for commencement.

Motion: to amend the motion to approve Land Use Variance File No. VAR 2023-04, to exceed the 12-foot height maximum, the 12-foot length maximum, and the 144-square-

foot surface area maximum allowed per side for proposed new construction of one 20-foot-high, 16-foot long ground sign with a 192-square-foot surface area per side for Sea Grove Town Center, in a Planned Unit Development (PUD) land use district at 120 Sea Grove Main Street, St. Augustine Beach, Florida, 32080, with a two-year expiration date for the commencement of the variance. **Moved** by Chris Pranis, **seconded** by Victor Sarris, **passed 5-0** by the Board by unanimous voice-vote.

D. Land Use Variance File No. VAR 2023-05, for an increase of impervious surface ratio (ISR) coverage from maximum 70% allowed to 94.6%, to expand an existing non-conforming property with proposed new construction of a 560-square-foot storage building over a dry retention pond on the premises of Best Western Seaside Inn, a 50-unit hotel in a commercial land use district at 541 A1A Beach Boulevard, St. Augustine Beach, Florida, Troy Blevins, Agent for Vista Hotel II Inc., Applicant

Bonnie Miller: The next agenda item is a variance application for the Best Western Seaside Inn at 541 A1A Beach Boulevard. The property owner would like to add a 560-square-foot storage building to be built over an existing dry retention pond on the southwest corner of the hotel property. The Best Western was built in 1991, right around the time the first edition of the City's Land Development Regulations was codified. It is a nonconforming structure right now because it has an ISR coverage of 93%. If it was built today, it would not be allowed to exceed the commercial ISR coverage maximum of 70%. So, the property is well over the maximum ISR coverage allowed for commercial zoning, and this 560-square-foot storage building will increase the ISR coverage to 94.6%. Even though the storage building is proposed to be built over a dry retention pond, it is calculated as part of the ISR coverage, because the definition of ISR in the LDRS includes any building, and this is a covered building. It will meet the setback requirements, with a 15-foot setback from the side property line to the right-of-way of 9th Street, and a 20-foot rear setback to the western, or rear, property line. The variance is requested because the 560-square-foot storage building will expand an existing non-conforming property, which currently has 93% ISR coverage, and increase the ISR coverage to 94.6%. The owner's agent, Troy Blevins, is here to answer any questions the Board may have and to represent the owner of Best Western, Kanti Patel, of Jalaram Hotels, which owns Vista Hotel II Inc.

Troy Blevins, 14 Riberia Street, St. Augustine, Florida, 32084: I represent Jalaram Hotels, the owner of Vista Hotels II, and what we are asking for is very unique. When the Best Western building was built in St. Augustine Beach, ISR didn't exist. We have two similar buildings in the City of St. Augustine, at the Hampton Inn and Best Western Inn, both on US Highway 1. This proposed storage building sits above the ground level, so the watershed and dry retention area is still going to hold the exact same amount of water. The lot coverage on this property, even with the 560-square-foot storage building, will only be 28.4%, which is still well below the maximum lot coverage allowed for commercial properties. The proposed storage building is 10 feet by 56 feet, and it will have a couple of electrical outlets. It won't have any plumbing in it at all. The size of the storage building is based on the size of the two hotel rooms that are currently being used for storage space at the Best Western Inn, which has 50 rooms, but is only operating with 48 rooms, which means we are losing money by not being able to rent out these rooms, and that's part of

the hardship, as we actually have two hotel rooms that are not usable. The storage building sits up about 20 inches, so the watershed will be exactly the same for the facility. The definition of ISR is something I don't understand, as the pervious area will be the same, and the exact same water retained on the property today will still be retained.

Victor Sarris: So, this will not have an effect on the current ISR coverage?

Troy Blevins: That is our opinion of it, and also the way the City of St. Augustine reads it.

Victor Sarris: The structure will sit above the retention pond, but it will not sit on it, so thus, it will not limit that space for drainage, correct?

Troy Blevins: Correct.

Victor Sarris: What about the concern the City's Public Works Department has for the discharge from the storage building roof spilling onto the right-of-way of 9th Street? What is the plan there? I understand this will not impede the existing dry retention pond drainage, but rainwater will still come off the storage building roof and flow somewhere.

Troy Blevins: Correct. The storage building will sit on the edge of the current dry retention area but will not cover the entirety of the retention area, so water will come off the roof of the storage building and fall directly into the dry retention area on the south side of 9th Street. Water coming off the north side of the storage building roof will basically fall into the parking lot, which feeds right back into the dry retention area, so basically all water will flow to the exact same location that it does now. We contain our own stormwater right now, and we will continue to contain our own stormwater.

Conner Dowling: You said you've done this twice before, building a structure over a dry retention facility?

Troy Blevins: Yes. We did it at the Best Western and the Hampton Inn, both in the City of St. Augustine. These two buildings are almost exactly the same as the Best Western in St. Augustine Beach. We have had no problems with the storage buildings built about 15 years ago over the retention areas of these two hotels in the City of St. Augustine.

Victor Sarris: Troy, so are you saying that you see the ISR calculation with this new storage building over the dry retention area differently from the definition of ISR in City Code?

Troy Blevins: I am saying it will have zero effect, even if the definition of ISR, per City Code, says it is calculated as ISR coverage. One of the unique things about this is that water will run underneath the storage building, which the code does not address. I completely understand the way staff reads it, based on the definition in City Code, but this definition does not address a building that allows water to go underneath it.

Brian Law: This is actually really a result of it being a unique design. The LDRs cannot anticipate building over dry retention ponds, so in Article II, the definition of ISR starts out

with "any building," and this is what staff has to follow, with no exceptions. A variance is the right method for this because this building is outside of the intent of the code.

Conner Dowling: This is not related to ISR coverage, but I am curious as to what you have to say about the fact that you want to put a 56-foot long building on the frontage of 9th Street only 16 feet away from the property line and the neighbor to the west who has a single-family home with a 25-foot front setback. The back of the storage building is going to be solid stucco and is very different from what typically exists on a residential street.

Troy Blevins: The storage building design will mimic the hotel. One of the beauties of working for Mr. Patel is he always takes care of, and is very conscious of, his neighbors. We've been partners with the City for over 30 years and we maintain the City plazas in front of the hotel. If something goes wrong, we will buy a new palm tree out of our pocket for the City-owned plazas. I'd be surprised if we had any opposition from neighbors, as taking care of our neighbors is something we, as a company, take great pride in doing.

Conner Dowling: All of the other structures on 9th Street are set well back from the street, but this building is going to be almost as close as you can get to both 9th Street and the residential neighbor to the west. I understand there is a little bit of landscape buffer between the dry retention area and the street. It bugs me a little that the setback off 9th Street, just from a planning standpoint, does not conform to the standard 25-foot front setback of the adjacent residential structures. A 56-foot-long building is very long, if you could break that up a little bit, it would not feel as imposing. I worry that it is going to look like a temporary storage facility. I understand it will have a stucco exterior and clay tiles to match the design and character of the hotel, but it is going to make the hotel look very different from the perspective of all the other properties on 9th Street.

Troy Blevins: With our other properties, the storage buildings really blend in, because the design is the same. We do our very best to make them blend with the community they are in. If landscaping would help in this situation, we wouldn't have a problem with that.

Conner Dowling: Definitely, landscaping would help, but I'm not sure how much you could put in there based on the fact that the building will be over the dry retention pond.

Hulsey Bray: I have an issue with the hardship and the hotel not anticipating the need for storage in the building. I don't see how that is a hardship. It's a commercial building, there is a business running out of it, and I have issues with the size of the proposed storage building and with the ISR. If I built a shed six inches off the ground on my property and told everyone not to worry, water still drains on my property, it would be an issue.

Troy Blevins: We understand those concerns but when the hotel was built in 1991, and I have been here the entire time, St. Augustine Beach was not as busy as it is now, and the volume for the hotel was nowhere near what we are getting today. Like I said, ISR did not exist in 1991, so we played by all the rules that were in place at that time. Rules change on us and that's usually for a very good thing, but at this point, the volume coming into the hotel today has created a bigger hardship than was ever anticipated in 1991.

~~Conner Dowling:~~ I know you are pressed for parking already on this site, but is there any way a storage building could be located on any existing parking spaces the hotel has?

Troy Blevins: Unless parking regulations have changed, I think that would be a challenge.

Brian Law: Can you confirm how many rooms the hotel has?

Troy Blevins: It has 50 rooms.

Brian Law: And you have approximately 50 parking spaces?

Troy Blevins: Yes, sir.

Brian Law: In today's Code, that is not compliant. The minimum number of parking spaces required for this today would be 58 regular parking spaces plus three handicap accessible spaces. So once again, when this building was built 30 years ago, the codes and regulations were different. Putting a storage building on an existing parking space would actually make the situation more nonconforming than what it is now, and staff would not be able to approve that, which is why they are here for the variance.

Troy Blevins: I believe the parking regulations for hotels are going to change over the next 10 years, because so many people are using Uber now and not actually driving while on vacation. Our parking lots are probably at about 70% capacity even when the hotels are full. And that's for all of our hotels, not just the Best Western in St. Augustine Beach.

Chris Pranis: Do we have any public comment on this application? There was none.

Hester Longstreet: I have a lot of concerns with the storage building being 20 inches above the retention area, as I think a good storm with a lot of water coming through would probably cause flooding in there. With that, the length of the building, and the fact that it is already above and beyond the maximum ISR coverage allowed, I have concerns.

Chris Pranis: I agree, the ISR is what is getting to me as well as how close the storage building is on the 9th Street side of the property.

Victor Sarris: I feel we did address the ISR concerns, as the structure will allow, if I understand correctly, the water to still drain into the retention pond. So even though City code defines ISR as any building, it is not impeding anything because it is sitting 20 inches above the ground and will still allow stormwater to be absorbed into the retention area.

Chris Pranis: I think the big issue is that it is still a building, and the code states any building is calculated as ISR coverage. That's where the wording gets tricky. It is not like it is a deck that is elevated above the ground, it is a building.

Brian Law: In the application information copied to the Board, there is an email from Public Works Project Coordinator Russell Adams, stating the Public Works Department

has no issues with the structure as long as no additional discharge from the roof will spill into the right-of-way, and as long as the applicant has a letter from St. Johns River Water Management District stating no permit is required for the storage building or a permit has been granted to amend the stormwater permit issued to Best Western for the on-site storage building. The Board has options here, I don't want to use the word "negotiate," but you may want to discuss the comments made about the views from the adjacent street. The Board could ask that the applicant provide a landscape buffer that exceeds the height of the storage building as a condition of approving the variance. Regarding the ISR, if there is a concern with the existing 93% ISR coverage, the applicant could be asked to remove 560 square feet, which is the size of the proposed storage building, of existing ISR coverage to replace some of the asphalt parking lot with permeable pavers.

Troy Blevins: I don't have a problem if we table this. The Board's concerns about views and other things are also concerning to us. I would love to have some feedback as to what you are possibly looking for, to make it more palatable from the Board's viewpoint. I think there are enough uncomfortable concerns that need to be addressed before the Board votes on this, and I want the Board to be comfortable with what you are voting on.

Hulsey Bray: The north elevation of the storage structure as shown in the application information is a good example of what all those people who live across the street are going to be looking at, which will be a big stucco of wall.

Conner Dowling: I understand the ISR argument for a building like this, in all intents and purposes, the storage building will not add any more water to the site, because it will not impede the retention area from retaining run-off. That being said, I think this is hard for the Board, because the property is already so glaringly over the maximum ISR allowed. Brian mentioned taking out some of the existing ISR coverage, such as some of the asphalt parking lot, and replacing it with permeable pavers. I do not know if that would be an option you might consider, but it might help out on the Board's end. Looking at the site plan, I totally understand the proposed location of the storage building, as it makes the most sense. I did a quick count of the hotel's parking and I think there may currently be 57 parking spaces. Maybe one or two spaces could be lost to put a small storage building in the corner by the dumpster, but I don't know, as we cannot design it right here tonight.

Brian Law: I have to correct you, because the hotel does not have 57 parking spaces. I assume you are counting the seven parking spaces on the south side of the hotel adjacent to 8th Street, which were put in through a partnership between the City and the hotel. These parking spaces cannot be counted as part of the hotel's parking, because they are actually public parking spaces on the City's right-of-way, and anyone can park there.

Chris Pranis: Plus, is this truly a hardship? It is a commercial business, and if it was built without storage, it is not a true hardship, you've created that on your own. I do not see many options. Going forward, let's think about setting this precedent for future variances.

Victor Sarris: Well, this is different, because if this structure was being constructed on the ground, this would impede the ISR. As it will sit above the dry retention pond, the increase

in the ISR coverage is just a technicality. However, as the proposed structure will not impede the way water flows and is contained on the property, then the ISR issue, to me, is off the table. It does not bother me, and I have a comfort level with the ISR issue because I don't want to have to defend to anyone that we have just totally destroyed the ISR on a property. The ISR that exists now on the property is still in place and will be the same as it is now with the storage building built over the retention area.

Conner Dowling: Right, the case for this is that they have on-site water retention and that's where that water coming off the roof is going to go.

Hulsey Bray: That being said, if someone wanted to build a 10-foot-by-10-foot shed in their backyard, but because of the pavers in their driveway and the size of their house, building the shed would cause the ISR to exceed the maximum allowed, would we allow them to build it eight inches off the ground with gutters around the shed roof, as this would still allow rainwater to come into contact with the ground and drain?

Hester Longstreet: No, we have denied people variances for sheds that do not comply.

Victor Sarris: We have denied variances for sheds based on setback issues. That's a creative way of thinking, if somebody wanted to do this to get around the ISR regulations.

Hulsey Bray: That is exactly what the applicant said, that the storage building will be built up off the ground and then the water run-off will still drain into the retention pond.

Conner Dowling: The difference between a shed on a residential property and the storage building at the hotel is that the hotel has on-site water retention, and the water is not being shed into the right-of-way or to any adjacent properties, at least in theory. Residential properties, however, are not required to have on-site water retention.

Victor Sarris: That's a good point, because in this instance, the water will still be contained on-site on the hotel property.

Troy Blevins: The other thing that is completely different about this scenario is that Mr. Patel and Jalaram Hotels have a partnership with the City, and that partnership hopefully comes into consideration. There have been zero complaints from anybody about the City plazas, which Mr. Patel and Jalaram, Hotels have been responsible for and maintained for 31 years. The parking lots they share with the City are also maintained by Mr. Patel and his company. There is also a partnership there of us trying to be of true faith, so I am asking that we table this so we can work to come up with a better solution. If you deny it next go round, then we will go from there, but if you will give us another shot at showing what it is going to look like on 9th Street, I will bring this back to you to see if we can come up with a better solution than we have brought before you today.

Brian Law: I would ask that the Board instruct the applicant with a summarization of everyone's concerns, like the buffering from 9th Street, and that the applicant should present a landscaping plan showing buffering on that side adjacent to 9th Street and the

residential neighbor to the west. The Board may also want to suggest that the applicant consider replacement of the existing asphalt with permeable pavers in the area near the proposed construction of the storage shed, where there are about nine parking spaces that are each 9-feet-by-20 feet, which would be well in excess of the square footage of the proposed storage shed. City staff has no objection if the Board tables this to its May meeting, with the applicant bringing back additional information such as buffering and landscaping plans and potential locations of permeable pavers to replace existing asphalt.

Troy Blevins: We are not in a huge rush, so if we could table it to the June meeting, that would give us time to work with the designer and landscape architect to come back with the best possible scenarios.

Chris Pranis: The Board will then table this until the June meeting, by which time, the applicant will produce a buffering landscape plan and potential location of permeable pavers to replace existing asphalt to assist with the ISR coverage.

Motion: to table the application for Land Use Variance File No. VAR 2023-05, for an increase of impervious surface ratio (ISR) coverage from maximum 70% allowed to 94.6%, to expand an existing non-conforming property for proposed new construction of a 560-square-foot storage building over a dry retention pond on the premises of Best Western Seaside Inn, in a commercial land use district at 541 A1A Beach Boulevard, St. Augustine Beach, Florida, to the Board's June 20, 2023 regular monthly meeting, based on the Board's discussion and recommendations pertaining to this application. **Moved** by Chris Pranis, **seconded** by Victor Sarris, **passed 5-0** by the Board by unanimous voice-vote.

Troy Blevins: One request from the Board, if you have specific requests, please submit them through staff, and I will meet with staff to try to make these requests work.

Hester Longstreet: It would be great if we could maybe hear from the people on 9th Street, as that would go a long way.

Conner Dowling: Maybe you could break the building in half, to lessen the size. I know that makes certain things harder, but 56 feet is a really long building, and there is not a ton of opportunity for landscape buffering because of the retention swell. There is already some good landscaping there but seeing that the height of the storage building is at 12 or 13 feet, and it will be built a couple of feet above the level of the road, I think if you could build two smaller buildings and separate them, that would help tremendously.

E. Review of draft Ordinance No. 23-___, for proposed code changes to the City of St. Augustine Beach Land Development Regulations, Section 6.01.03, pertaining to building setback requirements; Section 6.03.05, pertaining to design standards for off-street parking and loading areas; and Section 12.02.06, pertaining to concept review

Brian Law: The City Attorney has drafted an ordinance for these code changes, and this is considered the first reading for the ordinance. I would like to talk about each change individually, as the ordinance is all-inclusive, and the ordinance title will be read in one

shot. Currently, Article VI of the City's LDRs exempts decks under 30 inches in height from permitting, but the LDRs do not have that authority to exempt permitting per the FBC, so this most likely was a remnant from a long time ago. The code change exempts decks less than 12 inches from permitting. The reason we chose 12 inches or less as the permit exemption height for decks is because there are a series of setbacks for decks depending on the height of a deck. Decks less than 30 inches in height were exempted because back in the day, that was the minimum height for guardrails. The next change pertains to administrative waivers for errors in setback measurements. As surveying has become a whole lot better than it was 30 or 40 years ago, we are now starting to see buildings that may be a fraction of a foot or two from their intended setbacks of years ago. Technically, by the code, that makes a building non-conforming and limits future development of the structure, and we've seen a couple of variances in the last few years involving non-conforming structures. I asked the Planning and Zoning Division to research St. Johns County's Land Development Regulations in regard to administrative waivers for surveying errors, so the code change we are suggesting is basically in line with the County's code for such waivers. Say, for example, a building is built but the mason did not take into account the one-and-a-half-inch width of the form board so now, instead of having a 7.5-foot side setback, the setback is at 7 feet, three and one-half inches. The building did not get any bigger, but the 7.5-foot setback was encroached into by an inch or two. Is it the intent of the code to make the contractor rip the whole building out or apply for a variance for a reduction of the side yard setback? My initial opinion always has been, over many years of doing this, that this is an administrative error of omission, as it was not intended. That is the intent of this code change, which gives the building official, as the director of building and zoning, the ability to approve this administratively, as long as the building is the same size as it was originally permitted. Next, we heard a reference earlier to compact car spaces. That is forward thinking in regard to parking, and this is very common. Our existing code references and actually says compact car parking shall be discussed by the Planning and Zoning Board with development reviews, which is great, but the code does not say how big a compact car parking space shall be or how many compact car parking spaces a development or business can have. So once again, staff reached out to neighboring jurisdictions and used their information for conformity in the proposed code changes for compact car parking spaces. Lastly, if you read the code literally, which we do, or try to, it says that every variance and conditional use permit application must be submitted to concept review. Per the code, the conditional use permit application and variance applications that came before the Board tonight would need a concept review. That is not the intent of the conditional use or variance application process, as concept reviews are used for major developments, replats, and things of that magnitude, not variances and conditional use permits. I've spoken with Ms. Miller and the City Manager in great length on this, and this has never been done during either one of their long employment histories with the City. We believe this must be another remnant from back when the City had 2000 residents or so, as it is in Articles X and XII of the LDRs, which are not the most used sections, so it is possible this code wasn't changed by the consultants the City hired in 2016-2017 to update the LDRs. The proposed code changes amend this section to state that major developments must be submitted to concept review and delete the verbiage that says conditional use permit and variance applications also have to be submitted to concept review. So, that is a summary of the

proposed code changes provided to you, and your copies should be color-coded to highlight the potential changes. We are asking that the Board make a motion to approve or deny the proposed draft ordinance so it can be moved forward to the City Commission.

Conner Dowling: About the compact car parking spaces, did the verbiage that says up to five percent of the parking spaces required by the code may be designated as compact car parking spaces match what St. Johns County's code has for compact car parking?

Brian Law: I cannot answer that, as we expected Ms. Thompson to be here to present this, but she is not well at all. We had to come up with a number and I believe this number came from having a minimum of 20 regular parking spaces, and then allowing five percent of 20 spaces, which would be one parking space, that could be used for compact car parking. What we did not want, because we have a lot of small lots in the commercial sector of the City, was to allow some of the smaller buildings on small commercial lots that only have four parking spaces and one handicap parking space to be able to convert one of these parking spaces to a compact car parking space. This would apply to some of the City's bigger commercial facilities, like Anastasia Plaza, Sea Grove Town Center, etc.

Conner Dowling: Regarding the proposed changes for deck permits, do you think code enforcement will be a lot busier after this goes into effect?

Brian Law: No, because we don't actually exempt decks under 30 inches in height from permitting now, per the FBC. This has a lot to do with setbacks, because if you read the code the way it is written, it is very confusing. There's a gap between what the setbacks for decks over 12 inches in height but less than 30 inches in height are and the height at which decks are required to be permitted, so the code leaves you with a limbo land. The intent of the code changes regarding decks is to clean the code up so it is very clear and specific. Decks are important. I've served in other jurisdictions where decks have fallen from the second floor because of water intrusion issues rotting the building out. Plus, I have issues with and don't like that the LDRs exempt permitting not exempted by the FBC.

Motion: to recommend draft Ordinance No. 23-__ be passed on first reading and moved forward to the City Commission. **Moved** by Chris Pranis, **seconded** by Hester Longstreet, **passed 5-0** by the Board by unanimous voice-vote.

VI. OLD BUSINESS

There was no old business.

VII. BOARD COMMENT

Hester Longstreet: Did we find out anything about the ice machine in front of Rita's Ice?

Chris Pranis: The ice machine is gone.

Brian Law: Mr. Chair, if I may, we had a procedural issue on the last item, the draft ordinance for the proposed code changes. The ordinance title actually has to be read aloud, as this is the first reading of the ordinance. The City Attorney will take it from here.

Jeremiah Blocker: So, this is Ordinance No. 23-__, as we'll come up with the ordinance number later, "An ordinance of the City of St. Augustine Beach, Florida, relating to Land Development Regulations and review; amending the Land Development Regulations of the City of St. Augustine Beach Section 6.01.03 for setbacks, accessory structures, building height; Section 6.03.05, design standards for off-street parking; and Section 12.02.06, concept review of the City Code; and providing an effective date."

Chris Pranis: Do we have to approve it again, or add anything to the motion?

Jeremiah Blocker: No, it just had to be read aloud by title to officially put it on the record.

Chris Pranis: So, Hester mentioned the ice machine that was in front of Rita's. Are we allowed to discuss this?

Brian Law: Yes. The case of the ice machine will be appearing before the Code Enforcement Board next week, as they have not applied for permits or any variances.

Chris Pranis: It is not there anymore.

Brian Law: Okay. I know we talked to the owners last week, so in that case, they probably did not want to go through the variance procedure or go before the Code Enforcement Board, so we will cancel this case from the agenda of next week's meeting. Great news.

X. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Kevin Kincaid, Chairperson

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE AUDIO/VIDEO CAN BE OBTAINED BY CONTACTING THE CITY MANAGER'S OFFICE AT 904-471-2122)



MINUTES

SUSTAINABILITY & ENVIRONMENTAL PLANNING ADVISORY COMMITTEE MEETING

TUESDAY, APRIL 11, 2023, AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The Committee recited the Pledge of Allegiance.

III. ROLL CALL

Present: Chair Sandra Krempasky, Vice Chair Lana Bandy, and Members Craig Thomson, Karen Candler, and George O'Brien.

Member Edward Edmonds was absent.

Also present: City Clerk Dariana Fitzgerald and Project Manager Russell Adams.

Member O'Brien introduced himself and provided his background information.

IV. APPROVAL OF MINUTES OF JANUARY 10, 2023, REGULAR MEETING

Motion: to approve the minutes of January 10, 2023, with correction of typographical errors.

Moved by: Member Thomson. **Seconded by:** Member Candler. Motion passed unanimously.

Chair Krempasky moved on to Item V.1.

V. PRESENTATION OF REPORTS:

1. Reforestation and Landscaping Projects

a. Mickler Boulevard

Project Manager Adams reported that Foreman Large said that wildflowers are starting to sprout between Pope Road and 16th Street and that the bee pollinators seem to be working well [Exhibit A]. Vice Chair Bandy said that it needs more plants and seeds and that she has the seeds. She said that Foreman Large advised her that the water truck is broken, that there has not been much rain lately, that the plants are low to the ground, and that there is actually more growth outside of the wildflower area. Member Candler said that she wished that there was definition around the area. Vice Chair Bandy said that the plants that SEPAC purchased from Southern Horticulture looked dead before they were planted and have come back a little bit, but there is nothing in there that is big.

Chair Krempasky asked if the Vice Chair was still working on the signs. Vice Chair Bandy said that she has the signs, and that Foreman Large was going to tack them to bamboo stakes and get them in the ground. She advised that Foreman Large also talked about one of Lonnie's suggestions to extend the roof out farther over the pollinator boxes because they need more shade. Project Manager Adams said that he would ask Foreman Large about it. Chair Krempasky asked the Vice Chair if she would work with Foreman Large on it. Vice Chair Bandy agreed.

b. Parkette Planning/Green Infrastructure

Project Manager Adams reported that SEPAC had potentially looked at 8th Street and also A Street at 2nd Avenue (where the community garden was originally going to be). He said that Foreman Large advised that we would need letters of approval from the residents and/or the hotel.

Chair Krempasky said that she believed that it was Member Thomson's idea to do 8th Street. She agreed that the site would be great because the lot is really deep, and it already has some parking. She said that going from the parking area to the residential fences is soggy land and would probably be good for a rain garden. She said that she believed that SEPAC could use the same plans that our architect came up with. The area is pretty shady until the sun is directly overhead and then it would be sunny the rest of the day. She showed the parkette design and suggested to move the fence from where it was supposed to be and put it to the center, and she indicated that it could go in two different directions to create a long rain garden. She said that she talked to Commissioner George and asked whether the Commission might approve that location and that her first thought was for SEPAC to contact Mr. & Mrs. Dean who live across from this location before we go public with a request because they were adamant about not having additional parking and that a rain garden would pretty much guarantee that. She said that Commissioner George offered to go with her to meet with the residents so that they would see that it could have some Commission backing.

Member Thomson said that it sounds like Public Works and Commissioner George both want that, and he thinks it is a great idea. Chair Krempasky said that we do not have to go with her suggestion but that the idea is to use the plan that we already have. Member Thomson said that there is a six-foot high fence that runs the entire property. Chair Krempasky said that just like D Street, this would not be on any resident space, and it is not the type of fence that would block anything. Member Thomson said that he thought it would be in the north and south side and not necessarily adjacent to the other fence. Member Candler said that she was talking about pulling it out towards the center. Member Thomson asked what would be behind it. Chair Krempasky said that it would be open space. Member Thomson said that he believed that the plan could work there and that it is a natural dry retention area. He would ask that the Chair meet with Commissioner George and discuss it with the adjacent property owners. It was the consensus of SEPAC to have Chair Krempasky approach the residents about the project.

c. Urban Forestry and Planning Projects

Project Manager Adams advised that Foreman Large said that the water truck is not fixed yet and that there were no updates at this time. Member O'Brien asked what the

estimated time frame was for fixing the truck. Project Manager Adams said that they just surplused the old truck and have pulled the tank off to go on the new truck and that he would ask Foreman Large to follow up. Member O'Brien said that it would be good to try to get planting projects in during the wet season but that we do not want to put things in the ground without the water truck for a backup during dry periods.

Chair Krempasky asked the City Clerk to provide information regarding the Public Works Director. City Clerk Fitzgerald advised that the current Public Works Director/City Engineer, Bill Tredik, is leaving. She said that the City has been looking for another engineer, which is a specialized position, and we are in the process of splitting off Public Works and Engineering into two separate departments with Engineering being a one- or two-person department. She said that the City's current Assistant Public Works Director, Ken Gatchell, would be moved up to Director, but that he retires in a year and a half. She said that we just presented an offer to engineer Jason Sparks, who is currently employed with St. Johns County, and he is familiar with the area. Chair Krempasky asked if Director Gatchell would be the liaison for SEPAC. City Clerk Fitzgerald said yes and that she did not foresee that SEPAC would have much to do with engineering on a regular basis. She said that Project Manager Adams would still be a part of each department for now. City Clerk Fitzgerald said that Public Works is eternally understaffed with a high turnover rate.

Member O'Brien said that from reading the minutes, letters from the City Manager, and publications, it is pretty clear what the scope of work is and the areas of responsibility. He said that if we had a rough idea of when the water truck would be fixed then we would be able to make some informed decisions.

Chair Krempasky said that if we get to do a project at A Street, all the planting has been bid out to Native Plant Consulting, but the City would need to provide the water. She said that she would like to get this project completed this year so that the Commission can see how advantageous it is to have good models.

Member Thomson said that he spent a lot of time talking with the City Manager and suggested that we could add an Item 1.d called Environmental Planning Projects to the agenda. He said that if SEPAC has ideas of how to implement some of our sustainability goals, like our Item 2, which is to reduce stormwater runoff and downstream pollution, then we could work on those goals and policies and develop programs that could be codified to reach those goals. He provided a handout [Exhibit B] and said that the first page is a letter to the City Manager regarding the Stormwater Management Service Fee [Exhibit B-1]. He said that once this fee is adopted, it would provide financing for stormwater management, and that SEPAC's goals are to conserve rainwater, reduce runoff, and pollution, in the Vision Plan and it is also backed up in the Comprehensive Plan goals. He said that the City Clerk did a great job getting this information out at a late date and that part of this is a little bit complicated. He said that in 2019 we had a PowerPoint presentation on sea level rise and stormwater management and that the City Clerk sent everyone a PDF. He said that Lonnie did an incredible comprehensive document of how green infrastructure could form the basis of stormwater management and those two documents could build our case for why we want green infrastructure to be included in a stormwater management plan.

Member Thomson said that if the stormwater assessment fee happens then every resident would be paying eight or nine dollars a month to the City to manage stormwater. He said that what he laid out to the City Manager was approved by him and he read the City Manager's response from his handout. He advised that the fee probably would not be adopted until next year because Director Tredik's consultant proposal was turned down. He said that we need a fair and reasonable fee that is related to the actual runoff of properties. He said that the City of Atlantic Beach proposed to, "establish a fee and provide programs for controlling and to encourage and facilitate urban water resources best management practices including but not limited to retention/detention of stormwater runoff, minimization of the need to construct storm sewers, compliance with the maximum daily load requirements mandated by the State." Stormwater charges should be fair and reasonable and bear a substantial relationship to the cost of providing services and facilities and similar properties shall pay similar stormwater service charges. He said that most progressive cities are looking at conserving resources like water and that water usage is a tiered approach based on how much water you use.

Member Thomson said that he is proposing that we come up with a tiered system of charging this stormwater runoff fee. He said that Building Official Law brought up the fact that our impervious surface in the Land Development Regulations (LDRs) kind of sets the standard. We all know that some residences have gone way above that standard, even though legally it is a debt defined. The second thing he sent to SEPAC is how the City of St. Augustine factored it in so when you come up with an average Single-Family Unit (SFU) it would have a designation of one. If it is much less than that, because of less runoff, etc. then it could be half of that, and if it is larger, then it could be more than that. It is a concept that incentivizes that we do not encourage runoff and that we encourage rainwater conservation residentially as much as possible because runoff causes pollution, which is the second hazard of stormwater.

Member Thomson asked SEPAC to review the two PDFs. He said that the first statement that interested him was something that he would show them so that they would recognize it when it popped up because the PDF has about twenty pages of slides. He said that it is very important, and it says, "stormwater drainage, the City noted that at times of high tide and surge, the intercoastal waterway backs up through the stormwater system throughout the City adding to flooding issues." That is why you need dry retention and detention areas so that when it does backup that the salt water has somewhere to go. He said that there were Vulnerability Studies four years and two years ago and that there are some weaknesses for how we are handling the stormwater because we are not looking at compound flooding, which is when you have a lot of rainfall and storm surge that does not let it out of the City. He said that that information is available to be addressed so that the entire stormwater management system can be addressed with the threat of climate change, which is what the Comprehensive Plan suggests and to analyze things based on that. He said that he believed that SEPAC is in agreement, but that the question is how to get the word out. He advised that the first and last pages of Lonnie's presentation are critical where he discussed the difference between green and gray infrastructure, and he provided many references that are being done in other cities and are much cheaper than gray stormwater systems. He said one example is five years ago on Mickler Boulevard when the City approved taking one of the open ditches and putting a drainage pipe in and covering it back up, which immediately caused flooding to the

neighborhood to the east and the residents wanted the pipe out of the ground, and it probably cost \$550,000. It is a depression and will continue to flood and does allow a little dry retention.

Member Candler asked if they scratched the plans to do the rest. Member Thomson said no that they are moving forward but that there is a timetable that they could not meet this year and they suggested having a workshop meeting this summer to get more information. He said that he would like for SEPAC to have a workshop, invite the Planning and Zoning Board, Public Works, and the Commissioners if they want to, to go over all these issues and then present specific recommendations to the Commission relative to our second goal of how to treat the City sustainability in terms of stormwater, reducing runoff and pollution issues.

Member Thomson said that to be effective and achieve our goals, we are going to have to focus hard on advocating directly to the Commission because we are an advisory committee. He said that the City Manager would present our recommendations as an action item for the Commission to decide. He said that he has considered having a workshop every other meeting so that we could focus on an issue like this and invite the Planning Board members to focus on these specific goals that we have listed for our responsibilities.

Member Thomson said that the only reason this is important is that Director Tredik developed it. He said that we had a right-of-way ordinance on the table for a while and Director Tredik said that he did not have time to work on it and now he is leaving but he did say that if we could control the first half inch of water coming off that we could stop the pollution, which would be a big help. The retention areas that we are doing have dry detention areas that are going to help in the long run. The reason he is suggesting that we focus on it now is because they are developing a fee, which could just be for maintaining the gray storm drains or for green and gray infrastructure.

City Clerk Fitzgerald advised that updated code on a stormwater utility fee was adopted as Ordinance 23-01 earlier this year, which laid out the definitions related to the fee, the method of collection, what it would be used for, etc. and the only thing outstanding is the actual fee itself, which must be based on hard data and that is what Director Tredik wanted to hire a consultant for. They would need to use aerial data, etc. and go out to properties and try to look as best they can from the public right-of-way to create an Equivalent Residential Unit (ERU) (or Single-Family Unit (SFU) as used by the City of St. Augustine), which is the average size of the property's impervious surface in the City. She said that she believed that the City of St. Augustine's was 2750, which is a very odd number and that they had a consultant that they hired in 2012-2013 that went all over the city, using every resource at their disposal, to get that number. She said that we could not work off of estimates or guesses without the data to back it up because that would not be legally defensible, since people do challenge these in a court of law and we do not have funds for a lengthy legal battle.

Member Thomson said that he read it and it left a lot of options for how it could be used and what we want to clarify is that it could be used for green infrastructure as well as gray infrastructure. City Clerk Fitzgerald said that that would partially be determined by the updates that the Vulnerability Study and the Master Stormwater Drainage Plan come up

with because it will contain a list of projects. She said that it would also be determined by maintenance requirements because that tends to get left out of the discussion. Member Thomson said that it is somewhat nebulous as to whether green infrastructure could be used. He said that a lot of cities absolutely spell it out and this leaves it up to the Commission. He said that SEPAC is going to advocate to the Commission that it could also be used for green infrastructure as well as gray infrastructure and we want them to acknowledge our advice and decide what they want to do. City Clerk Fitzgerald said that SEPAC can absolutely discuss that, but for better time management, you should focus on something specific because we do not know when or if the fee will be implemented or what that fee will be. She said that the Commission has discussed a very low fee, which would generate a minimal amount for maintenance and potentially nothing available for projects. Member Thomson asked where the \$8.50 came from. City Clerk Fitzgerald said that that number came from Director Tredik, not the Commission, and at this point there is no idea what the fee would be or if it would ever come into existence. Member Thomson said that the projects are never going to go away, and we have millions of dollars of projects, but it is whether it is funded by the utility fee or ad valorem tax. He said that the utility fee has a way to structure it, which other progressive cities have done, and we would recommend as the best stormwater management practices, which is our number two goal. He said that the City Manager has given his approval for SEPAC to make those recommendations, but it is a matter of finding time to discuss it and put it in a format like we did with our goals and send it to the Commission or possibly attend their meeting. He would like to have a workshop first so that people could ask questions, which is a good way to do it.

Chair Krempasky asked if Member Thomson would be willing to go back to the City Manager to see if he would ask if the Commission would request a workshop. Member Thomson asked if SEPAC could have a workshop and invite people. City Clerk Fitzgerald said that you could but technically you are the lowest ranking City Board so it would be entirely up to them, and it would fall under their purview, so if you invited the Planning Board then it would become a Planning Board meeting that SEPAC is a guest at.

Member O'Brien asked if there was already a policy that was approved. City Clerk Fitzgerald said yes. Member O'Brien asked what SEPAC would actually be doing. Member Thomson said that if we establish this fee, we are trying to clarify that the money could be used for both green infrastructure and gray infrastructure and make it a policy statement. Member O'Brien said that you are proposing to make a recommendation for something that has already been passed. Member Thomson said that the ordinance has passed, and we know that eventually there will be a fee structure, and that hopefully the new engineer will have some knowledge of what is happening in Florida and why we need green infrastructure. He said that we are advocating and trying to educate on a particular subject, which is critical to our sustainability.

Vice Chair Bandy said that she feels at this point we have put green infrastructure in their ears a lot and she does not know if we need a workshop now or whether it just would be reiterating that we feel it should be part of this plan if the stormwater fee is enacted. Member Thomson said that we want to have a professional analysis of what is causing runoff in the City and come up with the ERU and once that is established then determine the best method of charging it. He said that it could be a tiered system or one price for all

but that he believed that would be reverse incentive because if everyone is charged one price then they would not care how much runoff they have. He said that if you have a tiered price with the incentive to conserve rainwater and not have excessive pavement and runoff that people would not be doing that as much. He said that he had brought to SEPAC's attention that a resident on C Street had torn up the right-of-way and put in a circular drive and that no one said anything about it and that we need to raise public awareness about that. He said that the City Manager agreed that it would be appropriate for SEPAC to make a recommendation to the Commission on this issue and if there is a way to incentivize conservation and reduce pollution, then this is the time to do it.

Member Candler suggested that SEPAC should come up with its own recommendation to be presented at a Commission meeting when they are discussing this. Member Thomson said that that is another way to go and that we could discuss it at length, come up with some bullet points as recommendations, and ask to be presenters at a Commission meeting. He said that SEPAC would be invited to workshops at that there will be workshops on this going forward because it is somewhat complicated.

Chair Krempasky asked if getting a reaction from the residents was part of the game plan in terms of setting the stormwater fee. City Clerk Fitzgerald said at this point it is figuring out how we can determine the residential unit and that it is essentially at a standstill until that happens because everything else will be built off of that. Member Thomson said that when the Commission discussed it, they said that it would be good to have a Public Hearing and a public workshop. City Clerk Fitzgerald said staff do not have the opportunity or equipment to do it without long-term dedication, which means other City tasks would be ignored. She said that we have a new engineer who has to come onboard and get up to date on other projects, so without hiring a consultant, this is going to be a long time in the future. She said that without that residential unit, we cannot begin to discuss a rate schedule, tiered vs. non-tiered, and that it is all on hold until that residential unit rate is determined.

Chair Krempasky asked if we could use some of what the City of St. Augustine has done to figure out what our ERU is. City Clerk Fitzgerald said not in determining the ERU, but we are using them as a basis for other things as well as a couple of other cities in Florida but that the ERU must be based on data from our City specifically. Other cities do not have our homes, our streets, or our drainage system, etc.

Member O'Brien said that the creation of policies and how to enforce them could be used from other places. City Clerk Fitzgerald said yes and that we could take bits and pieces that we like, but the core data must be specific to us, which is what is holding us up right now. She said that St. Augustine's tiered system is based on the data from their SFU that they determined by hiring a consultant to gather all the data.

Chair Krempasky said that it sounds like the Commission is resistant to hiring a consultant, yet nothing is going to be figured out unless we have a consultant to take our existing situation and gather data for us, so it is a catch twenty-two. City Clerk Fitzgerald said that it is possible for City staff to do it, but that it is extremely time consuming to look at satellite data, map out properties, filter out the tree canopies, look at the Property Appraiser's website, etc. Chair Krempasky asked if there were any grants that would cover something like this. City Clerk Fitzgerald said that she is not aware of any that we could

use specifically for data gathering, but there are always new grants available. Member Thomson said that the Commissioners recommended contacting St. Johns County, which has the GIS system and that there may be an engineer we could borrow to do some analysis from it. He said that it is really setting our goals in front of the Commission and having them understand them and coming up with something fair and reasonable and environmentally sound. He said that he asked Senior Planner, Bonnie Miller, to look at this and that she suggested to talk to Director Tredik but with him leaving that is not possible. He said that he believed that SEPAC could work with Ms. Miller on this particular issue along with the City Manager and make some good recommendations.

Chair Krempasky asked Member Thomson what he is asking from SEPAC. Member Thomson said that he would not mind having input, such as from the Planning Board because he has read their minutes and they are interested in the environment but that we should depend on ourselves initially and try to put something together with references and that a lot of this work has already been done. He said that he would like to update the 2019 PowerPoint and take it to the next Commission meeting and explain why we are doing this but that there are different things that we could do.

Chair Krempasky said that the Urban Forestry Plan that we received has a GIS associated with the tree inventory, so we know what our City looks like. City Clerk Fitzgerald said yes but this would be mapping out each individual lot and then averaging the size of all of them. Member Thomson said that the Property Appraiser's website has the information to see what a property has and that is why you get taxed and that another way to do this is an ad valorem analysis. He said that we were on a County stormwater management ordinance before Director Tredik developed this ordinance. City Clerk Fitzgerald said yes that Director Tredik along with the City Attorney wrote this ordinance and that he borrowed heavily from Vero Beach and possibly St. Augustine. Member Thomson said that he had hoped that Director Tredik would be at this meeting but that he has not responded to any correspondence, and he asked when Director Tredik would be leaving. City Clerk Fitzgerald advised that he would be leaving after the Commission meeting on May 1, 2023. She said that Director Tredik is essentially trying to close out as many projects as possible so that when the new engineer comes onboard that they would have a week's overlap time to train him and catch him up. She said that Director Tredik is not involved in any new projects and that he is focused on deadlines that must be met. Member Thomson asked if the other new engineer left too. City Clerk Fitzgerald said she left over a year ago and that is when we moved Project Manager Adams into the position.

Member Thomson asked if we would want to discuss this again at our next meeting and then agree to a presentation to the Commission at their following meeting. Chair Krempasky said that her feeling is that it is a little bit premature. Vice Chair Bandy said that she was thinking the exact same thing and that we have made recommendations on things that were much timelier than this. She said that it might be good to get it front and center now for when the time comes around but to do too much work at this point seems premature. Member Candler said that it would be good for the Commission to know that we are interested and would like to participate but that she did not think it should be called a workshop. She suggested to dedicate a portion of an upcoming meeting to this topic and invite the Planning Board to come because she does not understand why SEPAC does not work closer with them. Member Thomson said that we are a planning

committee, and they are a planning board. Member O'Brien said that we are a working committee, and they take our recommendations and use them in policy. Member Candler said that is why she thinks that SEPAC should be working with them. Member Thomson said that he believed that there are Planning Board members that would come.

Discussion ensued regarding when different boards can talk to each other vs. talking to other boards, etc.

Member O'Brien said that he read the past six months of SEPAC minutes and he had some thoughts regarding the driveway that Member Thomson brought up and water runoff. He said that for someone to go and change their driveway and put in pavers, which makes their lots very pervious/permeable is not necessarily a good thing. He said that he cannot even put in a pool and that he took out concrete and put pervious pavers in but that someone can tear up their driveway and put concrete in. This is a simple way for SEPAC to try to start working on those things and that before people can make alterations to their driveways, they would need a permit for it. Member Candler said that they are supposed to be getting permits for them now. Member Thomson said that there isn't anyone out there indicating that that is not the way to go, otherwise, people would not do it if they knew.

Member Thomson said that the beauty of this stormwater utility fee is that it has to be based on science. He said that if it is not porous like grass, gravel, etc., which all have different ratings, then you would be charged. If you are outside of the ordinance, then you could be fined and would pay more in runoff fees. He said that not conserving rainwater is detrimental. He said that Atlantic Beach would have been a much better model for St. Augustine and that the information that he sent SEPAC gives excerpts from St. Augustine's and Atlantic Beach's Codes, which are more environmentally focused. He said that those are the things that we could present to the Commission and that it is very timely because the Commission asked to hold off on the stormwater utility fee to get more information to be able to make a smart decision going forward. He said that we do not have to do a lot, but we need to let them know that we are studying it and coming up with recommendations.

Chair Krempasky said that she has not read the language in Ordinance 23-01 but one of the things that SEPAC could do is make suggestions for changes to ordinances. She said that maybe there is something in the ordinance right now that we could suggest spending money on green vs. gray infrastructure and take it Planning and Zoning so that they could implement a policy change. Member Thomson said that SEPAC could come up with policy statements. Chair Krempasky asked if we could work on that for the next meeting and she suggested that everyone read the ordinance. Member Thomson advised that the ordinance is very hard to read, it was marked up, and it referenced the County. City Clerk Fitzgerald advised that it has been integrated into the Municode, but if you pull it up it says that it has not been codified yet. She said that the City had an existing Code in Chapter 7 for a stormwater utility fee because back in 90s the County was going to do one and we were going to piggyback on, but that the County never implemented it, so the defunct Code had just been sitting there. She said the new language was put in and it is meant to be as generalized as possible. It is just rough framework allowing us to set the fee to be fine-tuned later with specific projects. Once the fee is set and we know approximately how much money would be coming in, that is when the Commission and

staff would begin working out the details. Member Thomson said that the uses should be defined in the ordinance and that there is a statement on uses and purpose.

Chair Krempasky suggested to work on language, which would be a way to get it in front of Planning and Zoning and the Commission to show them what SEPAC's stand is for the uses of the stormwater utility fee. Member Thomson said that it is probably a twenty-page document. City Clerk Fitzgerald said that actual changes are much less than that because a whole chapter was eliminated and replaced. She said that SEPAC is free to work on language, but to be advised that this is a subject that is regularly challenged, it is a new fee structure, and people do not like paying more fees. She said that we are going off of what other cities have done that have been defended in court. As a small City, we do not want to do something that no one else has done that could open us up to challenges. Member Thomson said that the references that we are making are from the City of St. Augustine and Atlantic Beach and have obviously been approved and unchallenged. City Clerk Fitzgerald said that if he found exact language in either of their codes that he would like the City to add, that it could probably be worked in, but that newly written language may not be approved. Member Thomson said that that is not what SEPAC's intent is. City Clerk Fitzgerald advised that coming up with a list of projects is very different from the Code and an internal list that would be created later.

Member Thomson asked the City Clerk if she could email the ordinance to SEPAC so that we could discuss it at the next meeting. City Clerk Fitzgerald said yes. Member Thomson said that the Atlantic Beach ordinance states "to encourage and facilitate urban water resources best management techniques including but not limited to retention/detention of stormwater runoff, minimization of the need to construct storm sewers compliance with daily maximum." He said that any type of language like that theoretically could go into the Code if we think it has the purpose of serving sustainability. City Clerk Fitzgerald said that she believed that there was already something similar to that language in what has been approved but that she would have to read it again.

Member Thomson said that if you look at everything that he has presented, plus what was in Lonnie's piece, along with the original recommendations from SEPAC in 2019, that that would be a good start.

Chair Krempasky asked if Member Thomson wanted to add Item 1.d, Environmental Planning, to the agenda. Member Thomson said yes.

Member O'Brien asked what happened with that driveway on C Street and whether there are policies and code violations. Project Manager Adams said that Code Enforcement was notified, there is now a case against them, and that they came to him for a right-of-way permit application for the proposed driveway. He said that they ripped out the old driveway, that it can only be eighteen-foot wide, and they are required to fill out an Impervious Surface Ratio (ISR) worksheet that Planning and Zoning has to review. Member Thomson said that the right-of-way permit does not involve looking at the ISR. Project Manager Adams said that Zoning has to approve the ISR. Member Thomson said that they did a lot of additional paving inside their property lines, and he asked if that was permitted. Project Manager Adams said that it is not a permit per say, but that Planning and Zoning reviews it along with a site plan showing the changes that have been made. He said that he would not give them a right-of-way permit if they were changing their

driveway and it exceeded the ISR. City Clerk Fitzgerald advised that there are steps in the process, and it is not just one procedure. Project Manager Adams said that they are working it out now and the process of working with Code Enforcement and Planning and Zoning was to get an ISR worksheet for Zoning to review and approve and then they will stamp the site plan for review of how wide it is and how it effects the right-of-way. Member Thomson said that it sounds like it is still ongoing. Project Manager Adams said that he approved the site plan, Planning and Zoning signed off on the ISR worksheet, and they paid for their right-of-way permit. Once the work is done then he would go inspect it to make sure that it lines up to the site plan.

Member O'Brien said that we put a policy in for water runoff and then someone goes and puts in concrete, so we have to be mindful. City Clerk Fitzgerald advised that we could set all the codes we want but that does not stop people from disregarding them, however the City does have processes in place to deal with violations before, during, and after a project. Project Manager Adams said that he believed that that ordinance was changed in 2018 with regards to the driveway so there are some driveways that do conform. Member Thomson asked how long Public Works has been issuing the right-of-way permits. Project Manager Adams said that it has been fairly recent and only since he has been there and that he has coordinated with Code Enforcement and Planning and Zoning to be on the same page procedurally. He said that an internal process is being created to moved forward. Member Thomson asked if it was part of the Land Development Regulations (LDRs) and if it was codified. Project Manager Adams said that it is in the Code, and he believed it was Section 15.07 or 15.08, which gives Code Enforcement the means to act. Member Thomson said that it is awful for someone to put something in and then have to tear it back out.

Member O'Brien asked if we could require some things for new builds, such as underground service, gutter, and downspouts, etc. City Clerk Fitzgerald advised that this board deals exclusively with public property and could only make suggestions for ordinances. Member O'Brien said that we could recommend that the City consider that new buildings should be required to have underground service and give a reason why. City Clerk Fitzgerald said that we are already running into problems, such as on 2nd Street, where the residents do not want to opt-in for the underground utilities. Member O'Brien said that is when you say that for new construction it should be required. Project Manager Adams said that he has seen a few right-of-way permits from Florida Power and Light (FPL) for individual houses undergrounding. He said that it is at a cost to the residents and that the biggest issue for those residents on 2nd Street was the cost and the burden for them to pay the individual connection fees. Member O'Brien said that he just did it six months ago and it was \$1,500. Project Manager Adams said that that would have been great to know because we received quotes that it could be around \$7,000. Member O'Brien said that is an example of how to think progressively, new vs. old, and come up with programs to incentivize people.

Chair Krempasky moved on to Item 2.a.

2. Educational Programs

a. Environmentally Friendly Landscaping Recognition

City Clerk Fitzgerald advised that she received three applications that are in the agenda packet. Chair Krempasky said that the Hagopian/LaPier application has all the information and that she wanted to look at the other two to see what the percentage was and come up with some sort of gauge. Vice Chair Bandy advised that two of the applicants are the ones that she noticed and sent letters to. Chair Krempasky asked if SEPAC wanted her to start working on the signage so that we can send it to them. Vice Chair Bandy said that she thought that we were going to visit the properties and then pick the prospects and that she did not analyze their yards to see if they should be selected or not. She asked if we should do that tonight by looking at their applications or are we going out to look at them. Member Candler suggested visiting them to give it credibility. City Clerk Fitzgerald cautioned them against visiting private property without the owner's consent because she had received complaints in the past about former members on private property.

Chair Krempasky said that Mr. LaPier was part of the D Street group that attended one of our meetings. Member Thomson said that he nominated him. Chair Krempasky said that Mr. LaPier was with Ms. Robin Streit when she met her on the parkette and seemed very knowledgeable about landscaping and gardening. Vice Chair Bandy asked if she should just call them and let them know that we received their applications and ask to look around their property, then say okay it is good, and give them a sign. Chair Krempasky said she believed that was what was decided because we could not come back as a group each time to vote on them. Vice Chair Bandy asked if everyone wanted to look at them tonight to agree that they seem reasonable. Member O'Brien asked if they had to have a certain number of "yeses" to qualify. Member Thomson asked if we ever sent a letter to the nominees asking if they would want a sign in their yard. Chair Krempasky and Vice Chair Bandy said yes and that is why we received these three applications. Member Thomson asked how many letters went out. Chair Krempasky said eight. Member Thomson said that we got three out of eight and we should just give all of them a sign so maybe it would catch on. Chair Krempasky said that that was the idea. Vice Chair Bandy suggested for formality that we should go look at them. Member Thomson asked if Vice Chair Bandy would be doing the homes in Whispering Oaks. Vice Chair Bandy agreed.

Member Candler said that this is another educational opportunity to find out if there are any pollinator plants because if they answered that they were unsure, then obviously they do not know what one is. Chair Krempasky said that not only did she write the letter, but she printed out the applications, and even included a postage paid return envelope to make it easy for them to respond. Member Thomson said that it is a good response for the first year. Chair Krempasky said that she liked the idea of sending them some information about pollinator plants and that after the Vice Chair visits the homes that we should agree to recognize them but that does not mean that they cannot improve their property. She said that obviously they are doing it for themselves and that this is not a competition. Vice Chair Bandy said that having the plants layered vertically is so that the wildlife has different layers.

Chair Krempasky asked if there was a consensus on this. The Committee agreed and Chair Krempasky said that she would contact Mr. LaPier. Vice Chair Bandy said that she would contact the other two applicants, arrange to view the property to go over their application, make recommendations for improvements, and then congratulate them for

being one of the first recipients of this recognition and that SEPAC would deliver their sign soon. She said that maybe it would help get the word out about the program and that SEPAC could also continue to promote every now and then. Member Thomson said that before we used to do the Stewardship Awards and we could have done this at Arbor Day or a Commission meeting. He said that if we do get approval, then we could pick a Commission meeting to try to get recognition that way as well.

Chair Krempasky said that she wanted to get some deadlines for the Stewardship Awards for this year. She suggested that since we do not do these presentations at Arbor Day anymore to possibly move them to the fall. Member Candler asked when we did them last year. Member Thomson said that we do not want to do them during hurricane season or the summer. Chair Krempasky suggested October. Member Thomson agreed and he suggested to invite these three landscape awards recipients as well.

Discussion ensued regarding when the awards were done last year; that four were awarded and only two showed up and that Fish Island came up later.

Chair Krempasky said that she printed the application form for everyone to look at and decide whether anything should be changed. Member Candler said that we changed the groups/categories last time. Chair Krempasky said the categories that were awarded last time were: Individual (Non-Profit/Educational), Group (Non-Profit/Educational), Individual (Business), and Group (Business).

Chair Krempasky said that she has what she needs and would bring it back at the next meeting. She said that she basically took the information from the State of Florida, with their permission, and that it has worked pretty well for the four years that we have done it but that she would be in favor of change if it needs updating or improvement.

Chair Krempasky moved on to Item 2.b.

b. Environmental Speaker and Film Series

Vice Chair Bandy advised that SEPAC has a speaker for April 27th at 5:45 p.m. at the library in Sea Grove. She said that his name is Mr. Tal Coley, CEO of the Florida Nursery, Growers, and Landscape Association and that she found him from an editorial that he wrote for the Florida Times Union. She said that he would be talking about the environmental impact of plants but that she had not found a good film and she asked for ideas for a short film. She said that she found a few things about the environmental benefits of trees. Chair Krempasky suggested to ask Mr. Coley. Vice Chair Bandy said that she sent him an email and has not received a response yet but that she is going to talk with him next week and would ask if he has any recommendations. If not, then she would tell him what she found on trees and ask if he could tie it into his discussion. Member O'Brien said that he would ask his mother because she is an educator and an avid gardener. Vice Chair Bandy said since we cannot speak outside of the meetings to send an email to the City Clerk. She asked Member O'Brien to attend and to encourage everyone that he knows to attend because Mr. Coley is coming from Jacksonville, and she would like to have a good turnout.

Chair Krempasky moved on to Item 2.c.

c. Newsletter Topics

Member Candler asked if the Arbor Day event would be in the Newsletter. City Clerk Fitzgerald advised yes that Ms. Conlon already had something in the April Newsletter and that she would probably do a follow up in the May Newsletter. Vice Chair Bandy said that Ms. Conlon asked for SEPAC to attend to help give away trees. City Clerk Fitzgerald advised that it is during the Wednesday Farmers Market from 8:00 a.m. to Noon. Chair Krempasky advised that she would be able to attend until about 11:45 a.m. and she said that it is really fun, and that Public Works supplied so many people last year. City Clerk Fitzgerald advised that it would probably be bare minimum with Foreman Large and one other Public Works person this year. Member Thomson said that he would attend and try to stay to hand out some trees. Vice Chair Bandy said that one of the Magnolia trees from Home Depot last year is in her neighborhood and that it bloomed this week and that she also birthed her first Monarch butterfly today. Member Thomson said that that would be a good Newsletter article. Chair Krempasky agreed.

Member O'Brien asked if we could recognize the people who win the landscaping award in the Newsletter. Vice Chair Bandy said it is a good idea. Chair Krempasky suggested to plan that for the June Newsletter. Vice Chair Bandy suggested doing one winner a month because of the limited space in the Newsletter. Chair Krempasky said that now would be a good time to get the signs made.

Chair Krempasky asked if the May Newsletter topic would be the birthing of the Monarch butterfly. Vice Chair Bandy said yes. Chair Krempasky said that after we showed the movie, that Monarchs really do not come here and perhaps we should find a Florida native butterfly. Member Thomson said that they do come here and that red cedars are their natural breeding habitat. Chair Krempasky said there is very little migration from Florida over land. Member Candler said that this time of year, a Monarch would be headed north.

Chair Krempasky moved on to Item 2.d.

d. Environmental Corner

Member Thomson asked Project Manager Adams to show SEPAC where the display would be located. Project Manager Adams said that he was not familiar with that. Member Thomson said for him to take a look in the hallway and said that he is the Public Works representative. City Clerk Fitzgerald advised that they could go into the hall individually and could not talk to each other away from where this meeting is being recorded for the minutes. She advised that there really is not much wall space available in the hallway and that is why Director Tredik asked SEPAC to find a spot. Member Thomson said that in the last minutes it said that Director Tredik or staff would locate a place for it and make a recommendation to SEPAC. Chair Krempasky suggested that Member Thomson should show Project Manager Adams where he thinks it should go and then he could take that information back to Public Works. Member Thomson agreed and said that there are already two of the display case types that Director Tredik recommended and that maybe we could work with one of them.

Chair Krempasky moved on to Item VI.

VI. OTHER COMMITTEE MATTERS

Vice Chair Bandy provided a handout [Exhibit C-1] and said that the City of St. Augustine is doing some workshops on April 18th from 9:00 a.m. to Noon and that it would be good if anyone from SEPAC could attend. Chair Krempasky advised that she could attend. Member Candler said we could get some ideas and do something similar here. Member Thomson asked Project Manager Adams if he could come back with a recommendation whether the recycling dumpster could be located where it was before. Project Manager Adams said that he would ask and said that they were talking about putting one in the City and were trying to find a location. City Clerk Fitzgerald advised that the prior dumpster was donated by the City of St. Augustine and that we had limited choices for where it could be located. Chair Krempasky said that it was her understanding from Mr. Todd Grant that this is not a dumpster, it is some sort of container that people cannot put trash into. She said that at the Rotary meeting Mr. Grant said that it would be located behind R.B. Hunt Elementary School, but that he would talk to Director Tredik about putting one here too. Member Thomson asked Project Manager Adams to follow up with Mr. Grant. Project Manager Adams agreed. Vice Chair Bandy asked if they got a glass crushing machine. Chair Krempasky said that they are going to recycle it because the weight of the glass in the garbage was costing them more than trying to find a place to recycle it. Vice Chair Bandy said that had been her argument that a glass crusher would make the weight of the trash less. Chair Krempasky said that Gainesville still recycles glass and that she did not believe that they have a crusher but that they take it to a recycling center. Vice Chair Bandy said that it would be a win for us if we can work with the City of St. Augustine.

Vice Chair Bandy said that the back page is about the American Horticulture Society's free webinar series [Exhibit C-2]. She said that she was not sure if it was only free to their Society members or if they are free to everyone. Chair Krempasky recommended that any Member that could attend should try to go see Dr. Doug Tallamy because he actually answers the question of "what one person could do". Vice Chair Bandy said that she joined the Society and that you get free admission to botanical gardens across the country.

Member Thomson asked if everyone remembered all the work SEPAC did on the goals and policies for the Vision Plan. He said that the Vision Plan was adopted and asked if it was updated with the comments from the meeting. City Clerk Fitzgerald said that she turned in her final draft to the City Manager but that she has not received final approval from him yet. She said that when the Commission approved it on March 6th it was with a few corrections/changes and that they wanted to possibly hold a community workshop sometime in the summer. Member Thomson asked if there were substantial changes to SEPAC's sustainability recommendations. City Clerk Fitzgerald said no there were a few typographical changes, and two paragraphs that had a sentence or two removed to be combined into one paragraph.

Member Thomson explained that SEPAC worked hard as a group to understand what our responsibilities were and to organize our recommendations. He said that we came up with six or seven topics of concern. He said that he had put in about thirty to forty hours this past month looking at stormwater management and what has been done and sources of information for it. He said that he would like to look at those goals and have each of us do a little work on each one to come up with policy, projects, or recommendations that we could continue sending to the Commission. At the end of the year, we would do some kind of assessment to see if we are making any progress or not.

Chair Krempasky asked if we included projects. Vice Chair Bandy said that she did not know how specific we were in the Vision Plan or what they actually included. Member Thomson said to be effective we need to really research and get the Commission to adopt policy and have the Land Development Regulations reflect those policies then we would be serving our purpose.

Vice Chair Bandy said that some people in her neighborhood got together with the Folio Magazine to talk about the boardwalk and the environmental issues related to the Commission considering removing it [Exhibit D].

Chair Krempasky moved on to Item VII.

VII. ADJOURNMENT

Motion: to Adjourn. **Moved by** Member Thomson. **Seconded by** Member O'Brien. Motion passes unanimously.

Chair Bandy adjourned the meeting at 7:42 p.m.

Sandra Krempasky, Chair

ATTEST

Dariana Fitzgerald, City Clerk

SEPAC May 2023 Meeting Update

1. A group of residents in the Ocean Woods subdivision brought to our attention the excessive pruning/removal of trees on their properties by a neighbor. They were referred to Code Enforcement. Member O'Brien mentioned putting together a guide for new homeowners regarding ordinances in the City that might affect homeowner decisions. Member O'Brien will begin working on a guide to present to us.
2. Mickler Butterfly and Pollinator Garden - the seeds have begun to germinate. Vice Chair Bandy will work with Public Works to add more plants. The pollinator boxes are now providing habitat to small native bees.
3. Parkette Discussion - Chair Krempasky met with residents who live near the parkette at A Street and 2nd Avenue regarding the installation of a rain garden. The resident adjacent to the parkette said the planned location doesn't have standing water after a rainfall. The committee has suggested some new locations - Cafe 11, 11th Street at the bike path, and 3rd Street and 2nd Avenue. At your July Commission meeting, we will present these locations and ask for you to approve a location.
4. Urban Forestry Update - 483 trees were given away at our Arbor Day at the Pier on Wednesday, April 26. The native choices were Florida Privet, Southern Red Cedar and Persimmon.
5. Environmental Planning Projects - the committee reviewed recommendations for use of the future Stormwater Utility Fee submitted by Member Thomson. We approved a portion of his suggestions. Member Thomson requested that the Chair forward it to the Commission. He also requested to be on the agenda for your June Commission meeting to make a brief presentation re same.
6. Environmentally Friendly Landscaping Recognition - Chair Krempasky and Vice Chair Bandy met with residents that completed the questionnaire and met the majority of the criteria. Two residents qualified for recognition and will receive signage to that effect. They will also be recognized at your October Commission meeting along with the presentation of the Anastasia Island Environmental Stewardship Awards (AIESA).
7. Environmental Speaker and Film Series - SEPAC and the Anastasia Branch Library presented Florida Nursery, Growers and Landscape Association CEO Tal Coley on Thursday, April 27. The series will resume in the fall.
8. June Newsletter Topic - announcement of 2023 AIESA deadline (August 25) and the benefits of trees.
9. The Environmental Corner project - a place in City Hall to display educational materials - is on hold while the Public Works Department adjusts to new personnel.
10. The committee voted to change their meeting date to the second Thursday of each month.

Submitted by Chair Sandra Krempasky

COMMISSION REPORT

May 2023

TO: MAYOR/COMMISSIONERS

FROM: DANIEL P. CARSWELL, CHIEF OF POLICE

DEPARTMENT STATISTICS April 17th, 2023 – May 23rd, 2023

CALLS FOR SERVICE – 1940

OFFENSE REPORTS - 63

CITATIONS ISSUED – 113

LOCAL ORDINANCE CITATIONS - 56

DUI - 3

TRAFFIC WARNINGS- 158

TRESSPASS WARNINGS - 30

ANIMAL COMPLAINTS - 10

ARRESTS - 18

- **ANIMAL CONTROL:**

- St. Johns County Animal Control handled 10 complaints in St. Augustine Beach area.

MONTHLY ACTIVITIES –

May 9th – Blood Drive

May 23rd – Blood Drive

MEMORANDUM

TO: MAX ROYLE, CITY MANAGER
FROM: PATTY DOUYLLIEZ, FINANCE DIRECTOR
SUBJECT: MONTHLY REPORT
DATE: 5/19/2023

Finance

The fiscal year is more than half-way finished and we are showing more than 60% of our revenue has been collected and we have recorded approximately 44% of our budgeted expenditures. The FY24 Budget continues to move forward as we review the capital, personnel, and operating budgets for the upcoming year.

Communications and Events

Our next event is the A1A Beach Blvd Clean Up. This is scheduled for Saturday, June 24th from 8am – 10am. We hope to see you all there.



**A1A Beach Blvd
Clean Up**

JOIN MAFANZAS
RIVERKEEPER AND THE
CITY OF ST AUGUSTINE
BEACH FOR A CLEAN UP!

Be sure to come prepared:

- Please bring gloves if you have them. Otherwise gloves and grabbers will be provided.
- Bring bug repellent, sun protection and a refillable water bottle.

When: Saturday, June 24th
Where: 0.75 Strand Park, 540 1A Beach Blvd.
Time: 8:00 am - 10:00 am

Contact Person: Melinda Conlon
events@parksandrec.org &
info@matanzasriverkeeper.org



Technology

As you will notice in our meeting this month, the IT Team has been working with our vendor to install new equipment in the commission room. The new screens and cameras will greatly improve the visibility of presentations during our meetings.

MEMORANDUM

Date: May 22, 2023
To: Max Royle, City Manager
From: Jason Sparks, P.E., Engineering Director
Subject: Engineering Monthly Report – June 2023

GRANTS

Public Works is managing the following active grants:

- **Mizell Pond Weir and Stormwater Pump Station**
HMGP grant – FEMA/FDEM
Grant amount \$2,202,108
Project Stage: Construction Complete / Awaiting FEMA change to federal share and schedule FDEM final Inspection for grant closeout and final Request for Reimbursement (RFR).
- **Ocean Hammock Park Phase 2**
Florida Recreation Development Assistance Program
Grant amount \$106,500
Project Stage: Construction 75% complete.
- **Ocean Hammock Park Phase 3**
Coastal Partnership Initiative Grant – NOAA funded
Grant amount \$60,000
Project Stage: Phase 3.1 Bids due 05/23
- **Ocean Walk Drainage Improvements** (Legislative Appropriation Request)
Grant Amount \$694,000
Project Stage: Design/Permitting 95% complete
- **Ocean Walk Drainage Improvements** (SJRWMD Districtwide Cost Share)
Grant Amount \$354,087
SJRWMD Cost Share City Match: \$1,062,261
Remaining: \$1,416,351 - \$694,000 - \$354,087 = \$368,264
Project Stage: Development of Grant Agreement. Design/Permitting complete, need easement(s), award bid after October 1.
- **Sea Oats**
Irma Recovery – FDEP
Grant Amount \$50,000 (50% match or \$25,000)
Project Stage: Pre-Construction
- **C.R. A1A/Pope Road Storm Surge Protection – Phase 1 Design**

HMGP grant (Dorian) - FEMA/FDEM
Grant amount \$52,500
Project Stage: Design/permitting complete

- **Dune Walkovers**
St. Augustine Port, Waterway and Beach District
Grant amount \$335,000
Project Stage: Year 1 construction complete
- **Magnolia Dunes/Atlantic Oaks Circle Drainage Improvements**
Legislative Appropriation Request
Grant amount \$1,200,000
Project Stage: Pre-Design
- **7th 8th and 9th Street Drainage**
Legislative Appropriation Request
Grant amount \$90,000
Project Stage: Design
- **Vulnerability Assessment Update**
FDEP – Resilient Florida Program
Grant amount \$50,000
Project Stage: Grant Work Plan and Consultant contract Development

The City submitted the following grant and/or appropriation requests for the upcoming Florida legislative session:

- **Ocean Oaks Subdivision Flood Protection**
Legislative Appropriation Request: \$1,500,000
- **Stormwater Treatment Facility Capacity Improvements**
Legislative Appropriation Request: \$1,300,000
- **Seaside Villas Drainage**
Legislative Appropriation Request: \$1,300,000
- **Dune Restoration / Sea Oats Planting**
Legislative Appropriation Request: \$400,000

DRAINAGE PROJECTS

Mizell Pond Outfall Improvements [FDEM INSPECTION / GRANT CLOSEOUT]

Construction is complete and the facilities are operational. FEMA has increased the approved Total Project Cost to \$2,936,144.00 and restored the Federal funding level from 62.63% back to the original 75%. These changes increase the Federal funding for the project by \$390,400.50, representing significant savings to the City. The City has requested State inspection of the completed project and will submit a reimbursement request for the

remaining FEMA grant funding upon receipt of the executed amended contract. Emailed Liliana Hernandez this past week.

Ocean Walk Drainage Improvements [PRE-BID] – Design and permitting is 95% complete except for easements and private maintenance agreement. Design cost estimates indicate construction costs will exceed available funding. The Consultant revised plans to delete driveway trench drains and reduce project costs, however, the reduced estimate still exceeds available funding. On April 11, 2023, the St. Johns River Water Management District (SJRWMD) awarded a \$354,087 Districtwide Cost Share grant to help fund the project. SJRWMD funds cannot be used for any work completed prior to October 1, 2023, therefore the FDEP grant agreement has been amended to provide additional time to accommodate an October 2023 commencement of construction. Bidding of the project will take place late Summer with construction commencing in the beginning of FY2024. City contribution is approximately \$400,000. Met with Ms. Kempler to review project status.

Oceanside Circle Drainage [ON HOLD] – Construction bids were opened on January 19, 2023. The low bid was more than double the Engineer's estimate and exceeds available construction funding. At their February 6, 2023 meeting, the City Commission opted to reject all bids, re-budget and rebid the project in FY2024; possibly in conjunction with one or more other capital improvement projects, so as to potentially realize overall economies of scale.

C.R. A1A / Pope Road Storm Surge Protection [PERMITTING/FINAL DESIGN] – The project will prevent storm surge from Salt Run from entering the City at Pope Road. Design (Phase 1 of the HMGP Grant) is 95% complete. SJRWMD and the Army Corps of Engineers issued letters stating no permit required. City will send Phase I submittal (final design plans and H&H Report) to FDEM/FEMA for review. Bidding and Construction will commence upon receipt of a construction (Phase 2 of the HMGP grant) agreement from FDEM.

Magnolia Dunes / Atlantic Oaks Circle Stormwater Resiliency improvements [PRE-DESIGN STUDY] – Grant agreement complete. Consultant contract execution underway for pre-design study; commence May/June and complete during November 2023. Design and permitting commence in December 2023 and is anticipated to be complete by December 2024. Construction is anticipated to commence in late Spring 2025 and be complete by June 2026. FDEP modified the grant agreement/work plan project timeline to accommodate this schedule.

7th, 8th, 9th Street Drainage Improvements [CONTRACT SCOPE] – The City has received the executed grant agreement and Consultant is drafting scope of work for contract execution. Design is scheduled for FY2023 with construction in FY2024.

Stormwater Master Drainage Plan [FINAL PLAN] – CMT presented the Stormwater Master Drainage Plan Update at the May 1 City Commission meeting. Final report is due June 5, 2023.

PARKS

Ocean Hammock Park Phase 2 [CONSTRUCTION] – Phase 2 improvements include handicap accessible restrooms (including an individual wastewater grinder pump station and force main), an outside beach shower, drinking fountain/bottle filling station, a handicap parking space, two (2) picnic areas near the parking lot, an informational kiosk, and a nature trail with interpretative signage. Construction is funded by park impact fees, ARPA funds, and a \$106,500 grant from the Florida Recreation Development Assistance Program (FRDAP). Construction commenced on February 27, 2023 and is anticipated to be complete by July 2023. The parking lot is closed during construction and the beach boardwalk remains open to pedestrian traffic.

Ocean Hammock Park Phase 3.1 [BIDDING] – Design and permitting is complete. Phase 3.1 (a portion of phase 3 including the central nature trail, upland/wetland plantings and observation deck) bid is currently advertised. Construction of Phase 3.1 is scheduled to commence during Summer 2023.

Dune Walkovers [CONSTRUCTION] – Dune walkovers have been completed on 3rd Street, 4th Street 5th Street, 8th Street and B Street. Due to design challenges associated with beach erosion from Hurricanes Ian and Nicole, the remaining dune walkovers will be constructed in early 2024, after beach renourishment is complete.

Streets / Rights of Way

2nd Street Improvements and Extension [CONSTRUCTION] – West block extension: Water/ Wastewater Utilities, roadway gutters and stormwater piping installation are complete. Await water main pressure and bacteriological test results and wastewater gravity main TV inspection results. Roadway is prepared for paving. The 3rd Lane Ditch has been piped, awaiting TV inspection results. Underground electric conduit, services/transformers are in design stage. Needed easements are in acquisition phase. Roadway construction of the East block is hampered during resolution of existing gravity wastewater service lateral, elevated groundwater table and curb/roadway design vs actual field observations/measurements. The roadway improvements project is currently scheduled for completion in July 2023. An underground electric installation is projected during the next 6 months.

A Street to 1st Street West Parking Lot [DESIGN/PERMITTING] – 90% design plans are forthcoming. Construction is anticipated during Summer 2023.

PENDING ACTIVITIES AND PROJECTS

1. LAND DEVELOPMENT REGULATIONS CHANGES. The City Commission at its June 6, 2022, meeting considered an ordinance concerning erosion-resistant materials and the resurfacing of parking lots. It wasn't passed. The City Attorney and City Engineer are to prepare language for a new ordinance. Other changes to the Regulations: a. amending the sign code to allow ground signs taller than 12 feet. The Commission reviewed changes at its April 3rd meeting, the second draft of a proposed ordinance at its May 1st meeting and will do another review at its June 5th meeting. b. an ordinance to change Sections 6.01.03 (building setbacks), 6.03.05 (design standards for off-street parking) and 12.02.06 (concept review) had a second reading at the Commission's May 1st meeting and is scheduled for a public hearing at the June 5th meeting.

2. VISION PLAN. After discussion and making changes to it, the Commission adopted the Plan at its March 6, 2023, meeting. The Commission will decide at its June 5th meeting whether to schedule a workshop concerning the Plan later in June.

3. PARKING IMPROVEMENTS. At this time, the only parking project is paving the dirt plazas on the west side of the Boulevard between A and 1st Streets. A civil engineering consultant did the design and permitting phase for a cost of \$15,000. The City Commission reviewed two concept plans and selected one where vehicles will enter the parking lot from 1st Street with the exit on A1A Beach Boulevard. The consultant is developing final plans, which will be used to apply for a permit from the St. Johns River Water Management District will be done in

There are no plans at this time for the Commission to consider paid parking.

4. JOINT MEETINGS:

a. With the County Commission: No date has been proposed yet in 2023 for a meeting.

b. With the Comprehensive Planning and Zoning Board and the Sustainability and Environmental Planning Advisory Committee (SEPAC): No date has been proposed yet in 2023 for a meeting.

5. UPDATING PERSONNEL MANUAL. The entire Manual has been reviewed by an attorney familiar with Florida public sector personnel regulations and laws. She will submit a draft for City staff review in June.

6. GRANTS. The City has received grants from the following agencies:

a. Florida Recreation Development Assistance Program, \$106,500, for restrooms at Ocean Hammock Park. City match is \$35,500. To lower the cost, prefabricated restrooms were ordered and have been delivered to the Park. The cost of the restrooms was \$185,000. Money from the grant, recreation impact fees and the American Rescue Plan Act (ARPA) was used.

b. Coastal Partnership Initiative: The City received a Partnership grant for \$60,000. This amount along with \$110,000 from American Rescue Plan Act funds will be used to construct a nature trail and scenic overlook in Ocean \ Hammock Park. The deadline for bids was May 23rd. One bid FOR \$826,210 was received. As this is well above the \$60,000 grant that the City received, the Commission will be asked at its June 5th meeting to reject the bid and to discuss possible steps accomplishing the projects required by

the management plan that the City agreed to do when it received grants from the state to purchase the land.

c. Vulnerability Study Update. The City received a \$50,000 grant from the Florida Department of Environmental Protection's Resilient Florida Program. The grant will pay the costs to update the City's vulnerability study to ensure that it complies with recent changes to state law. The state sent a draft work plan for the City to review and comment.

7. FLOODING COMPLAINTS. Citizens have expressed concerns about the following areas:

a. Ocean Walk Subdivision. The subdivision is located on the east side of Mickler Boulevard between Pope Road and 16th Street. Earlier in 2020, the ditch that borders the subdivision's west side was piped. Ocean Walk residents complained that the piping of the ditch caused flooding along the subdivision's west side. To improve the flow of water, the Public Works Director had debris cleared from the Mickler and 11th Street ditches. The Commission approved the hiring of an civil engineering consultant, the Matthew Design Group. It provided a plan for swales, a pump station and other improvements. Also, in 2022, the City received a state appropriation of \$694,000 for the project and in 2023 an additional \$354,087 from the St. Johns River Water Management District. As the total estimated cost for the project is \$1.4 million, the staff will ask the Commission to appropriate the additional money needed in its Fiscal Year 2024 budget.

b. Oceanside Circle. This street is located in the Overby-Gargan unrecorded subdivision, which is north of Versaggi Drive. A survey has been done to determine the road's right-of-way and the final design of a new road is underway by the City's civil engineering consultant. The final plans are done and the St. Johns River Water Management District has issued a permit. A request for bids was advertised with January 19, 2023, the deadline for receiving them. Three bids were received, all well above the \$500,000 estimate provided by the City's civil engineering consultant. At its February 6, 2023, meeting, the Commission approved the Public Works Director's recommendation to reject the bids. This project could be funded in the future by money from the stormwater utility fee, or by assessing the owners of the properties adjacent to the street, or by grants.

c. St. Augustine Beach and Tennis Complex and the Sabor de Sal subdivision. During periods of intense rainfall, two retention ponds can become full, which threatens adjacent residential properties. Because the ponds are privately owned and public money cannot be spent to improve private property, finding a solution to the flooding problem will be difficult. The first question to be answered is whether the ponds have a St. Johns River Water Management District permit. In May, the City Engineer, Public Works Director, Project Manager and the City Manager spoke with a District staff person. He will check whether the ponds have a permit and, if they do, who were the permits issued to and what are the requirements that the permit holders must follow.

d. Pipes under Pope Road and A1A Beach Boulevard. Application for \$550,000, 75% of which will come from the Hazard Mitigation Grant Program. The contract with the Florida Division of Emergency Management has been executed. The Public Works Director prepared a Request for Qualifications for a design consultant. The responses were reviewed and ranked by a City staff committee and the Commission at its September 12th meeting authorized the City Manager to negotiate with the firm ranked first, the Matthews Design Group. The contract was executed in October and the design has

been completed. The City will submit the design to the Florida Division of Emergency Management for authorization to proceed to construction.

e. Magnolia Dunes/Atlantic Oaks Circle. Thanks to the efforts of Vice Mayor Rumrell, state representative Cyndi Stevenson and state senator Travis Hudson, \$1,200,000 was put in the state's Fiscal Year 2023, which went into effect on July 1, 2022. The appropriation survived the Governor's veto pen. The Florida Department of Environmental Protection prepared a grant agreement, which was signed in late October 2022. The next step is for the City to advertise a Request for Qualifications for a design consultant to do design and permitting work. At its February 6th meeting, the City Commission approved the staff negotiating a fee for services with Environmental Consulting and Technology of Jackson. Negotiations are under way. Once the consultant is hired, the pre-design study will be done in 2023, final design in 2024 with the construction done in 2025. The state will extend the grant agreement for an additional year. It will expire on June 30, 2026.

f. West end of 7th, 8th and 9th Streets. The Legislature in its 2023 budget approved an appropriation of \$90,000 for this project. The City has signed a grant agreement with the Florida Department of Environmental Protection (FDEP). Design and permitting work will begin in December 2023 and be completed by December 2024. The City has asked FDEP to approve this schedule. XXXX SEE JASON'S REPORT.

8. STORMWATER UTILITY FEE. The Commission decided at its October 4, 2021, meeting that the time to levy the fee wasn't right in light of the recent increase in the non-ad valorem fee for the collection of household waste and recyclables and the increase in property taxes due to the rise of property values in the City. The Commission discussed the fee at its October 3, 2022, meeting and approved having a public hearing on November 14th meeting. At that meeting, the Commission approved a resolution stating the City's intent to adopt the non-ad valorem assessment. At its March 6, 2023, meeting, the Commission adopted an ordinance that will allow the Commission to levy a stormwater utility fee in 2024. At that meeting, the Commission did not approve a budget resolution to appropriate \$13,000 for a civil engineering consultant to research the data needed for the City to propose a range of fees for the utility but as the fees cannot be recommended by the June or July deadline for submission of the range to the Tax Collector. Money will be requested in the FY 24 budget to pay a consultant to develop the range for FY 2025.

9. RENOVATING THE FORMER CITY HALL AND CIVIL RIGHTS MONUMENT. On March 23, 2022, the City Commission held a workshop, the purpose of which was to discuss with citizens the renovation of the second floor of the former city hall at pier park, future uses of the building and a civil rights monument. Ms. Christina Parrish Stone, Executive Director of the St. Johns Cultural Council, made a PowerPoint presentation that described the building's history and the \$500,000 historic grant that can be spent on renovating certain features of the building, such as the upstairs windows and exterior awnings, and a smaller \$25,000 grant that can be spent on interpretative signage for the building. Ms. Stone highlighted that the building's designation as historic by the federal government enhanced its eligibility for the \$500,000 grant. The outcome of the workshop is that the building is to be used as a cultural arts center with the second floor possibly having artists' studios and a small museum. Artwork outside the building, such as a new civil rights monument to replace the old one that commemorates the 1964 civil rights struggle to integrate the adjacent beach, would be created. City staff will work with Ms. Stone and the Cultural Council on such matters as the building's structural strength, building code requirements to

renovate the second floor, accessibility to the second floor for the public, fund raising and seeking citizens to serve as volunteers on a citizen advisory committee. The money from the \$500,000 grant must be spent by June 2024.

On July 12th, Ms. Christina Parrish Stone and Ms. Brenda Swan of the Cultural Council met with the Public Works Director and the City Manager and reported that the Council was advertising for proposals from architectural firms for the civil rights monument. Also discussed was where the monument would be located. One possible site is on the concrete walkway next to seawall and the stairs to the beach, so that the monument will be positioned where visitors can see it and the beach where the civil rights wade-in occurred in 1964.

Ms. Parrish Stone provided an update report to the Commission at its October 3, 2022, meeting and another one at the Commission's March 6, 2023, meeting. At the latter meeting, Ms. Parrish Stone showed illustrations of the proposed civil rights memorial to commemorate the "wade in" of the City's beach in front of the former city hall in 1964. She and a local architect, Mr. Connor Dowling, also showed illustrations of the new, second floor windows and some interior renovations. The memorial and other work should be completed by this summer and will be paid by state grant funds. One delay is the columns along the building's north side to which the memorial panels will be attached may have to be replaced.

The latest update concerning grants for the building's renovation and the civil rights memorial is:

- Florida Department of State, Division of Historical Resources, \$500,000: \$110,251 has been spent on window replacement, roof repair, heating/air unit repair/replacement, second floor access improvements, balcony repair and repair/replacement of exterior columns.
- National Trust for Historic Preservation, \$25,000. It has been spent for visual displays to commemorate the 1964 wave-in to desegregate the beach in front of the former city hall. The displays will be put on the exterior columns once they have been repaired or replaced.
- National Park Service grant, \$50,000. This will pay for an interactive exhibition panel on the wave-in that will be in the new lobby of the restored building.

10. BEACH RESTORATION. According to the County's Coastal Manager, two million cubic yards of sand will be put on the beach from the middle of the state park south to the northern boundary of Sea Colony. The project will be done between August 2023 and the end of February 2024. The federal government will pay the entire \$37 million cost. At the City Commission's January 9, 2023, meeting, a representative from the U.S. Army Corps of Engineers briefed the City Commission and the public about the project. Another briefing by the Corps of Engineers will be scheduled at the Commission's August 7th meeting.

11. NEW YEAR'S EVE FIREWORKS SHOW. The \$25,000 for the fireworks is provided from the bed tax by the County Commission. The contract for a 20-minute 2023 fireworks show was signed in October. The City's Events Coordinator, Ms. Melinda Conlon, worked with the fireworks company on the music that accompanied the show.

12. INTERGOVERNMENTAL PROJECTS. When the Commission discussed the strategic plan at its February 1, 2021, meeting, more involvement with the County and St. Augustine was mentioned as desirable. Below is a summary of the City's current involvement with various area governmental entities.

a. Mobility: At the City Commission's August 11, 2021, meeting, St. Augustine's Public Works Director. Reuben Franklin, March 2021, presented his city's mobility plan. St. Augustine has received a grant to create a transportation connector in that city. If money remains from the grant, the two cities may discuss having a connector between them.

b. River-to-Sea Loop: This is a Florida Department of Transportation, St. Johns County, St. Augustine and St. Augustine Beach project to construct 26 miles of a paved bike/pedestrian trail as part of the 260-mile trail from the St. Johns River in Putnam County to the ocean in St. Johns County. The Loop will then go south through Flagler and Volusia counties to Brevard County. This is a long-term, multi-year project. At this time, the Loop will enter St. Augustine along King Street, go across the Bridge of Lions, south along State Road A1A to the State Park, through the Park and into our City, then along A1A Beach Boulevard to State Road A1A. Though possibly not feasible in all locations, the goal is to have a wide, bike/pedestrian trail separate from the adjacent road.

In January 2022, the County Traffic Operations Division informed City staff that no meetings concerning this project have been held for over a year. The Loop's final route has yet to be determined. It might be through the State Park into our City to A1A Beach Boulevard, or along Pope Road from Old Beach Road to the Boulevard.

c. Transportation Development Plan: The development of the plan involves several agencies, such as the County, St. Augustine, our City, the North Florida Transportation Organization and the Sunshine Bus System. On February 25, 2021, the City Manager attended by telephone a stakeholders' meeting for an update on the development of the plan's vision, mission goals and objectives. Most of the presentation was data, such as population density, percentage of residents without vehicles, senior citizens and low income and minority residents in the County and the areas served by the Sunshine Bus. The next stakeholders' meeting has yet to be announced. The agenda will include transit strategies and alternatives and a 10-year implementation plan.

d. Pedestrian Crosswalk Safety Signals. On A1A Beach Boulevard, the County Public Works Department has put flashing signals at five crosswalk locations. The County may put one more signal at F Street.

13. BEACH ACCESS WALKOVERS. Thanks to a grant of \$335,000 from the St. Augustine Port, Waterway and Beach District that augmented City funds, the City has constructed walkovers at 3rd, 4th, 5th, 8th and B Streets. In addition, St. Johns County rebuilt the existing walkovers at 2nd, 7th and 9th Streets. Additional walkovers will be constructed by the City after the beach renourishment project is finished in the spring of 2024. Possible locations for new walkovers are 6th, 10th and C Streets.

15. HAMMOCK DUNES PARK. This Park is located on the west side of A1A Beach Boulevard between the shopping center and the Whispering Oaks subdivision. At this time, it has no amenities, such as walking trails because the City staff is involved in a number of significant drainage and other projects.

16. UNDERGROUNDING OF UTILITIES. At its May 2, 2022, meeting, the City Commission reviewed a request from the City Manager for referenda topics for the 2022 primary or general election. One possible referendum topic discussed was the undergrounding of utility lines. The Commission reviewed

information concerning this topic at its June 6th meeting and decided to hold a workshop in August with representatives from Florida Power and Light. At its July 11th meeting, the Commission held a workshop for Tuesday, August 2nd with representatives from FP&L. The outcome was for City staff to prepare a Request for Qualifications for companies experienced with assisting cities with planning for undergrounding projects. The Commission reviewed the proposed RFQ at its September 12th meeting and decided not to advertise it but see whether the voters approve the additional one-cent sales tax at the November general election. As the tax wasn't approved, the Commission discussed undergrounding at its January 9, 2023, meeting and agreed with the City Manager's suggestion to request next summer that money be put in the Fiscal Year 2024 budget for consultant to prepare an estimate of the costs to do the undergrounding and what funding sources are available to pay the costs.

17. **UPDATING STORM DRAINAGE MASTER PLAN.** The City hired CMT, a civil engineering consultant, to do the update. CMT provided the preliminary update at the Commission's May 1st meeting. The final report will be provided in June 2023.

18. **TRAFFIC SIGNAL ON STATE ROAD A1A AT MADRID STREET AND THE ENTRANCE TO MARSH CREEK SUBDIVISION.** This has been requested by City residents. The signal would benefit the residents of two private, gated subdivisions, Whispering Oaks and Marsh Creek, and one ungated subdivision, Sevilla Gardens, with public streets. In response to emails from the City Manager, the Florida Department of Transportation responded that there aren't enough residents in Sevilla Gardens to justify the signal and the two gated subdivisions would be responsible for having a traffic study done, and, if the study showed the signal was justified, paying for the signal. The City Manager forwarded this information to a Whispering Oaks resident, who said he would contact Marsh Creek. At the Commission's December 5, 2022, meeting, Commissioner George said she would contact the Marsh Creek Homeowners Association about the traffic signal proposal. She reported at the Commission's April 3, 2023, meeting that the cost of the signal system, according to the Florida Department of Transportation, would be \$1 million.

19. **NEW STREETLIGHTS ON 11TH STREET**

The City has asked Florida Power and Light to put two new lights on the north side of 11th Street between Mickler Boulevard and the entrance to the Ocean Ridge subdivision. The City Manager has signed the contract for the lights. City Engineer will follow up with FP&L as to the status of this improvement.

20. **OPENING 4TH STREET BETWEEN A1A BEACH BOULEVARD AND 2ND AVENUE.** This is a platted street, most of which is unpaved. The City's policy is that the cost to open and pave such streets is paid by the owners of the lots adjacent to them and the City. The owners are charged an assessment. At its November 14, 2022, meeting, the City Commission approved the City Manager notifying the owners of the City's intent to open the street and charge them an assessment. In early December, the Manager sent the notification letters to the four owners. In late February, one property owner in response to his inquiry was told the cost to construct the street would be between \$460,000 and \$500,000.