



## MINUTES

REGULAR CITY COMMISSION MEETING  
MONDAY, AUGUST 7, 2023, AT 6:00 P.M.

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

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I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The Commission recited the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor Donald Samora, Vice Mayor Dylan Rumrell, and Commissioners Undine C. George, Beth Sweeny, and Virginia Morgan.

Also present were City Manager Max Royle, City Attorney Jeremiah Blocker, Police Chief Daniel Carswell, City Clerk Dariana Fitzgerald, Finance Director Patty Douylliez, Building Official Brian Law, Public Works Director Ken Gatchell, and Engineering Director Jason Sparks.

IV. APPROVAL OF MINUTES OF THE REGULAR COMMISSION MEETING ON JULY 10, 2023

**Motion:** To approve the minutes of regular Commission meeting on July 10, 2023. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Vice Mayor Rumrell asked to move Item X.III.9 to the September 11, 2023, meeting because his agenda book did not contain all the information and he was only provided with it when he arrived tonight.

It was the consensus of the Commission to move Item X.III.9 to the September 11, 2023, meeting.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

There were none.

Mayor Samora moved on to Item VIII to allow time for the presentation of Item VII.A to be emailed to the Commission and for the PowerPoint presentation to be set up.

VII. PRESENTATIONS

A. Update Report on 2023-24 Beach Restoration Project by Mr. Jason Harrah, U.S. Army Corps of Engineers

Jason Harrah, U.S. Army Corps Project Manager, presented a PowerPoint on the updated status of the St. Augustine Beach project [Exhibit A]. He summarized the history of the project and said

that it was authorized in 1999 with the initial construction from 2001-2003 and we are on our fourth renourishment in 2023. The renourishments are typically done about every five years, but they could be done sooner if there is a hurricane event that is declared by the President as a "Stafford Act", which are 100% Federally funded. The estimated cost of this renourishment project is around \$40 million, which is 100% Federal from the results of Hurricanes Ian and Nicole. He said that there are approximately twenty-three coastal projects throughout the State of Florida and that most major beaches are manufactured with sand coming from somewhere offshore, such as an inlet, which they recycle and put on adjacent beaches every year. He advised that the projects require a non-Federal sponsor and that the St. Johns County Board of Commissioners is sponsoring this project. He said that another key point is that the project remains authorized for fifty years, or to 2053, and it would remain authorized in perpetuity, which means that any emergency under the Stafford Act would be renourished. However, to get renourishment every five years, you would need to do a new report to get on the regular cycle. He advised that renourishments happen every five years for this particular area based on the erosion rate. The cost share for this project is 80.5% Federal and 19.5% non-Federal for a standard renourishment every five years but that this project qualified for emergency work under the Stafford Act, which is what we are doing now. The commitment from the County as the sponsor is that they are required to work with the City to maintain the beach during the years that have no renourishment projects.

Mr. Harrah showed a snapshot of the project, and he pointed out the Department of Environmental Protection Range Monuments (DEP R Monuments), which is how the State looks at beaches and this project goes from DEP R-137 in Anastasia State Park down to DEP R-150 near the St. Augustine Ocean and Racquet Resort. He pointed out two areas that they could get the sand from. One area is the ebb shoal near Porpoise Point, which is a source that continually fills in and they use it every other renourishment. The other area is farther south shown in the black box, which is a borrowing source that is seven miles offshore in Federal waters that is being used for this project. He described how it works using a hopper dredge, which is like a giant vacuum cleaner, with two big prongs that go down to the seabed and suck up the sand into the belly of the ship. The ship goes about 2,500 feet offshore and connects to a submerged pipeline where water and sand get pumped to the beach while bulldozers are waiting to conform the sand into whatever elevations we give them. The hopper dredge will typically make four or five passes a day, 24/7. He said that environmental monitoring is in accordance with the National Environmental Policy Act in Florida for such things as sea turtles, nesting shore birds, right whales, manatees, etc., and in the event of a sighting, everything shuts down until the animal naturally makes its way out of the area. He advised that we are in the middle of sea turtle nesting season, and they have a relocation expert authorized by the Florida Fish and Wildlife Commission to relocate the nests to several unadvertised locations due to predation to try keep the animals away.

Mr. Harrah moved on to a graphic overview of the three-mile project and the borrow area offshore. He said that there is a group called the Bureau of Ocean Energy Management, which would approve all offshore oil exploration or wind energy farms and they are very critical of how sand is taken from that borrow area. He showed the northern limit of the project, and pointed out that the sand would be placed at the landward edge of the fill limit, and it would be filled in toward the seaward top, or the berm, then it tapers down to the "toe of fill", which goes from the dune line all the way out into the ocean. He said that people get upset because we are putting so much sand near the pier, which leaves them nowhere to fish. The sand is placed about 400 feet off the edge of Embassy Suites out into the ocean and will sit that way for about three or four months, which will leave the pier somewhat landlocked, but we do it that way because it is one of the most erosive areas along the east coast of Florida. If we did not fill it up as much as we

could, then in a month or two the Embassy Suites and Pier area would not have sand again. The sand will work its way south under the pier over the next several months and fill in the areas. Mayor Samora asked what height it gets built to. Mr. Harrah said 9.5 feet and that he had a graphic that he would show. He said that the hopper dredge would be staged out in the middle of the ocean and all the equipment would be stored on Pope Road, which would have the access closed off when the contractor arrives. He advised that there is not a huge need for sand south of A Street because the nine-foot tie in is right near that. He said that A Street would not be used for staging, only for access to bring in their equipment initially and that it would not be kept closed off. He said that the berm is roughly four hundred feet and that they would be putting out a ton of sand to maximize it to try to get through a couple of seasons before they have to come back.

Commissioner Sweeney asked if A Street would be shut down at all. Mr. Harrah advised that typically they try to bring equipment in at night when there is not as much traffic and would not need to close the street.

Vice Mayor Rumrell asked when the next renourishment project would be since this is just a one-time thing. Mr. Harrah said that the way that they have been getting hit, they have been doing the beaches every year now. He said that he hopes that enough sand is being put out and that mother nature gives us a break and that they wouldn't be back until 2028-2029.

Mr. Harrah showed a cross section and he pointed out that the dotted line is the eroded beach that their survey crews say it looks like right now. The design that was authorized by Congress tells us to build the beach to an elevation of 9.5 feet, which is the height that the Mayor asked about. He pointed out that the hash-marked area is the fill volume that gets placed with a lot of it below the water because the near shore sand makes its way back to the beach. He moved on to the next slide and said that dune walkovers would have four or five steps buried up to the nine-foot contour and that they would be hand-shoveled to pack the sand around them to give it a solid beach fill across the three-mile template.

Mr. Harrah moved on to the schedule and pricing and said that it was advertised on July 25, 2023, but that there was a delay getting the money. When Hurricanes Ian and Nicole went up the coast, there were forty projects from here to New Jersey that qualified for emergency assistance, but we finally got the funds, and the bid opening will be on August 25, 2023. He advised that sea turtle nest relocations would start on August 28<sup>th</sup> because they are required to move them sixty-five days before any piece of equipment is on the beach. He advised that the contract would be awarded on September 29<sup>th</sup> and the Notice to Proceed will be issued on October 29<sup>th</sup>, which is important because the Embassy Suites should be installing a seawall, which should be completed by October 15<sup>th</sup>. He advised that the contractor would begin mobilization on November 1<sup>st</sup> with an anticipated completion date of June 30, 2024, which would give us about two hundred and sixty-five days to complete the project, which will put down 2.5 million cubic yards of sand. He advised that there would be tilling done, environmental and vibration monitoring, as well as a structural engineer that would walk the beach to make sure that there is no damage.

Mr. Harrah said that it is extremely important to be open and transparent with the public for these types of projects and that he would work with the City Manager as they get closer to upcoming events, such as New Year's Eve. He said that the contractor would likely shut down a day or two for New Year's Eve and they would try to work around wedding events, etc. but they get paid to run 24/7, so if they are shut down for a day, it costs about \$150,000 to \$200,000 to be on standby, so we want to keep them moving and get them in and out as quickly as possible. He said that the Corps does its community connections through Twitter, Facebook, etc. and that they will publish maps every week with the contractor updates such as the one shown in the slide that showed different colors for different stages of the project (i.e., green for completed, orange for the current working area, blue for the areas that still need to be constructed). He said that the information is

put on their social media, and it also goes out to the press. If you live on a certain street in the project area, you could look at the map and see when they would be working in your area within a two-week window. He moved on and said that you could expect the contractors to bring in their equipment, pipes, etc. and that Pope Road will be closed off and that A Street would just be for offloading as quickly as possible and would remain open. They will work 24/7 and there will be backup alarms, lights, noise, etc. because it is too expensive to ask them to only work between 9:00 a.m. to 4:00 p.m. The contractor will only shut down about 1,000-to-2,000-foot sections of the beach at a time with orange fencing around the area and utilize the local law enforcement to try to keep people out of that zone. He said that the surfers seem to want to surf the breaks right off the pipe area and that the contractors will typically contract with the local law enforcement to help with that effort. Once the surveyor says that it is pumped to the nine-foot elevation, they move to the next 1,500-foot section. He said that the progress maps would be updated on social media and that they would tag the St. Augustine Beach community to share the posts.

Mr. Harrah moved on and said that after the project is complete, the beach will naturally reshape and escarpments will form, which the contractors will knock down initially but afterwards it is the responsibility of the sponsor to remove and maintain the beach template after construction.

Commissioner George said that June 30, 2024, is the deadline and she asked when he expected completion if all goes well without major delays. Mr. Harrah advised that Vilano Beach just got awarded 1.3 million cubic yards, which is about half the size of this project. It has a completion deadline of April 2024, and the contractor is telling them that they will be done by October 31, 2023. He said that he would estimate that they could be done as soon as February or March 2024 but not to hold him to that.

Mayor Samora asked how long it would take to de-mobilize after completion. Mr. Harrah said thirty days. He said that he would be happy to take anyone that wants to go out to the construction area to look at it and take pictures, etc.

Mayor Samora opened Public Comment.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, said that originally the sand replenishment was supposed to go to and through Ocean Hammock Park; that someone has been adding sand south of the Park; now there seems to be a void from A Street to the Park and that someone should look at that stretch of beach to see if any sand needs to be replenished like what has been done from Sea Colony down to Ocean Trace and Dondanville Road.

Mayor Samora advised that they did evaluate it and it was in the scope of their project but after the evaluation, they said that sand was not needed. Mr. Harrah said that when beach projects come up, a full survey is done to see where the 9.5-foot contour is. He said that everything south of A Street had an elevation of about nine feet with the exception of a few sporadic spots, which were not significant enough to continue the placement. He advised that they were authorized to do it down to Ocean Hammock Park, but based on the elevations, the sand was not needed in that area. Vice Mayor Rumrell said that he believed that Mr. Binder was talking about the dune enhancement project that is going on by St. Johns County.

Damon Douglas, St. Johns County Coastal Manager, advised that unfortunately Federal money cannot touch each other, so there was a FEMA funded project, which is in the Army Corps project area. He said that even if they are not actually putting sand all the way to the end of it, there was nothing they could do to bring it into that project. However, all the sand that will be put at the pier will move mostly to the south so that part of the beach will get an extra layer of protection from this project.

Vice Mayor Rumrell asked if he would talk a little about the dune enhancement project that is going on. Mr. Douglas advised that it has moved from Hammock Dunes Park through Dondanville

Road and has now left there, and they are setting up at Mary Street and will be doing about two thousand feet south of Mary Street, then that segment will be wrapped up. He said that they would be advertising in the near future for construction bids to do a section in Crescent Beach down towards the Matanzas Ramp, which has a little over a mile that is severely eroded as well as a couple of areas in Ponte Vedra near the two access points.

Commissioner Sweeny asked if this project was why the A Street access has been closed off. Mr. Douglas said yes but that it has since reopened. Mayor Samora asked if people can get on the beach at Ocean Trace Road or is it just exit only. Mr. Douglas said now that the Dondanville Road access has been reopened, that, if not today, then within the next few days, that Ocean Trace Road would have access again as well. Mayor Samora asked if planting sea oats was part of the project. Mr. Douglas advised that they are being planted now. Mayor Samora asked if planting sea oats was part of the Corps project as well. Mr. Harrah said no. Mr. Douglas said that this older authorization was back when they thought that sea oats were unsightly and not a great idea. He advised that they have partnered with the City Manager in the past to plant sea oats and will continue to do so. He said that with all the sand that the Corps put there, the sea oats catch it and make great dunes that we have here now, so it is working so far. Mayor Samora said that maybe we need to start working on another sea oats project. City Manager Royle said that it is in the works after the Corps finishes this project.

Mayor Samoa moved forward to Item IX.

#### VIII. PUBLIC COMMENTS

Susan Brady, 121 14<sup>th</sup> Street, St. Augustine Beach, FL, asked that the budget have money for the pumps if they break; a prior public speaker at the July Commission meeting expressed his disagreement of the Pride Proclamation, which was unanimously approved; reminded everyone that that speaker does not speak for her or the citizens of the City; the City leaders who were voted in by the majority of the citizens speak for us; we are grateful of our first amendment right of free speech, and that he did not have the right to shame a child that was exhibiting her right to free expression and she should be applauded for her bravery; the Declaration of Independence states that, *"we hold these truths to be self-evident, that all men are created equal and that they are endowed by their creator with certain unalienable rights that among these are life, liberty, and the pursuit of happiness"*; it states all men, not some men; she has been a special education teacher for over twenty years and has seen her share of unwanted children; she has witnessed them in foster care waiting for their forever home and they have had a difficult life; has witnessed gay and lesbian couples willing to open up their homes and hearts to those children and has watched them thrive with the love and support that they are given; applauded our City Commission for supporting all citizens and protecting the goals of unity, freedom, and individual rights that were established and signed in 1776 by our founding fathers.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, has no disagreement with the variances that were granted for the Regency Shopping Center but implementation of the discussions would take some time; one thing deals with ground water flow and another thing deals with loading docks; when you move the loading docks back to the property line ten feet it would take away that vegetation on the northern side, which was soundproofing, then you have to move additional feet to put the barrier in; recommended that staff look at the barrier near the loading dock as a sound barrier wall as negotiations go on; no one has discussed the hours of operation for deliveries at the loading dock; many refrigerated trucks stay running while they are being unloaded; there are neighbors close by and roughly fifteen feet of vegetation would be removed on the northern side and part of it should be a sound barrier wall; the engineer admitted that not all the ground water flow from Regency Center stayed on their property and the direction

it flows is toward State Road A1A; staff should look at the existing retention pond at A1A to see if it needs to be rehabilitated and check the carrying capacity of State Road A1A storm sewers to see if they can handle the additional flow.

George O'Brien, 6 10<sup>th</sup> Street, St. Augustine Beach, FL, is a real estate investor with a few properties at the beach and also a SEPAC member; suggested that the City should have conversations with people who actually use e-bikes; he uses one, has three young children, and it is dangerous because nobody pays attention; does not ride his e-bike on the beach vehicle lane because the sand is too soft, so you need to ride them closer to the water and he cannot ride during high tide because of beach erosion; suggested to have conversations with e-bike users and retailers before the ordinance is put into place, which may jeopardize someone's lifestyle; e-bike rental companies should have the responsibility to inform renters of the rules, speeding, helmets, etc.; asked the City not to jump to conclusions or jump to an ordinance that could affect a lot of people that enjoy using them on the beach for recreation, health and wellness; people who live on the island use the bikes respectfully and he rarely takes his bike to the beach on the weekends because he knows that it is packed with people and that he drops his speed when approaching children; the renters do not understand or respect some of those things and that the City should reach out to those shop owners and form a small committee, which he would be happy to help with to create an ordinance that is fair and safe for everyone.

Vice Mayor Rumrell advised that Chief Carswell may have an update on the e-bike ordinance. Chief Carswell advised that the week after we spoke about the ordinance in the Commission meeting, the County Beach Services sent him their proposed Beach Code, which would have an update for e-bikes on the beach and it would be conflicting with what we were going to do. He said that with our jurisdictions being so close and after talking with the City Manager and several other people, we would adopt the County Beach Code, which we have done in the past. He said that the County's ordinance would specify no reckless operation by e-bikes on the sand, which would not limit where they could ride, just the manner of operation, and that they also detailed the definition of "reckless". He advised that he would probably have an update next month.

Mayor Samora asked if the County already adopted that ordinance. Chief Carswell said no and that they are in the process of doing an update to the entire Beach Code, nothing is in place right now, and that all of the City's beach ordinances go through the County's Beach Code and would continue to do so. He said that he would follow up to find out when the County plans to adopt the new Code. Mayor Samora said that it would be nice to be able to provide some resources for our constituents that want to weigh in on it, other than directing them to the County's website. Chief Carswell advised that it came from Beach Services and that they asked for the Beach Police Department's feedback about it.

Kiran Pamar, 16 A Street, St. Augustine Beach, FL, thanked the City and the County for finally fixing the A Street flooding issue; has concerns about the e-bikes and would like to see the detail of what is being proposed to figure out the right thing to do because the e-bikes are here to stay and it will grow and safety is a big issue; has five e-bikes, takes people on tours, and they love it and he wants to be able to maintain that by using the right venues with safety.

Mayor Samora closed Public Comment.

Mayor Samora asked everyone to stay tuned for more information from the Chief and that the City would follow the lead of the County for the e-bikes.

Mayor Samora moved back to Item VII.A.

## IX. COMMISSIONER COMMENTS

Commissioner Morgan said that she asked the City Manager about the possibility of leaving the paper copy of the reports out of the agenda books and only have digital copies. They create an extra fifty or more pages in the books, and we could save a lot of paper by not having to print them and to have them emailed instead. Mayor Samora said that it would not affect him. Commissioner Sweeny said that she would be fine with not printing them because she normally reads the agenda book online. Vice Mayor Rumrell said that he liked having the paper, but that he would be fine with it. Commissioner George said that she preferred having the paper version but that she also tries to archive so she can go back to reference them. She suggested only printing the paper reports for those that want them. Mayor Samora asked the City Clerk if that would be possible. City Clerk Fitzgerald advised that the books could be customized within reason. Mayor Samora said that he heard two Commissioners want the paper reports to continue in their agenda books, and three without the reports. Commissioner Morgan said that she still wanted to read the reports but only in digital format.

Vice Mayor Rumrell gave a shoutout to the Coast Guard and St. Johns County Fire Rescue for finding Mr. Gregory twelve miles offshore.

Commissioner George advised that she attended the Marsh Creek Homeowners' Association Board meeting, and she laid out all the background information for the possibility of a traffic signal. She said that there seemed to be more people that were interested vs. being opinionated one way or another. She said that there was a strong expression of no support from some of the Board members. She advised that she would follow up again to see if they wanted more information or if they want to take a position but at this time, she does not have a formal position from them. She expects that the option of any involvement would slowly dissipate.

Commissioner Sweeny said that she saw that the Jacksonville Transit Authority is holding some workshops regarding bring a commuter rail to town with one of the proposed stops near State Road 312 and that this could be an opportunity for the City to stay engaged because people could potentially use that to visit the beach. She suggested that the City should work in conjunction with them on some sort of transport system from the rail station to the beach. There have also been discussions about working with the City of St. Augustine regarding expanding their circulator bus from downtown to the beach. She suggested that the City should stay engaged on those issues. City Manager Royle agreed. Mayor Samora agreed that it was a good point.

Mayor Samora moved on to Item X.1. and he asked the City Attorney for his comments. City Attorney Blocker advised that this is Quasi-Judicial hearing, and he asked if there were any ex-parte disclosures. There were none.

## **X. PUBLIC HEARINGS**

1. Request for Conditional Use Permit to Construct a Single Family Residence in a Commercial Land Use District at 14 D Street (Lot 15, Block 36, Coquina Gables Subdivision) (Presenter: Brian Law, Building Official)

Building Official Law advised that this is a Conditional Use to build a single-family residence in the commercial sector. He showed an aerial map of 14 D Street [Exhibit B] and said there is an existing house there and the applicant is here to discuss it. He said that the Planning and Zoning Board's recommendations were to approve the Conditional Use and to construct it as we have been doing in the past few years and to treat it as a medium density zone with the restrictions that apply. He said that the Board made a recommendation to the Commission that the residence should not exceed two stories. He said that in his six years with the City, he had not seen that done yet and that it was a healthy debate because it was not based on a Code, it was a preference.

Mayor Samora asked if anyone from the Planning and Zoning Board was in attendance. Building Official Law said no. Mayor Samora invited the applicant to the podium.

Scott Patrou, 460 A1A Beach Blvd., St. Augustine Beach, FL, Representative for the property owner. He said that the property is at the corner of D Street and A1A Beach Boulevard, next to one of the City's parkettes. He said that it is already an existing residence, so it is not a change of use and there is residential beside it and across from it, so it is consistent with the neighborhood. He said that he believed that the existing house was built in 1968 and they were looking to demolish the house and built another one. He said that part of the submittal requirements was to submit a plan and a two-story plan was submitted. He said he had discussions with the property owner and told him that the City preferred not having big three-story buildings close to the Boulevard. This property is off the Boulevard, but in consideration of the City's preference, he submitted a two-story plan, which he has built here before. He advised that his daughter is going off to college this year and he hoped that when she returned that it would be the house she would return to. He said that they had to include it in the Planning and Zoning Board meeting and there was a lot of discussion about how to create these restrictions. He said that as an attorney, he gets really anxious when we try to impose these strange Quasi-restrictions when there is a substantial Building Code in place. He advised that the submission of the two-story plan was in good faith and what makes him nervous is that they are trying to create some rules that the Building Department would then have to overlay on top of the existing Building Code, which is pretty robust and outlines all the conditions for medium density zoning. He said his request would be for this to be approved and he had not received any indication that there was intent to change from the two-story plan that was submitted. He said that he would not want to be in a scenario twelve or fourteen months down the road when they are going into zoning to then have to resolve something that did not need to be more complicated than it was. This seemed pretty straight forward given its current situation and where it is and that he would be happy to address any questions.

Commissioner Morgan questioned what the total height would be. Mayor Samora said that there is no formal plan yet, just a conceptual plan. Mr. Patrou advised that it would still fall under the "not to exceed" and that the current plan showed a twenty-eight-foot height. Mayor Samora advised that it would still need to follow the thirty-five foot rule regardless.

Commissioner Sweeny said that she realized these are conceptual drawings and asked if they would elevate the lot because it looked like there were some swales along the sides. Mr. Patrou said that he did not believe so, this was a house plan that they have built before, and you see where it comes up and that he did not believe that it had any correlation to the lot elevation. He said that they purchased the lot and they wanted to make sure that they could do it before they had all the formal plans drawn. It is an existing plan that they built in St. Augustine Beach, but that those elevations and things do not correlate. Commissioner Sweeny said that she was concerned about storm runoff with neighboring properties and that she recognized that the east side has a parkette there. Building Official Law advised that when a single-family residence or commercial structure comes in for permitting, it gets evaluated by Zoning first thing, which would question such things as whether it could be built, if it meets the lot coverage Impervious Surface Ratio (ISR), and in conjunction with that, we perform lot grading reviews. In Chapter 6 of the City's Land Development Regulations (LDRs) it specifically mentions that a building height is limited to one foot above the crown of the road or one foot above natural grade. He advised that this is an existing property and that they are not expecting any issues with height and that stormwater gets evaluated during the permitting phase, which is followed by a lot-grading inspection to make sure that it is in line with the approved site plan. He said that they do not allow water to shed onto other properties such as the neighbor to the west. He said that the City is becoming what he calls "the land of infill lots" where each property is becoming substantially more difficult to develop



without the use of permanent retaining walls, so swales are coming back in as a development tool. He advised that he looked at one the other day and that they had to put in a little berm even though the yard had historically always drained across the other yard, we just cannot accept it once we put a house there. He advised that surveys would be submitted, the house would be demolished, etc., which would all be handled during permitting.

Commissioner George said that if the runoff is not properly accounted for and the lane behind it is low, which the water comes out and floods it as well as the older neighboring structure, then what kind of remedy is there from the City's perspective. Building Official Law said that they would then get creative, such as using gutters, which are becoming really popular. He said that with the City's narrow lots, we do not have twenty feet for the water to dissipate, so instead of using gutters with a downspout twelve feet out, they are going underground and piping it to a more convenient spot. He said that they have also done a few with onsite stormwater storage using swales from natural depressions in the yard. He said that if they ever have a lot that is beyond them, they always reserve the right to consult with a design professional and they would also contact Public Works and the City Engineer. Commissioner George asked if there was really any opportunity to have that engagement with the property owner after the permit had been closed. Building Official Law said that after the house has its Certificate of Occupancy (CO) it becomes a civil matter. Commissioner George said that the City's only remedy would be just for the water running off a City lane/road for instance. Building Official Law said that the water needs to go somewhere and that it traditionally drains to the public ways. He said that in this case with the house that is proposed, it is clearly a hip-roof, and they would probably require gutters on all four sides, then choose where the water comes off the roof. He said that every effort is made and that they have Public Works and Engineering to support them.

Commissioner Sweeny said that since there were no Planning and Zoning Board members here and she did not see their meeting minutes in the agenda packet, she asked what the opposition was. Building Official Law advised that the opposition was that they did not want the second story limit, they wanted three stories because that is the way that we have always done it. He said we continually put the provision that it must meet the medium density zoning districts. He said that if you read the Code the way that it is written that it would allow development in the commercial sector, even a single-family residence, to have a seventy percent Impervious Surface Ratio (ISR). He advised that he stopped that in 2018 by saying that all development shall be in accordance with the medium density. He said that you are asking to build a single-family residence, so you should not be awarded that extra ISR that commercial facilities need for parking. He said that is one of their big reasons and that it also deals with setbacks because this is a small, platted lot, so the setbacks would be seven and a half feet on the sides, twenty feet in the rear, and twenty-five in the front.

Mayor Samora asked what the ISR percentage would be. Building Official Law advised that it would be fifty percent and that we still have the provision for a ten percent or greater permeable paver, which is its own separate calculation.

Vice Mayor Rumrell said Building Official Law had mentioned in the past about getting rid of the height side of that and the thirty-five feet. He said that whether it is a two-story or a three-story, the medium density would take care of that itself. Building Official Law agreed and said that the Land Development Code is very clear about the thirty-five-foot height for residential and commercial.

Commissioner George said that one of her concerns was the setbacks because this survey showed a 3.6-foot easterly setback and she asked to clarify whether it would be grandfathered or applicable. Building Official Law advised that because of the age of the structure, it is a non-conforming structure and that the new building would need to come into conformance with the

Land Development Code. Commissioner George asked for clarification of the front setback. Building Official Law advised that the front is a twenty-foot setback, which was changed last year. Commissioner George said that the front and back are both twenty-foot setbacks and the sides are both seven and a half foot setbacks. Building Official Law said yes and that whatever is proposed would comply with the Land Development Code.

Commissioner George asked if it was typical with these applications for the Commission to receive the actual structure being proposed. Building Official Law said that he believed that former Mayor England had asked in 2018 for the change. He said that they have been submitted but the problem with it is that you would be asking the applicants to spend thousands of dollars on something that might not be approved. He said that the Conditional Use is solely for the construction of a single-family residence in a commercial sector, which is the way the Code is written, but as the Commission, you have the authority to order any changes to the Code. He said that we are stating in the order that we want to follow the medium density zoning districts, which brings the full Land Development Code into action and if we need to make a Code change, then we just need direction. He said that in his personal opinion, asking someone to spend thousands of dollars to generate elevations might not be in the best interest.

Mayor Samora said that the conceptual plan is good because we can wrap our minds around something but that it begins to become a slippery slope if we asked to present a plan because there may be deviations from it, and we are not really an architectural review board. He said that he is actually uncomfortable reviewing a plan. Commissioner Sweeny agreed and said that she would prefer to let the Building Official and his staff do their jobs. Building Official Law agreed and said that two people on his staff are probably the only other people in the City, besides himself, that can actually read and implement the Land Development Code.

Commissioner Morgan asked if any of the opposition was due to the fact that the property was zoned commercial because she had seen that as an issue before. She said that she called Ms. Miller and asked how it could be zoned commercial when there is a residential structure on it, which was a red flag to her before she ever reviewed it. She said that there are so little commercial properties, so why would we be turning another commercial property into a residential property. She said that Ms. Miller informed her that it was built so long ago. She said that it is already essentially what they are asking for and she asked if there were any comments at the Planning and Zoning Board meeting. Building Official Law advised that the three individuals that did not support this solely did not want the extra restriction of the second floor. He advised that several years ago there were healthy debates that ensued at multiple boards discussing a single commercially zoned lot being developed for commercial, which has been proven time and time again to be nearly impossible because of the size of the lot, our parking requirements including a handicapped parking spot, which eats up 17x20 foot, and then you wind up with stormwater drainage issues because it is commercial and that is when we get the engineers involved. He said that a single lot is very hard to develop commercially.

Commissioner Sweeny said that the location seemed out of place to be commercial and that it felt more residential. Building Official Law advised that it is a residential sector down that street and that he has not received or been made aware of any comments against it.

Mayor Samora opened Public Comment.

George O'Brien, 6 10<sup>th</sup> Street, St. Augustine Beach, FL, said that he would love to have it in the minutes so that SEPAC could talk about the water runoff on Thursday; he is in construction and real estate and some SEPAC members have asked what new construction is out there; he renovated his place on 10<sup>th</sup> Street and there is a ton of runoff from neighbors so he had to put gutters and pop-outs in; we should make sure that new construction does its runoff responsibly

and also put something in place for when people want to sell or get a permit for their home, that it should be a requirement to put gutters in because it is really important; to make it known for the minutes that the City needs something for water runoff, that new builds must have gutters and downspouts, that properties going through permitting or being sold should be required to be done ahead of time; where he is from, when you buy a place that has a messed up sidewalk, you must fix it as the new owner before they will give you occupancy permits so it may be a way for the City to handle the water runoff with the selling the properties.

Mayor Samora thanked Mr. O'Brien for his comments and said that the City is always trying to improve the Code and he asked the Building Official to bring anything that he felt could be improved upon regarding Mr. O'Brien's comments to the Commission. Building Official Law advised that they are investigating the Land Development Code for the need to mandate gutters on two- and three-story buildings and also if there is a one-foot disparity such as on the west side of A Street. He advised that he had been working with the prior Public Works Director and would now be working with the Engineering Director to discuss the need for permanent retaining walls if there is a one-foot disparity and not relying on slopes, which work when they are new but would not work in twenty years. He said as far as mandating on a house sale for gutters, he did not think it would be legal or prudent. He advised that the Building Code does affect drainage for residential in one section of Chapter 4, which states that if you cannot get ten feet and six inches down then you would have to provide a swale, which we are really starting to look at on the building side, but to keep in mind that the building plan reviewer cannot review for zoning or any other code and could only implement the Florida Building Code the way that it is written. If we make the change, then we need to change the Land Development Code and we are currently looking for gutters and possibly permanent retaining walls. He said that he does not see how we would ever have the legal authority to go onto a property that is being sold and require it. If we were the historical district or something of that magnitude you might have more leeway.

Mayor Samora asked to get back to the matter at hand.

**Motion:** to approve a conditional use permit to construct a single-family residence in a commercial land use district at 14 D Street, Lot 15, Block 36, Coquina Gables Subdivision, that meets the requirements of medium density zoning. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora advised that we are basically taking the recommendation of the Planning and Zoning Board but not the recommendation to limit it to two stories. Commissioner George advised for the record that it was only the second part of the Board's recommendation, *"compliance with regulations for new single-family residential construction in medium density residential land use districts"*.

Building Official Law said that one thing they did in 2018 was to limit overhangs. They used to be able to go out three feet and were shedding water way out and the change stopped the water from going where we did not want it to go.

Commissioner George suggested that the Building Official should work on a Code amendment to address the need for gutters. Building Official Law advised that he has already been thinking about it and that it would simply be that houses that are two stories or greater shall have a gutter system installed with the final destination of water approved by the Planning and Zoning review and that he would recommend a six-inch gutter, which is the standard size. He said that he would probably be presenting it at the next Planning and Zoning Board meeting and that the Commission would see it soon after.

Mayor Samora moved on to Item X.2.

2. Ordinance 23-05, Second Reading, to Adopt St. Johns County Five-Year Facilities Work Plan (Presenter: Brian Law, Building Official)

Building Official Law advised every year this gets adopted, we have no public schools in our jurisdiction, and St. Johns County is not going to build a school on a barrier island. However, we are part of the County, our children go to those schools, so we are required to do this. He advised that we are also going to be amending our capital projects, which is important because it allows us to apply for certain grants and get points, which is a big aspect of this. He said that page one in the agenda books is the proposed ordinance, and we are asking that it be approved as written.

Mayor Samora said that the report they submitted this time broke out any improvements to the school facilities that would impact our residents, which was nice, and he would like to see them continue to do that.

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

Commissioner George asked if Section 3 of the ordinance, "Adoption of Additional Capital Facilities", would tie the City's hands on any of these projects. Building Official Law advised that he did not believe it would tie the City's hands at all because you could amend this Section any time you want, and this just allows us to apply for grants and we get extra points in our ranking systems. He advised that these are all projects everyone is aware of, and have been on the City's radar for a long time. Commissioner George asked if we get additional points when it is in an ordinance form. Building Official Law advised once it is adopted and said that it is his understanding that if Public Works or Engineering applies for certain grants, this would be part of it. City Manager Royle advised it is considered part of the Comprehensive Plan because it amends the Capital Improvement element, so it strengthens our grant applications. Commissioner George asked if it is typically in an ordinance format because she did not recall that. City Manager Royle said it has always been done in an ordinance.

Mayor Samora asked the City Attorney to read the preamble. City Attorney Blocker did so.

**Motion:** To approve Ordinance 23-05. **Moved by** Vice Mayor Rumrell, **Seconded by** Commissioner Sweeny. Motion passed unanimously.

Mayor Samora moved on to Item XI.

#### XI. CONSENT

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

3. Re-Appointment of Comprehensive Planning and Zoning Board Members to Three-Year Term: R. Connor Dowling, Hester Longstreet, and Victor Sarris
4. Approval for City Manager to Sign 1<sup>st</sup> Amendment to the Interlocal Agreement between the County and the City for Law Enforcement Services

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

Mayor Samora moved on to Item XII.

#### XII. OLD BUSINESS

5. Expiration of Natural Gas Franchise Agreement: Request by TECO Peoples Gas System to Renew (Presenter: Max Royle, City Manager)

City Manager Royle advised that fifteen years ago the Commission at that time approved a fifteen-year franchise agreement with TECO to provide natural gas service in the City. He said that TECO constructed a pipeline down A1A Beach Boulevard, and he believed that a number of businesses are connected to it. The original franchise is up for renewal and per his phone conversation with TECO, they indicated that they would like to have a thirty-year franchise, which is what they originally asked for in 2008. He said that it would be up to the Commission whether to agree to a thirty-year franchise agreement or to continue with the current fifteen-year franchise agreement. He said that his cover memo noted some slight differences between the original agreement and the proposed agreement, but he did not know if they were relevant and that he did not see anything that raised any alarms. He said that he also noted in his memo the franchise fees that TECO has given the City over the past three fiscal years, which is not an enormous amount of money, but everything helps. He advised that a TECO representative is here to answer questions.

Jason Roth, TECO Peoples Gas Northeast Florida External Affairs Manager, 3712 Pine Street, Jacksonville, FL, said that TECO has a great relationship with the City and would like to continue that. He said the reason they typically ask for a thirty-year franchise agreement is because they are a regulated company, and they make decisions on capital investments based on stability and being able to recoup through rates. The longer term that we can predict, the more apt we are to invest. He said that he would be happy to answer any questions.

Mayor Samora asked the City Manager if the things he pointed out in the contract were addressed, such as the thirty-year term and the increased insurance from \$1 million to \$2 million per incident. City Manager Royle advised that the insurance increase was recommended by our insurance company and that he thought that he sent the information to TECO. Mr. Roth said that he did receive it and that if it is the pleasure of the Commission to amend the insurance to \$2 million, that TECO is amenable to that. He advised that TECO has 136 franchise agreements across Florida and that some have \$2 million insurance, and some have \$1 million insurance.

Commissioner Sweeny said that this type of franchise agreement is new to her, and she asked what the City's role is and how it works. Mr. Roth advised that there is a little bit of a misconception of what a franchise agreement is. He said that it is not a right to serve, this is our territory and TECO has been serving this area for a very long time, which is typically under the jurisdiction of the Florida Public Service Commission. This is an agreement between TECO and the municipality on the standards of operating and how we would access the right-of-way, the permitting, and the requirements, which is just a mutual understanding mainly to stabilize our operations and that they collect a franchise fee from their customers, which is dictated through the franchise agreement and remitted back to the municipality. Commissioner Sweeny asked if the entire franchise fee was just a passthrough or do they keep any of it. Mr. Roth advised that it is a passthrough. Commissioner Sweeny asked if TECO served residential as well. Mr. Roth said that they serve both residential and commercial and they have sixty-five accounts but that he did not know what the breakdown was. Commissioner Sweeny asked if TECO was the only natural gas provider on the island. Mr. Roth said yes, and typically natural gas companies are a monopoly, and they are regulated by the Florida Public Service Commission, which is more for the standard of safety operations because we would not want another company's gas lines crossing ours.

Commissioner Morgan asked what the benefit would be to the City to have the franchise agreement be longer than fifteen years. She said that she is not opposed to it but that it is so far out, and we do not know what we will need in thirty years, which is her only reason for hesitation and not feeling comfortable that it is what we should do. City Manager Royle advised that the only value would be if we wanted to lock them in for thirty years. He said that since TECO has spent a lot of money putting in all the gas lines, etc., that the chances are that they are here to stay until it becomes a financial burden or not feasible for them to stay. He said that they are

finding it financially feasible to stay because they want to renew the franchise agreement, but he is not sure whether it is beneficial to the City or not. Mr. Roth advised that they are a regulated utility, they are capped for their rates, and must go to the Florida Public Service Commission to ask for rate increases. He said their infrastructure investments are capital expenditures they make based on long-term predictability, so they are not looking at fifteen years they are looking at fifty years. The longer they can have that predictability when we are looking at where to spend capital, that they would look towards the areas that are easier to work with and more predictable. He advised that TECO already made a huge investment in the line that goes down A1A Beach Boulevard and they would like to continue to grow the business and residential base in the City and that a thirty-year agreement would help them do that but that it is entirely up to the Commission and there are a number of ways that they could work it. He said that TECO is asking for a thirty-year franchise agreement but that they would be willing to discuss other options.

Vice Mayor Rumrell pointed out from the City Manager's memo that TECO paid the City \$2,058 in FY 2020, it jumped to \$3,096 in FY 2022, etc. and he asked how they base their revenue on that. Mr. Roth said that the revenue is the six percent collection on gross sales from our customers, so if usage goes up, then the revenue would go up, but there is a pretty consistent use, which does not typically go down. He said that businesses and residences use gas for different reasons, and it could be affected by the weather as well.

Commissioner George asked if TECO has current plans to expand into residential communities along the Boulevard. Mr. Roth said that TECO currently comes down the main A1A Beach Boulevard thoroughfare, and that they do extend where they can. Since TECO is regulated by the Florida Public Service Commission, any extension that they have would need to meet their feasibility standards because all of their customers are essentially paying for whatever capital they are expending. He said that if there is a request to extend a main into a residential area, as long as it is feasible, they would be happy to do it. He said that some neighborhoods organize themselves and ask TECO to extend their lines into their neighborhood, but it is really hard to go into established neighborhoods and deal with the remediation factors for extending the mains, but they are happy to do it whenever they are asked to.

Commissioner George asked him to forward the information and a contact that citizens could reach out to if their neighborhood wanted to begin that process. Mr. Roth advised that the City Manager could forward his contact information and people could contact him directly. Commissioner George asked the City Manager to forward the information to all the Commissioners. City Manager Royle agreed. Commissioner George said that she heard that TECO would extend for businesses but not for residents. Mr. Roth advised that it would all come down to the feasibility factors and that a typical restaurant could be anywhere from 15,000 and 35,000 therms a year usage whereas a typical home is around 700 therms. The amount of main that you can extend is capped at the amount of cost and typically it is about \$1 per cost of therm of usage so \$700 does not get you that much.

Commissioner Sweeny asked what the other homes that are not on the Boulevard might be using. Mr. Roth advised that if they are not on main, they could be using a third-party gas distributor such as propane, Amerigas, etc.

Commissioner George asked if the six percent was negotiable. Mr. Roth advised that it is their standard percentage that they use across the board but that different commissions have different philosophies and some like it lower to lessen the impact on their customers or higher to increase their revenues. Commissioner George asked if the six percent gets passed on to the customer. Mr. Roth said yes.

Commissioner Sweeny asked if the City Attorney reviewed the franchise agreement. City Attorney Blocker advised that they have reviewed it.

Commissioner George asked if the insurance cost was also passed on to the customers in the individual jurisdiction. Mr. Roth advised that it is part of TECO's overall rate base.

Commissioner Sweeny said that we are discussing increasing the insurance from \$1 million to \$2 million and she asked what TECO's immunity cap was that they are regulated under. Mr. Roth said that he was not sure. Commissioner Sweeny said that most public entities probably have around a \$2 million liability cap. Mr. Roth advised that they are not immune because they are a private, investor-owned utility company. Commissioner Sweeny asked if something were to occur would a claims bill come into play. Mr. Roth said that it is only used for public entities that fall under the immunity statutes.

Mayor Samora said that the Commission had a few things to sort out such as the insurance increase from \$1 million to \$2 million and the term of the agreement. He advised that there was one other thing that has not been addressed, which is a change to the contract to have the permit fees absorbed by the franchise fee. Mr. Roth advised that it is six in one and half a dozen in the other because in the current franchise agreement they less any permit fees from the collectables that they then remit to the City and this change would just be putting it up front and waiving the permit fees. He said that it is already standard practice, it is just worded differently. He said that there are a lot of different philosophies, and we are investing in infrastructure and the expansion of services. Mayor Samora said that he did not have any problem with that.

Commissioner George said that she thought that the insurance should be \$2 million because \$1 million does not cover a lot and then there is the multi-person cap for single claim. Commissioner Sweeny asked if the insurance company had a recommendation on the multi-person claim because it was set at five. Commissioner George said that it was one per person, five per claim, so maybe it is two and ten. City Manager Royle said that he did not believe that the insurance company gave a recommendation for that. Commissioner Sweeny asked if TECO would be okay with that. Mr. Roth said that he would be okay with the raise to \$2 million but if the City's desire is to raise the "per incident" cap, that he would have to go back to TECO for an answer.

Mayor Samora said that we currently have a fifteen-year term and that they are asking for a thirty-year term. Vice Mayor Rumrell said that he is inclined to go with a fifteen-year term with a five-year renewal that will give then up to twenty years. Commissioner Sweeny said that she was good with the automatic renewal.

Mr. Roth asked for three successive five-year renewals with some sort of provision of notice, which would make it thirty years all together and, after fifteen years, there would be the option to amend, change, or negotiate every five years after that. Commissioner Sweeny asked for the City Attorney's input. City Attorney Blocker advised that it is fairly routine, and you could have a built-in notice requirement and then the Commission could take action or renegotiate, etc. He said that it is fairly standard, and it would be appropriate. Commissioner George said what is the point, is it simply rubber stamping it so they could unilaterally extend it, or would it still allow for review of future Commissions. City Attorney Blocker advised that it would still allow for review. The party would notice the Commission, the Commission could then look at the terms and see if there are any modifications or negotiations. Mr. Roth advised that we could do a ten-year term with two successive ten-year terms but that our goal would be to have something in place for thirty years and that the Commission could review it at any time.

Commissioner George said that if the Commission is going to have the opportunity to review it and make adjustments as needed, that she would not have a problem doing a fifteen-year term

with another fifteen-year renewal option. Commissioner Sweeny advised that she liked a fifteen-year term with three five-year renewal terms. Commissioner Morgan agreed.

Mayor Samora asked the City Attorney if this would need to come back to the Commission or could it be approved with those changes. City Attorney Blocker said that he would prefer that it come back to the Commission as the final product to make sure and go from there, but he was not sure what timeline they were under. Mayor Samora asked if there were any time constraints. Mr. Roth advised that the current contract expires October 1, 2023. He said that going fifteen-years and then having to come back every five years seems a little time consuming on both TECO and the Commission and TECO would prefer auto-renewals of ten years with two automatic extensions of ten years.

Vice Mayor Rumrell said that his only concern is for future boards and that is why he preferred the fifteen-year agreement with three five-year renewals. Mayor Samora said that in fifteen years that Commission may decide to do another fifteen years and it would be up to that Commission. He said that he is comfortable with it being reviewed after fifteen years and the sitting Commission can decide at that point.

Commissioner Sweeny said if this is coming back to the Commission, she would like to ask the City Manager to check on the group liability and bring back a recommendation. City Manager Royle agreed. Commissioner George said whatever the industry standard is that would accompany \$2 million per person.

Commissioner George questioned what would happen if this does not get approved, would TECO have to shut down its accounts and be forced out of business. Mr. Roth said a franchise agreement is not a right to serve, it is more of a mutual understanding between the municipality and the company. He said if it is not approved, they would operate under the current agreement similar to a landlord/tenant agreement and would automatically extend. He advised that as long as TECO sends the City checks that get cashed, that the agreement stays in place, but they do not like to operate that way and would prefer to have a new standing agreement. He said that if the franchise were to be rejected fully and rescinded, TECO would stop remitting payments, which would not change the way TECO operates, only the way it operates with the City, and would not be bound by a contract.

Commissioner George asked if there was an exclusivity provision in the franchise agreement that would contractually bind the City aside from the regulations that exist today. For instance, if the statutory structure changed in twenty years for the servicing/management of utilities and we have a long-term franchise agreement, is there anything in the agreement that would independently preclude us from entertaining third-party competitors from coming into this market. Mr. Roth said he believed there is some exclusivity provision in the agreement, but it was bound to municipalities that want to get into the natural gas business, but that TECO's jurisdiction is defined by the Florida Public Service Commission and if other entities work in close proximity to our facilities, it would be a safety issue. Commissioner George said that there did not seem to be much harm in granting this. Mr. Roth promised that TECO is here to serve, they are not going anywhere for a very long time, and they would very much like to keep this relationship.

Mayor Samora thanked Mr. Roth for being open to the Commission's input and said we would be seeing this again next month. City Manager Royle advised that September's meeting is on the 11<sup>th</sup>.

Mayor Samora moved on to Item XII.6.

6. Contract with City Manager: Continuation of Discussion (Presenter: Max Royle, City Manager)

City Manager Royle advised that, as the Commission requested, he provided his prior contracts and asked what the Commission wants done as the next step.



Mayor Samora said the City Manager had several contracts for one year each and several for six years each. He asked the City Manager if he had any insight into what happened after the last six-year contract, such as going by the City Charter, etc. City Manager Royle advised that there were four new Commissioners, which was unusual, and they had a very activist Mayor, Frank Charles, who convinced the Commission that the City Manager served at their pleasure and then there was an amendment to the Charter. He advised that all the benefits he received were exactly what the City employees got and there was no need to spell those out in a contract.

Mayor Samora advised that one thing specified in the old contracts was the amount that the City Manager was paid but now your benefits and salary are the same as the rest of the City staff. Mayor Samora asked if the Commission had any strong opinions one way or another and if they still wanted to try to put together a two-year or one-year contract.

Vice Mayor Rumrell advised that he would like to do a two-year contract similar to the County's, which are a "fire at will or cause" situation if he remembered correctly. City Attorney Blocker said yes. Vice Mayor Rumrell said that it gives us something with the City Manager that he could renew if that is the will of the Commission, which also protects the City Manager if he were ever let go and there would be some sort of compensation if it were not for cause. He said he believed it is something that is good to have and as the City progresses, that future Commissions would look for contracts. He said he believed the City of St. Augustine and the County have them in place and it would be prudent for us to have one as well.

Commissioner Morgan said that for future Commissioners, for the purpose of succession planning, and for protecting the City manager, that she agreed with the Vice Mayor and that we would be remiss if we do not have some kind of plan in place.

Commissioner George advised that she is good with the proposal.

Mayor Samora advised the City Attorney to move forward with drafting a two-year contract and that the City Manager had mentioned at the last discussion that he wanted certain things included in the contract. City Attorney Blocker asked if it would be an addendum to the current contract. Commissioner George advised that there is no contract, it expired in 2006. Commissioner Sweeny suggested starting over. City Attorney Blocker advised that he could absolutely do that and with the Commission's direction he could negotiate directly and report back. Commissioner George said that she believed that we have an updated job description. City Manager Royle advised that it was part of the material for the evaluation and that his job duties are spelled out in the City Code and the City Charter.

Mayor Samora asked the City Manager if he had any boiler plate issues that he wanted included. City Manager Royle said yes. Mayor Samora asked if he wanted to bring them up now or with the City Attorney. Commissioner George suggested to provide a term sheet with the bullet points of what his terms are so that we know, which ones were requested by the City Manager. City Attorney Blocker agreed.

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

Mayor Samora moved on to Item XIII.7.

### **XIII. NEW BUSINESS**

7. Resolution 23-06, to Support the Proposed Right to Clean and Healthy Water Constitutional Amendment (Presenter: Ms. Nana Royer, Citizen)

Nana Royer, 6 Willow Drive, St. Augustine Beach, FL, presented a PowerPoint [Exhibit C] and thanked the Commission for allowing her to present the resolution to the City. She advised that she provided a packet for the Commission so this presentation would just be a review. She read

the bullet points from her presentation, and advised that Florida's waters are in trouble. She showed the current water conditions in Florida, such as the artesian springs that are polluted with nitrogen, the decline in the flow of springs and rivers, 9,000 miles that are contaminated with fecal bacteria, that Florida has the most acres of polluted lakes in the nation, the increased death of manatees, red tide acceleration, etc. She said that Florida's waterways are making headlines and showed a headline from the New York Times titled "It's Toxic Slime Time on Florida's Lake Okeechobee".

Ms. Royer said that on the local level there are several segments of the Matanzas River and its tributaries that are currently impaired for nutrients, fecal coliform, and/or iron, which means fish and wildlife propagation is impaired. She said that Salt Run is also impaired for fish consumption and shellfish propagation. She advised that this is a phenomenon that is local, State, and very likely national. She moved on and said that there are laws for clean water, but they have not been sufficiently enforced and that policies are very subject to interpretation. She said that if those laws were working, then the State would not have issued 23,000 permits to pollute, which allowed industry and agriculture to discharge pollution into the waters. We need protection from special interests, changing political ideologies/circumstances, and the permitted harm to Florida waters.

Ms. Royer said that the summary of the amendment is that it creates a fundamental right to clean and healthy water for all Floridians and enables us to hold the executive branch and its agencies accountable when it violates that fundamental right. She advised that it would be placed in the Bill of Rights section of the State Constitution, superseding the reach of the Governor and the legislature, it would level the playing field between the special interests and the public interest in clean water, it would make clean water a fundamental right, it would be infeasible and could not be overturned or compromised, and it would give the citizens the ability to participate in the democratic process making it a tool in the protection of our waters. It would not guarantee that all laws would be followed, but it makes for a better opportunity for that to take place. She said that we need to educate ourselves and others regarding the state of Florida's waters today and encourage them and others to sign the petition. She said that they need 900,000 signatures by the end of this year to get on the 2024 ballot and that a sixty percent passage on the ballot would make it self-implementing. We need the official support and advocacy of our municipalities to help citizens protect what should be an inalienable right, which boils down to being about enforcement, the democratic process, and accountability. She asked for official support for this amendment and its campaign.

Ms. Royer said that she heard comments that this amendment would bring thousands of lawsuits, but that three states, Montana, New York, and Pennsylvania have comparable laws and they have not had a plethora of lawsuits spring up.

Mayor Samora said that the resolution would be the City voicing its support for the Constitutional Amendment. Ms. Royer said yes.

Commissioner George said that before she referred Ms. Royer to forward this to the City Manager, that she reached out and forwarded the draft to County Commissioner, Henry Dean, since he has an extensive, career-long background in water management. She said that he was already aware of the push for a Constitutional Amendment, he reviewed it, and said that he was all in favor of it and that he wanted to bring it forward to the St. Johns County Commission. She said that she was relieved because she is always worried about unintended consequences and that she asked him specifically about that and that he thought that the language was well drafted and that he supported it.

Mayor Samora confirmed that the threshold to get this on the ballot is strictly 900,000 signatures. Ms. Royer said yes and that they do not know for sure how many signatures they have so far, but

she would guess around 75,000. Mayor Samora said that the municipality portion of it has no bearing for whether it actually gets on the ballot. Ms. Royer said no but that she hoped that it would bring more awareness and by having the City give its blessing that it may have more credibility with the general public.

Commissioner Sweeny said that this is a hard one for her because, who does not want clean water, and that she one hundred percent supports the intent behind bringing this amendment forward and asking for the City's support, but that the lawsuit issue is a concern. She advised that she read the background materials and the amendment language and that she is a little concerned about unintended consequences, which we see quite often from Constitutional Amendments. She said that she also had concerns about creating another cause of action against the State and that maybe the language in the amendment is not specific enough for what would allow a lawsuit against the State for their inaction and that the person that brings the lawsuit does not even have to be an affected party, which is also concerning to her. Her concerns are with the amendment language and the legal definitions that are included and that she does not know enough or feel comfortable enough with some of the legal questions to support it right now. She said that it gave her comfort knowing that Commissioner Dean supported it because she puts a lot of faith in his opinion.

Commissioner George said that if you read with clarity the resolution itself, it does not articulate support for this particular Constitutional Amendment. She advised that the closest it gets is that it states, *"the City acknowledges the importance of clean and healthy waters in the State of Florida and supports enshrining the right to clean and healthy waters in the Florida Constitution."*, but it is not saying that it is supporting this particular Constitutional Amendment, which is why she felt more comfortable with it. Otherwise, getting a particular amendment may not be something that we would want to do.

Commissioner Sweeny questioned if the City had a policy and what had been done in the past when it comes to taking opinions on Constitutional Amendments, which may not be our role to do. Commissioner George advised that this is skirting around that by saying that access to water should be a right and it does not speak to any particular draft. She said that the advocacy group can use it however they want, similar to what always happens in the media, and that is where it is coming from, but there is nothing in it that says that the City stamps this particular amendment.

Commissioner Morgan thanked Ms. Royer for her presentation and the materials that she sent in advance. She said that she recognized that there are issues with getting legislation passed for things like this. However, even though it does not specifically state that the City supports it, she is not comfortable with trying to legislate through voting on Constitutional Amendments, it is not the right way, and it is not being vetted through the legislature, which in itself is a problem. She said that any time she sees a Constitutional Amendment, she puts a lot of time into researching them, and often there are unintentional consequences even though there is a very good intention here. She said that she believed in the cause of clean water and that she had read those articles but that she could not support this herself.

Ms. Royer said that she was not sure if she included the quote from Ms. Jane West, an environmental attorney, where she said that, *"litigation is not working, lobbying is not working, and that the only way she sees forward, is through an amendment like this."* Commissioner Morgan advised that she read that and that she had worked with Ms. West in the past, and that this is not a negative reflection on Ms. West or the cause, it is that she does not believe in this method.

Vice Mayor Rumrell echoed both Commission George and Commissioner Morgan. He said that it is hard for one governing body to put forth effort for another governing body and that he did not

want to open a slippery slope. He said that he believed that all five Commissioners would agree that we need to do better. Ms. Royer said that this is completely non-partisan because we all need it. Vice Mayor Rumrell agreed but said that he also had a hard time voting for it. He advised that he had the same conversation with Commissioner Dean, would it open up other things, are we liable, and that he would ask the City Attorney's opinion on it. City Attorney Blocker advised that it is up to the Commission to decide on a resolution asking the City to take a stand on a very worthy issue, but that there are some legal implications. He said that there are some examples where other governing bodies have approved of them and others have not. He said that he did not believe that if the City approved this that it would come back on you as a Commission, but that the process is a little different because it is a Constitutional Amendment.

Mayor Samora opened Public Comment.

Chris McDermott, 392 San Nicolas Way, St. Augustine, FL, said that he is here and wearing his [Right to Clean Water] t-shirt and is a volunteer, not a paid solicitor, and has spent a lot of Saturdays talking to the Commission's constituents at that St. Augustine Amphitheatre and pier events; eighty percent of the people that he spoke to, signed the petition; people recognize that the legislature and the government do not always respond to the long-term vision, it responds to the loudest voice at the moment, which is a failure of our society; this is an opportunity to overcome cynicism and partisanship and invest in our future; it may not be the way that you prefer, but we need to do something before we die because waiting for Tallahassee to do it is not going to happen; telling your children that it is going to happen is not very honest; lets invest in our people and the springs, lakes and estuaries, which are important to Florida and this is the City's chance to do it.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, thanked Ms. Royer for what she is doing for clean water and Ocean Hammock; he spent over thirty-three years working for the State of New Jersey enforcing and funding clean water; Florida is decades behind New Jersey and has been run by big business; without this type of amendment, it will continue to be run that way; you need to have some means for the citizens to get water pollution rights enforced; he appeared in many courts, provided funding for municipalities, and fought against industries; there is no question that there will be litigation but it is something that is needed and it is simply saying that you believe in clean water.

Susan Brady, 121 14<sup>th</sup> Street, St. Augustine Beach, FL, said that water is our life, we live at the beach; she remembered the red tide, which caused breathing problems; it is a right for everyone in the world to have clean water, look at what happened in Flint, Michigan; hoped that the City would follow the people that live at the beach and support this clean water amendment so that is gets on the ballot.

Mayor Samora closed Public Comment.

Commissioner George said that based upon her prior comments and her review of the text in the resolution, that she did not believe that this is sidestepping or overstepping any political process and that she is more than comfortable making a statement that, as an elected official, she believes that access to clean water should be a right that the people can protect.

**Motion:** To approve Resolution 23-06. **Moved by** Commissioner George. Motion died for lack of a second.

Mayor Samora advised that everyone expressed their belief in the cause and maybe not so much the vehicle or the position of this body to weigh in on what another legislative body is going to do. He said that there is a lot of support for your cause, and he asked how individuals would get involved or sign the petition so that it could be on the record.

Vice Mayor Rumrell advised that he would not be opposed to having the City Attorney write a resolution that the City could support because it is not that the City doesn't support this, it is the way that it is written as an amendment. Mayor Samora said that he heard some reservations for going the Constitutional Amendment route, so the vehicle is more the issue and not necessarily the cause, and that the City Attorney is more than welcome to take another stab at it. He said that in order to help Ms. Royer get this on the ballot, people would need to sign the petition. He asked Ms. Royer to provide the information on how people could get involved. Ms. Royer asked if the Commission was in favor of the concept but not the amendment itself. Mayor Samora said that they may bring a resolution back that expresses that. Commissioner George asked if the Vice Mayor wanted to look at it and make an amendment to it or do it outside of the meeting. Vice Mayor Rumrell said outside of the meeting, and that he preferred that the City Attorney write something and possibly pull some things from Ms. Royer's amendment to support it. He wanted to make it clear that he did not believe that any of the Commissioners were against it, they just had reservations for the vehicle and that he is happy to do a resolution of some sort.

City Attorney Blocker said that it sounded like some of the reservations were about the call to action, which we could improve on. He advised that this particular resolution calls for this body to support a Constitutional Amendment and that we could look at resolutions that other cities have done regarding clean water and bring something back to the Commission. Commissioner Sweeny said that she would support something that made it clear that the City supports the prioritization of clean water without being tied to a Constitutional Amendment. City Attorney Blocker said that we would also look at a resolution that makes a policy statement and that it would be a policy of the City to promote clean water within the City so that way it would be in the control of the Commission.

Vice Mayor Rumrell suggested to have it come back in September to help support Ms. Royer's efforts to get it on the ballot. City Attorney Blocker agreed. Mayor Samora liked the idea and said that it is a good way to make some progress. He asked Ms. Royer to provide information for anyone that would like to get involved. Ms. Royer said that people could go to the website: [floridairighttocleanwater.org](http://floridairighttocleanwater.org), then print and sign the petition, and mail it to the address on the petition. She advised that they also have a table at the Amphitheatre every third Saturday along with Genung's Fish Camp in Crescent Beach, which would accept petitions. She said that she also had some copies with her and that anyone is welcome to sign it.

Mayor Samora moved on to Item XIII.8.

8. Request from Northeast Florida Regional Council for City's Suggestions for Regional Priorities for 2024 Legislative Session (Presenter: Max Royle, City Manager)

City Manager Royle provided a list of priorities from 2022 [Exhibit D], which included support for beach restoration, State financial support for barrier island cities, and legislative actions to allow cities to directly collect bed tax dollars to pay for services and other expenses. He said that what St. Johns County adopted as their priorities did not include any of ours and that he did not know what the Commission would like him to forward to the Northeast Regional Council this year.

Mayor Samora asked if everyone brought their lists. Commissioner George said that her list is the same as last year. Vice Mayor Rumrell said that it is important that we come up with a legislative list ourselves and that he had submitted some things from the City's Engineering Department for drainage, etc. and that he liked piggybacking some things off of the County, but that the legislature likes us to ask them directly and that he liked what was currently on the list.

Commissioner Morgan advised that she looked at the County's requests and highlighted the ones that were the most important and she pointed out on Page 17, that their second Requested Action, "Storm Water Trust Fund Pilot Program", included the City. She said that she did not know

if it would be separate from the three that we have listed from last year. Mayor Samora said that he liked that and to make sure it is back on the list.

Mayor Samora said that he would support alternative modes of transportation and multi-use paths. Commissioner Sweeny suggested a priority about accelerating the River to Sea Loop.

Vice Mayor Rumrell advised that he would like the City to support St. Johns County and any affordable housing that they may have because a lot of people that work at the beach cannot afford to live here, which is important to support. Mayor Samora and Commissioner Sweeny both agreed.

Mayor Samora advised that short-term rentals seem to come to the legislature every year and that it is important that we try to protect home rule and avoid the preemption of local regulations.

Mayor Samora opened Public Comment.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, said that we talked during the budget meeting about asking legislature for supplemental money for existing projects, which may need to be in a general scope of language because the City does not have all the bids in yet; there is no harm asking for the supplemental money and that he cannot believe that the City is the only community in Florida that had bids come in much higher; there was a lot of money from the American Rescue Plan Act and that people did as he predicted, the bids would come in higher and there would be less bidders; encouraged the Commission to put in the request for supplemental funding for those projects that are under design and receiving bids.

Mayor Samora Closed Public Comments.

Commissioner Sweeny asked Engineering Director Sparks about the projects that we have received State appropriations for and what projects he foresees that we would not be able to complete within the allocated amount. Engineering Director Sparks advised that we took a look at that during the budget meeting and the projects that we pushed out to FY 2025-26. He said that he did not want to say that all of the \$3 million dollars that was shaved from the budget were for the projects that he is associated with but that a good portion of them were. He advised that we are also adding the grant administration costs to the projects and that a lot of them increased his funding estimates by fifty to one hundred percent. He advised that we could work around some of that by phasing them like we did with Ocean Walk and coordinating with the grant funding agencies for extensions, etc. and that we are getting ready to build the gravity portion of one of the projects first and then move on to the pump station phase. He said that there are a couple of projects that are through the design/permitting phase, but we are waiting to hear about the funding for the construction portion and that they have submitted the package back to the funding agency. He said that he did not know if that answered the question but that he could run down each project and give the Commission an idea of what is in the budget for each one. Commissioner Sweeny said that it would be helpful if he could send her a list of the State appropriated projects, what was allocated, and his estimated total cost now so that she could see the difference. Director Sparks agreed and said that the largest project right now is in the pre-design/study phase for Magnolia Dunes and Atlantic Oaks and that he has a meeting tomorrow with one of the project team members who solely looks for additional grant money. He said that we are already forecasting a shortfall in the funding amount for the construction, even though we have \$1.2 million in appropriations right now. He advised that he had the numbers that she was asking for and that he could condense them and put them into one table.

Mayor Samora asked the City Manager what was on the list. City Manager Royle advised that three of them were from last year, to support alternative modes of transportation, the River to Sea Loop in particular, to support the County's efforts for affordable housing, and not to preempt

cities' authority to regulate vacation rentals. Mayor Samora asked if everyone was good with that list.

It was the consensus of the Commission to move forward with the list.

Mayor Samora moved on to Item XIV.

9. Police Chief and City Manager: Discussion of Work Performance Evaluations (Presenters: Max Royle, City Manager; Police Chief Dan Carswell)

This Item was moved to the September 11, 2023, Commission meeting.

#### XIV. STAFF COMMENTS

City Attorney Blocker thanked everyone for the good discussions tonight and advised that he would get to work.

Police Chief Carswell thanked Commander Harrell for taking care of the City and the Police Department in his absence last week while he was in southwest Florida at the annual Florida Police Chief's conference. He advised that there were a lot of good speakers and that the focus was on mental health training for the officers and suicide prevention.

Engineering Director Sparks advised that they are nearing the end of the Ocean Hammock Park restroom and improvements project and that there had been some discussion about possibly having a ribbon cutting ceremony, which could be as early as September. He said that the 2<sup>nd</sup> Street project is progressing much better since the major adjustments last week and that he has faith that the extension/widening portion should be wrapped up in a month or so. He said that he is gathering more information and would keep the stormwater utility discussions going. The A Street parking project's design/permitting phase is at one hundred percent at that we would be looking to bid it out soon with construction starting in the next six months along with Phase 1 of the Ocean Walk project.

Mayor Samora asked if Ocean Hammock Park would be open by Labor Day. Director Sparks said that he believed that it could open now and that we just have to pay the retainage and have the City Manager and others sign off on it, which should happen this week. Mayor Samora asked when he anticipated 2<sup>nd</sup> Street to be completed. Director Sparks said that mid-August was the tentative completion date, but it would surpass that.

City Manager Royle said that Assistant Public Works Director Adams made a very good presentation to the Port, Waterway, and Beach District to get us money for beach walkovers. He was impressed with the presentation that he put together and that they were quite supportive. He advised that Public Works Director Gatchell came up with an interesting idea for the problem that we are having with the Ocean Trace/Sabor de Sal ponds and that he and the Engineering Director are going to have a meeting on August 17<sup>th</sup> with any interested residents and that the City Attorney gave him some good advice regarding the City's involvement with emergency pumping. He said that anything we do on the City's end would not be the final solution and that those residents would have to get themselves together and work out a solution such as what they want to do, how they would hire expert advice, how to get the money, etc. and that the City would support and assist them however it could. He mentioned that he received a real estate notice in the mail recently of "another proud sale" of a house at 11 D Street for \$1.6 million. He said that some people have a lot of money and can afford to pay our taxes.

Mayor Samora said that there are a few reminders: SEPAC meets this Thursday in the Commission Room at 6:00 p.m., Planning and Zoning meets on August 15<sup>th</sup> in the Commission Room at 6:00 p.m., and that City Hall will be closed on September 4<sup>th</sup> for the Labor Day holiday. He advised that the Commission would meet again on September 11<sup>th</sup> at 5:01 p.m. for the budget meeting and

6:00 p.m. for the regular meeting. He said that St. Johns County schools are back in session this Thursday, to be careful driving, and to stop for school buses.

Mayor Samora moved on to Item XV.

XV. ADJOURNMENT

Mayor Samora asked for a motion to adjourn.

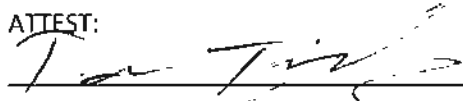
**Motion:** to adjourn. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner George.  
Motion passed unanimously.

Mayor Samora adjourned the meeting at 8:26 p.m.



Donald Samora, Mayor

ATTEST:



Dariana Fitzgerald, City Clerk



# ST. JOHNS COUNTY, FL

Shore Protection Project (St. Augustine Beach)

Presentation for: St. Augustine Beach Commission

Jason Harrah, Senior Project Manager 

U.S. Army Corps of Engineers

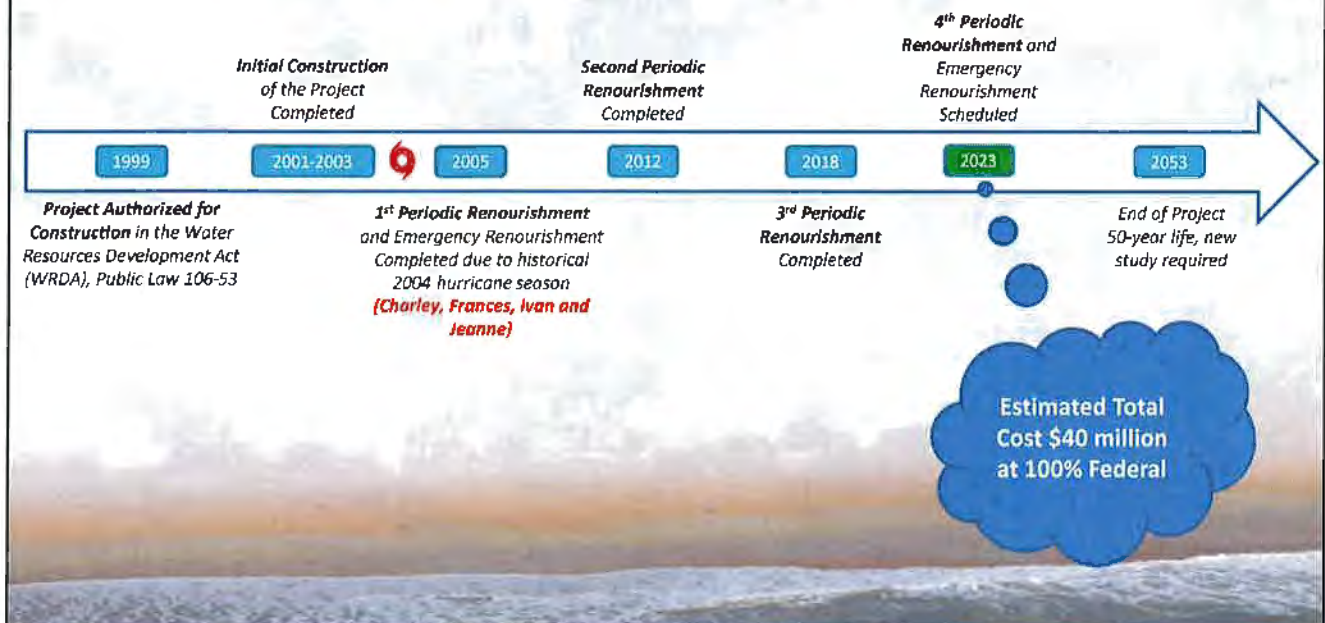
Jacksonville District

[Jason.S.Harrah@usace.army.mil](mailto:Jason.S.Harrah@usace.army.mil)



1

## PROJECT HISTORY



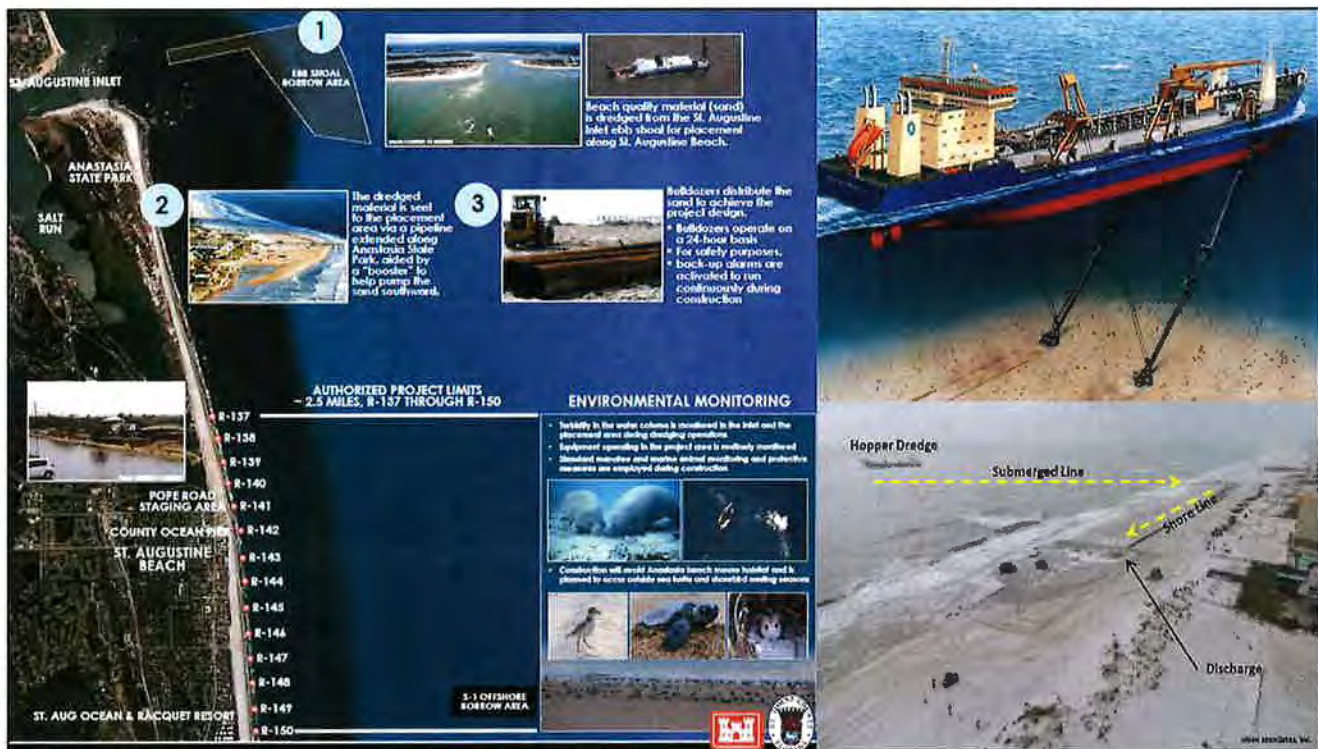
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Exhibit A-1  
Date 8-7-2023

# KEY FACTS

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

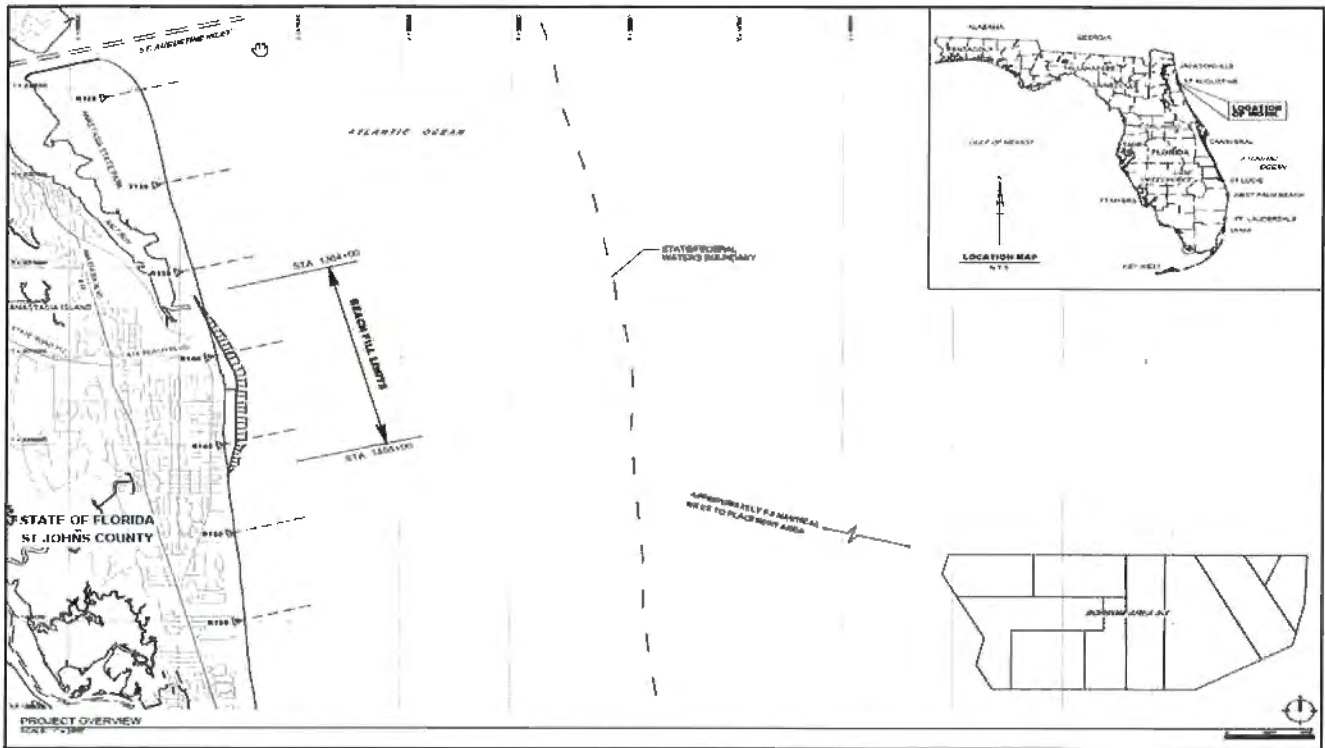
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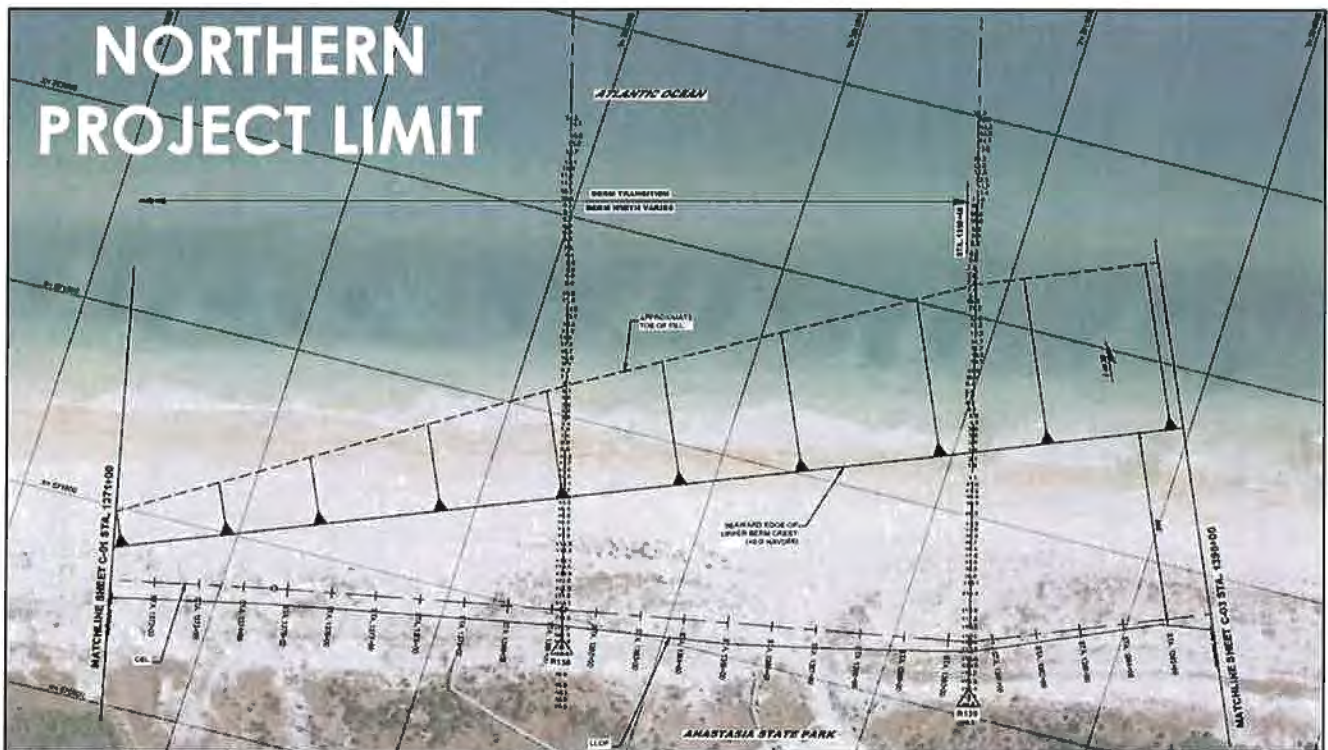
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Exhibit A-2Date 8-7-2023





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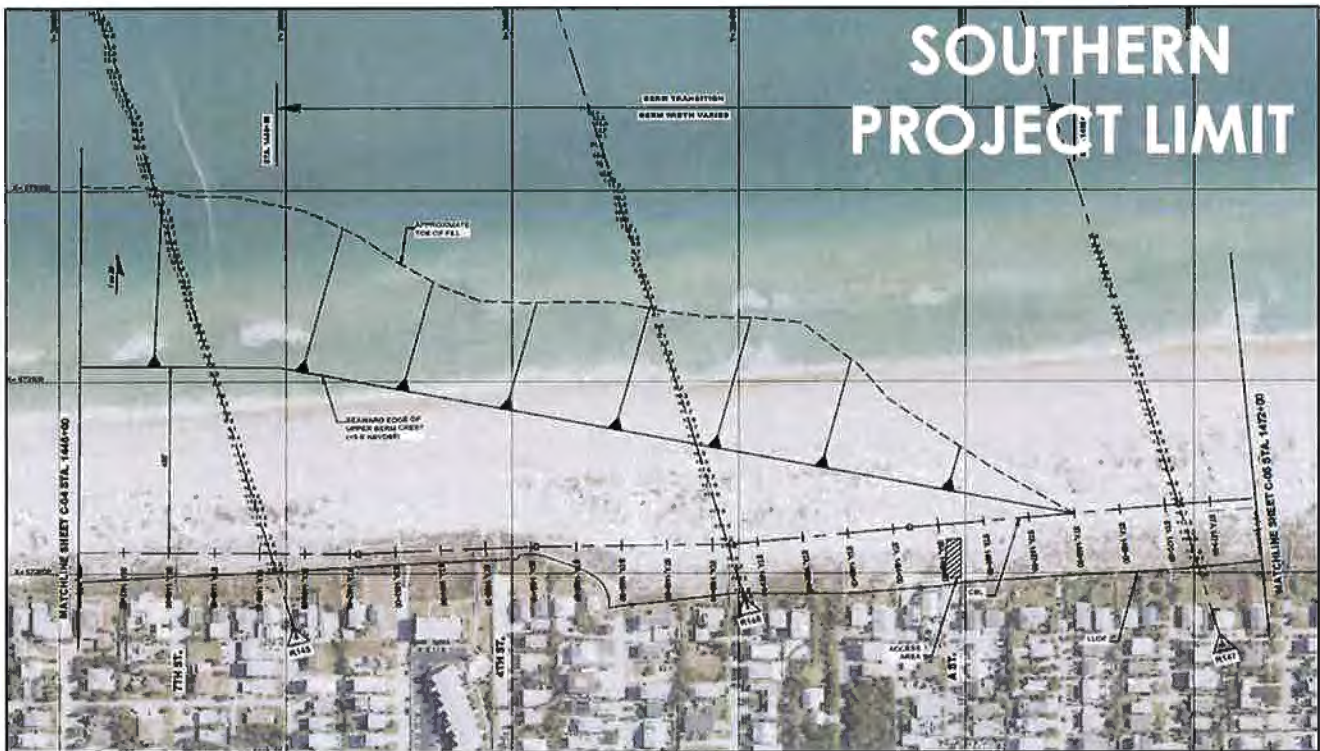
Exhibit A-3

Date 8-7-2023





7



8

Exhibit A-4  
 Date 8-7-2023






## SCHEDULE & PRICING SCHEDULE

| Activity   | Start              | Finish          |
|--|--------------------|-----------------|
| <b>Contract Advertisement</b>  | July 25, 2023      | August 25, 2023 |
| <b>Bid Opening</b>   | August 25, 2023    |                 |
| <b>Turtle Nest Relocations Start</b>   | August 28, 2023    |                 |
| <b>Contract Award</b>  | September 29, 2023 |                 |
| <b>Notice to Proceed</b>   | October 29, 2023   |                 |
| <b>Mobilization Starts<br/>(65 calendar days after<br/>nest relocations start)</b> | November 1, 2023   |                 |
| <b>Anticipated<br/>Construction<br/>Completion</b>                                 | June 30, 2024      |                 |


| SEPCON/DOT/TRA<br>LINE ITEMS AND PAVING SCHEDULE<br>SHORE PROTECTION PROJECT<br>ST. AUGUSTINE BEACH<br>REMOURSHMENT 2023<br>ST. JOHNS COUNTY, FLORIDA |  |           |            |            |       |
|---|--|-----------|------------|------------|-------|
| LINE ITEM   | DESCRIPTION  | QUANTITY  | UNIT       | UNIT PRICE | TOTAL |
| 0001  | MOBILIZATION AND DEMOBILIZATION  |           | JOB        | \$         |       |
| 0002  | BEACH FILL (ESTIMATED QUANTITY)  | 2,500,000 | CUBIC YARD | \$         | \$    |
| 0003  | BEACH TILLING (ESTIMATED QUANTITY)   | 95        | ACRE       | \$         | \$    |
| 0004  | SCHEMIZING (ESTIMATED QUANTITY)  | 7,500,000 | CUBIC YARD | \$         | \$    |
| 0005  | REMOVAL OF NONCOMPLIANT MATERIAL (ESTIMATED QUANTITY)  | 1         | ACRE       | \$         | \$    |
| 0006  | TRANSPORTATION AND DISPOSAL OF UNACCEPTABLE MATERIAL (ESTIMATED QUANTITY)  | 500       | CUBIC YARD | \$         | \$    |
| 0007  | VIBRATION CONTROL AND MONITORING   |           | JOB        | \$         |       |
| 0008  | ENVIRONMENTAL SPECIES MONITORING   |           | JOB        | \$         |       |
| 0009  | TURBIDITY MONITORING   |           | JOB        | \$         |       |
| 0010  | STANDBY TIME (SEE NOTE 3)  | 72        | HOUR       | \$         | \$    |
| 0011  | MOBILIZATION AND DEMOBILIZATION FOR CAPTURE SEA TURTLE TRAWL SWEEPING AND RELOCATION (HOPPER DREDGE ONLY SEE NOTE 2) |           | JOB        | \$         |       |
| 0012  | SEA TURTLE CAPTURE TRAWL SWEEPING AND RELOCATION (HOPPER DREDGE ONLY ESTIMATED QUANTITY, SEE NOTE 3)                 | 11        | DAY        | \$         | \$    |
| TOTAL BID LINE ITEMS 0001 THROUGH 0012  |  |           |            |            | \$    |


## COMMUNITY CONNECTIONS



**U.S. Army Corps of Engineers** Jacksonville District






**Intro**  
 Welcome to the Facebook site of the U.S. Army Corps of Engineers Jacksonville District.



[Page: Government Organization](#)


[201 Sun Vista Blvd Jacksonville FL, United States, Florida](#)



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[Open map](#)




[Adding 1 to 0 comments](#)



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





**U.S. Army Corps of Engineers, Jacksonville District**











































































































































































































































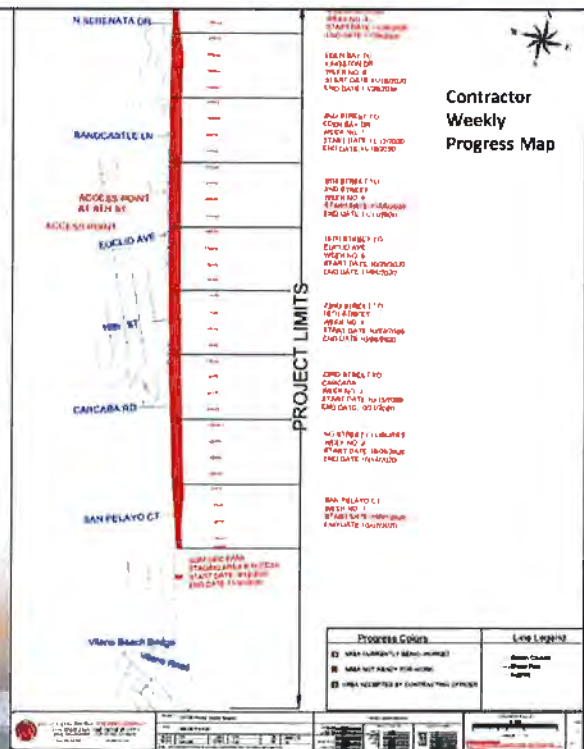
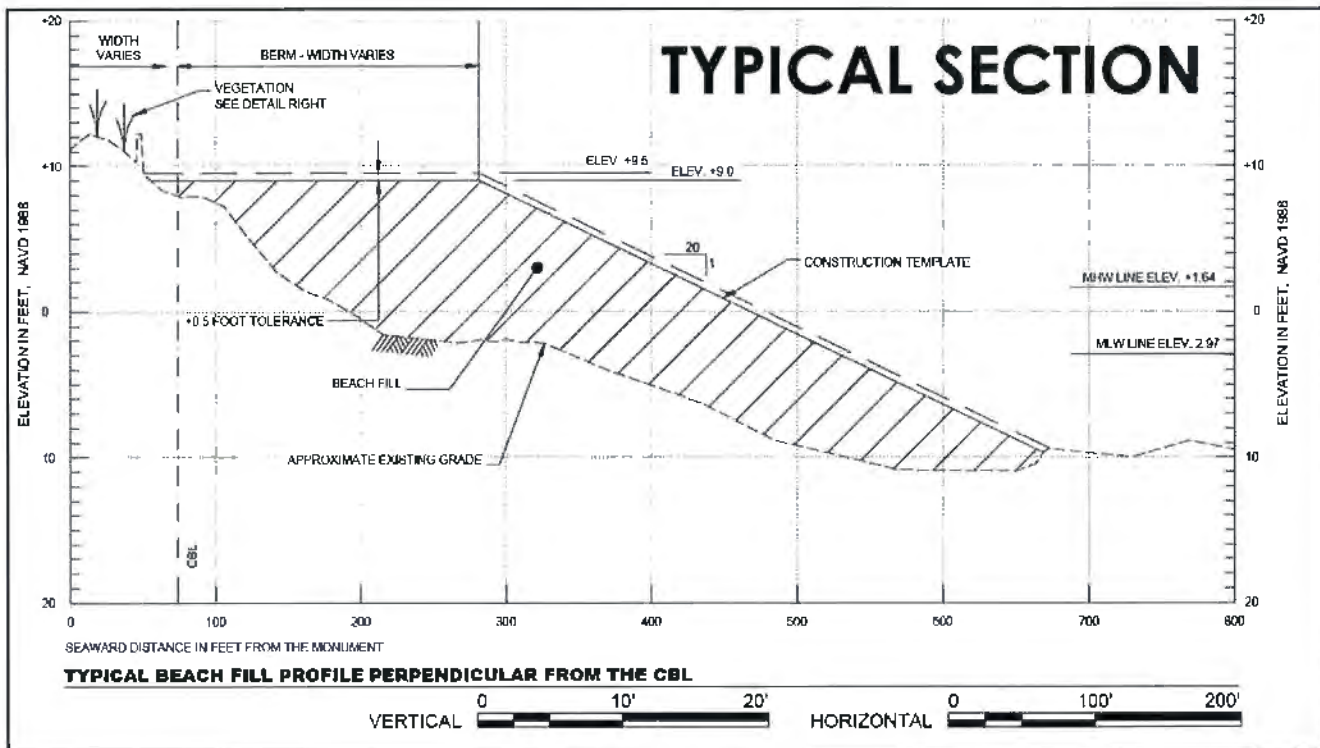


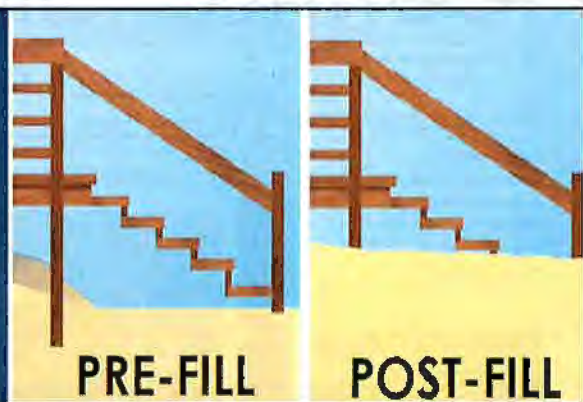
Exhibit A-6  
Date 8-7-2023



9

## DUNE WALKOVERS

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



10

Exhibit A-5  
 Date 8-7-2023

## WHAT TO EXPECT WITH BEACH CONSTRUCTION

### DURING

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

### AFTER

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

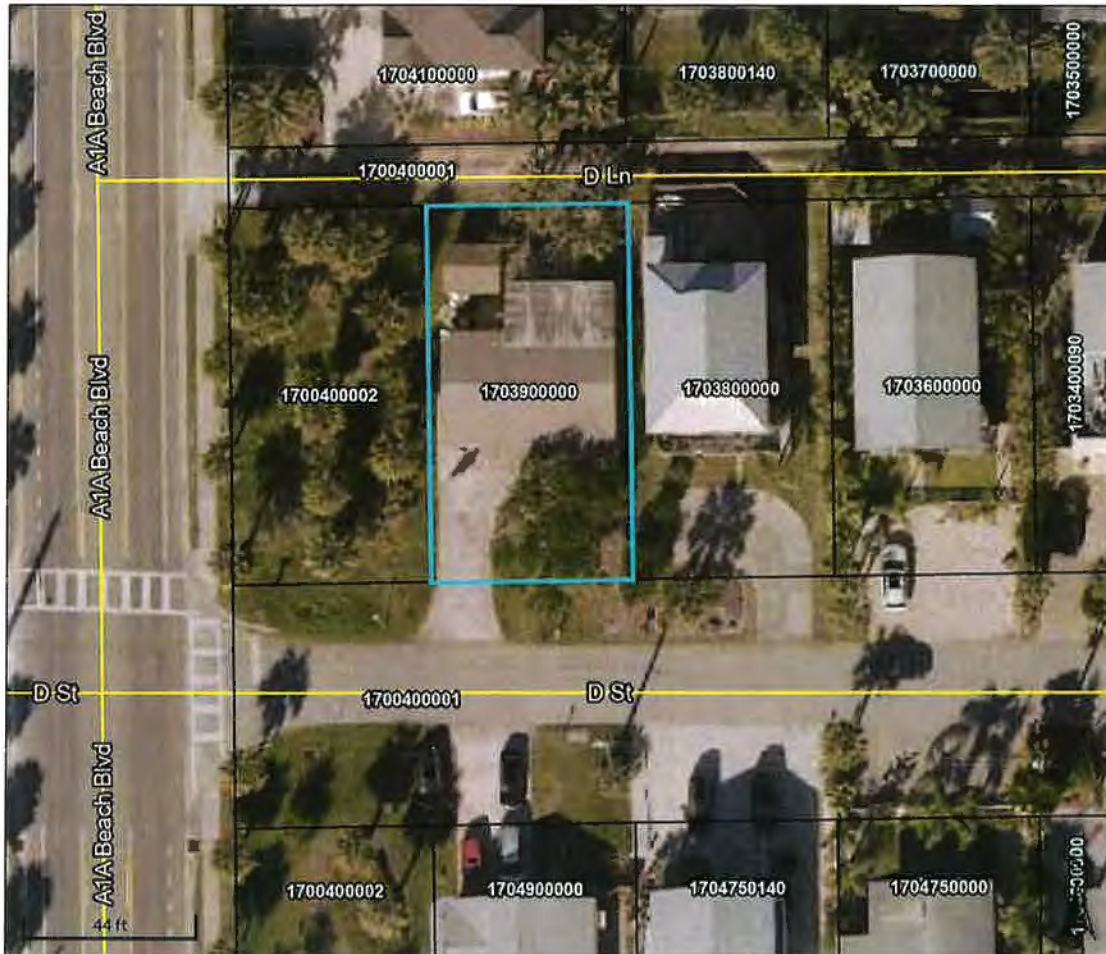
13

## Questions?

14

Exhibit A-7  
Date 8-7-2023





Overview



Legend

□ Parcels

|                 |                      |                  |                          |                     |           |              |          |        |      |
|-----------------|----------------------|------------------|--------------------------|---------------------|-----------|--------------|----------|--------|------|
| Parcel ID       | 1703900000           | Physical Address | 14 D ST                  | Building Value      | \$159,165 | Last 2 Sales |          |        |      |
| Property Class  | 0100 - Single Family | Mailing Address  | SAINT AUGUSTINE          | Extra Feature Value | \$825     | Date         | Price    | Reason | Qual |
| Taxing District | City of St Augustine | Address          | HVG PROPERTIES LLC       | Total Land Value    | \$534,000 | 4/3/2023     | \$633000 | 37     | U    |
| Acres           | 0.11                 |                  | PO BOX 4793              | Just Value          | \$693,990 | 5/1/1987     | \$71000  | 01     | Q    |
|                 |                      |                  | GLEN ALLEN VA 32058-0000 | Total Deferred      | \$281,255 |              |          |        |      |
|                 |                      |                  |                          | Assessed Value      | \$412,735 |              |          |        |      |
|                 |                      |                  |                          | Total               | \$50,000  |              |          |        |      |
|                 |                      |                  |                          | Exemptions          |           |              |          |        |      |
|                 |                      |                  |                          | Taxable Value       | \$362,735 |              |          |        |      |

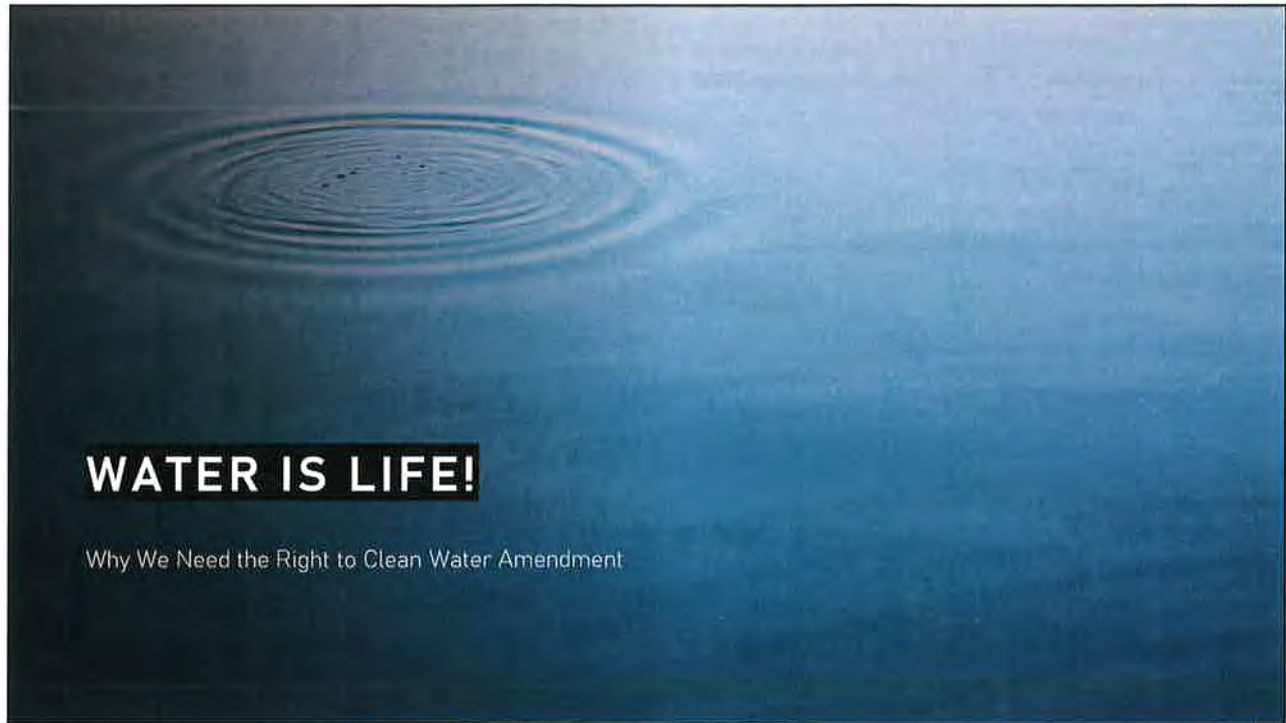
The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 8/7/2023  
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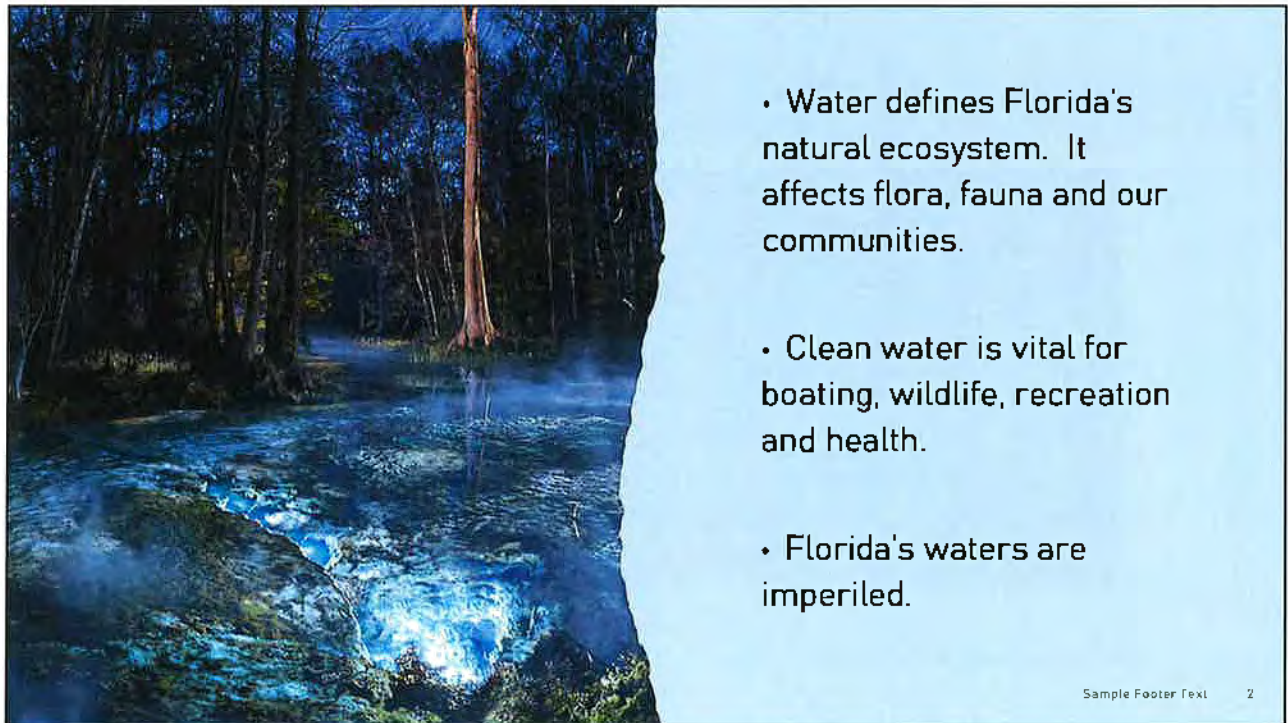
Developed by  Schneider  
GEOSPATIAL

Exhibit B  
Date 8-7-2023





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2

Exhibit C-1  
Date 8-7-2023

### Florida's current water conditions:

- 80% of our 1000 artesian springs are polluted (excessive Nitrogen) and considered impaired.
- Flows in Florida's springs & spring-fed rivers have declined by more than 1/3 (Florida Springs Council)
- 9,000 miles of our estuaries, rivers & streams are contaminated with fecal bacteria (Calusa Waterkeeper)
- We're #1 in most acres of polluted lakes in the nation.
- Increased death of manatees due to starvation b/c of loss of sea grass (nitrogen & phosphate runoff). 1101 manatees died in 2021; 800 in 2022.
- Red tide acceleration
- 50K tons legacy phosphorus at bottom of Lake O...which feed the
- Blue-green algae acceleration—blooms becoming the new normal.
- As of 2018 of the 4393 water bodies reviewed and assessed in the State of Florida, 2,440—over half—had been declared "impaired." *A Toxic Inconvenience*

3

Florida's waterways are screaming for help and making headlines: starving manatees, dead fish, coughing fits, guacamole sludge, toxic seafood....



Writer Dan Egan & photographer Josh Ritchie reported from Okeechobee's shores, dodging the lake's noxious fumes to understand the crisis and its costs. July 9, 2023 (New York Times)

4

Exhibit C-2  
Date 8-7-2023



**At the local level** several segments of the Matanzas River and its tributaries are currently impaired for nutrients, fecal coliform, and/or iron (per our waterkeeper Jen Lomberg). This means fish and wildlife propagation impairment as well as fish consumption.

**MATANZAS RIVER (UPPER SEGMENT)**  
Assessment Unit ID: FL20936

**Waterbody Condition:** ☒ Impaired (Issues identified)

**Existing Plans for Restoration:** Yes


**03(d) Listed:** No

**Year Reported:** 2020

**Organization Name (ID):** Florida (21FL3030)

**What type of water is this?**  
Estuary (0.5441 Square Miles)

**Where is this water located?**  
Planning Unit: Matanzas River



**Assessment Information from 2020**

**State or Tribal Nation specific designated uses:**

Information on Water Quality Standards Expand All

**Fish and Wildlife Propagation - Marine:** Impaired

**Fish Consumption:** Impaired

**Identified Issues for Use:**

☒ Impaired Parameters Plan by Place

**History in Fish Trends:** Yes

☒ Other Water Quality Parameters Evaluated  
No other parameters evaluated for this use.

**Recreation:** Impaired

**Probable sources contributing to impairment from 2020:**  
No probable sources of impairment identified for this waterbody.

**Assessment Documents:**  
No documents are available.

**Plans to Restore Water Quality**

**What plans are in place to protect or restore water quality?**  
Plans information is temporarily unavailable, please try again later.

5

**SALT RUN (SHELLFISH PORTION)**  
Assessment Unit ID: FL29620

**Waterbody Condition:** ☒ Impaired (Issues identified)

**Existing Plans for Restoration:** Yes


**03(d) Listed:** Yes

**Year Reported:** 2020

**Organization Name (ID):** Florida (21FL3030)

**What type of water is this?**  
Estuary (0.2434 Square Miles)

**Where is this water located?**  
Planning Unit: Matanzas River



**Assessment Information from 2020**

**State or Tribal Nation specific designated uses:**

Information on Water Quality Standards Expand All

**Fish and Wildlife Propagation - Marine:** Good

**Fish Consumption:** Impaired

**Recreation:** Good

**Shellfish Propagation:** Impaired

**Probable sources contributing to impairment from 2020:**  
No probable sources of impairment identified for this waterbody.

**Assessment Documents:**  
No documents are available.

**Plans to Restore Water Quality**

**What plans are in place to protect or restore water quality?**  
Plans information is temporarily unavailable, please try again later.

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Exhibit C-3  
Date 8-7-2023



...All in a state that has tourism as one of its two largest industries!

7



Aren't there laws on the books for clean water?

Yes, but they have not been sufficiently enforced.

There is a "policy" for clean water in the Florida Constitution, but there is no RIGHT to clean water.

8

Exhibit C-4  
Date 8-7-2023



If the laws on the books were working, during the past 50 years the State would not have issued 23,000 National Pollutant Discharge Elimination Permits (AKA Permits to Pollute) allowing industry and agriculture to discharge pollution into the surface waters of the state.



9

Sugar and Phosphate mining industries pay heavily to keep the water mucked up. In the 2022 election cycle they spent >\$11 million on campaign contributions and hired a small army of lobbyists.

#### WE NEED PROTECTION FROM

Special Interests

Changing political ideologies and circumstances

**Permitted** harm to Florida' waters

10

Exhibit C-5

Date 8-7-2023

What does the Right to Clean Water Amendment do?

It creates a fundamental right to clean and healthy water for all Floridians and enables us to hold the executive branch and its agencies accountable when it violates that fundamental right.

It gives the ordinary citizen or group standing in court, which we do not now possess.

It gives precedence of citizens' right to clean and healthy water over the rights of special interests to pollute.

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The Right to Clean Water Amendment would:

- Be placed in the Bill of Rights section of the state constitution, superseding the reach of the Governor and the Legislature.
- Level the playing field between the special interests and the public interest in clean water.
- Make clean water a fundamental right—it takes precedence over the permitted rights of polluters to pollute.
- Be Indefeasible—can't be overturned or compromised.
- Give us as citizens the ability to participate in the democratic process, saying this is important to us—as a TOOL in the protection of our waters.

Although it doesn't guarantee that all laws would be followed, makes for a better opportunity for this to take place.

12

Exhibit C-6  
Date 8-7-2023



We need:

- To educate ourselves and others regarding state of Florida's waters today and encourage them to sign the petition and get others to do the same.
- 900,000 signatures by the end of the year to get on the 2024 ballot.
- Then a 60% passage on the ballot and it is self-implementing.



8/8/2023

Sample Footer Text 13

13

And we need the official support and advocacy of  
our municipalities to help the  
ordinary citizen protect what should be an  
inalienable right.

It's all about enforcement, the democratic  
process, and ACCOUNTABILITY.

Please give official support to this amendment  
and its campaign.

Water is Life!

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Exhibit C-7  
Date 8-7-2023

TO: Mayor and Commissioners

FROM: Max Royle, City Manager



DATE: August 7, 2023

SUBJ.: Additional Information for Agenda Item #8: Legislative Priorities

Mayor and Commissioners,

Commissioner Morgan asked what were your 2022 priorities. Here's what I sent to the Northeast Regional Council after your September 12, 2022, meeting.

Exhibit D-1  
Date 8-7-2023



## Max Royle

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**From:** Max Royle  
**Sent:** Tuesday, September 20, 2022 12:48 PM  
**To:** khaigh@nefrc.org  
**Cc:** Max Royle  
**Subject:** 2023 Legislative Priorities

Ms. Haigh,

Ms. Haigh,

In response to Ms. Beth Payne's July 6, 2022, email that requested the City's legislative priorities, the St. Augustine Beach City Commission discussed the request at its September 12<sup>th</sup> meeting, and asked me to forward to you the following three priorities:

1. Continued financial allocations by the state for beach restoration projects as Florida's beaches are a critical attraction and support for Florida's tourism industry.
2. State financial support for barrier island cities to develop resiliency projects to meet the threat of sea level rise.
3. Legislative action either to allow cities to directly collect bed tax dollars to pay for services and other expenses related to tourism, or to require counties to provide a percentage of bed tax dollars to cities to fund law enforcement services and infrastructure projects that benefit tourists.

Max Royle  
City Manager

Exhibit D-2  
Date 8-7-2023